



CITY OF MONROE

NOXIOUS WEED AND GRASS CUTTING PROCEDURES

For Private Property Enforcement - 2016 Season

BACKGROUND

Consistent with State Law, the City of Monroe, through various past actions of its City Council, has determined that it is necessary for the protection of the public health, safety, and welfare, to facilitate the destruction of noxious weeds and high grasses as from time to time become a blight upon lands within the City. The legal basis for this action is found in Monroe Code Sections C-389 and C-390 (Charter), supported by Chapter 712, "Weeds, Trees, and Refuse", which are both consistent with State of Michigan Public Act 359 of 1941 (Codified in Sections 247.61 through 247.72 of the Michigan Compiled Laws). The texts of these documents are attached for reference. The Department of Public Services, as the enforcing arm of the City with respect to these activities, wishes to delineate the procedures under which enforcement is undertaken through this document, for the information of affected stakeholders.

START OF ENFORCEMENT ACTIVITIES

In accordance with Monroe Code Section 712-5, for the 2015 season, the City Council set **May 2, 2016** as the annual date through the passage of a resolution at their meeting of March 21, 2016, and notice was subsequently published in the Monroe Evening News thirty (30) days prior to the start date as required.

REPORTING ORDINANCE VIOLATIONS

There are multiple mechanisms by which high grass and weed complaints can be forwarded to the Public Services Department for action, including the following:

1. Phone – citizens may contact via phone, 241-6800, 384-9125, or 384-9126, and speak to a Departmental Aide, or leave a message after hours
2. Email – citizens may email the Department at either jamie.weirich@monroemi.gov or tonia.satkowski@monroemi.gov.
3. In Person – citizens may report at City Hall, Department of Engineering and Public Services (first floor) from 8:00 A.M. to 4:30 P.M., Monday through Friday
4. Action Line – complaints may be entered on the City's Action Line at www.monroemi.gov

For all complaints that are received via methods 1, 2, and 3 above, they will be entered into the Action Line for tracking purposes by the Department staff as soon as possible, typically within 24 hours of being received. When the property is associated with a structure, the property address will generally be readily visible to all parties. When the subject property is a vacant lot, City staff shall take the complaint, and shall utilize the City's online GIS (Geographic Information System) program to determine the actual address, and shall include this as well as any other identifying information (i.e., vacant lot north of 123 Main Street, northeast corner of Main and Water) in the Action Line submittal, to ensure that reviewing parties in the field have a clear indication of the property in question. Residents should also feel encouraged to utilize the City's online GIS system to identify properties as well before submission through the Action Line.

INVESTIGATING VIOLATIONS

Once complaints are entered into the Action Line system, they must be reviewed by City representative(s), as may be designated from time to time. At the start of the 2016 season, this has been assigned to the Property Maintenance and Zoning Inspector within the Building Department. Each business day in the early afternoon, the Public Services or Engineering Departmental Aide will run a summary report from the Action Line of all items under the category "Grass and Weeds" that have not been marked as either "Resolved" or "Dismissed" within the system. This list is then provided to the Property Maintenance and Zoning Inspector, who will investigate the complaints to determine whether or not the prevailing height of noxious weeds and grasses exceeds 8 inches. In addition, to ensure enforcement consistency across neighborhoods as well as the entire City, the Property Maintenance and Zoning Inspector or his / her designee is empowered to identify additional properties in the vicinity of those where a complaint has already been raised or at any location in the City, and add those for action as well. If, after investigation, the Property Maintenance and Zoning Inspector or their designee determines that the prevailing height on any property exceeds 8 inches, the property will be turned over to the City's contractor for mowing. If the property in question has been mowed, no further action is taken. If the height is close to, but not yet exceeding 8 inches, the Property Maintenance and Zoning Inspector shall maintain the property on the current list, reviewing each day until it reaches 8 inches or is otherwise mowed. Generally, once notification is provided to the Public Services clerical staff, the Property Maintenance and Zoning Inspector or his / her designee will investigate the site within 24-48 hours.

