

**ORDINANCE NO. 2025-004
TOWNSHIP OF CHESANING
SAGINAW COUNTY, MICHIGAN
PLANTS AND WEEDS ORDINANCE**

**Adopted: October 2, 2025
Published: October 12, 2025
Effective: November 12, 2025**

An ordinance to secure the public health, safety and welfare of the residents and property owners of the Township of Chesaning, by the control and regulation of grass and maintenance of certain weeds and growth within the Township; to provide penalties for the violation thereof; and to repeal all ordinances or parts of ordinances in conflict therewith.

The Township of Chesaning, Saginaw County Michigan hereby ordains:

Section 1. Vegetation and Noxious Weed Control

Section 1.1 – Title.

This Ordinance shall be hereby designated and referred to as the “Township of Chesaning Plants and Weeds Ordinance.”

Section 1.2 – Purpose.

It is the purpose of this Ordinance to control noxious weeds and manage uncontrolled vegetation in the Township. There are reasonable expectations regarding the elimination of noxious weeds and the proper maintenance of turf grass, uncontrolled plant growth, uncultivated vegetation, and duff on any lot, building site, or parcel of land. It is in the public’s interests to provide standards regarding the maintenance of such vegetation which, if not met, can degrade the natural environment, threaten public health and safety, and negatively impact neighboring properties.

Section 1.3 – Definitions.

Destroy means the complete killing of weeds or the killing of weed plants above the surface of the ground by use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to bloom or flower stage.

Duff means the accumulation of leaves and dead plant material on the ground.

Garden means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses, and ground cover in a defined location.

Lawn means ground (as around a house) covered with turf grasses and other plants that is traditionally cut or mowed.

Native Plants means those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants) that are native to the state of Michigan. Native plants do not include weeds.

Noxious Weed means any plant defined or listed as prohibited or restricted under the Michigan noxious weed laws, which include Noxious Weed, Public Act 359 of 1941 (as amended), Michigan Seed Law, Public Act 329 of 1965 (as amended), MNREPA ACT 451 of 1994, and specifically include, but is not limited to, ragweed (*Ambrosia elatior* 1), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapsis*), dodders (any species of *Cuscuta*), bindweed (*Convolvulus arvensis*), wild carrot (*Daucus carota*), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), nettle (*Urtica dioica*), bittersweet night shade (*Solanum dulcamara*), hoary alyssum (*Berteroa incana*), palmer amaranth (Palmer Pigweed), waterhemp, thistle (all species, including Canada and Bull), horseweed (Marestail, *Conyza canadensis* (L.) Cronq.), and common pokeweed (*Phytolacca decandra*). This is not an exhaustive list.

Planned Native Landscaping means a planned, intentional, and maintained planting of native plants. Planned native landscaping does not include any species of turf grasses.

Property Owner means any person or entity with any ownership or possessory right or interest, including lease, deed and land contract holders or mortgagees and any agent of the same.

Turf Grasses means grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.

Uncontrolled Plant Growth means any non-woody vegetation like grass, hay, weeds, brush, or other vegetation which has grown to a height of over seven inches or is vegetation that conceals rubbish or filthy deposits, constitutes a fire hazard, restricts vision at street intersections or driveways, obstructs sidewalks, or is otherwise regarded as contrary to the public's health, safety, and welfare. Uncontrolled plant growth does not include:

1. Gardens,
2. Plants located on agricultural land,
3. Plants located on an undeveloped natural parcel/lot, except as required in this ordinance,
4. Plants located within environmentally sensitive areas, or
5. Planned native landscaping that is wholly contained within the lot, building site, or parcel on which it is planted and maintained per this Ordinance.

Uncultivated Vegetation means vegetation not intentionally tilled, prepared or planted.

Undeveloped Natural Parcel/Lot/Building Site means property that has been unaffected by infrastructure or construction on at least 90 percent of the parcel/lot/building site.

Section 1.4 – Declaration of Nuisance

The presence of noxious weeds is hereby declared as a public nuisance. The presence of sidewalk obstructions due to plant overgrowth is also declared to be a public nuisance. The presence of turf grasses in excess of 7 inches in height in areas provided herein is declared to be a public nuisance.

Section 1.5 – Control and Management of Vegetation and Noxious Weeds.

A. Responsibility. It shall be the responsibility of all property owners or occupants to:

1. Maintain lawn areas surrounding the building or other structures.
2. Destroy all noxious weeds found on their land before they reach a seed-bearing stage and to prevent said weeds from perpetuating themselves and from becoming a detriment to public health.
3. Cut and remove uncontrolled plant growth or uncultivated vegetation within ten feet of a roadway. If a sidewalk is present the distance will be extended to three feet from the back of the sidewalk. This is to ensure the visual clearance of a roadway is not impeded. This does not apply to the edges of rural roads maintained by the county.
4. Maintain lawn areas below a height of seven inches.
5. Manage duff and yard waste, particularly during the fall season (October through December), to minimize impacts, such as transference of leaves to neighboring properties and the attraction of pests. This does not apply to rural woodlots.

