

Phragmites Ordinance Procedures

This procedural outline is intended to provide the township with a step-by-step process for administering the Phragmites ordinance. Each step of the process will reference a section of the ordinance that serves as the basis for the action.

- I. Each year the township board must decide whether it desires to pursue Phragmites treatment for that year. At this same meeting the township board should decide how the costs for the Phragmites treatment (DEQ application fees and treatment costs) will be paid. (Sections 4, 7, and 8)
 - A. If the township board decides it does not desire to pursue Phragmites treatment for that year, the entire process ends.
 - B. If the township board decides it does desire to pursue Phragmites treatment for that year, then the procedural checklist would continue.
- II. The Phragmites administrator must conduct an inspection of all Lake Michigan shoreline property in the township for the purpose of identifying the parcels on which Phragmites infestation is present. (Section 4) The inspection can take place from two different vantage points.
 - A. If the inspection is conducted from a public highway or other public property, there is no need for the consent of the property owners.
 - B. If the inspection is to be conducted on private property, then the Phragmites administrator must have one of the following documents authorizing entry onto that private property.
 1. A written consent signed by the owner of the private property granting authority to enter the property for the purpose of conducting the Phragmites inspection.
 2. An administrative search warrant issued by a court (typically the District Court) authorizing entry onto the property for the purpose of conducting the Phragmites inspection.
- III. Once the Phragmites inspection is completed, the Phragmites administrator must prepare a written report identifying the parcels on which he or she has concluded a Phragmites infestation is present. This written report must be submitted to the township board. (Section 4)
- IV. When the township board receives the written report from the Phragmites administrator the township board must schedule a public hearing. The purpose of the public hearing is to give property owners an opportunity to show cause

why their property should not be included in the Phragmites eradication zone. The following notices must be given prior to the public hearing. (Section 5)

- A. A written notice of the public hearing specifying the time, date, and place of the hearing and stating that the parcel has been tentatively identified for inclusion in the Phragmites eradication zone must be sent by first-class mail to the owners of the property. The township assessment rolls should be used for the mailing addresses. This notice must be given no less than 30 days before the public hearing. The Phragmites administrator, or the person sending the notices, should prepare an affidavit listing the names and addresses where the notices were mailed.
- B. A written notice of the public hearing specifying the time, date, and place of the hearing and listing the property identification numbers of the parcels tentatively identified for inclusion in the Phragmites eradication zone must be published in a local newspaper **twice**. The first publication must be no less than 30 days before the public hearing. The second publication can be anytime within the month preceding the public hearing.
- V. At the public hearing the township board must decide the final list of property to be included in the Phragmites eradication zone. The township board is required to exclude a parcel tentatively identified by the Phragmites administrator if the township board finds that due to the isolation of the parcel in relation to other parcels, the minor nature of the Phragmites infestation on the parcel, or other factors the exclusion of the parcel from the Phragmites eradication zone would not have a significantly detrimental impact on the effectiveness of the treatment. The decision by the township board concerning the property to be included in the Phragmites eradication zone should be by resolution listing the parcels to be included by their owner(s) and property identification numbers. (Section 6)
- VI. After the final listing of parcels to include in the Phragmites eradication zone, the Phragmites administrator must apply to the DEQ for a permit authorizing the treatment on the parcels included in the eradication zone. Any application fees to the DEQ must be paid as determined by the township board. (Section 7)
- VII. After the DEQ issues the permit for the Phragmites treatment, the township must contract with a professional authorized to do the treatment. It would be permissible to enter into the treatment contract before the DEQ permit is issued, provided the contract has a contingency provision that states the contract is not effective unless the DEQ permit is actually issued. (Section 8)
- VIII. Once the contract is signed, the treatment can proceed as authorized by the DEQ permit.