Once the Property Maintenance and Zoning Inspector has reviewed all properties, the list where enforcement is needed will be sent back to the Departmental Aide. Before they are turned over for mowing to the City's contractor, an entry will be made by a Departmental Aide to the City's Pre-Invoice Status Database to indicate that the property has a lien pending due to mowing. This database is described in further detail later in this policy document. Following this entry, the Departmental Aide will change the status of each within the Action Line to "Resolved", and list the date it was turned over to the Property Maintenance and Zoning Inspector. They can then forward to property to the City's contractor for mowing.

Often, properties with noxious weeds and grasses have additional potential blight violations, and where this is the case, these properties will also be referred to the Building Department by the Action Line system as well.

NOTIFICATION

The most recent amendment to the Monroe Code, Ordinance 08-008, which passed in 2008, removed the requirement that the City must provide direct notice to individual property owners, replacing it with an annual published notice. This is consistent with state law, and represents the minimum requirement contained therein. **Property owners should not expect any direct notification from the City**, and shall be responsible for maintaining their properties free of noxious weeds and grasses throughout the entire season.

ENFORCEMENT ACTION

The City contracts each year with a vendor to provide "as needed" removal of noxious weeds and grasses, under individual contracts for each property. Daily or otherwise as needed, this vendor is provided with a list of all properties in violation of the City ordinance from the Property Maintenance and Zoning Inspector through the Public Services Department clerical staff. Weather permitting, these are addressed as early as the next business day, but not typically later than 48 hours from receipt. Exact mowing specifications will vary from property to property depending on the actual height of the grass, available space, and other hazards present on the property. In general the contractor will attempt to mow down to a height of 3 inches to prevent immediate recurrence, but this may require more extensive initial mowing, including mowing the same area more than once on the same visit. Once the enforcement action is completed, the vendor will invoice the Public Services Department for the work, with the payment made at the next available City Council meeting. "Before" and "after" photographs are taken by the vendor and will be made available for review within 48 hours of request, and will also be submitted monthly to City staff.

CITY INVOICING TO PROPERTY OWNERS

Once the vendor bill has been processed for payment through the Finance Department, the Engineering and Public Services Departmental Aides shall prepare an invoice against the property. The invoice will include the following charges:

- Actual charges reported by the vendor (authorized by C-390 as an actual expense). Properties are grouped into like sizes (less than 0.25 acres, 0.25-0.50 acres, etc.) and are billed at a flat rate on a per lot basis. For properties over 1 acre, or where grass exceeds twelve (12) inches, additional charges will apply.
- 10% administrative mark-up on labor charges (authorized directly by C-390)
- \$20 flat fee charge per property (representing supervisory costs to investigate and review, not specifically stated, but an appropriate representation of the actual costs to staff).

All invoices are due and payable within 30 days, and are not delinquent until this time period has elapsed. Entry of invoices by the Departmental Aides will usually range from 1-4 weeks from the date a particular property was mowed, depending on when the City's mowing contractor invoices the City for the work. Once the invoice has been entered by City staff, it does show up as a linked invoice when property searches are conducted by the City Treasurer's Office, and prior to this time, the property will be listed in the Pre-Invoice Status Database, also linked to the property.

RESEARCHING PENDING / COMPLETED ENFORCEMENT ACTIONS

The City of Monroe has implemented a Pre-Invoice Status Database to provide a centralized source of information to the general public relative to charges that are placed, or will soon be placed, on properties by City Departments that have not necessarily yet been invoiced. In such a fashion, there will at all times be an indication that some sort of action is pending, so that current property owners and potential buyers can determine potential liens by simply contacting the Treasurer's office to research the property. Attached to this policy statement is a two-page description of the functionality of the database, which is used for not only high grass, but other types of enforcement actions as well.

EXEMPTIONS

While the Monroe Code does not provide direct exemptions to the enforcement procedures, there are practical exemptions that do not unduly harm the public health, safety, and welfare if left unabated. Areas clearly not in productive use and isolated from other properties are generally not mowed, except for a perimeter strip of 100-150 feet adjacent to residentially-zoned or used areas upon request. Lands in active cultivation for farming, gardens, etc. are generally thought to be exempt from the provisions of this ordinance by other State legislation, as are designated wetlands, forested areas, etc.