B. Neglect to Control or Manage. If a property owner neglects to control or manage vegetation and noxious weeds as required, the Township of Chesaning may:

1. Destroy or have destroyed the noxious weeds.
2. Cut and/or remove or cause the uncontrolled plant growth or uncultivated vegetation to be cut and/or removed.
3. Mow or cause the lawn to be mowed.
4. Remove or cause the removal of duff or yard waste.

Section 1.6 - Planned Native Landscaping.

- A. Objective. The Township recognizes that some property owners may wish to preserve or restore native plants and wildlife habitats, which can be economical, low-maintenance, and effective for water and soil conservation. While important to natural habitats, native plantings can appear unmanaged and/or uncontrolled in a residential setting. The following requirements are intended to allow planned native plantings while balancing the interests of neighboring property owners.
- B. Requirements:
1. Turf grass is to be eliminated within planned native landscaped area of the property.
 2. Planned native landscaping within ten feet of roadways must be maintained so it does not impede visual clearance of roadways. If a sidewalk is present the distance will be extended to three feet from the back of the sidewalk.
 3. Planned native landscaping that utilizes fire for the control of duff management must follow the permitting requirements of the Township Fire Department.
- C. Yard Maintenance. Planned native landscaping is not intended to allow a property owner to ignore established turf lawn care or other yard maintenance.

Section 2: Notice

2.1 A violation of the provisions of this Ordinance shall be a Municipal Civil Infraction for the first violation and shall be a misdemeanor for any subsequent violation. If, upon inspection, the Township Enforcement Officer, or any authorized person appointed by the Township, finds that any property within the Township is being used in violation of this Ordinance, the owner and/or occupant of said property shall be notified of such violation which may be given by first class mail to the owner or occupant of the subject property as it appears on the tax rolls of the Township of Chesaning or by service upon any owner or occupant personally by a process server, court officer or official or personnel member of the Township of Chesaning or the Saginaw County Health Department, or as the Township Board shall otherwise provide.

However, said notice as described in this Section, shall only be required for an Owner/Occupant's first violation of this Ordinance. For any subsequent violation of this Ordinance by an Owner/Occupant, the Township shall not be obligated to provide the noticed described herein and, instead, may proceed directly to a court action to obtain compliance with this Ordinance. The aforesaid notice shall provide that the violation must be abated or destroyed within ten (10) days (or other

shorter or longer time as the Township Enforcement Officer and/or Board deem appropriate). If, in the sole judgment of the Township, the violation represents a public-health emergency or other serious condition, which must be immediately abated, the ten (10) day abatement period may be waived by the Township, and the Township may proceed immediately with legal action to abate the violation and to obtain such other relief as available or permitted at law.

2.2 If the owner and/or occupant of the subject property/premises does not cause the violation of this Ordinance to be abated or removed within the time prescribed in the notice, the Township may proceed to secure compliance with this Ordinance in any manner permitted by law. Further, the Township may institute an appropriate court action seeking an injunction, mandamus, abatement or other appropriate writ, order or proceeding to prevent, enjoin, abate or remove any violation(s) of this Ordinance.

Section 3. Penalty and Responsibility for Abatement Fees and Costs:

3.1 If the owner and/or occupant of the property/premises at which the violation has occurred/is occurring fails to remove, eliminate, abate or correct the violation within 10 days of the mailing of the notice described in this Ordinance (or sooner based on a finding of emergency or other serious situation contemplated herein), then the Township may initiate a court action seeking authorization to abate the violation by removing, eliminating, or correcting it. The owner and/or occupant shall be liable for the entire cost of the Township's removal/elimination/abatement efforts, including any attorney's fee or court costs that the Township incurs related to the violation. Further, when the Township is forced to remove/eliminate/abate the violation, the owner and/or occupant shall be billed for the actual cost of the work plus an administrative fee of twenty percent (20%) of the actual cost. The cost and the fee shall be in addition to fines and costs assessed upon a finding of responsibility for a municipal civil infraction or misdemeanor.

3.2 When the Township has taken action pursuant to this Ordinance to remove/eliminate/abate the violation, the actual cost thereof (plus the administrative fee), as well as the entirety of the costs and attorney's fees incurred by the Township in connection with the violation, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the Township, and said charge shall be due and payable by said owner at the time of receipt of such bill.

