

CHAPTER XI: PROPERTY MAINTENANCE

Article

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ARTICLE 1: GRASS HEIGHT MAINTENANCE

State Law Reference: Public Act 451 of 1994, as amended.

XI-1.00. Purpose.

The purpose of this ordinance is to maintain property values and the overall appearance of the community. Landscaped grass areas that are allowed to go fallow create a nuisance and a blight, attract vermin and insects, generally diminish property values across the community, and invite criminal activity. This ordinance is to remedy and prevent that problem, it being the finding of the Township Board that these issues do concern public health, safety and welfare.

XI-1.01. Grass height; definition.

Landscaped grass areas of all properties shall be maintained by the owner and/or occupant at a maximum height of eight inches or less. Landscaped grass areas shall mean areas of land that have been modified or ornamented by altering the plant cover through seeding or sodding with members of the Gramineae family of Monocotyledonous Herbacious plants with jointed stems, slender sheathing leaves, and flowers borne in spikelets or bracts. This definition includes, but is not limited to, lawns.

XI-1.02. Exceptions.

The following shall be exceptions to the grass height maintenance requirements of this ordinance:

- (A) the area in violation is a natural or unlandscaped area;
- (B) the area in violation is actively used as agricultural land;
- (C) the area in violation is part of a residential housing plat under development or land under development for sale by lot for building residential housing;
- (D) the area in violation is a wetland as that term is defined in the Michigan Natural Resources and Environmental Protection Act, P.A. 451 of 1994.

XI-1.03. Notice; opportunity to correct.

If a violation of this article is noted, a Code Enforcement Officer may notify the owner of record and/or the occupant of the property of the violation. The notice shall specify the violation and may specify a time within which corrective action should be completed. This notice may be served personally or by mail. A notice of violation is not required prior to issuing a uniform law citation charging the owner/occupant of the property with a violation of this article.

ARTICLE 2: LITTERING

State Law Reference: Public Act 451 of 1994, as amended.

XI-2.00. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural and words used in the plural number include the singular. The word “shall” is always mandatory and not merely discretionary.

AIRCRAFT. Any contrivance now known or hereafter invented, used or designated for navigation or for flight in the air. The word “aircraft” shall include helicopters and lighter-than-air dirigibles and balloons.

COMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet or any other printed or otherwise reproduced original or copies of any matter of literature:

- (1) Which advertises for sale any merchandise, produce, commodity or thing;
- (2) Which directs attention to any business or mercantile or commercial establishment or other activity for the purpose of either directly or indirectly promoting the interest thereof by sales; or,
- (3) Which directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profit; but the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition or events of any kind when any of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition or event of any kind without a license, where the license is or may be required by any law of this state or under any ordinance of this township.

GARBAGE. Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

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LITTER. “Garbage,” “refuse” and “rubbish” as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

NEWSPAPER. Any newspaper or general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law and, in addition hereto, shall mean and include any periodical or current magazine regularly published with not less than four issues per year.

NONCOMMERCIAL HANDBILL. Any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper booklet or any other printed or otherwise reproduced original or copies of matter or literature not included in the aforesaid definitions of a commercial handbill or newspaper.

OWNER. That person whose name is listed on the current township tax rolls.

PARK. A park, reservation, playground, beach, recreation center or any other public area in the township, owned or used by the township and devoted to active or passive recreation.

PARKWAY. That part of the street lying between property lines and that portion of the street right-of-way ordinarily used for vehicular traffic.

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PREMISES. Any dwelling, house, building or other structure designed or used, either wholly or in part, for private residential purposes whether inhabited or temporarily or continuously uninhabited or vacant and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging to or appurtenant to the dwelling, house, building or other structure.

PUBLIC PLACE. Any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.

REFUSE. All putrescible and nonputrescible solid wastes, body wastes, garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial waste.

RUBBISH. Nonputrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

TOWNSHIP. The Charter Township of Plymouth, Wayne County, Michigan.

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.

XI-2.01. Litter; Prohibition; Construction of terms; Removal of debris from highways.

It is unlawful for a person knowingly, without the consent of the public authority having supervision of public property or the owner of private property, to dump, deposit, place, throw or leave or cause or permit the dumping, depositing, placing, throwing or leaving of litter on public or private property or water other than property designated and set aside for such purposes. The phrase “public or private property or water” includes, but is not limited to: the right-of-way of a road or highway; a body of water or watercourse or the shore or beach thereof, including the ice above the water; a park, playground, building, refuge, or conservation or recreation area; and residential or farm properties or timberlands. It is unlawful for a person who removes a vehicle, wrecked or damaged in an accident on a highway, road or street, to fail to remove all glass and other injurious substances dropped on the highway, road or street as a result of the accident.

XI-2.02. Litter; Causing to fall on or throwing into path of vehicle prohibited.

It shall be unlawful for any person to knowingly cause any litter or any object to fall or be thrown into the path of or to hit a vehicle traveling upon a highway.

XI-2.03. Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the township except in public receptacles, in authorized private receptacles for collection or in any licensed dump.

XI-2.04. Placement of litter receptacles so as to prevent scattering.

Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.

XI-2.05. Sweeping litter into gutters prohibited.

No person shall sweep into or deposit in any gutter, street or other public place within the township the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

XI-2.06. Litter thrown by persons in vehicles.

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the township or upon private property.

