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**CHAPTER 122. WEED CONTROL**

9.61. Definitions. As used herein, the following terms shall be defined as follows:

- A. Developed property. Property which has a building(s) or structure(s), either partially or completely finished, located thereon.
- B. Noxious weeds. Noxious weeds shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* L.) poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*), together with all other noxious weeds as designated by State, County or City statute or ordinance.
- C. Miscellaneous debris. Miscellaneous debris shall be that debris such as wood, metal, synthetic materials, glass, wire, brush, rubbish, or other refuse matter that must be removed in order to allow the cutting and removal of noxious weeds or grass.
- D. Undeveloped property. Property which has no building or structure located thereon. Undeveloped property shall include vacant lots within a platted subdivision for purposes of this ordinance.

9.62. Noxious Weeds and Grass Growth Prohibited.

A. Undeveloped Property.

- 1. No person owning any undeveloped property shall permit or maintain on such premises any growth of noxious weeds; nor any growth of grass or other rank vegetation to a greater height than twelve (12) inches on the average; nor any accumulation of miscellaneous debris on any undeveloped property.
- 2. No person owning undeveloped property located within a platted subdivision with at least 60 percent (60%) of the lots developed shall permit or maintain within the public right-of-way adjoining such premises any growth of noxious weeds; nor any growth of grass or other rank vegetation to a greater height than six (6) inches on the average; nor any accumulation of miscellaneous debris.

B. Developed Property. No person owning any developed property shall permit or maintain on any such premises any growth of noxious weeds; nor any growth of grass or other rank vegetation to a greater height than six (6) inches on the average; nor any accumulation of miscellaneous debris on any developed property.

9.63. Duty of Owner(s). It shall be the duty of the owner(s) of any premises within the City, to cut and remove or destroy by lawful means all such noxious weeds, grass and other rank vegetation and to remove the accumulation of any miscellaneous debris as often as may be necessary to comply with the provisions contained herein.

9.64. Noncompliance; Remedy of City. If the owner(s) of any premises notified to abate a nuisance resulting from a violation of the provisions of this Chapter within five business (5) days from being put on notice of a violation, the City Manager or his or her agent shall through the Department of Public Works or contract laborer, cause all such noxious weeds and grass to be cut or destroyed, along with the removal of any accumulation of miscellaneous debris, upon lands of the person not complying with the provisions hereof. The City shall keep an accurate account of all expenses incurred with respect to each parcel of land entered upon in carrying out the provisions of this Chapter and shall make a sworn statement of said account.

9.65. Collection from Property Owner(s). All expenses incurred in connection with the cutting and removal of noxious weeds and grass, plus ten percent (10%) for publication, inspection, enforcement and administrative costs shall be paid by the owner(s) of the property and shall be a lien against the premises and collected in the manner prescribed in Act No. 359 of the Public Acts of 1941, as amended, and Chapter 3 of this Code.

9.66. Notice of Requirements.

A. General Notice. The City Clerk shall on or before the 15th day of May of each year give notice of the requirements and provisions of this Chapter by publishing a notice thereof in a newspaper of general circulation in the City of Frankenmuth.

B. Individual Notice. Notice regarding the cutting and removal of noxious weeds or grass from an individual property shall be served by one of the following ways:

- (1) By delivering the notice to the owner personally or by leaving the same at his or her residence, office or place of business with some person of suitable age and discretion;
- (2) By mailing such notice by regular first class mail, with proof of mailing to such owner at his or her last known address; or
- (3) By posting such notice in some conspicuous place on the premises for five (5) business days before the act or action concerning which the notice is given, if the owner is unknown or delivery cannot be accomplished by any of the above stated methods.

9.67. Exemptions. Trees and wooded areas, flower and/or vegetable gardens, vegetation planted for ornamental purposes and/or agricultural purposes, plots of shrubbery, and flood plain areas or portions thereof determined not to be mowable by the City Manager or his/her designee are exempt from this Chapter. Such exemption for garden areas and agricultural purposes cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such categories.

9.68. Violations. The fact that noxious weeds, grass or miscellaneous debris was abated by the City and the cost thereof charged to or paid by the owner shall not excuse the owner from responsibility for the violation of this Code. Failure to abate noxious weeds, grass or miscellaneous debris by the owner as required herein shall constitute a violation of this Code punishable as provided in Chapter 1 of this Code regardless of whether such noxious weeds, grass or miscellaneous debris was abated subsequent to the commission of such violation.

9.68. Violation; Municipal Civil Infraction. A person who violates any provision of this Chapter, including, without limitation, the failure or refusal to abate a violation following notice of a violation, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 nor more than \$500.00 plus costs and other sanctions, for each violation. Repeat offenses shall be subject to increased fines as provided by Section 1.12(3)(b) of this Code. The Building Inspector is hereby designated as the authorized City official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Frankenmuth Municipal Ordinance Violations Bureau) for violations under this Chapter as provided by this Code. The fact that grass or noxious weeds are cut by the City and the cost thereof charged to or paid by the owner shall not excuse the owner from responsibility for the violation of this Chapter thereby abated. Failure to cut grass or noxious weeds by the owner as required by this Chapter constitutes a violation of this Chapter regardless of whether the grass or noxious weeds are cut subsequent to the commission of the violation.

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