QUESTIONS

Citizen questions regarding the enforcement procedures in general can be routed either to the Building Department (734-384-9186) or the Department of Public Services (734-384-9125). Complaints or questions relating to specific properties that have been remediated under the terms of this policy should be directed to the Building Department (734-384-9186). Questions regarding billing alone may be made through the Department of Public Services (734-384-9125).

POLICY PRIORITY

This policy dated April 8, 2016 supersedes all others and, to the extent that any previous rule, regulation, policy or past practice, written or unwritten, is in conflict with the provisions of this policy, such is hereby withdrawn, voided and all personnel should conduct themselves in conformity with this policy. This policy is not designed to replace or limit any rights and responsibilities the City of Monroe may have under enabling state statutes or local ordinances, only to set forth the procedures by which City staff is to implement activities.

04/08/16



Patrick M. Lewis, P.E.
Director of Engineering and Public Services

CITY OF MONROE PRE-INVOICE STATUS DATABASE

Purpose

The purpose of the City of Monroe Pre-Invoice Status Database (PSD) in EQTAX.NET is to provide a centralized source of information to the general public relative to charges placed, or to be placed, on parcels by the City Engineering, Public Services, and Building Departments prior to such charges being posted on MISCELLANEOUS RECEIVABLES.NET. Examples of such charges are weeds by the Department of Public Services, sidewalks and snow removal by the Engineering Department, and blight and demolition by the Building Department.

Rental inspection charges will not be placed on the PSD due to the relative promptness of posting on MISCELLANEOUS RECEIVABLES.NET. Likewise, water/sewer charges will not be posted on the PSD due to posting on UTILITY BILLING.NET. Special assessments will be placed on the PSD by the Assessing Department.

Background

Since at least the early 1990s, retrieval of information by the general public relative to such charges has been inconvenient and fragmented. Indeed, prior to placement on the tax roll, annual complaints are made to the Mayor and City Council in April during public hearings by property owners who claim that they had no knowledge or notice of such charges. While the city has been in compliance with applicable statutes and ordinances regarding minimum notice requirements, a mechanism which comprehensively, conveniently, and timely indicates the existence of such charges prior to placement on the tax roll has been lacking.

Sufficient progress has been made relative to water and sewer charges and rental inspection charges with the acquisition of UTILITY BILLING.NET and MISCELLANEOUS RECEIVABLES.NET, respectively, in the early 2000s. Information available to the general public for remaining charges from inception to placement on MISCELLANEOUS RECEIVABLES.NET continues to be non-centralized. However, this is relatively easily resolved by the PSD.

Procedure

“Pre-Invoice Status” is a database in EQTAX.net which is linked to the current database in ASSESSING.NET for names and addresses. Once in the “Pre-Invoice Status” database, verify that tax season is set to “Summer” in lower left-hand corner of screen. Open desired parcel and click on “Specials” under “Summer” tab.

All parcels have been populated with “WTR/SWR” and “RNTL INSP” entries which indicate that the Water and Building Departments, respectively, are to be contacted for charge amounts.

Double click on cell which reads "<double-click or began typing here to add a new row.>". Click on magnifying glass icon in new row and select proper code, enter amount, then click "Close".

If exact amount is unknown at time of entry, enter amount from following table which is intended to represent a typical amount for such charge being made:

CHARGE	AMOUNT
Weeds	\$ 20
Sidewalks	\$ 100
Blight	\$ 100
Snow Removal	\$ 100
Demolition	\$ 7,500

Signs will be placed alongside all public computers within City Hall stating that amounts may be estimates or tentative only, and that more precise or final amounts may be available on MISCELLANEOUS RECEIVABLES.NET or respective departments at City Hall. The signs will also state that despite the program default entries at zero for water/sewer and rental inspection, such charge amounts are available in UTILITY BILLING.NET and MISCELLANEOUS RECEIVABLES.NET, respectively, or at the Water and Building Departments.