XI-2.07. Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the township unless the vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place. Nor shall any person drive or move any vehicle or truck within the township, the wheels or tires of which carry onto or deposit in any street, alley or other public place mud, dirt, sticky substances, litter or foreign matter of any kind. All trucks, trailers or other types of containers hauling garbage, paper, wood, rubbish, metal and/or any other type of material likely to blow or fall off onto the roadway or shoulders shall be in a closed container or covered with a tarpaulin or other device sufficient to contain the items herein mentioned.

XI-2.08. Litter in parks.

No person shall throw or deposit litter in any park within the township except in public receptacles and in a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article.

XI-2.09. Litter in lakes and fountains.

No person shall throw or deposit litter in any fountain, pond, lake, stream or any other body of water in a park or elsewhere within the township.

XI-2.10. Throwing or distributing commercial handbills in public places.

No person shall throw or deposit any commercial or non-commercial handbill in or upon any sidewalk, street or other public place within the township nor shall any person hand out or distribute or sell any commercial handbill in any public place. However, it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.

XI-2.11. Depositing commercial and non-commercial handbills on uninhabited or vacant premises.

No person shall throw or deposit any commercial or non-commercial handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

XI-2.12. Prohibiting distribution of handbills where properly posted.

No person shall throw, deposit or distribute any commercial or non-commercial handbill upon any private premises if requested by anyone thereon not to do so or if there is placed on the premises in a conspicuous position near the entrance thereof a sign bearing the words: "no trespassing," "no peddlers or agents," or "no advertisement" or any similar notice indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any handbills left upon the premises.

XI-2.13. Distributing commercial and non-commercial handbills at inhabited private properties.

No person shall throw, deposit or distribute any commercial or non-commercial handbill in or upon private premises which are inhabited, except by handing or transmitting any handbills directly to the owner, occupant or other person then present in or upon such private premises. Provided, however, that in case of inhabited private premises which are not posted, as provided in this article, such person unless requested by anyone upon such premises not to do so, may place or deposit any such handbill in or upon such inhabited private premises if such handbill is placed or deposited so as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets or other public places, except that mailboxes may not be used when prohibited by federal postal laws or regulations.

XI-2.14. Exemptions.

The provisions of this article shall not be deemed to apply to the distribution of mail by the United States, to newspapers, to the literature of civil associations or to the literature of service clubs.

XI-2.15. Dropping litter from aircraft.

No person in an aircraft shall throw out, drop or deposit within the township any litter, handbill or any other object.

XI-2.16. Posting notices prohibited.

No person shall post or affix any notice, poster or other paper or device calculated to attract the attention of the public to any lamppost, public utility pole or tree or upon any public structure or building except as may be authorized by law or required by law.

XI-2.17. Litter on occupied private property.

No person shall throw or deposit litter on any occupied private property within the township, whether owned by the person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

XI-2.18. Owner to maintain premises free of litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection.

XI-2.19. Litter of vacant lots.

No person shall throw or deposit litter on any open or vacant private property within the township, whether owned by such persons or not.

XI-2.20. Clearing of litter from open private property by township.

(A) Notice to remove. The Township Supervisor is hereby authorized and empowered to notify the owner of any open or vacant private property within the township to properly dispose of litter located on the owner's property which is dangerous to public health, safety or welfare. The notice shall be deemed to have been given if placed in an envelope clearly addressed to the owner at his or her last known address, with postage thereon fully prepaid, and the envelope is deposited in a United States mail receptacle. A proof of mailing evidencing compliance with these requirements shall be signed by the person who prepares and mails the envelope.

(B) Action upon non-compliance. Upon the failure, neglect or refusal of any owner so notified to properly dispose of litter dangerous to the public health, safety or welfare within five days after receipt of written notice provide for in subsection (A) or within ten days after the date of the notice in the event the same is returned to the local post office department because of its inability to make delivery, provided the same was properly addressed to the last known address of the owner, the Township Supervisor and his or her authorized representatives are hereby authorized and empowered to pay for the disposing of the litter or to order its disposal by the township.

(C) Reimbursement to township, tax lien. Whenever the Township Supervisor or his or her authorized representatives shall enter upon any parcel of land in order to accomplish abatement of an existing violation pursuant to the provisions of this article, the Township Supervisor is hereby authorized and directed to keep an accurate account of all expenses incurred and, based upon same, issue a certificate determining and certifying the reasonable cost involved for the work with respect to each parcel of property. The Township Supervisor is also authorized to add to the costs a 10% administrative charge to cover the expense of administering the work performed, overhead and other contingent expenses. Within ten days after receipt of the certificate, the Township Supervisor shall forward a statement of the total charges assessed on each parcel of property to the owner as shown by the last current assessment or tax roll and the assessment shall be payable to the Township Treasurer within 30 days from the date that the statement was forwarded. If not paid within the prescribed 30-day period, the statement shall be filed with the Township Assessor and shall thereupon be assessed against the land in question and become a lien on the property. The amount so charged may be discharged at any time by the payment of the amount specified in the statement together with interest at the rate of 6% per annum compiled from the time of filing the certificate with the Township Assessor.

XI-2.21. Penalties.

A person found guilty of a violation of this article shall be penalized as provided in the General Provisions of the township code. Each day that a violation is continued or permitted to exist without compliance shall constitute a separate offense. The court, in lieu of any other sentence imposed, may direct a substitution of litter-gathering labor including, but not limited to, the litter connected with the particular violation, under the supervision of the court.

XI-2.22. Presumptions.

(A) Except as provided in subsection (D) below involving litter from a leased vehicle or leased vessel, in a proceeding for a violation of this article involving litter from a motor vehicle or vessel, proof that the particular vehicle or vessel described in the citation, complaint or warrant was used in the violation, together with proof that the defendant named in the citation, complaint or warrant was the registered owner of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the registered owner of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

(B) The driver of a vehicle or vessel is presumed to be responsible for litter which is thrown, dropped, dumped, deposited, placed or left from the vehicle or vessel on public or private property or waters defined in Section XI-2.01.

