

TOWNSHIP OF RAY
COUNTY OF MACOMB
ORDINANCE NO. 73

RAY TOWNSHIP NOXIOUS WEED ORDINANCE

Title

An Ordinance securing the public health, safety and general welfare of the residents and property owners of Ray Township by the eradication of noxious weeds, appointment of a noxious weed commissioner, provisions for notice regarding a duty to eradicate noxious weeds and the penalties for failing to comply; providing for the cutting of the weeds by the Township and the recovery of costs for same, and repealing any and all ordinances and resolutions in conflict with this Ordinance.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF RAY, MACOMB COUNTY,
MICHIGAN ORDAINS:

Section 1. Short Title.

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

Section 2. Purpose.

The purpose of this Ordinance is to protect the public health, peace, safety and welfare of the property and persons in Ray Township from the fire hazards, health hazards and blighting effect of the continued presence of noxious weeds in residential areas as well as the desire to preserve a favorable environment in which to raise families and enhance the scenic beauty of the neighborhoods of Ray Township.

Section 3. Enabling Authority.

This Ordinance is adopted in accordance with and pursuant to MCL 247.60, et. seq.

Section 4. Definitions.

For the purpose of construction and application of this Ordinance, the following definitions shall apply:

Noxious Weeds means and shall include Canada thistle, dodders, mustards, ragweed, poison ivy, poison sumac, bindweed, hoary alyssum, perennial sowthistle, and wild carrot.

Residential parcel means any lot, parcel, property or land within the Township containing a structure and classified by the Township Assessor as residential, whether platted or unplatted.

Section 5. Weed Commissioner

Appointment. The office of weed commissioner of noxious weeds is created and the Township Board, by resolution, shall appoint a competent person to act in such capacity. The weed commissioner shall take the oath required of Township officers and shall hold the office for the terms of two (2) years and until his/her successor is appointed and qualified. The weed commissioner shall receive compensation as determined by the Township Board.

Limitation on Authority. The weed commissioner shall not have the power to expend, in work or materials, more than \$25.00 on any one infested residential parcel, without the advice and consent, in writing, of the Ray Township Supervisor.

Removal. The Township Board may, after notice, hearing, and good cause shown, remove the weed commissioner from office and appoint his/her successor to serve the remaining portion of his/her term.

Annual Report. The weed commissioner shall annually, before December 1, make a written report to the Township Board, which report shall contain all pertinent information with reference to the existence, growth and eradication of noxious weeds within Ray Township.

Section 6. Duty of Residential Parcel Owners.

Owners of residential parcels within the Township upon which noxious weeds are found growing shall destroy the weeds before they reach a seed bearing stage and prevent their regrowth, or shall prevent them from becoming a detriment to the public health.

Section 7. Cutting of Weeds by Township.

General Notice. The Township shall publish a notice in a newspaper of general

circulation during the month of March that weeds not cut by May 1 of that year may be cut by the Township and the owner of the property charged with the cost under the provisions of this Ordinance. The notice shall describe methods of treating and eradicating the noxious weeds, state that if the owner fails to eradicate the weeds the Township shall enter upon the land and destroy the weeds with the expenses being the responsibility of the property owner and if unpaid, will be placed upon the tax rolls of the realty. Further, the notice shall state that an owner who refuses to destroy noxious weeds is subject to a fine of not more than \$100.00.

Additional Notice. A postcard shall be sent by regular mail to each residential property owner, as listed on the Township tax rolls, before May 1 of each year if that property was found in violation of this Ordinance the previous year.

Section 8. Fees

Fees to be paid for the eradication, cutting, removal or destruction of weeds upon residential parcels within Ray Township shall be adopted by resolution of the Township Board.

Section 9. Removal.

In the event the owner, agent, or occupant of any residential parcel within Ray Township fails, after notice as provided in this Ordinance, to destroy the noxious weeds, the weed commissioner or agent retained by the Township shall enter upon the realty in order to cut, remove, or destroy the weeds.

Section 10. Costs to be Borne by Property Owner

Any and all costs incurred by the Township in the eradication, cutting, removing, and/or destruction of weeds upon a residential parcel within Ray Township shall be borne by the property owner. If the property owner fails to pay such costs in full within thirty (30) days of a request being mailed, by first class mail, to the individual listed on the Township tax rolls at the address listed on the Township tax rolls, the Township shall place the costs as a lien upon the property. The lien shall be enforced by the manner prescribed by law for the enforcement of construction liens and/or in the same manner as prescribed by law for the enforcement of tax liens.

Section 11. Penalty

Any person who violates any provisions of this Ordinance shall be guilty of a

misdemeanor and upon conviction thereof subject to a fine not to exceed \$100.00. Township action in cutting, removing or destroying weeds upon the residential parcel and assessing the costs against the parcel owner shall not relieve the property owner of the prosecution or penalties prescribed in this section.

Section 12. Exemptions.

Crops. This Ordinance does not apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley or rye.

Railroads. The provisions of this Act relative to entering on property for the cutting of weeds shall not apply to railroads which shall continue to be subject to provisions of MCL 247.71, or any amendments thereto.

Section 13. Appeal.

Any property owner aggrieved by the actions of the weed commissioner has a right to submit a written appeal to the Township Board that specifically states the word "appeal" and identifies the reason or reasons for disagreeing with the actions of the weed commissioner. Within thirty (30) days after receiving a written appeal, the Township Board shall do one of the of the following:

- a. Reverse the decision of the weed commissioner.
- b. Uphold the decision of the weed commissioner.
- c. Reverse in part and uphold in part the decision of the weed commissioner.
- d. Table the matter to a date certain for a specified reason(s).

Section 14. Repeal of Conflicting Provisions.

All Ordinances or parts of Ordinances in conflict herewith are repealed only to the extent necessary to give this Ordinance full force and effect.

Section 15. Severability.

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

3- 16. Publication.

A true copy of this Ordinance or summary shall be published in the Romeo Observer, a newspaper of general circulation in the Township of Ray. A complete copy of the Ordinance is available for inspection by the public at the Township Clerk's office.

3- 17. Effective Date.

This Ordinance shall take effect 30 days from and after the publication of a true copy or summary as provided in Section 16.

CERTIFICATION OF TOWNSHIP CLERK

hereby certify that the attached constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Ray Township, Macomb County, Michigan at a meeting held on the 18th day of November, 2008.

hereby further certify that the following Township Board Members were present at the meeting:

Artman, Zuccola, Harman, Grader, Bohm

and the following Township Board Members were absent:

further certify that Member Artman moved for the adoption of the Ordinance, and that Motion was supported by Member Grader.

further certify that the following Ray Township Board Members voted for the adoption of the Ordinance.

Artman, Grader, Zuccola, Bohm

and that the following Ray Township Board Members voted against adoption of the Ordinance: Harman

Kenneth Artman
Kenneth Artman, Clerk
Ray Township