Amounts entered may be added, deleted, or edited as changes in charges occur. The objective is to provide the general public with the latest available information relative to such charges, and reasonable estimates if exact amounts are unknown at time of entry. After placement of charges on the tax roll, a new PSD will be started for the ensuing year.

Implementation

The Engineering, Public Services, Building, Clerk/Treasurer, and Assessing Departments began non-retroactively implementing the PSD starting in July 2011, and the PSD was comprehensive starting with charges placed on the 2012 tax roll.

The PSD will provide potential real estate buyers, real estate agents, title companies, appraisers, attorneys, and the like with essentially real-time indications of charges from inception which may be researched at City Hall.

§ C-383. Repealed. [Amended 11-6-1979]

§ C-384. Repealed. [Amended 11-6-1979]

§ C-385. Repealed. [Amended 11-6-1979]

§ C-386. Repealed. [Amended 11-6-1979]

§ C-387. Repealed. [Amended 11-6-1979]

§ C-388. Repealed. [Amended 11-6-1979]

WEEDS AND GRASS

§ C-389. Authority to Require Mowing. [Amended 4-4-1951]

Whenever the Council shall deem it necessary for the public health and welfare, it may require the owners and occupants of lots to mow the weeds and grasses thereon within such time as the Council shall by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant.

§ C-390. Authority of City to Mow; Collection of Expenses. [Amended 4-4-1951]

If the owner or occupant of any lot or premises shall fail to mow the weeds or grasses as required by the Council, the Council may cause the same to be done and may cause the amount of the expenses incurred thereby for which such owner or occupant shall have become liable, together with a penalty of ten (10) percent in addition thereto, to be reported to the Assessor to be levied by him as a special tax or assessment upon the lot or premises, which special assessment shall be subject to review, after proper notice is given as in all other cases of special assessment provided for by this Charter, and such tax when confirmed shall be a lien upon the premises and the same shall be collected in the same manner as other City taxes, or the City may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit together with the costs of suit.

§ C-391. Use of Council. [Amended 11-6-1973]

After the effective date of the passage of this Charter amendment, wherever the words City Commission appear in the Charter of the City of Monroe, they shall hereinafter read: City Council. That wherever in the Charter of the City of Monroe the word Commissioner appears the word

Chapter 712

WEEDS, TREES AND REFUSE

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| § 712-1. Definitions; intent. | § 712-6. Removal of refuse preventing City from cutting. |
| § 712-2. Declaration of nuisances; abatement. | § 712-7. Removal of nuisance conditions by City. |
| § 712-3. Removal of dead or diseased trees. | § 712-8. Right of entry. |
| § 712-4. Duty to cut weeds and grasses. | § 712-9. Assessment of costs. |
| § 712-5. Annual date for destroying or cutting. | § 712-10. Violations and penalties. |

[HISTORY: Adopted by the Mayor and City Council of the City of Monroe 4-29-1974 by Ord. No. 74-011. Amendments noted where applicable.]

CHARTER REFERENCES

Weeds and grass — See § C-389 et seq.

GENERAL REFERENCES

Nuisances — See Ch. 458.

Property maintenance — See Ch. 525.

Burning of leaves — See Ch. 557.

Trees — See Ch. 668.

STATUTORY REFERENCES

Box elder trees, female, as nuisance — See MCLA § 124.151.

Weeds generally — See MCLA §§ 247.61 et seq., 286.701 et seq.

Cutting or destroying trees — See MCLA § 247.241.

Malicious destruction of trees — See MCLA § 750.382.

§ 712-1. Definitions; intent. [Amended 4-4-2005 by Ord. No. 05-004]

- A. As used in this chapter and the City Charter, "weeds" and "grass" shall mean Canada thistle, milkweed, wild carrots, oxeye daisies or other such noxious weeds and/or grasses of any and all types.
- B. This chapter is intended to supersede all other chapters and sections of the Code of the City of Monroe as such chapters and sections relate to the procedure for the notice and abatement of items and conditions as described in this chapter.