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(C) For the purpose of this act, “vehicle” means every motor vehicle registered under Public Act 300 of 1949, as amended, being M.C.L.A. §§ 257.1 to 257.923, and “vessel” means a vessel registered under Public Act 153 of 1974, as amended, being M.C.L.A. §§ 324.80124 et seq.

(D) In a proceeding for a violation of this article involving litter from a leased motor vehicle or leased vessel, proof that the particular vehicle or vessel described in the citation, complaint or warrant was used in the violation, together with proof that the defendant named in the citation, complaint or warrant was the lessee of the vehicle or vessel at the time of the violation, constitutes in evidence a presumption that the lessee of the vehicle or vessel was the driver of the vehicle or vessel at the time of the violation.

ARTICLE 3: LITTERING ON CONSTRUCTION SITES

State Law Reference: Public Act 300 of 1949, as amended, Public Act 153 of 1974, as amended.

XI-3.00. Purpose.

The purpose of this article is to prevent, reduce and eliminate the dumping or depositing of garbage, rubbish, litter, debris or waste material at construction sites, buildings under construction and areas adjacent thereto and to prevent, reduce and eliminate the dumping or depositing of the same and dust, sand and mud on the streets adjacent and/or abutting those locations and to provide for the removal of the same.

XI-3.01. Definitions.

Certain words utilized in the provisions of this article shall be defined and mean:

DEBRIS. Any accumulation of broken or detached matter, including, but not limited to, fragments of stone, brick, cement and plaster.

GARBAGE. Putrescible animal and vegetable matter.

LITTER. Garbage and rubbish as defined herein and all other matter which, if thrown, dumped, placed, left or deposited as herein prohibited, tends to create a danger to public health, safety and/or welfare.

PERSON. Any natural person or an artificial person, including without limitation a partnership, co-partnership, a limited partnership, a corporation or a trust. In the instance of an artificial person, the natural person(s) who is/are the general partners of a partnership, whether limited or not, the trustee(s) and any beneficiary having the power to appoint or constitute a trustee of a trust, the officers and directors of a corporation and the receiver of any artificial person shall be equally liable with the artificial person for any requirements or penalties provided in this ordinance. In the instance of natural and artificial persons, the agent of the same having the apparent authority to control the construction site or building under construction of the persons having property regulated by the ordinance shall be equally liable with his, her or its principal for any requirements or penalties provided in this article.

RUBBISH. Any refuse, fragments of building material, including, but not limited to, pieces of lumber, pipe, brick, wallboard, and/or shingles.

WASTE MATERIAL. All putrescible and non-putrescible solid waste (except body waste), including, but not limited to, garbage as defined herein, rubbish as defined herein, unrooted vegetation and herbage, tree limbs and stumps and/or any other such matter which, if thrown, dumped, placed, left or deposited as herein prohibited, tends to create a danger to the public health, safety and/or welfare.

XI-3.02. Unlawful to litter construction site.

It is unlawful for any person who owns or controls a construction site or building under construction to dump, deposit, place, throw, leave, bury or cause or permit the dumping, depositing, placing, throwing, leaving or burying of litter, garbage, rubbish, debris or waste material thereon. At any construction site, building under construction or area adjacent thereto, the material shall be placed within the confines of a receptacle especially provided for the use or shall be confined to one pile so as to prevent the blowing or scattering of the materials by the elements. The transfer of litter, garbage, rubbish, debris or waste material from a construction site or building under construction to another is specifically prohibited.

XI-3.03. Unlawful to litter adjacent streets.

It is unlawful for any person who owns or controls a construction site or building under construction to dump, deposit, place, throw, leave or cause or permit the dumping, depositing, placing, throwing or leaving of dust, sand, mud, dirt, litter, garbage, rubbish, debris or waste material on any street, road or highway adjacent to and/or abutting the construction site.

XI-3.04. Removal.

It is unlawful for any person who owns or controls a construction site or building under construction to fail to remove litter, garbage, rubbish, debris or waste material at any construction site, building under construction or area adjacent thereto or to fail to remove dust, and, mud, dirt, litter, garbage, rubbish, debris or waste material on any street, road or highway adjacent to and/or abutting the construction site within 48 hours after notice to remove is sent.

(A) The Township Building Official, his or her representative or such other individual as the Township Board shall designate is hereby authorized and empowered to notify the primary contractor or owner of a construction site or building under construction to remove litter, garbage, rubbish, debris, waste material, dust, sand, mud or dirt at or adjacent to the premises. The notice shall be made by first-class mail and addressed to the primary contractor and/or owner at his or her last known address or by any other means reasonably calculated to notice to the primary contractor and/or owner.

(B) Notice shall be deemed made on the next regular day for delivery of mail after the day the notice to remove was deposited in the United States mail with first-class postage prepaid thereon.

XI-3.05. Proof and presumption.

(A) In any proceeding for violation of Sections XI-3.02 through XI-3.04 of this article, proof that a building permit was issued to a person for the subject construction site or building under construction constitutes in evidence a presumption that the building permit holder owns or controls that construction site or building under construction.

(B) The owner or primary contractor of the construction site, building under construction or area adjacent thereto is presumed to be responsible for litter, garbage, rubbish, debris or waste material which is dumped, deposited, placed, thrown or left at that construction site, building under construction or area adjacent thereto.