3.3 Where the full amount due to the Township is not paid by such owner within sixty (60) days after the date of billing as provided for in the preceding paragraphs, then the Township shall cause to be recorded in the appropriate Register of Deeds Office, a sworn statement showing the total costs and fees incurred by the Township to remove/eliminate/abate the violation, the date any work was done, and the location of the property. The sworn statement shall constitute a lien on the subject property which shall remain in full force and effect for the amount due in principal and interest, plus any court costs for collection, until final payment has been made. The Township may also take action to obtain a lien on any other real

or personal property located in the State of Michigan, in which the owner of the violative property has an interest. Said lien(s), costs, fees and expenses shall be collected in the manner fixed by law for the collection of general property taxes. The Township may also commence a civil action against the property owner/occupant for seeking to collect any monies owed. In the civil action contemplated in the preceding sentence, the property owner/occupant shall be liable for the entirety of the attorney's fees and costs incurred by the Township, regardless of the result of the civil action. Any lien described herein be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act 206 of the Michigan Public Acts of 1983, as amended, being Section 211.1 et seq., of the Michigan Compiled Laws.

3.4 Any violation of this Ordinance or any failure to comply with the provisions of this Ordinance on the first offense shall be deemed a municipal civil infraction punishable by a fine of \$50. Any violation of this Ordinance or any failure to comply with the provisions of this Ordinance on the second offense shall be deemed a municipal civil infraction punishable by a fine of \$100. In addition to the civil fine provided in this ordinance, the Township shall also recover the entirety of its costs, including all direct and indirect expenses to which the Township has incurred in connection with the violation, including but not limited to all costs and attorney's fees incurred by the Township in connection with the Ordinance violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

3.5 Any subsequent violation of, or any failure to comply with the provisions of, this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed \$500 or by imprisonment not to exceed 90 days or both. Each day that a violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate offense punishable, upon conviction, in the manner prescribed in this section; provided, no person shall be imprisoned for a single, but continuing violation of this Ordinance for a period of longer than 90 days. In addition to the civil fine provided in this ordinance, the Township shall also recover the entirety of its costs, including all direct and indirect expenses to which the Township has incurred in connection with the violation, including but not limited to all costs and attorney's fees incurred by the Township in connection with the Ordinance violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law.

3.6. Separate Violation

Each day that a violation under this Ordinance continues to exist shall be considered a separate violation subject to the penalties hereinafter set forth.

Section 4 Inconsistent Ordinances

All other Ordinances of the Township inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, superseded by this Ordinance. Provided, however, said repeal shall not abate any action now pending under or by virtue of the Ordinance or any parts thereof herein repealed, nor shall the repeal discontinue, abate, modify, or alter any penalty accrued or to occur or affect the rights of any person, firm, or corporation, or waive any rights of this Township under any section or provision of the Ordinance, or any part thereof, herein, repealed existing at the time of the passage of this Ordinance.

Section 5 Validity and Severability.

Should any section, clause, or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid and the remaining parts of the Ordinance shall remain in full force and effect and, to this end, the provisions of this Ordinance are hereby declared to be severable. The Township Board hereby declares that it would have enacted and adopted this Ordinance without the provision(s) or part(s) thereof that have been deemed invalid.

Section 6 Pending Proceedings Not Affected

Nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 7. Public Notice Requirements.

The Township Clerk shall, during the month of March of each year, give notice of the requirements and provisions of this Ordinance by publishing a notice one time in a newspaper of general circulation within the Township of Chesaning. The notice shall comply with the provisions of Section 247.64a of the Michigan Compiled Laws. It shall describe the methods of treating and eradicating noxious weeds, and provide that if the owner or occupant refuses to destroy the noxious weeds prior to May 1 of said year and to maintain the grass as provided in this Ordinance, the Township may enter upon such land and destroy the noxious weeds and/or mow the grass, with the expenses incurred in such destruction and mowing to be paid by the owner or occupant of the land. The notice shall further indicate that the Township shall have a lien against the land for the amount of expenses in destroying the noxious weeds and grass mowing. The Township may cut weeds and grass as many times as is necessary and charge the costs thereof to the owner.

Section 8. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith, are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 9. Effective Date.

This Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect 30 days following the publication as required by law following adoption by the Township Board.

This ordinance it hereby declared to have been adopted by the Township of Chesaning Board of Trustees, County of Saginaw, State of Michigan, at a regular meeting held on the 2nd day of October, 2025 and ordered to be given publication in the manor subscribed by law.

Joe Ruthig, Supervisor

Daniel Himstedt, Clerk

Date of Publication: October 12, 2025

Newspaper: Tri-County Citizen

CERTIFICATION

ADOPTED

YEAS: Tomac, Mrdeza, Gross, Himstedt, Carlton, Ruthig, Hornak

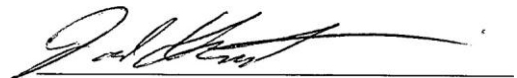
NAYS: None

ABSENT: None

State of Michigan, County of Saginaw,

I the undersigned Township Clerk for the Township of Chesaning, Saginaw County, Michigan, certify that the above Ordinance No. 2025-004 adopted by the Township of Chesaning Board of Trustees on the 2nd day of October 2025, was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

Dated: October 2nd, 2025

A handwritten signature in black ink, appearing to read "Daniel Himstedt", written over a horizontal line.

Daniel Himstedt, Clerk