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Gary Wall
Township Supervisor

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**NOTICE REGARDING GRASS AND WEED CUTTING
IN WATERFORD TOWNSHIP
UNDER COVID-19 LOCAL STATE OF EMERGENCY
AND GOVERNOR EXECUTIVE ORDERS**

This Notice as the Township Supervisor is based on the following authority and considerations:

1. My responsibility to see that all laws and ordinances are enforced under MCL 42.10(a).
2. The Township Board's March 23, 2020, Resolution Declaring Coronavirus Local State of Emergency that authorized me to take appropriate measures to respond to, or protect Township citizens, businesses, and personnel from, the declared State of Emergency, including making determinations and taking actions necessary to comply with a Federal, State, or County Order or Directive that is binding on the Township.
3. On March 23, 2020, Governor Whitmer issued her "Stay Home - Stay Safe" Executive Order No. 2020-21, that through April 13, 2020, ordered people living in Michigan to stay home, prohibited in-person work that is not necessary to sustain or protect life, and defined what in-person work was allowed. That Executive Order was replaced and rescinded by the Governor's Executive Order No. 2020-42, effective from April 10, 2020, through April 30, 2020, continuing and clarifying the stay home and in-person work prohibitions.
4. Executive Order Nos. 2020-21 and 2020-42, each recognized workers providing services necessary to maintain and improve the safety, sanitation, and essential operations of a residence as critical infrastructure workers allowed to perform in-person work, but did not identify workers that mow or cut weeds or grass in the examples listed.
5. Under the Emergency Management Act, MCL 30.403(2), the Governor's Executive Order No. 2020-42, has the full force and effect of law enforcement of which is my responsibility.

With us there are no boundaries

6. I am also responsible for enforcement of the following Township Ordinances related to the safety and sanitation of residences in the Township, all of which were in effect before the COVID-19 State of Emergency and Governor's Executive Orders 2020-21 and 2020-42:

A. The Property Maintenance Code adopted in Article V of Chapter 4 of the Township Ordinance Code, which includes the following sections:

101.2 That its provisions are minimum requirements and standards for premises and structures, sanitation, safety from fire and other hazards, and safe and sanitary maintenance.

101.3 That its intent is to ensure public health, safety, and welfare and that premises comply to provide the minimum level of health and safety.

202 Defines the terms infestation and pest elimination by reference to the control and elimination of insects, rats, rodents, other pests, and their harborages.

301.1 That Chapter 3 establishes minimum conditions for maintenance of exterior property.

302.1 Premises standards are to require maintenance in a clean, safe, and sanitary condition.

302.2 Premises to be maintained to prevent accumulation of stagnant water.

302.4 Premises to be maintained free from weeds and plant growth in excess of 8 inches.

309.1 Structures to be free of insect and rodent infestation and reinfestation.

507.1 Proper storm drainage to avoid standing water which creates insect breeding ground.

B. The Rodent and Pest Control Ordinance in Article IV of the Health and Sanitation Chapter 9 of the Township Ordinance Code, which includes the following sections:

9-132 Purpose to supplement Property Maintenance Code to prevent rodent harborage and insect infestations.

9-141 Owners and occupants to take all actions necessary to prevent a premises from being a home or harborage for rodents.

C. The Vegetation Control Ordinance in Article V of the Health and Sanitation Chapter 9 of the Township Ordinance Code, which includes the following sections:

9-172 Purpose to define and prohibit dangerous and nuisance growth of vegetation.

9-173 Defines uncontrolled growth of vegetation as greater than 8 inches.

9-182 Properties to be maintained free of noxious weeds at any height, and uncontrolled growth (greater than 8 inches) of other weeds and grasses.

7. Many properties in the Township with residences on them maintain those properties in compliance with the Township Ordinances by relying on the services of contractors to mow or cut weeds or grass.

8. Although it is not binding on the State of Michigan or other governmental entity with authority to enforce Executive Order No. 2020-42, it is my determination that workers of a contractor providing the mowing or cutting of weeds or grass on a property containing one or more residences as necessary to comply with the Township Ordinances identified in this Notice would be critical infrastructure workers under Section 8 of that Executive Order.

9. The State Attorney General Suggested Practices to local law enforcement authorities under Executive Order No. 2020-21 on investigating and addressing possible violations will be followed by the Township Police Department for Executive Order No. 2020-42 in the following manner:

A. For weed and grass cutting I have determined to be by critical infrastructure workers, the Department may still take, investigate, and address complaints, including for possible violations of the social distancing practices and measures in Section 10 of the Executive Order.

B. For weed and grass cutting I have determined to be by critical infrastructure workers, the Department shall not issue citations but may prepare reports for presentation to an appropriate prosecuting official for review.

10. This Notice and the determination made only applies to weed and grass cutting necessary to complying with the identified Township Ordinances. Workers performing any other services will not be considered as critical infrastructure workers.

11. This Notice reflects how I have determined to enforce the Governor's Executive Order No. 2020-42 and identified Township Ordinances in a manner consistent with one another.

4/16/2020

Date



Gary Wall, Supervisor
Charter Township of Waterford