(C) The owner or primary contractor of a construction site, building under construction or area adjacent thereto is presumed to be responsible for dust, sand, dirt, mud, litter, garbage, rubbish, debris or waste material which is dumped, deposited, placed, thrown or left on any street, road or highway adjacent to and/or abutting that construction site or building under construction.

XI-3.06. Disposal of debris.

Upon the failure, neglect or refusal of any primary contractor or owner of a construction site or building under construction, after being notified in accordance with the provisions of Section XI-3.04 of this article, to properly dispose of any litter, garbage, rubbish, debris, waste material, dust, sand, mud or dirt on any construction site, building under construction, area adjacent thereto or on any street, road or highway or area adjacent to and/or abutting the same within five days after receipt of the written notice, the Township Building Official, his or her representative or other individual as the Township Board shall designate is hereby authorized and empowered to pay for the disposing of the matter or to order its disposal by agents or employees of the township.

XI-3.07. Creation of lien.

Whenever the Building Official, his or her representative or such other individual as the Township Board shall designate shall enter upon any parcel of land in order to accomplish abatement of any existing violation of this article, the Building Official is hereby authorized and directed to keep an accurate account of all expenses incurred and based upon the same to issue a certificate determining the reasonable cost involved for the work with respect to each parcel of property. The official is further authorized to add to the costs a 10% administrative charge to cover the expense of administering the work performed, overhead and other expenses incurred by the township in abating the violation. Within ten days after issuance of the certificate, the Township Treasurer shall forward a statement of the total charges assessed on each parcel of property to the owner as shown by the last current assessment or tax roll and the assessment shall be payable to the Township Treasurer within 30 days from the date when the statement is forwarded. If not paid within the prescribed 30-day period, the statement shall be filed with the Township Assessor and shall thereupon be spread upon the assessment roll in a separate column for that purpose opposite a description of the land owned by the property owner who refuses or neglects to pay the amount and the same shall become a lien upon the property. This amount shall be collected in the

same manner that taxes are collected and may be discharged at any time by the payment of the amount specified in the statement together with interest at the rate of 6% per annum compiled from the time of filing the certificate with the Township Assessor.

ARTICLE 4: NOXIOUS WEEDS

State Law Reference: Public Act 236 of 1961, as amended, Public Act 359 of 1941, as amended.

XI-4.00. Definitions; noxious weeds defined; exclusions.

For the purpose of this article, noxious weeds shall include Canada thistle, dodders, mustards, wild carrot, bindweeds, perennial sowthistle, hoary alyssum, ragweed, poison ivy, goldenrod, quack-grass, poison sumac, or any other plants which are recognized as inducing hay fever, rose fever, or other diseases, or as being in any way deleterious to the health or comfort of the community. This article does not apply to weeds in fields devoted to growing any small grain crop such as soybeans, wheat, oats, barley, or rye.

XI-4.01. Violations; penalty.

(A) It shall be the duty of the township to prosecute or to complain to the proper authorities of any person who may violate any of the terms of this article.

(B) Any person who shall violate or fail to comply with any of the provisions of this article or any of the regulations adopted in pursuance thereof shall be guilty of a municipal civil infraction and may be fined and assessed costs and otherwise penalized as provided in Public Act 236 of 1961, as amended (M.C.L.A. §§ 600.8701 et seq.) but a minimum fine shall be imposed as follows: 1st offense \$100, 2nd offense and subsequent offenses \$200.

XI-4.02. Areas subject to article.

The provisions of this article shall apply only to lots or parcels of land within the township which are within or adjacent to residential areas, in any subdivision where construction has begun on 60% of the lots and in shopping areas, facilities or other areas where large numbers of persons can be found or congregate. The weeds shall be cut to a distance of at least ten rods (160 feet) from areas mentioned in this section, or the depth of the lot, whichever is less. The provisions of this article shall not apply to any area designated by the township board of trustees as a “natural feature”.

XI-4.03. Notice to cut weeds.

It shall be the duty of the township to post notices in not less than three conspicuous places within the township and on the township website, not less than ten days prior to the time when the weeds must be cut. The notice shall be in substantially the following form:

NOTICE TO CUT NOXIOUS WEEDS

To the owner or occupant or any person or persons, firm or corporation having charge of any land in the Charter Township of Plymouth:

Notice is hereby given that all noxious weeds growing on any land in the Charter Township of Plymouth, Wayne County, Michigan, must be cut and destroyed on or before the ___ day of _____, A.D., _____. And every owner, occupant, or person having charge of any such land must notify the township that such weeds have been destroyed within three days of such cutting. Any person failing to comply with this notice on or before the date mentioned shall be liable to the imposition of the penalties set forth in Ordinance Number 64, of the Charter Township of Plymouth, Wayne County, Michigan, and shall be liable for all expenses incurred by the township in destroying said noxious weeds, which expenses, if unpaid by the owner or to the occupant, shall be spread against the property on the next County and School Tax Roll or the next General Township Tax Roll and/or place a lien upon the property to secure the collection of such expense. The township may notify by certified mail with return receipt requested, the owner, agent, or occupant, as shown on the current County and School Tax Roll, of any lands on which such noxious weeds are found growing. Such notice shall contain methods of treating and eradicating such noxious weeds and a summary of the provisions of this section. Failure of the township to give such notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided in this article or any debt created under this article.

XI-4.04. Noxious weeds prohibited.

It shall be unlawful for the owner or occupant or any person in charge of any lot or parcel of land within the township to permit or allow to grow thereon any noxious weeds. Presence of the weeds upon any lot or parcel of land within the township is hereby declared to be a public nuisance and adverse to public health and safety.

