

CHARTER TOWNSHIP OF FILER

AN ORDINANCE TO AMEND CHAPTER 41 OF THE CHARTER TOWNSHIP OF FILER CODE OF ORDINANCE AND TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH

THE CHARTER TOWNSHIP OF FILER ORDAINS:

Section 1. Amendment to Chapter 41. Chapter 41 of the Charter Township of Filer (“Township”) Code of Ordinances (“Code”) is hereby amended to read, in its entirety, as follows:

41.01 Weeds; Definition.

For the purpose of this Chapter, "weeds" 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*), giant hogweed (*Heracleum mantegazzianum*), ragweed (*Ambrosia elatior*), poison ivy (*Rhus toxicodendron*), and poison sumac (*Toxicodendron vernix*). In addition, the Township Board of Trustees hereby finds and determines that grasses in excess of twelve inches long shall be regarded as common nuisance in the Township and shall come within the scope of this Chapter.

41.02 Duty of owner or occupant.

All persons who own or manage, lease, rent or occupy any premises or vacant land within the Designated Areas as described in Section 41.06 shall be equally responsible for keeping the premises from having growths of weeds or grasses in excess of twelve inches in the Township and to prevent bushes, trees or shrubs from extending over the sidewalk, if any, adjacent to such premises.

41.03 Cutting or trimming.

It shall be the duty of the owner and occupant of every premises or vacant land within a Designated Area to cut and remove or destroy by lawful means all such weeds or grass, and to trim bushes, trees and shrubs as often as may be necessary to comply with Sections 41.01 and 41.02.

41.04 Notice to remedy prohibited conditions.

Upon the discovery of a prohibited condition existing as set out in Sections 41.01 and 41.02, the Township Supervisor, or his or her designee, shall notify the owner of the property as shown on the tax rolls of such condition and require that it be remedied within ten days. Such notice shall be given in person or by certified U.S. mail, addressed to the

last known address of the owner as shown on the tax rolls and shall advise such owner that unless corrected, an agent of the Township may enter upon the owner's property and destroy the weeds or grasses in excess of twelve inches by cutting. Alternatively, the Township may publish a notice in a newspaper of general circulation in the Township during the month of March that grasses in excess of twelve inches or weeds not cut by May 1 of that year may be cut by the Township, and the owner of the property charged with the cost. The notice shall state that the Township may enter the property of anyone determined to be in violation of Sections 41.01 and 41.02 to cut the grass or weeds and charge the cost thereof to the owners of the property and place a lien on the property for such costs, which lien may be enforced in accordance with the laws of this state providing for the enforcement of tax liens. The Supervisor or his designee shall notify the Township Treasurer by October 1 of each year of those parcels against whom the lien for costs remains unpaid and thereafter the Treasurer shall add such costs to the winter tax bill for the delinquent parcel. The Township may cut grass or weeds that are in violation of Section 41.01 or 41.02 as many times as is necessary and charge the cost to the property owner.

41.05 Remediating condition at expense of property owner.

If the owner fails to remedy the condition after notice as described in Section 41.04, the Township Supervisor, or his or her designee, shall thereupon remedy the condition or abate the nuisance or cause such to be done by Township personnel or private contractor. The Township shall bill the owner at the address for the property listed on the tax rolls of the Township for the actual cost of remedying the prohibited condition plus 50 percent (50%) for inspection and overhead and other additional costs in connection therewith. If the owner fails to pay such amount in full within 30 days, a late fee equal to ten percent of the bill shall be imposed and thereafter the full unpaid amount shall become a lien against the property and shall be collected in the same manner as taxes. Levying or collecting such costs shall not relieve any person offending against this Chapter from the penalty prescribed for violation of the Code in Chapter 61 of the Code.

41.06 Designated Areas

This Chapter 41 of the Code shall apply to all premises located in whole or in part in the following designated areas:

- A. Oak Hill Area. All that area bounded generally by Merkey Road lying east of US-31, as extended along the north line of the Township, on the north; by Filer City Road on the east; by 28th Street on the south (both sides); and by US-31 on the west; including both sides of the following additional streets: Prospect, 21st Street, Madison Street (both segments), and Nelson Street north of Madison Street.
- B. Filer City Area. All that area bounded generally by Falleen Street, east of Filer City Road, on the north; Sheridan, Mee and Grant Streets on the north and east; Warren Street along the south; Sherman Street between Warren and Hilty Street, Hilty Street west of Sherman to Sheridan Street, Sheridan Street to Avenue F, Avenue F to Avenue B, Avenue B to Filer Avenue, Filer Avenue to Staunton, Staunton to Avenue E, Avenue

E to Avenue A, Avenue A to Mee Street and Mee Street to Filer City Road, thence along Filer City Road to Falleen Street, along the south and west.

- C. Maple Street Area. Both sides of Maple Street lying between 12th Street on the north Merkey Road on the south, also the south side of 12th Street, both sides of 13th, 14th, 15th, 16th, 17th and 18th Streets, and Lexington Street.

41.07 Municipal civil infraction.

In addition to any other penalty or sanction imposed in this Chapter, a violation of this Chapter shall also constitute a municipal civil infraction subject to the penalties provided in Chapter 61 of the Code.

Section 2. Repealer. All ordinances or parts of ordinance in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. Effective Date. This ordinance shall be effective twenty (20) days following its introduction, adoption and publication as required by law.

THOSE VOTING IN FAVOR: Walker, Ball, Stege, Krus, Kruse, Chycinski

THOSE VOTING AGAINST: None

THOSE ABSENT OR ABSTAINING: Kolanowski (absent)

ORDINANCE DECLARED PASSED

/s/ _____
Shirley Ball, Township Clerk

CERTIFICATION

The undersigned Clerk of the Charter Township of Filer, hereby certifies that the foregoing is a true and correct copy of an ordinance adopted by the Township Board at a regular meeting thereof held on the 7th day of January, 2020, at which a quorum of the Board was present and which was duly noticed, called and held in accordance with the Open Meetings Act.

/s/ _____
Shirley Ball, Township Clerk