

CHARTER TOWNSHIP OF MONITOR
BAY COUNTY, MICHIGAN

ORDINANCE NO. 57

AN ORDINANCE TO SECURE THE PUBLIC HEALTH SAFETY AND WELFARE OF THE RESIDENTS OF THE CHARTER TOWNSHIP OF MONITOR BY THE CONTROL AND REGULATION OF CERTAIN NOXIOUS WEEDS FOUND IN CERTAIN PLATTED SUBDIVISIONS AND UPON LANDS ALONG IMPROVED STREETS AND TO PROVIDE FOR THE RECOUPMENT OF ALL EXPENSES INCURRED BY THE TOWNSHIP TO ERADICATE SUCH NOXIOUS WEEDS, AND, TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

THE CHARTER TOWNSHIP OF MONITOR ORDAINS:

SECTION I.
TITLE

This Ordinance shall be known and cited as the Monitor Township Weed Ordinance.

SECTION II.
DEFINITIONS

For purpose of this Ordinance, the terms "weeds" and "noxious weeds" shall include: Canada Thistle, (Circium 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 l.) and poison ivy (rhus toxicodendron), poison sumac (toxicodendron vernix) or other plant which in the opinion of the Monitor Township Board, coming under the provisions of this Ordinance is regarded as a common nuisance.

SECTION III.
DUTIES AND REGULATIONS

- A. It shall be the duty of all owners of land on which noxious weeds are found growing, either:
 - 1) within platted subdivisions in which buildings have been erected upon sixty percent (60%) or more of the lots included in that subdivision, or,
 - 2) on parcels of land along all improved streets to a depth of one hundred sixty (160) feet or the depth of the ownership, whichever is less,

to destroy said weeds before they reach a seed-bearing stage, and to prevent such weeds from propagating themselves, or to prevent such weeds becoming a detriment to public health.

- B. Nothing in this Ordinance shall apply to weeds in fields where growing crops are located. Further, nothing in this ordinance shall apply to any land enrolled in the Conservation Reserve Program (CRP), including but not limited to the Conservation Reserve Enhancement Program (CREP) administered by the United States Department of Agriculture.

SECTION IV.
NOTICE

- A. The Township shall notify the owner, agent or occupant of any such lands on which noxious weeds are found growing of the duty to eradicate such weeds.
- B. The Notice may contain methods of treating and eradicating such noxious weeds, and shall contain a summary of this Ordinance No. 57, including notification that failure to eradicate said noxious weeds within ten (10) days from the date of said Notice may result in the Township's entering upon the property to destroy said weeds at the homeowner's expense.
- C. (1) The Notice shall be sent by first class regular mail and certified mail addressed to the owner, agent or occupant of the land on which noxious weeds are found growing.

(2) In lieu of mailing notice by first class regular mail and certified mail, Notice may be posted upon any building or structure located on the property where noxious weeds are found growing, and, by mailing such Notice by first class regular mail.

(3) In lieu of Notice as provided in subsections (1) and (2) above, the Township may publish a notice in a newspaper of general circulation within the Township that weeds not cut by June 1, of that year, will be cut by the Township on or about June 1 and again on or about August 1 of that year, and that the owner of the property will be responsible for all expenses incurred by the Township.
- D. Failure to provide such Notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided, or, excuse the payment of the cost of the eradication of such noxious weeds as provided by this Ordinance.

SECTION V.
EXPENSES

- A. All expenses incurred by the Township for the destruction of noxious weeds shall be born by the owner or owners of such lands.
- B. Expenses shall include all labor and material costs, and shall further include all overhead and profit in the event the Township shall elect to award a noxious weed eradication contract to a private entity, or hire a Township Weed Administrator.
- C. In the calculation of expenses the Township may include its cost of eradicating noxious weeds upon properties subsequently sold at tax sale thereby eliminating the Township's ability to enforce collection of its lien.
- D. A schedule of costs and expenses may be established, and from time to time amended, by Resolution of the Township Board.

SECTION VI.
ENFORCEMENT

- A. Any violation of this Ordinance shall be deemed a Municipal Civil Infraction and subject the violator to a civil fine not to exceed the sum of Five Hundred (\$500.00) Dollars, and the payment of damages, expenses and costs as provided by the terms of Ordinance No. 53.
- B. (1) In addition to, or in lieu of, charging the property owner with a Municipal Civil Infraction, the Township may enter upon lands where noxious weeds, as set forth in Section II, are found to be in violation of the terms of this Ordinance and destroy such weeds or cause them to be destroyed at the owner's expense.

(2) The Township may cause the destruction of such noxious weeds by cutting with or without mechanical equipment.

(3) In the event the Township shall elect to enter upon the property to eradicate said weeds, it shall have a lien upon such property for the collection of such expenses as set forth in Section V.

SECTION VII.
REPEALED

Ordinance No. 7 and all amendments thereto are hereby Repealed.

SECTION VIII.
PUBLICATION AND EFFECTIVE DATE

This Ordinance shall, upon adoption, be published in a newspaper circulated within the Charter Township of Monitor, Bay County, Michigan, and shall take effect immediately upon publication.

THE CHARTER TOWNSHIP OF MONITOR

BY: _____
GARY A. BRANDT, Supervisor

BY: _____
CINDY L. KOWALSKI, Clerk

Date of 1st Reading:
August 28, 2008

Date of 2nd Reading:
September 8, 2008

Date of Publication and
Effective Date:
September 11, 2008