

STATE OF MICHIGAN
COUNTY OF BERRIEN

TOWNSHIP OF NILES

NOXIOUS WEEDS ORDINANCE

AN ORDINANCE TO PRESCRIBE THE HEIGHT OF GRASSES, NOXIOUS WEEDS, AND UNCULTIVATED VEGETATION ON PROPERTIES LOCATED WITHIN NILES TOWNSHIP; TO SET FORTH DUTY OF LAND OWNER TO DESTROY NOXIOUS WEEDS, CUT GRASSES, ETC.; TO ESTABLISH RECOVERY OF COSTS BY NILES TOWNSHIP AND ALLOW LIEN ON PROPERTY; TO ESTABLISH REFUSAL AS CIVIL INFRACTION AND SET FORTH PENALTY THEREFOR.

THE TOWNSHIP OF NILES, BERRIEN COUNTY, MICHIGAN ORDAINS:

SECTION 1. TITLE.

This ordinance shall be known and cited as the Niles Township Noxious Weeds Ordinance.

SECTION 2. STATEMENT OF DETERMINATION.

A. The Niles Township Board determines that the growths of certain noxious weeds constitute public nuisances and are detrimental to the public health and general welfare, and that the control, eradication and removal thereof by ordinance is required.

B. The Township Board further determines that the public health and general welfare require that the height of grasses and uncultivated vegetation on improved properties be prescribed in that the unregulated height of such growths constitutes a fire hazard and/or conceals rubbish or trash which provide harborage for rodents or other pests.

SECTION 3. DEFINITIONS.

Unless it appears from the context that a different meaning is intended, the following words shall have the meaning given them by this section:

Grasses and uncultivated vegetation shall mean all grasses, annual plants and vegetation except trees, shrubs, bushes, wildflowers, cultivated flowers, ground cover plants, or gardens.

Improved property shall mean a lot located within a recorded plat or any other property, whether residential, commercial, or business, or industrial, on which a building, structure or other improvement is present; or a lot which is adjacent to any lot on which a building, structure, or other improvement is present. Any lawn consisting principally of grass which abuts a residence, a place of business or commerce, or an industry on a platted lot or property shall constitute an improvement.

Noxious weeds shall mean Canada thistle (*Cirsium arvense*) or other thistle, 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 vernis*), pigweed, duckweed and milkweed.

SECTION 4. DUTY OF OWNER OR OCCUPANT OF LAND TO DESTROY NOXIOUS WEEDS AND TO CUT GRASSES, ETC; WORK PERFORMED BY TOWNSHIP; COST RECOVERY; LIEN.

A. It shall be the duty of the owner or occupant of land:

1. On which noxious weeds are found to destroy said weeds before they reach a seed bearing stage and prevent their regrowth; and

2. To cut grasses and uncultivated vegetation on improved property with such frequency as shall be necessary to prevent said growths from exceeding a height to ten (10) inches.

B. If the owner or occupant of land neglects, fails or refuses to destroy noxious weeds or cause them to be destroyed, or neglects, fails or refuses to cut or cause to be cut as necessary grasses and uncultivated vegetation on improved property so as to prevent the height of said growths from exceeding a height of ten (10) inches, then any duly authorized official, inspector, or other agent of the Township, or any independent contractor engaged by the Township to perform such work, may enter upon the property and destroy any noxious weeds by cutting or other lawful means, or to cut grasses and uncultivated vegetation on any improved property, with or without mechanical equipment.

C. The owner, agent or occupant of such lot, or lots, shall be liable for all costs incurred by the Township in connection with such cutting and destruction, with a minimum cost or charge of twenty-five (\$25.00) dollars per lot. From the time of the commencement of the cutting and destruction of such noxious weeds, the Township shall have a lien upon the lot, and, in the event the charges involved are not paid by the owner, agent or occupant of said lot within sixty (60) days from the date of billing, said person by registered or certified mail, return receipt requested, payment shall be deemed delinquent and said lien enforceable as a tax lien as is provided by law against the lot to be charged and collected as in the case of general property tax against the lot, or lots, in question. In the alternative,

the Township may recover the costs and expenses of said work by such other means as may be provided by law.