§ 712-2. Declaration of nuisances; abatement.¹

- A. Any shrub, plant, weed, tree, trash, debris, refuse, filth or other noxious material which endangers public property or the health and safety of the public is hereby declared to be a public nuisance.
- B. Any tree, shrub, debris, trash, refuse, filth or other noxious material which falls partly on public property and partly on private property and which endangers public property or falls on public property is hereby declared to be a public nuisance.
- C. The head of the Department of Public Services may abate any such public nuisance without giving notice if the public health or safety requires immediate attention.

§ 712-3. Removal of dead or diseased trees.

It shall be the duty of every owner, possessor or occupier of land and every person having charge of any land in the City to remove, destroy or cut, or cause to be removed, destroyed or cut, all dead or diseased trees.

§ 712-4. Duty to cut weeds and grasses. [Amended 4-8-1996 by Ord. No. 96-008; 4-4-2005 by Ord. No. 05-004]

- A. Every owner, possessor or occupier of land, and every person having charge of any land in the City, shall remove, destroy or cut, or cause to be removed, destroyed or cut, all Canada thistle, milkweed, wild carrots, oxeye daisies or other noxious weeds, shrubs or plants growing thereon in such a manner as shall effectively prevent such weeds, shrubs or plants from bearing seed or spreading to adjoining property, as needed during the usual growing season.
- B. Weeds and grasses referred to in Subsection A hereof shall not be allowed to grow in excess of eight inches in height. The Department of Public Services is hereby authorized to cut such weeds and grasses when they reach eight inches or higher during the growing season.

§ 712-5. Annual date for destroying or cutting. [Amended 4-4-2005 by Ord. No. 05-004]

- A. The Mayor and Council shall set an annual date for the destruction or cutting of the trees, weeds, shrubs or plants referred to in this chapter which endanger public property or the health or safety of the public. Notice of said annual date shall be published in a newspaper of general circulation within Monroe County no less than 30 days before the annual date, as well as being posted within City Hall.
- B. Every owner, possessor or occupier of land, and every person having charge of any land in the City, shall destroy and/or cut all such trees, weeds, shrubs or plants referred to in this chapter on or before the annual date set by Mayor and Council referred to herein. Thereafter, all such trees, weeds, shrubs or plants referred to in this chapter shall be cut or

1. Editor's Note: See also Ch. 458, Nuisances.

removed and destroyed before they bear seed or spread to adjoining property; and all weeds and grasses referred to in this chapter shall be cut before they exceed eight inches in height.

§ 712-6. Removal of refuse preventing City from cutting.

Any tree, shrub, plant, trash, debris, refuse or filth which prevents the Department of Public Services from getting onto property and cutting it properly may be removed by the Department, and the owner, possessor or occupier of land upon which such obstruction exists may be assessed the cost of the removal.

§ 712-7. Removal of nuisance conditions by City. [Amended 4-4-2005 by Ord. No. 05-004; 6-16-2008 by Ord. No. 08-008]

If any person shall fail to comply with the provisions of the chapter, within a time specified, the head of the Department of Public Services shall cause all such weeds, grasses, trees, trash, debris, refuse, filth, or noxious materials to be cut, destroyed, or removed from the land of the person not complying with the provisions of this chapter.

§ 712-8. Right of entry. [Amended 4-4-2005 by Ord. No. 05-004]

The head of the Department of Public Services and his or her authorized representatives, or designees, are hereby empowered to enter upon any premises in the City for the purpose of removing or destroying noxious weeds, brush, grass, shrubs, plants, trees, trash, debris, refuse, filth or other noxious materials. No person shall molest or interfere with such person or persons while they are engaged in carrying out the provisions of this chapter.

§ 712-9. Assessment of costs.