XI-4.05. Duty to remove.

It shall be the duty of every owner, occupant or person having charge of any land within the township to cut down or cause to be cut down and destroyed all noxious weeds as described in Section XI-4.00 prior to May 1, June 1, July 1, August 1, and September 1 in each year and/or as needed and as often as may be necessary to prevent noxious weeds from going to seed.

XI-4.06. Removal by township.

(A) If any owner, agent or occupant shall refuse to destroy noxious weeds pursuant to this article or cause noxious weeds to be destroyed, it shall be the duty of the township to enter upon lands and to destroy noxious weeds or cause the noxious weeds to be destroyed, and entering upon the lands by the township shall not be deemed as trespassing. Express power to so enter upon the lands and destroy noxious weeds is hereby conferred upon the township. If the owner, agent or occupant has failed after ten days notice as provided in this article, to destroy the weeds or cause the weeds to be destroyed, then the township or any other officer or agent authorized by the township may enter upon the lands or lots and destroy by cutting with or without mechanical equipment which will not damage the property or the sidewalk adjacent thereto any noxious weeds and all expenses incurred in the lands shall be paid by the owner of the lands. If any owner billed for such services by mail has not paid for the services after 30 days from billing, the township shall have the right to spread the expense against the property of such owner on the county and school tax roll of the general township tax roll and/or place a lien upon the property to secure the collection of the expense.

(B) The Township Treasurer shall, subject to the approval of the Township Board, set up billing procedures as may be required to accomplish the purpose of this article.

ARTICLE 5: REMOVAL OF ICE AND SNOW FROM SIDEWALKS

State Law Reference: Public Act 359 of 1947, as amended.

XI-5.00. Removal of ice and snow.

No owners, occupants, agents or persons having charge of any house, premises, building or lot shall permit any snow or ice to remain on the sidewalks abutting such house, premises, building or lot longer than 24 hours after any snow or ice has fallen or formed. When either snow or ice has fallen or formed on any sidewalks, the owner, occupant, agent or person having charge shall, within 24 hours after the snow or ice has fallen or formed, remove the snow or ice or cause a sufficient quantity of salt, sand or ashes to be strewn on the sidewalks in such manner as to render the sidewalks safe for a person walking thereon.

XI-5.01. Definitions.

For purposes of this article, “sidewalks” shall be defined as those sidewalks or walks which form a part of a public highway, boulevard, road or street.

XI-5.02. Penalty.

Any person who violates this article shall, upon conviction, be punished as provided in the General Provisions of the township code. Each day that the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.

ARTICLE 6: SIDEWALKS

State Law Reference: Public Act 80 of 1989, as amended.

XI-6.00. Purpose.

The purpose of this ordinance is to provide for the construction, maintenance, inspection, repair and assessment of costs for sidewalks pursuant to the provisions of Public Act 359 of 1947, as amended, and Public Act 80 of 1989.

XI-6.01. Definitions.

The following definitions shall apply in the interpretation of this article:

ABUTTING or ***ADJACENT PROPERTY***. Any lot or parcel of land adjoining, bordering or touching a street as defined herein.

ADJACENT SIDEWALK. That portion of the sidewalk located within the street next to an abutting or adjacent property as defined herein.

BUILDING. An enclosed structure having a roof supported by columns, walls, arches or other devices used for the housing, shelter or enclosure of persons, animals, chattels or property of any kind.

SIDEWALK. Public ways or walkways improved with concrete and designed for pedestrian travel.

STREET. A dedicated public right-of-way or prescriptive easement which is a state, county or municipal roadway affording the principal means of access to abutting property. A street includes the land between the street right-of-way lines, whether improved or unimproved.

XI-6.02. Owner's responsibility for sidewalk repair; conditions.

(A) It shall, in all cases, be the responsibility of the owner of every lot or parcel of land in the township to keep the sidewalks adjacent to his/her lot or parcel in good repair. Sidewalk sections (flags) shall be replaced when the condition of same is detrimental to the safety of the general public.

(B) Following are some examples of conditions requiring replacement:

- (1) A rise or drop of more than one inch between any two sections of sidewalk at the connection joint;
- (2) More than two cracks of one-quarter inch in width or more in any two lineal feet of sidewalk section;
- (3) Any section of sidewalk which is tilted in excess of one inch per foot from inside to outside edge. (The outside edge being the edge of the sidewalk nearest the street line;)
- (4) If, in any five foot lineal section of sidewalk, more than 25% of the surface area has scaled off to a depth of one-quarter inch or greater, that section of the sidewalk shall be replaced;
- (5) The concrete has dipped to allow water to pond to a depth of three-quarters of an inch or more.

XI-6.03. Replacement or repair of sidewalks; finding of necessity; assessment against owners of property; hearing; notice.

(A) The Township Board may, by resolution, require the owners of lots or parcels to replace or repair sidewalks where the condition of the sidewalks necessitates replacement or repair for public health, safety and welfare. Prior to the adoption of a resolution requiring replacement or repair of sidewalks, notice shall be given to affected property owners and a hearing shall be conducted as provided in Public Act 80 of 1989.

(B) At the time of the inspection by the Department of Public Works as provided in Section XI-6.05 herein, the Department of Public Works shall provide a notice to the homeowners of the necessity of the replacement or repair and the date of the hearing before the Township Board. During this time period the homeowner may replace or repair the sidewalks but the replacement or repair shall be according to the construction standards established in Section XI-6.05 below.