SECTION 5. NOTICE TO OWNER/OCCUPANT OF PROPERTY; NEWSPAPER PUBLICATION.

A. In the year 1999, an owner or occupant of land who neglects, fails or refuses after ten (10) days notice to:

(1) Destroy noxious weeds or cause the same to be destroyed; or

(2) To cut or cause to be cut grasses and uncultivated vegetation on an improved property shall be liable for the costs and expenses incurred by the Township as prescribed in Section 4, B and C. Prior notice to perform such work in the calendar year 1999 shall be made to an owner or occupant of property by the Township in writing and shall be made by personal service by an authorized agent of the Township, or by certified mail with return receipt requested, and the ten-day period shall commence on the date of personal service or on the date of mailing by certified mail. The notice shall describe methods of cutting, destroying, eradicating or otherwise removing noxious weeds, and summaries of the provisions pertaining to noxious weeds, and to the height limitation of grasses and uncultivated vegetation on an improved property, and shall inform the owner or occupant that noxious weeds must be cut, destroyed, eradicated or removed and/or that grasses and uncultivated vegetation on an improved property must be cut no to exceed ten (10) inches in height within ten (10) days. The failure to give such notice shall not constitute a defense to any action to enforce the recovery of costs and expenses incurred by the Township for performing such work or void any lien imposed as security for the collection of said costs and expenses in favor of the Township provided for in this article.

B. In years subsequent to the year 1999, the Township Clerk shall publish a notice in a newspaper of general circulation in the county during the month of March of each year stating that noxious weeds and grasses not cut by May 1 may be cut by the Township, and that the owner or the occupant of the property shall be charged with all costs and expenses thus incurred. Each publication shall also contain all other information required of the notice provided for in subsection A of this section.

SECTION 6. FREQUENCY OF CUTTING BY TOWNSHIP.

The Township may cut noxious weeds and/or grasses and uncultivated vegetation on an improved property as many times as is necessary and charge the costs and expenses thus incurred to the property owner or occupant, In the event of the neglect, failure or refusal of the owner or occupant to pay said costs and expenses, the security for payment prescribed in Section 4, C shall apply.

SECTION 7. REFUSAL OF OWNER OR OCCUPANT TO DESTROY NOXIOUS WEEDS OR TO CUT WEEDS OR TO CUT GRASSES AND UNCULTIVATED VEGETATION ON AN IMPROVED PROPERTY; PENALTY.

The refusal of any owner or occupant of property to cut, destroy, eradicate or remove noxious weeds as provided herein, or to maintain a maximum height of ten (10) inches of grasses and uncultivated vegetation on an improved property, shall constitute a civil infraction, and shall be subject to a penalty of not more than one hundred dollars (\$100.00) which when collected shall become a part of the "noxious weed/growth control fund" of the township.

SECTION 8. ENFORCEMENT.

The enforcement of the within article shall be performed by such person or persons as the Township Supervisor shall designate.

SECTION 9. REPEAL.

All previous Noxious Weed Ordinances in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after publication following its adoption.

SECTION 11. PUBLICATION.

This Ordinance is ordered to be given publication in the manner prescribed by law.

SECTION 12. ADOPTION.

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Niles, Berrien County, Michigan, at a meeting held on the 2nd day of August, A.D., 1999.

MOTION TO ADOPT ORDINANCE

Moved by Myers and supported by Jones that the foregoing ordinance be adopted.

Vote:

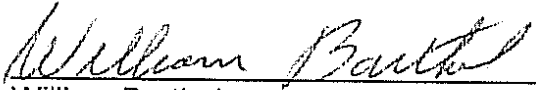
Ayes: Myer, Barthel, Ringle, Tonkin, Noble, Jones, Durm-Hiatt

Nays: None

Ordinance declared adopted August 2, 1999.

CERTIFICATION

I hereby certify that the foregoing is a true copy of an ordinance entitled "Noxious Weed Ordinance", which ordinance was duly adopted by the Township Board of Niles Township, Berrien County, Michigan, on August 2, 1999, and which ordinance was published in the Niles Daily Star on August 7, 1999.



William Barthel
Township Clerk