The head of the Department of Public Services shall keep an accurate account of the expenses incurred by his or her Department with respect to each parcel of land in carrying out the provisions of this chapter and shall make a sworn statement of such account and present the same to the City Controller. The City Controller shall immediately prepare and send an invoice to the last known owner, as reflected by the current tax roll, for the cost of such work and improvements to the property in accordance with the statement of the head of the Department of Public Services. The City Controller shall add 10% to the cost reflected by the head of the Department of Public Services, to cover the cost of supervision and billing. In the event that the invoice is not paid forthwith by the record owner, the cost of such payment shall be charged against the premises, reported to the Assessor and levied by him or her as a special tax or assessment upon the lot or premises. The special assessment shall be subject to review, after proper notice is given, as in all other cases of special assessment provided for by the City Charter. When such tax is confirmed, it shall be a lien upon the premises and the same shall be collected in the same manner as other City taxes, or the City may file suit to collect the same.

§ 712-10. Violations and penalties. ² [Amended 8-12-1996 by Ord. No. 96-018; 4-4-2005 by Ord. No. 05-004]

- A. Unless otherwise designated herein, whoever violates any of the provisions of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50 nor more than \$500, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided in § 1-27E of the Code of the City of Monroe.
- B. Whoever violates the provisions contained in § 712-8 shall be responsible for a municipal civil infraction, and subject to the payment of a civil fine in the amount of \$500.
- C. Each day that a violation exists, occurs or continues constitutes a separate offense and shall be subject to the penalties and sanctions provided herein as a separate offense.

2. Editor's Note: See also Ch. 85, Municipal Civil Infractions.

NOXIOUS WEEDS
Act 359 of 1941

AN ACT for controlling and eradicating certain noxious weeds within the state; to permit townships, villages, and cities to have a lien for expenses incurred in controlling and eradicating such weeds; to permit officials of counties and municipalities to appoint commissioners of noxious weeds; to define the powers, duties, and compensation of commissioners; to provide for sanctions; and to repeal certain acts and parts of acts.

History: 1941, Act 359, Eff. Jan. 10, 1942;—Am. 1956, Act 81, Eff. Aug. 11, 1956;—Am. 1994, Act 26, Eff. May 1, 1994.

The People of the State of Michigan enact:

247.61 Commissioner of noxious weeds; appointment, term, removal, report.

Sec. 1. The governing body of any city, village or township may appoint a competent person to be the commissioner of noxious weeds who shall take the oath required of township, city or village officers, and shall hold office for the term of 2 years and until a successor is appointed and qualified, and he shall receive for his compensation such sum as may be fixed by the appointing body. The body so appointing may, at any time, for good cause remove such commissioner from office and appoint his successor to serve the remaining portion of his term. The appointing body shall report the name and address of the person so appointed to the state department of agriculture within 10 days after making such appointment.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.61;—Am. 1962, Act 10, Eff. Mar. 28, 1963.

247.62 Noxious weeds; definition.

Sec. 2. For the purpose of this act, "noxious weeds" includes Canada thistle (*Cirsium arvense*), doddgers (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*), giant hogweed (*Heracleum mantegazzianum*), ragweed (*Ambrosia elatior* L.), and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), or other plant which in the opinion of the governing body of any county, city, township, or village coming under the provisions of this act is regarded as a common nuisance.

History: 1941, Act 359, Eff. Jan. 10, 1942;—Am. 1947, Act 114, Eff. Oct. 11, 1947;—CL 1948, 247.62;—Am. 2010, Act 358, Imd. Eff. Dec. 22, 2010.

247.63 Noxious weeds; eradication; duty of commissioner.

Sec. 3. The commissioner of noxious weeds shall diligently inquire concerning the introduction and existence of noxious weeds in his township, city or village and if any are found growing therein, he 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, and he shall carefully seek and learn, so far as practicable, the best methods of their destruction, and he shall persistently apply in proper time such remedy or treatment as shall be best calculated to prevent their spread and to eradicate the same.

History: 1941, Act 359, Eff. Jan. 10, 1942;—Am. 1947, Act 114, Eff. Oct. 11, 1947;—CL 1948, 247.63.

247.64 Destruction of noxious weeds; duty of owner, commissioner, agent, and department of natural resources and environment; notice; ordinance; resolution; expenses; lien; penalty; exceptions; action in court of claims.