(C) The resolution by the Township Board finding the necessity of the replacement or repair shall provide:

- (1) A description of the flags or portions of sidewalk to be replaced or repaired;
- (2) A find of the necessity of the replacement or repair of the sidewalk for public safety reasons;
- (3) An order directing the township to replace or repair the portions of sidewalk upon the property owner's failure or neglect to replace or repair the sidewalk; and,
- (4) An order directing the Treasurer to assess the township's costs for replacement or repair of the sidewalk against the property involved, payable over a five year period.

(D) All sidewalks shall be replaced or repaired according to the construction standards established in Section XI-6.05 of this article.

XI-6.04. Sidewalk construction required; notice; hearing; finding of necessity.

(A) Pursuant to Public Act 80 of 1989 the Township Board may, by resolution, require the owners of lots or parcels of land to construct sidewalks where the presence of sidewalks may be declared by the Township Board to be necessary to provide safe and convenient routes for pedestrian traffic. A resolution shall note the time period in which the owners must construct the required sidewalk.

(B) Prior to the adoption of a resolution requiring construction of sidewalks, notice shall be given to affected property owners and a hearing shall be conducted as provided Public Act 80 of 1989.

(C) The resolution shall provide:

- (1) A description of the sidewalk to be built;
- (2) A finding of the necessity of the construction of the sidewalk for public safety reasons;
- (3) A time period within which the property owner shall construct the sidewalk;
- (4) An order directing the Clerk to give notice to the property owner(s) by United States mail;
- (5) An order directing the township to construct the sidewalk upon the property owner's failure or neglect to construct the sidewalk within the applicable time period;
- (6) An order directing the Treasurer to assess the township's costs for construction of the sidewalk against the property involved, payable over a five-year period; and ,
- (7) An order that the time period within which the property owner has to construct the sidewalk shall be extended for inclement or unseasonable weather.

(D) All sidewalks shall be constructed according to the construction standards established in Section XI-6.05 below.

XI-6.05. Design standards.

All sidewalks hereafter constructed, repaired or replaced shall be constructed, repaired or replaced according to the specifications recommended by the Township Engineer and approved by the Township Board which shall be designated as Appendix "A" to this ordinance. In the absence of design standards promulgated by the Township Engineer and adopted by the Township Board, the then current Michigan Department of Transportation Sidewalk Design Standards shall apply.

XI-6.06. Administration.

(A) It shall be the responsibility of the Township Department of Public Works, or such person as the Supervisor may designate, to supervise and control all sidewalks and the construction, repair and maintenance thereof, including inspection, and to enforce the provisions of this ordinance.

(B) Inspection(s). The Township Department of Public Works shall inspect all sidewalks installed or maintained under the terms of this ordinance on a periodic basis, not less than every five years, and shall inspect areas brought to the Public Works Department's attention by a complaint filed therewith.

(C) The Department of Public Works, subject to the approval of the Board of Trustees, shall establish a low income assistance program based upon the ability of the property owner to pay the assessment(s) established by operation of Section XI-6.03 of this article.

XI-6.07. Violations.

(A) Any person, firm or corporation who violates this ordinance or fails to comply with its requirements shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$500 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs and expenses involved. Each day such violation continues shall be considered a separate offense.

(B) The owner of record or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer penalties herein provided.

ARTICLE 7: TREE REGULATIONS

State Law Reference: Public Act 359 of 1947, as amended.

XI-7.00. Definitions.

The following definitions shall apply in the interpretation of this ordinance:

PARK. All areas owned by the township to which the public has free access as a park or playground.

TREE. Tree, shrubs, bushes and all other woody vegetation.

XI-7.01. Enforcement.

The Building Official shall be responsible for enforcing the provisions of this article.

XI-7.02. Undesirable trees.

No tree listed below shall henceforth be planted on public or private property within the limits of the Charter Township of Plymouth. Such trees are short lived, of soft wood and as such are brittle and subject to storm damage, having shallow roots, which cause damage to public works and private improvements and are prolific seed bearers with the resultant nuisance. The following trees constitute a public and private nuisance and constitute a hazard to life and property:

Box Elder
All Elm Species or Varieties
Soft Maples
Ailanthus (Tree of Heaven)
Catalap
Willow
Mulberry
Poplar

XI-7.03. Protection of trees and shrubs.

No person shall break, injure, mutilate, kill or destroy any tree or shrub or set any fire or heat thereof to injure any portion of any tree or shrub on township public property. No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any tree provided, however, that this shall not prohibit the use by the township of approved chemicals for control of tree and brush growth. No electric wires or installation or any other lines or wires shall be attached to any tree in any manner that shall cause damage thereto. No person shall use any trees as an anchor except by special written permit from the Director and no sign, poster, notice or other material shall be attached to or fastened to or hung on any tree.

XI-7.04. Clearance.

Every owner of any tree on private property overhanging any street or right-of-way within the township shall trim the branches so that the branches shall not obstruct the light from street lamp nor obstruct the view of any street intersection and so that there shall be a clear space of eight feet above the surface of the sidewalk and any part of the street right-of-way except roadway and at least ten feet above any roadway or part of any street intended for vehicular traffic. The owner shall remove all dead, diseased or dangerous trees, broken or decayed limbs which constitute a menace to the safety of the public. The township shall have the right to trim any tree or shrub on private property when it interferes with visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.

XI-7.05. Corner clearance.

