

CHAPTER 10 NOXIOUS WEEDS

10.1 DEFINITIONS: The terms listed herein shall be defined as follows:

- (a) "Noxious weeds" shall mean 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 (*Sonchis arvenses*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior*), poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*) or any grass or other weeds in excess of eight (8) inches in height.
- (b) "Person" shall mean any individual, firm, partnership, corporation or any other legal entity.
- (c) "Property" shall mean lots in the Village located within a subdivision in which buildings have been erected on sixty percent (60%) of the lots within the subdivision and lots along all improved streets in the Village.
- (d) "Superintendent" shall mean the Village Street Administrator or his designated representative.
- (e) "Township Assessor" shall mean the Village of Central Lake Assessor.
- (f) "Village" shall mean the Village of Central Lake.

10.2 Noxious Weed Control:

Any person who owns or possesses property in the Village shall cut down and destroy or cause to be cut down and destroyed all noxious weeds on his or her property as often as may be necessary to prevent them from going to seed or otherwise perpetuating themselves.

10.3 Notice:

If the Superintendent determines that noxious weeds are present on property within the Village, he or she shall notify the person who possesses the property or his or her agent that noxious weeds are present and must be destroyed within ten (10) days from the receipt of the notice. The notice may be personally served or sent by certified mail, return receipt requested to the owner of the property at the address shown by the last current assessment or tax roll and shall describe methods of treating and eradicating the noxious weeds. The notice shall also include a statement that if the owner or possessor of the property fails to destroy the noxious weeds, cause the noxious weeds to be destroyed, then the Village shall have the right to enter upon the land to cut the noxious weeds, to charge the owner of the property for its expenses and to have a lien against the property to secure payment of these expenses. Failure of the Superintendent to provide the notice required in this section shall not, however, be a defense to any action to enforce this chapter or to collect any debt created under this chapter.

10.4 Newspaper Notice:

In lieu of the notice requirements of Section 3 above, the Village may publish a notice in a newspaper of general circulation on the Village during the month of March each year that noxious weeds not cut by May 1 of that year may be cut by the Village as many times as necessary to keep the property in compliance with this chapter and may charge the of each such cutting to the person owning the property. The newspaper notice shall contain all the information required in Section 3 above.

10.5 Cutting by Village:

If a person who owns or possesses property in the Village fails to comply with this chapter within the time specified in the notice sent under Section 3 or by May 1 pursuant to the newspaper notice provided in Section 4, then the Village shall have the right to enter onto the land to cut the noxious weeds. The Superintendent shall keep an accurate account of the expenses incurred in carrying out the authority provided in this section including an additional ten percent (10%) administrative charge and shall make a sworn statement of that account to the Village Council which shall then audit and approve the account.

10.6 Collection of Cutting Expenses:

After the Village Council approves the expense account for cutting noxious weeds on a specific property, the Village Clerk shall send by first class mail a statement of those expenses to the owner of the property at the address shown by the last current assessment or the tax roll. The statement of expenses shall be payable to the Village Treasurer within thirty (30) days from the date the statement is mailed. If the statement of expenses is not paid within that thirty (30) day period, then the Village Clerk shall forward a copy of the statement of expenses to the Township Assessor who shall then assess those expenses against the land in question and those expenses shall become a lien on such property pursuant to Act 359 of the Public Acts of 1941 and shall be enforced in the manner prescribed by the laws of the State of Michigan for the enforcement of tax liens.

10.7 Prohibition:

No person shall permit noxious weeds on lands owned or rented by him or her after having received a notice under Section 3 and after the time specified in the notice has expired.

10.8 Penalty/Civil Infraction:

Any person who shall violate any provision of this chapter shall be guilty of a municipal civil infraction as defined in Public Act 12 of 1994 amending Public Act 236 of 1961 being Section 600.101 – 66.9939 of Michigan Compiled Laws and shall be subject to a fine of

not more than Five Hundred Dollars (\$500.00). Each day this chapter is violated shall be considered as a separate violation.

10.9 Enforcement:

The Village Code Enforcement Officer is hereby designated as the authorized Village officer to issue municipal civil infraction citations directing alleged violators of this chapter to appear in court.