Sec. 4. (1) The owner of land on 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 public health. The commissioner shall notify by certified mail with return receipt requested the owner, agent, or occupant of land on which noxious weeds are found growing. The notice shall describe methods of treating and eradicating the noxious weeds and a summary of the provisions of this section. Failure of the commissioner to give the notice does not, however, constitute a defense to an action to enforce the payment of a fine provided for or debt created under this act. If the owner, agent, or occupant refuses to destroy the noxious weeds, the commissioner shall enter upon the land and destroy the noxious weeds. Expenses incurred in the destruction shall be paid by the owner of the land, and the township, city, or village of which the commissioner is an officer shall have a lien against the land for the amount of the expense. The lien shall be enforced in the manner provided by law for the enforcement of construction liens.

(2) A village, city, or township may, whether or not provided in its charter, provide by ordinance enacted for the purpose of controlling and eradicating noxious weeds in subdivided land that if the owner, agent, or

occupant of subdivided land in a subdivision in which buildings have been erected on 60% of the lots, or the owner, agent, or occupant of a lot along an improved street in common usage, has failed, after 10 days' notice as provided in this section, to destroy the weeds, for a depth of 10 rods or the depth of the lot, whichever is less, then an agent authorized by the governing body of the township, village, or city may enter upon the lot and destroy noxious weeds by cutting. Mechanical equipment that will not damage the property or the adjacent sidewalk, may be used to cut the noxious weeds. Expenses incurred in the destruction shall be paid by the owner of the lot. The township, village, or city shall have a lien upon the lot for the amount of the expense. The lien shall be enforced in the manner prescribed by charter, by the laws of this state providing for the enforcement of tax liens, or by ordinance passed by the governing body of the township, village, or city.

(3) An owner who refuses to destroy noxious weeds as provided in this section is subject to a fine of not more than \$100.00. When collected, the fine shall become a part of the "noxious weed control fund" of the township, village, or city. By ordinance, the township, city, or village may designate the refusal to destroy noxious weeds as provided in this section as a municipal civil infraction, in which case the fine shall be a civil fine. If the city establishes an administrative hearings bureau pursuant to statute to adjudicate and impose sanctions for blight violations, the city by ordinance may designate the refusal to destroy noxious weeds as provided in this section as a blight violation and any fine imposed shall be a civil fine.

(4) This act does not apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley, or rye. In the case of an easement, property such as an abandoned subdivision, strip mine, or gravel pit, public property such as a forest preserve, and all other land as to which definite ownership is not known to the commissioner and cannot be established, the county board of commissioners shall cause the destruction of noxious weeds in accordance with this act.

(5) If the county board of commissioners of a county passes a resolution to participate under this act, the commissioner of noxious weeds shall notify the department of natural resources and environment, which shall determine whether there is land in the county belonging to this state under the jurisdiction of the department. The department of natural resources and environment shall cut noxious weeds growing on that land within 10 rods of any privately owned improved property, upon receipt of the notification. If the department of natural resources and environment fails to cut the weeds, the commissioner of noxious weeds shall enter upon the land and destroy the weeds. The expense shall be a charge against the department of natural resources and environment and may be recovered in an action in the court of claims.

History: 1941, Act 359, Eff. Jan. 10, 1942;—Am. 1947, Act 114, Eff. Oct. 11, 1947;—CL 1948, 247.64;—Am. 1956, Act 81, Eff. Aug. 11, 1956;—Am. 1962, Act 29, Eff. Mar. 28, 1963;—Am. 1984, Act 58, Imd. Eff. Apr. 12, 1984;—Am. 1994, Act 26, Eff. May 1, 1994;—Am. 2003, Act 321, Imd. Eff. Jan. 12, 2004;—Am. 2010, Act 118, Imd. Eff. July 13, 2010.

Compiler's note: For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

247.64a Cutting of weeds by township, city, or village; publication of notice; charging cost to owner; provisions inapplicable to railroads.

