AN ORDINANCE TO PROVIDE FOR THE REMOVAL OF DEAD GRASS, BRUSH, AND MISCELLANEOUS DEBRIS ON LANDS WITHIN THE TOWNSHIP OF RICHMOND, COUNTY OF MARQUETTE, AND TO PROVIDE FOR THE LEVY AND COLLECTION OF THE COSTS INCURRED THEREBY WHEN DONE BY SAID TOWNSHIP AS OTHER TAXES ARE LEVIED AND COLLECTED.

THE TOWNSHIP OF RICHMOND ORDAINS:

ARTICLE I

Section 1.1 Short Title

This ordinance shall be known as the "Miscellaneous Debris Ordinance".

Section 1.2 Definitions

(A) The term "person" as used in this ordinance shall mean and include one or more persons of either sex, corporations, unincorporated associations, partnerships, or other entities.

(B) The terms "Dead Grass" and "Brush" are defined to include all types of weeds, grasses, non-ornamental bushes or shrubs, and other organic matters, growing or dead, which have been allowed to grow untended or which have been allowed to accumulate to a height of two feet or more on property within Richmond Township, and which create a hazard to the health, safety or welfare of the public by virtue of their potential to catch fire, to obscure vision or to harbor pests.

(C) The term "Miscellaneous Debris" is defined to include unsheltered storage in

open areas on property in Richmond Township of scrap iron and other metals; paper, rags, rubber tires; glass; junked automobiles; and any vehicles, machinery, implements, equipment or personal property of any kind which is no longer safely or properly useable for the purposes for which it was manufactured and which create a hazard to the health, safety or welfare of the public.

(D) The term junked automobiles shall mean any motor vehicle that is not in operating condition and eligible for use on public roads pursuant to the Michigan Vehicle Code, Act No. 300 of 1949 as amended. At minimum, motor vehicles must have four wheels with inflated tires, a working battery, an engine in running condition and a gear train capable of moving the vehicle at any time in order not to be considered a junked automobile.

Section 1.3 Declaration of Nuisance

The maintenance of such defined "Dead Grass, Brush or Miscellaneous Debris", on open properties within Richmond Township for a continuous period of thirty days or more is hereby declared to be a nuisance and danger to the public safety.

ARTICLE II

Section 2.1 Removal of Dead Grass, Brush or Misc. Debris

It is hereby declared the duty of every person who owns, occupies or leases any real property within Richmond Township in the County of Marquette to maintain such property in a safe and orderly manner and to remove any dead grass, brush or miscellaneous debris from open areas and dispose of it in a manner provided by law.

ARTICLE III

Section 3.1 Notice to Remove

On advice of the township supervisor or the township Board, the township clerk or the clerk's deputy is hereby authorized to send written notice to the owner or occupant of any such real property to remove any dead grass, brush or miscellaneous debris located on such property. Notice shall be sent by 1st class mail to the owner or the occupant at such person's last known address. The notice shall advise of a right to a hearing if requested, and of the consequences for failure to comply with the removal demand. The notice shall require removal within a reasonable period of time, which time shall not be less than 15 days from the date of delivery of this notice. The occupant shall be deemed to be the agent of the owner of the real property.

Section 3.2 Hearing

Any person affected by any notice issued pursuant to this Ordinance may request, and

shall be granted a hearing provided that such person files in the township office a written petition for a hearing and a statement of the grounds for non-compliance with the removal demand within 15 days after delivery of the notice. The township board, or a committee of the board, shall hear such appeals, and a majority shall reverse or affirm in whole or part the removal order appealed from, and make such order as it determines.

ARTICLE IV

Section 4.1 Action upon Non-compliance.

(A) Should said owner or occupant fail to conform with the provisions of this ordinance and the provision of the notice forwarded to him within the time limit therein, it shall be the duty of the township supervisor to cause all of said miscellaneous debris to be removed from said land and said township supervisor shall keep an accurate account of the expenses incurred in so doing with respect to each parcel of land entered upon therefor and shall make a sworn statement of said account and deliver the same to the township clerk. The township clerk shall present all such accounts to the township board not later than thirty days after receipt thereof and shall serve by first class mail a copy thereof upon the owner and/or occupant of the premises. Upon receipt of the account the township board shall audit said account, and if correct, allow such account and order the same paid from the general fund of the township. The sworn statement of the township supervisor shall give the date or dates when such miscellaneous debris was removed, the name and last known

address of the owner and descriptions of the lands involved, and the costs of such labor.

(B) When such accounts shall be audited, allowed and paid as above provided, it shall be the duty of the township clerk to certify them forthwith to the township assessor. All expenditures represented by said accounts shall be severally spread upon the township tax roll next in preparation, levied on the lands in which such expendtires were made, be a lien and collected in the same manner as other township taxes and paid into the general fund of said township.

(C) In carrying out the above functions the township supervisor may do so either through township personnel or by means of employing an independent contractor. Said independent contractor shall not be an employee of the township, but shall be authorized by order of the township supervisor to remove the debris from the premises described in the notice to the owner referred to above.

ARTICLE V

Section 5.1 Savings Clause

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable, for any reason, by a court of competent jurisdiction, the remaining portions of said ordinance shall

remain in force.

ARTICLE VI

REPEALER AND EFFECTIVE DATE

Section 6.1 Repealer

(A) All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 6.2 Effective Date

(A) This ordinance shall take effect immediately after its publication.

William R. Pietsch

Teresa Ohlson

Clerk