

Part 141

141.000 NOXIOUS WEEDS

Ord. No. 119

Adopted: March 17, 2020

AN ORDINANCE to regulate the removal of noxious weeds from lands within the Township in compliance with Act 359, Public Acts of 1941, as amended, and repealing any and all Ordinances and/or Resolutions in conflict therewith.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF IRA, ST. CLAIR COUNTY, MICHIGAN, ORDAINS:

141.001 POWER OF TOWNSHIP TO DECLARE CERTAIN PLANTS/VEGETATION INJURIOUS.

Sec. 1. The Township is empowered to designate and declare certain varieties and species of plants and vegetation as injurious on the basis that such species or varieties are actually or potentially injurious to the public health.

141.002 DEFINITIONS.

Sec. 2. The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Land means and includes any and all land within the Township of Ira. For the purposes of this Ordinance, active farmland and regulated wetlands shall be exempt from the provisions of this Ordinance.

Noxious Weeds means and shall 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*), ragweed (*Ambrosia elatior* 1) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), non-native invasive phragmites (*Australis*) or other plant which in the opinion of the Township Board is regarded as a common nuisance.

Owner, agent or occupant means a titleholder, whether or not of record, a land contract purchaser, a lessee, a licensee, an adverse possessor or one entitled to use or possess the land by easement, written agreement or otherwise.

Vacant land means and shall include all subdivided land listed as vacant on the Township tax rolls.

141.003 ALLOWING GROWTH OF WEEDS; UNLAWFUL.

Sec. 3. It shall be unlawful for the owner, agent or occupant of any lot, place, area or parcel of land either public or private, within the Township to allow or maintain on such land, noxious weed growth. Further, it shall be unlawful for the owner, agent or occupant of any land to allow or permit noxious weed growth within sixty (60) feet of any structure or storage area. The owner, agent or occupant shall keep the land free of all noxious weeds,

destroy any such weeds before they reach a seed-bearing stage and prevent such weeds from perpetuating themselves or becoming a detriment to the public health.

141.004 HEIGHT LIMITATIONS; DISTANCE FROM BUILDING.

Sec. 4. It shall be unlawful for the owner, agent or occupant of any land, either public or private, within the Township to allow or permit grass or noxious weeds of any kind to grow upon any such land to a height of more than ten (10) inches from the ground. It shall be unlawful for the owner, agent or occupancy of any land to allow or permit noxious weeds of any kind to grow upon any such land within a distance of sixty (60) feet from any existing building on the property of another. It shall be unlawful to permit the growth of shrubs, wild bushes or brush on any property in the Township to a height or density which might constitute a traffic or fire hazard. The obligation of the owner, agent or occupant of any land in the Township to cut, remove or destroy any grass, weeds, shrubs, bushes or brush shall extend to the center of the road frontage on the property of such owner, agent or occupant.

141.005 WEED COMMISSIONER.

Sec. 5.

- (a) *Appointment.* Pursuant to authority granted by Act No. 359 of the Public Acts of Michigan of 1941 (MCL 247.61 et seq., MSA 9.631(1) et seq.), as amended, there is hereby created the Office of the Township Commissioner of Noxious Weeds. The Township Board shall by resolution appoint a competent person to act in such capacity who shall take the oath required of Township officers and shall hold office for a term of two (2) years and until a successor is appointed and qualified, and he/she shall receive for his/her compensation such sum as may be fixed by the Township Board.
- (b) *Removal.* The Township Board may, after notice, hearing and good cause shown, remove such commissioner from office and appoint his/her successor to serve the remaining portion of his/her term.
- (c) *Duties.* The Commissioner of Noxious Weeds shall diligently inquire concerning the introduction and existence of noxious weeds in the Township. If any are found growing therein upon any land, he/she shall take charge of all such growing and take care that they do not go to seed or otherwise spread or become a detriment to the public health. He/she shall carefully seek and learn, so far as practicable, the best methods of their destruction, and shall persistently apply in proper time such remedy or treatment as shall be best calculated to prevent their spread and to eradicate the weeds.

141.006 NOXIOUS WEEDS; REMOVAL BY TOWNSHIP.

Sec. 6.

- (a) In the event the owner, agent or occupant of any subdivided land in any subdivision in which buildings have been erected on 60% of the lots included in that subdivision, or the owner, agent or occupant of lots along an improved street in common usage, has failed, after notice as provided herein, to destroy the noxious weeds, then the enforcement officer, weed commissioner or other person appointed by resolution by the Township Board shall enter upon the premises in order to cut, remove or destroy such weeds, for a depth of 165 feet or the depth of the lot, whichever is the lesser.
- (b) Specific authority is granted to the enforcement officer or any other person appointed by the Township Board to enter upon any premises in the Township after May 1 of each year to cut or otherwise remove any grass or noxious weeds as defined herein.

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- (c) Any and all charges necessary to carry out the provisions of this Ordinance may be established by resolution of the Township Board of Trustees. Such resolution shall be posted in the office of the Township Clerk and on the Township's website within seven days of the adoption by the Board.
 - (d) Where grass or noxious weeds are sought to be removed by the Township from occupied, improved land, prior to entry upon the premises by the Township, one written notice shall be sent by regular mail to the property owner at the address listed on the Township tax rolls. The notice shall include a demand to remove or destroy the noxious weeds or grass present on the property within five days after receipt of such notice and the failure to perform such work in the time stated shall result in entry upon the premises by the enforcement officer or other persons so appointed by the Township Board to perform such work charging the cost thereof to the property owner. Subsequent to the notice being sent to the property owner, as set forth on the Township tax rolls, the Township may cut the weeds and/or grasses as many times as necessary and charge the cost to the property owner.
 - (e) Where grass and/or weeds are cut or removed by the Township in the manner set forth in subsections (a)—(d) of this section, and charged to the property owner in such a manner as set forth in this section, such fees shall be adopted by resolution of the Township Board. Performance of such work by the Township under this section shall not relieve the property owner of the prosecution or penalties prescribed in section of this Ordinance.
 - (f) The Commissioner of Noxious Weeds shall publish a notice in a newspaper of general circulation in the Township, the county and on the township website during the month of March that noxious weeds not cut by May 1 of that year will be cut by the Township and the owner of the property will be charged with the cost.

(Ord. No. 142, § 1, 10-7-2024)

141.007 LIEN RIGHTS.

Sec. 7. The Township shall have immediately, upon removal, a lien for the expenses and costs and for the administration be upon the lot or parcel of land which such weeds have been removed. If the charges are not paid within thirty (30) days, the amount charged shall be assessed as a lien against such land and enforced in the manner prescribed by the general laws of the State of Michigan for the enforcement of tax liens.

141.008 VIOLATION; PENALTY.

Sec. 8. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof be subject to a fine of \$100 and/or ninety (90) days in jail. Each day that such violation occurs shall constitute a separate offense.

141.009 REPEAL OF CONFLICTING PROVISIONS.

Sec. 9. All resolutions, ordinances or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

141.010 SEVERABILITY.

Sec. 10. If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

141.011 PUBLICATION.

Sec. 11. A true copy or summary of this Ordinance shall be published in full in a newspaper of general circulation in the Township of Ira within fifteen (15) days after its adoption.

141.012 EFFECTIVE DATE.

Sec. 12. This Ordinance shall take effect thirty (30) days from and after publication of a true copy in a newspaper circulating within the Township of Ira, as provided by Section 11.