

**GAINES TOWNSHIP
ORDINANCE NUMBER 137**

GAINES TOWNSHIP NOXIOUS WEED ORDINANCE

An ordinance to rescind Ordinance No. 86 and to adopt a new ordinance regulating noxious weeds in the Township.

THE GAINES TOWNSHIP BOARD HEREBY ORDAINS:

Section 1. Weed growth prohibited.

An owner, agent, or occupant of premises shall not permit or maintain on any such premises any growth of noxious weeds; nor any growth of grass or other rank vegetation to a greater height than six inches on the average; nor any accumulation of dead weeds, grass or brush on any lot less than one acre in size. On improved lots in excess of one acre in size, an owner, agent, or occupant shall not permit or allow, any growth of noxious weeds; nor any growth of grass or other rank vegetation to a greater height than six inches on the average; nor any accumulation of dead weeds, grass or brush. This ordinance does not apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley, or rye.

Section 2. Definition of Noxious Weeds.

Noxious weeds are defined as Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot, (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* 1.) poison ivy (*rhus toxicodendron*) and poison sumac (*toxicodendron vernix*).

Section 3. Duty of Owner, Agent or Occupant.

It shall be the duty of the owner, agent or occupant of any premises within the Township to cut and remove or destroy by lawful means all such noxious weeds and grass as often as may be necessary to comply with the provisions of this ordinance.

Section 4. Action by Township upon failure of owner to comply.

If any person fails to comply with the provisions of this ordinance by the specified time, the Township Supervisor or his designee shall enter upon the land and cut the prohibited grasses and/or destroy the noxious weeds. The Supervisor or his designee shall keep an accurate account of all expense incurred with respect to each parcel of land entered upon in carrying out the provisions of this ordinance and shall make a sworn statement of the account and present it to the Township Treasurer.

Section 5. Collection of costs from owner.

Expenses incurred in the destruction shall be paid by the owner of the land and the Township shall have a lien against the land for the amount of the expense. The Township shall collect the lien pursuant to Ordinance No. 74, the Township Municipal Civil Infraction Ordinance.

Section 6. Violations.

A violation of the provisions of this ordinance shall constitute a municipal civil infraction subject to the provisions of Ordinance No. 74.

Section 7. Notice of Requirements.

- (1) The Township clerk shall publish a notice in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year or as often as required by this ordinance may be cut or destroyed by the Township and the owner of the property charged with the costs. The notice shall describe methods of treating and eradicating the noxious weeds and a summary of the provisions of this ordinance.

Section 8. Repeal of Ordinance No. 86.

Ordinance No. 86 is hereby repealed in its entirety.

Section 9. Effective Date.

This Ordinance shall take effect 30 days after publication.

At a regular meeting of the Board of Trustees for the Township of Gaines held on April 4, 2018, **Lee Purdy** moved for adoption of the foregoing ordinance and **Diane Hyrman** supported the motion.

Voting for: **Michael Dowler, Diane Hyrman, Matthew Moros, Lee Purdy, and Paul Fortino**

Voting against: **None**

The Supervisor declared the ordinance **adopted**.



Paul Fortino, Supervisor



Michael Dowler, Township Clerk

Certification

Michael Dowler, Gaines Township Clerk, certifies that the foregoing is a true copy of Ordinance No. 137 (amended) which was enacted by the Board of Trustees of Gaines Township at a regular meeting held on April 4, 2018.



Michael Dowler, Township Clerk