All shrubs and bushes located on the triangle formed by two right-of-way lines at the intersection of two streets and extending for a distance of 20 feet each way from the intersection of the right-of-way lines on any corner lot within the township shall not be permitted to grow to a height of more than 30 inches in height from top of curb at street level in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Trees may be planted and maintained on private property in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of eight feet above the roadway surface. Any owner of any property failing to trim any tree, shrubs or bushes in conformity with this section or Section XI-7.04 shall be notified by the Building Official by mailing the notice by registered mail to the owner at his or her last known address or, if the owner is unknown, by posting the notice in some conspicuous place on the premises. The notice shall require trimming in conformity with this section, within ten days after the date of the notice. Upon the expiration of such period, the Building Official may cause the trimming to be done and the cost thereof may be collected from the owner as an assessment as shall be determined by the Township Board.

XI-7.06. Overhead lines and trimming permits.

The Building Official shall grant permission to public utilities to trim and keep trimmed all trees within parks, playgrounds and other public places under township jurisdiction in such manner as shall keep the overhead lines of utilities safe and accessible. The trimming shall be done in accordance with approved practices and under the general direction of the Building Official. The permission, as provided in this section, shall require reasonable prior notice to the township before any work is commenced thereunder. Provided, however, that in the event of an emergency requiring immediate maintenance work on the overhead lines of the public utilities, prior notice of commencing work under the permit shall not be required. The word “emergency” as used in this section shall be defined to mean the occurrence or happening of an event which could not be foreseen by the exercise of reasonable care and foresight and which might cause damage to overhead lines of the public utilities.

XI-7.07. Appeal.

In case the owner, agent or occupant of the property shall feel himself aggrieved at an order of the Director, he or she may, within 48 hours, make an appeal to the Township Board by communication filed with the Township Clerk. The Township Board shall hear the appeal at its next regular meeting, unless another time shall be set, and shall determine the matter under such expert advice as may be necessary.

XI-7.08. Violation and penalty.

Any person, firm or corporation who shall violate any provisions of this code shall be punished as provided in the General Provisions of the township code. Each day that the violation continues after due notice has been served in accordance with the terms and provisions hereof shall be deemed a separate offense.

ARTICLE 8: VACANT PROPERTY REGISTRATION AND MAINTENANCE

State Law Reference: Public Act 359 of 1947, as amended, Public Act 167 of 1917, as amended.

XI-8.00. Purpose.

The purpose of this ordinance is to help protect the health, safety and welfare of the citizens by preventing blight, protecting property values and neighborhood integrity, avoiding the creation and maintenance of nuisances and ensuring the safe and sanitary maintenance of dwellings, commercial and industrial buildings. Due to economic conditions, mortgage foreclosures, and increased bankruptcies, many homes and buildings have become vacant and unsupervised. This has caused properties to become attractive nuisances for minors and criminal activity. Vacant properties have a negative impact on surrounding properties and neighborhoods. Potential buyers are deferred by the presence of nearby vacant abandoned buildings. There is an increased instance of unsecured or open doors and windows, broken water pipes, flooded basements, theft of metals and other materials, overgrowth of grass, weeds, shrubs, and bushes, illegal dumping, and rat and vermin activity at vacant structures. The neglect devalues properties and causes deterioration in neighborhoods and industrial and commercial areas. The township also needs to be able to contact owners for utility shutoff, fire safety and police reasons.

XI-8.01. Definitions.

The following definitions shall apply in the interpretation of this article:

CERTIFICATE OF OCCUPANCY. As defined under the State of Michigan Construction Code Act.

HARBORAGE. A shelter, harbor.

OWNER. One who has the right to possess, use, and convey something, i.e. the owner, occupant or successor to title by foreclosure, sheriff's sale or by court order.

RODENT. Any of an order (Rodentia) of relatively gnawing mammals (as a mouse, a squirrel or a beaver) that have in the upper jaw a single pair of incisors with a chisel-shaped edge; also: a small mammal (as a rabbit or a shrew).

VACANT PROPERTY. A lot, building, or structure that is not legally or currently occupied. Vacant property does not mean property that is temporarily unoccupied while the residents are away on vacation, personal matters or business, or is not intended by the owner to be left vacant.

XI-8.02. Scope.

The provisions of this ordinance shall apply to all existing residential, commercial and industrial structures and all vacant land.

XI-8.03. Evidence of vacant property.

Evidence of vacancy shall include any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. The conditions include, but are not limited to: overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk and/or debris; boarded up windows; abandoned vehicles, auto parts or materials; the absence of or continually drawn window coverings such as curtains, blinds and/or shutters; the absence of furnishings and/or personal items consistent with habitation or occupancy; statements by neighbors, passersby, delivery agents or utility agents, including Department of Public Service and/or Police/Fire Department employees, that the property is vacant.

XI-8.04. Registry of vacant properties.

There is hereby created in the Township Building Department office a registry of vacant properties.

XI-8.05. Vacant properties to be registered.

Owners of real property are required to register all vacant properties within 30 days of the vacancy. Structures that are vacant at the time of the enactment of this ordinance must register within 30 days.

XI-8.06. Owner's registration form; content.

Owners who are required to register their properties pursuant to this ordinance shall submit a completed Vacant Property Registration Form, as provided by the Township Building Department, containing the following information:

(A) The name of the owner of the property.

(B) A mailing address where mail may be sent that will be acknowledged as received by the owner. If certified mail/return receipt requested is sent to the address and the mail is returned marked "refused" or "unclaimed", or if ordinary mail sent to the address is returned for whatever reason, then the occurrence shall be prima facie proof that the owner has failed to comply with this requirement.

(C) The name of an individual responsible for the care and control of the property. The individual may be the owner, if the owner is an individual, or may be someone other than the owner with whom he/she has contracted.

