

VILLAGE OF DANSVILLE
INGHAM COUNTY, MICHIGAN

ORDINANCE NO. 10.1

PREAMBLE

AN ORDINANCE TO REPEAL THE VILLAGE OF DANSVILLE ORDINANCE NO. 10 AND ADOPT ORDINANCE NO. 10.1 TO PROVIDE DEFINITIONS OF NOXIOUS WEEDS AND FOR THE ERADICATION THEREOF; TO PROVIDE FOR APPOINTMENT OF A NOXIOUS WEED COMMISSIONER, PUBLICATION OF ENFORCEMENT NOTICES, AND REMEDIES AND FINES FOR VIOLATION; AND TO PROVIDE AN EFFECTIVE DATE HEREOF.

The Village of Dansville, Ingham County, Michigan, ordains:

Section 1. Title.

This Ordinance shall be known as the Village of Dansville Noxious Weed Ordinance.

Section 2. Definitions.

Noxious weeds are Canada thistle (*Cirsium arvense*), dodders (*Cuscuta* species other than those considered by the State Department of Natural Resources to be endangered with extinction), mustards (charlock, black mustard, Indian mustard, all being species of *Brassica* or *Sinapis*), wild carrots (*Daucus carota*), bind weed (*Convolvulus arvensis*), perennial sow thistle (*Sonchus arvensis*), hoary allyssum (*Berteroa incana*), ragweed (*Amrosia eletior*), poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), and grasses and/or herbs over six inches in height allowed to grow unattended, and not intended for ornamental purposes. Additionally, trees and shrubs not purposely planted as ornamentals, nor being used for reforestation purposes may be considered as noxious weeds, as well as other vegetation that by Resolution of the Village Council has been declared as noxious.

This Ordinance and definitions shall not include weeds in fields devoted to growing any small grain crop, such as wheat, oats, barley or rye, or in fields devoted to agricultural production.

Section 3. Commissioner of Noxious Weeds.

A Commissioner of Noxious Weeds shall be appointed by the Village Council to serve for a period of two (2) years until a successor is appointed and qualified. The Village Council may, at any time, for good cause remove such Commissioner from office and appoint a successor to serve the remaining portion of the Commissioner's term. The Commissioner shall:

1. Diligently inquire about the introduction and existence of noxious weeds in the Village;
2. Take care that such noxious weeds do not go to seed or spread; and
3. Learn various destruction methods and shall apply the methods toward eradicating and controlling such weeds.

Section 4. Notice of Enforcement.

The Village Commissioner of Noxious Weeds shall provide notice of enforcement action as follows:

1. By certified mail, return receipt requested, to the owner, agent or occupant of land on which noxious weeds are found growing, and shall describe methods of treating and eradicating such weeds and a summary of the provisions of this Ordinance; or
2. The Village may publish a notice in a newspaper of general circulation within the County during the month of March that weeds not cut by May 1 of that year may be cut by the Village and that the owner of the lot will be charged with the cost thereof. Further, the Village may cut such weeds as many times as necessary, with all such costs to be charged to the owner. Such notice shall be in substantially the following form:

NOTICE

To Owners, Agents or Occupants of Property in the Village
Of Dansville:

NOTICE IS HEREBY GIVEN that after May 1 of this year the provisions of the Noxious Weed Ordinance of the Village of Dansville will be enforced. The Ordinance provides, among other things, that it is unlawful for an owner, agent or occupant of property in the Village to fail to cut or eradicate noxious weeds as defined in the Ordinance.

After May 1 of this year, the Village or its agents may enter upon the land to cut noxious weeds as often as is necessary and charge the cost thereof to the owner and place a lien on such property in the amount of such cost. The lien thus established shall be collected in the manner provided for collection of construction liens.

In addition, violators may be subject to a civil fine not to exceed One Hundred and no/100 Dollars (\$100.00). Copies of the Ordinance or other information may be obtained from the Village Clerk or by calling 517-623-6917.

BY ORDER OF THE DANSVILLE VILLAGE COUNCIL.

Section 5. Removal and Destruction.

A. Upon ten (10) days advance written notice, it shall be the duty of all owners, agents or occupants of land within platted subdivisions, condominiums and site condominiums upon which weeds as defined in Section 2 are growing to destroy the weeds or mow them to a height of six inches (6") or less.

B. Upon a failure of such lot owner, agent or occupant to destroy or cut such weeds, an agent authorized by the Village Council may enter upon the lot to destroy noxious weeds by cutting. Expenses incurred in such destruction shall be paid by owner of such lot. The Village shall have a lien upon the lot for the amount of such expense, and may enforce the lien in the manner prescribed for enforcement of construction liens.

C. In addition to the charges provided in subsection B of this section, an owner who fails or refuses to destroy noxious weeds upon property notice shall be subject to a civil fine pursuant to a civil infraction of not more than One Hundred and no/100 Dollars (\$100.00), which fine when collected shall become part of the Village Noxious Weed Control Fund.

D. Notwithstanding the penalties set forth in subsection C of this section, railroads violating this Article shall be subject to a fine not less than Fifty and no/100 Dollars (\$50.00) nor more than Two Hundred and no/100 Dollars (\$200.00).

Section 6. Special Property.

Any easement, abandoned subdivision, strip mine or gravel pit, public property and such other property for which ownership is not known to the Commissioner of Noxious Weeds and which cannot be established shall be subject to the duty of the

County Board of Commissioners or Department of Natural Resources to cause the destruction of noxious weeds pursuant to Sections 4 and 5 of Public Act No. 359 of 1941 (MCL 247.64(4), (5)), as amended.

Section 7. Repeal of Ordinance No. 10.

Village of Dansville Ordinance No. 10 is hereby repealed.

Section 8. Effective Date.

This Ordinance shall become effective following its adoption and publication as required by law.

VILLAGE OF DANSVILLE

By: Carol L. Colburn
Carol L. Colburn, President

And: Cheri Foster
Cheri Foster, Clerk

I, Cheri Foster, Clerk of the Village of Dansville, hereby certify that the foregoing is a true and complete copy of Ordinance No. 10.1, which Ordinance was duly adopted by the Village Council of the Village of Dansville at a meeting held on the 14th day of August, 2006, and was published in the Community News on the 20th day of August, 2006 as required by law.

Cheri Foster
Cheri Foster, Clerk