

Chapter 180

INVASIVE PLANTS

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[HISTORY: Adopted by the Township of Howell 7-14-2020 by Ord. No. O-20-14.¹ Amendments noted where applicable.]

§ 180-1. Purpose.

It is determined that certain types of plants are invasive, difficult to control, and can cause significant damage to property. The purpose of this chapter is to preserve and protect public and private property in the Township from the damaging spread of invasive plants, to protect indigenous and other plant materials from the invasive spread of invasive plants, and to maintain the general welfare of the residents of the Township.

§ 180-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ENFORCING OFFICER — The Township Code Enforcement Officer or his or her designee.

INVASIVE PLANT(S) —

- A. Each of the following: Canadian thistle (*Cirsium arvense*), Eurasian watermilfoil (*Lonicera japonica*), garlic mustard (*Alliaria petiolata*), Japanese knotweed (*Polygonum caspidatum*), Japanese stiltgrass (*Microstegium vimineum*), mile-a-minute (*Polygonum perfoliatum*), purple loosestrife (*Lythrum salicaria*), Russian olive (*Elaeagnus angustifolia*) and water chestnut (*Trapa natans*) and shall include the plant and any cutting, flower, seed, root, other plant part, or cultivar therefrom.
- B. All native and non-native bamboo. "Bamboo" shall mean and include plant species commonly known as "running" (monopodial) or "clumping" (sympodial). This definition shall include but is not limited to the following plant genera:
 - (1) Arundinaria;
 - (2) Bambusa;
 - (3) Chimonobambusa;
 - (4) Dendrocalamus;

1. Editor's Note: This ordinance also superseded former Ch. 180, Invasive Plants, consisting of Art. I, Bamboo, adopted 7-15-2014 by Ord. No. O-14-17.

- (5) Fargesia;
- (6) Phyllostia;
- (7) Pleioblastus;
- (8) Pseudosasa;
- (9) Sasa;
- (10) Sasaella;
- (11) Semiarundinaria.

§ 180-3. Duty to control growth and confine invasive plants.

- A. Howell Township property owners are strongly discouraged from planting any invasive plants whatsoever, including those set forth in § 180-2 above. In the event an invasive plant defined in § 180-2 is planted upon or is currently located upon any property within the Township, the owner and occupant of said property shall jointly and severally be required to confine, at their cost, such species to prevent the encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. Failure to control the spread of an invasive plant beyond the boundaries of the property is a violation of this chapter.
- B. In lieu of confining the species, the property owner or occupant may elect, at their cost, to totally remove the invasive plant from the property and all surrounding affected properties.
- C. Failure to properly confine such invasive plants shall require removal as set forth below. The cost of said removal shall be at the invasive plant property owner's expense.
- D. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Township Inspector or Municipal Judge that the invasive plant which is on his/her property originated on another property.

§ 180-4. Removal.

- A. All places and premises in the Township of Howell shall be subject to inspection by an Enforcing Officer. Such inspection shall be made if the Township, by virtue of a complaint being made, visual observation by the Enforcing Officer, or otherwise, has reason to believe that any section of this chapter is being violated. If the Enforcing Officer, after inspection, determines that there is an encroachment or invasion of an invasive plant on any adjoining/neighborly private or public property or public right-of-way (hereinafter, "the affected property"), the Township shall serve notice to the invasive plant property owner, in writing, that the invasive plant has invaded other private or public property(ies) or public right(s)-of-way and demand the removal of the invasive plant from the affected property, and demand approved confinement of the invasive plant on the owner's property to ensure against future encroachment.
- B. In lieu of approved confinement of the invasive plant on the owner's property, the invasive plant owner may also totally remove the invasive plant from both the affected property and the property owner's property.
- C. Notice under § 180-4 shall be provided to the invasive plant property owner, as well as to the owner of the affected property (both as appear in the official records of the Township Tax Assessor), by

certified, return receipt requested mail and regular mail.

- D. Within 45 days of receipt of such notice, the invasive plant property owner shall submit to the Enforcing Officer, with a copy to the owner of the affected property, a plan for the removal of the invasive plant from the affected property, which plan shall include restoration of the affected property after removal of the invasive Plant. The plan shall also indicate whether the invasive plant will be confined on the owner's property or removed. Within 120 days of receipt of approval of the plan of removal and restoration, the removal and restoration of the affected property and the owner's property shall be completed to the satisfaction of the Township.
- E. The cost of removal or containment shall be at the at the invasive plant property owner's expense.

§ 180-5. Violations and penalties, remedies; lien.

- A. If the invasive plant property owner does not accomplish the removal of the invasive plant from such other private or public property or public right-of-way in accordance herewith, the Township Inspector shall cause a citation to be issued and penalties to be imposed in accordance with Article II, § 1-4, Violations and penalties, for each day the violation continues.
- B. The Township may also institute civil proceedings for injunctive or civil relief.
- C. In addition to the recourse set forth in Subsections A and B above, if the invasive plant property owner does not accomplish the removal of the invasive plant from public property or a public right-of-way in accordance herewith, the Township, at its option and discretion, may remove the invasive plant, certify the costs of removal and impose a lien on the owner's property.
- D. Nothing herein shall be interpreted as limiting the rights of a private property owner to seek civil relief through a court of proper jurisdiction, nor the institution of civil proceedings against the invasive plant property owner and/or other responsible private parties.