(D) A current address, phone number, fax, and email address (if fax and email addresses are available) where communications may be sent that will be acknowledged as received by the owner or individual responsible for the care and control of the property. If certified mail/return receipt requested is sent to the address and the mail is returned marked “refused” or “unclaimed,” or if ordinary mail sent to the address is returned for whatever reason, then the occurrence shall be prima facie proof that the owner has failed to comply with this requirement.

XI-8.07. Registration fee.

The registration fee shall be set by resolution of the Township Board to offset the cost of processing the form. In addition, in the case where the owner has failed to register, there shall be assessed the added cost of the township’s expense in having to determine ownership, which may include, but is not limited to title search.

XI-8.08. Requirement to keep information current.

If at any time the information contained in the registration form is no longer valid, the property owner shall within ten days file a new registration form containing current information. There shall be no fee to update the current owner’s information.

XI-8.09. Maintenance and security requirements.

(A) Properties subject to this ordinance shall be kept free of weeds, grass more than eight inches high, vegetation growth between sidewalk and/or driveway flags or from cracks in the pavement, dry brush, dead vegetation, trash, junk, debris, building materials, rodent harborage, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state or local law, discarded items including, but not limited to, furniture, clothing, large and small appliances, printed material, signage, containers, equipment, construction materials, or any illegal outside storage of vehicles. Property subject to this ordinance must comply with the minimum security fencing, barrier and maintenance requirements of the Michigan Building, Construction, and Property Maintenance Codes.

(B) The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(C) Properties subject to this ordinance shall be landscaped and properly maintained. Landscaping includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark designed and maintained in an appropriate manner. Landscaping does not include weeds, gravel, broken concrete, asphalt, decomposed materials, plastic sheeting, indoor-outdoor carpet, or any similar material. Maintenance includes, but is not limited to, regular watering, irrigation, cutting,

pruning and mowing of landscaping and removal of all trimmings.

(D) Pools, spas, and other water features shall be kept in working order or winterized to ensure that the water remains clear and free of pollutants and debris, or drained and kept dry and free of debris, and must comply with the minimum security fencing, barrier and maintenance requirements of the Michigan Building, Construction, and Property Maintenance Codes.

(E) Properties subject to this ordinance shall be maintained in a secure manner so as not to be accessible to unauthorized persons. Secure manner includes, but is not limited to, the closure and locking of windows, doors (walk-through, sliding and garage), gates and any other opening of such size that it may allow a child to access the interior of the property and/or structure(s). Broken windows and doors must be repaired or replaced within 14 days. Boarding up of windows and doors is prohibited.

XI-8.10. Monitoring of property; fee.

Upon violation of this ordinance by the owner, the Building Department is hereby authorized to monitor the condition of any property required to be registered under this ordinance. A monthly monitoring fee as set by resolution of the Township Board may be assessed against the property/owner to offset the costs incurred by the township in responding to telephone calls, complaints, inquiries, site visits, owner contacts, and the monitoring of the site.

XI-8.11. Open property; securing fee.

Property subject to this ordinance that is left open and/or accessible shall be subject to entry by the township in order to ensure that the property has not become an attractive nuisance and to ensure that the property is locked and/or secured. The owner of property subject to this ordinance which property is found open or unsecured shall be responsible for a securing fee as set by the Township Board to offset the cost incurred by the township in contacting the owner or management company to secure the property, or if the owner and/or management company cannot be contacted or does not secure the property within a reasonable time - not to exceed 24 hours, the cost incurred by the township in securing the property.

XI-8.12. Exemption; Property Damaged by Natural or Man-Made Disaster; Repair Requirements.

(A) A property which has been partially or completely destroyed by natural or man-made disaster is exempt from the strict requirements of this ordinance.

(B) For purposes of this section, natural or man-made disaster shall mean fire, lightning, hurricane, tornado, toxic substances or high winds, destruction by bomb, gas explosion, vehicle collision, fumes, act of war, riot, civil disturbance, or infestation by insects, rodents or disease bearing agents.

(C) Properties that have been damaged or destroyed by natural or man-made disaster shall be registered with the township within five business days of the disaster and an application for a permit to start reconstruction, construction or demolition of the damaged property shall be made by the owner within 90 days of the disaster. Failure to comply with this subsection shall remove the exemption provided herein and subject the property to the requirements of this ordinance.

(D) At all times, property that has been damaged or destroyed by a natural or man-made disaster shall be secured, maintained and monitored as lawfully required and/or authorized by the Township Building Official and Code Enforcement Officer under any federal, state, county and/or township laws, rules or regulations, including if applicable, this Vacant Property Registration and Maintenance Ordinance.

XI-8.13. Unpaid fees; assessment.

All fees hereunder that remain unpaid after 14 days written notice to the owner/management company shall be assessed against the property as a lien and included on the tax roll.

XI-8.14. Criminal penalties; civil infraction.

(A) Except as otherwise provided, a violation of this ordinance shall be a misdemeanor and a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this ordinance shall be subject to prosecution and penalty under the General Provisions of the township code. Registration of property under this ordinance is in addition to, and not in lieu of, the requirements of Public Act 167 of 1917, as amended, which allows for demolition of vacant structures, or nuisance abatement by the township.

(B) Failure to file the required registration form, or failure to maintain the registration form containing current information shall be a civil infraction and subject to a \$100 fine. Each day that a registration form is not on file and each day that an owner and/or owner's agent fails to maintain current information in a registration form shall be considered a separate offense.

(C) Failure to make required repairs, or a second offense of any other requirement herein, shall be a misdemeanor subject to prosecution and penalties under the General Provisions of the township code.