Sec. 4a. (1) Instead of the notice required by section 4, the township, city, or village may publish a notice in a newspaper of general circulation in the county during the month of March that weeds not cut by May 1 of that year may be cut by the township, village, or city and the owner of the property charged with the cost under the provisions of section 4. The publication shall also contain all other information required of the notice provided for in section 4. The township, city, or village may cut weeds as many times as is necessary and charge the cost to the property owner.

(2) 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 the provisions of section 11.

History: Add. 1969, Act 172, Eff. Mar. 20, 1970;—Am. 1987, Act 210, Imd. Eff. Dec. 22, 1987.

247.65 Noxious weeds; means of eradication; limitation of expense.

Sec. 5. The commissioner shall apply the best known means, and use the utmost diligence, in eradicating noxious weeds; but he shall not have power to expend in work or materials more than \$25.00 on any 1 infested tract, without the advice and consent, in writing, of the supervisor of the township.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.65.

247.66 Noxious weeds; prosecution of violators of act.

Sec. 6. It shall be the duty of the commissioner to prosecute or complain to the proper authorities of any person or corporation who may violate any law now existing, or which may hereafter be passed, on the subject of noxious weeds.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.66.

247.67 Commissioner; annual report, contents.

Sec. 7. The commissioner shall, annually, before the first day of December, make a written report to the department of agriculture and to the body by whom he was appointed, as the case may be. Said report shall be made out upon blank forms furnished by the department of agriculture and shall contain such information with reference to the existence and growth of noxious weeds as said department may require.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.67.

247.68 Department of agriculture; duty to enforce law; cooperation with commissioners.

Sec. 8. The department of agriculture is authorized and it shall be its duty to assist in the enforcement of this law. The department shall cooperate with the various commissioners of noxious weeds in carrying out the provisions of this act and shall advise them from time to time of the most effective methods of treating and eradicating noxious weeds.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.68.

247.69 Board of supervisors; auditing accounts of commissioner; payment.

Sec. 9. The board of supervisors or other official body appointing any commissioner shall audit the accounts of the commissioner, both for his services and for the money expended or labor employed by him; and they shall provide for their payment as they now do for other county or municipal expenses.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.69.

247.70 County board of commissioners; appropriation; powers; penalties; jurisdiction.

Sec. 10. (1) The county board of commissioners may make an appropriation from the county treasury to aid in destroying the noxious weeds in a town or precinct of the county. The board of commissioners may assume control over the noxious weeds in all or part of the county. The county board of commissioners may adopt a noxious weed ordinance that it considers necessary. For each violation of the ordinance, the ordinance may do either of the following:

(a) Impose as a penalty for the violation a fine not exceeding \$100.00.

(b) Designate the violation as a municipal civil infraction and impose a civil fine for the violation.

(2) The action for imposition of the fine shall be commenced in the name and for the use of the proper county, before the district or municipal court of the judicial district or municipality in which the weeds are located. If the board of commissioners assumes control, its jurisdiction is superior to that of the commissioner of noxious weeds so long as the board of commissioners exercises that control.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.70;—Am. 1990, Act 218, Imd. Eff. Oct. 8, 1990;—Am. 1994, Act 26, Eff. May 1, 1994.

247.71 Railroads; failure to comply, penalty.

Sec. 11. If any company, association or person owning, controlling or operating a railroad shall refuse or neglect to dig up and destroy, or take other certain means of exterminating noxious weeds that may at any time be growing upon the right of way or other lands of such roads, or appertaining thereto, they shall be fined for each offense not less than \$50.00 nor more than \$200.00.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.71.

247.72 Highways; noxious weeds; duty of officials to prevent growth.

Sec. 12. It shall be the duty of the state highway commissioner to prevent all noxious weeds as defined in this act from growing within the right of way of any highways under his jurisdiction. It shall be the duty of each county road commission to prevent all noxious weeds as defined in this act from growing within the right of way of any highways under their jurisdiction.

History: 1941, Act 359, Eff. Jan. 10, 1942;—CL 1948, 247.72.