

An Ordinance enacted pursuant to provisions of Section 247.61 et. seq. Michigan Compiled Laws Annotated, providing for the control and eradication of noxious weeds; providing for the giving of Notice for the eradication of noxious weeds and the destruction thereof by Township officials, agents or employees at the expense of the owners of land; creating the statutory lien for expense; and providing for the administration and enforcement of said Ordinance, including penalties for the violation of same.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, AND STATE OF MICHIGAN, ORDAINS:

- Section 1. This Ordinance shall be known and referred to as the Erie Township Noxious Weed Ordinance.
- Section 2. This Ordinance is enacted, interpreted and enforced by the Township Board under the authority of Michigan Compiled Laws Annotated Section 247.61, and all applicable Sections thereto.
- Section 3. Noxious weeds shall include 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 (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatiorel*), poison ivy (*rhus toxicodendron*), and poison sumac (*toxiodendron vernix*). Nothing in this Ordinance shall apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley or rye.
- Section 4. It shall be the duty of all owners of land in the Township of Erie on which noxious weeds are found growing to destroy the same before they reach a seed-bearing stage and to prevent such weeds from perpetuating themselves, or to prevent such weeds from becoming a detriment to public health.
- Section 5. The Township Board of the Township of Erie, a Municipal Corporation of Monroe County, Michigan, shall appoint the Township Supervisor or some other suitable and competent person to be the Commissioner of Noxious Weeds who shall take the oath required of Township Officers and shall hold office for a term of two (2) years and until a successor is appointed and qualified, and he shall receive for his compensation such sum as shall be fixed by the Township Board of the Township of Erie. The Township Board 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 Township Board shall report the name and address of the persons so appointed to the State Department of Agriculture within ten days after making such appointment.
- ~~Section 6.~~ The Commissioner of Noxious Weeds shall diligently inquire

Section 6. The Commissioner of Noxious Weeds shall diligently inquire concerning the introduction and existence of noxious weeds in Erie Township, and if there are any found growing therein, he shall take charge of all such growings 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 as 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.

Section 7. Notification shall be given by certified mail with return receipt requested to the owner, agent or occupant of any lands on which noxious weeds are found growing, such notice to be given by such Commissioner of Noxious Weeds to enforce this Ordinance. In the alternative, notice may be given by publication pursuant to the provisions of Act No. 359 of the Public Acts of 1941, as Amended. Such notice shall contain methods of treating and eradicating such noxious weeds and a summary of the provisions of Section 4. of said Act. Failure to give such notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for or debt created under the provisions of this Ordinance and said Act.

Section 8. In the event that the owner, agent or occupant of any sub-divided land in any subdivision in which buildings have been erected on 60% of the lots included in that subdivision, or the owner, agent or occupant of any lot upon any improved street, in usage, for a depth of 10 rods or the depth of the lot, whichever is the lesser, has failed, after 10 days notice is provided herein, to destroy such weeds or cause the same to be destroyed, than the Commissioner of Noxious Weeds or any duly appointed or authorized employee of the Township of Erie may enter upon such sub-divided land or lot and destroy by cutting with or without mechanical equipment which will not damage the property or the sidewalk adjacent thereto, any such weeds, and all expenses incurred in such destruction shall be paid by the owner or owners of such sub-divided land. Any expense incurred in such destruction shall be placed as a lien against such land for the expense, which lien shall be enforced in the manner now provided by law for the enforcement of tax liens.

Section 9. Any owner who shall refuse to destroy such noxious weeds as provided in the Ordinance shall be subject to a fine of not more than One Hundred and no/100's (\$100.00) Dollars, said fine to be collected and paid to the Township Supervisor or Commissioner of Noxious Weeds and shall become a part of the "Noxious Weed Control Fund of the Township".

Section 10. The Commissioner of Noxious Weeds shall apply the best known means and the utmost diligence in eradicating noxious weeds but he shall not have the power to expend in work(s) or material(s) more than fifty and no/100's (\$50.00) Dollars on any one infested tract, without the advice and consent in writing of the Township Board of the Township of Erie.

Section 11. It shall be the duty of the Commissioner of Noxious Weeds to prosecute or complain to the proper authorities of any person or corporation who might violate any law now existing, or which may hereafter be passed on the subject of noxious weeds.

Section 12. The Commissioner shall annually before December 1 of each year make a return report to the Department of Agriculture and the Township Board, which report shall be made out on blanks furnished by the Department of Agriculture. The Township Board shall audit the accounts of the Commissioner both for his service and for money expended or labor employed by him, or materials used in conjunction therewith, and they shall provide for the payment of such items as they now do for other Township expenditures.

Section 13. The Township Board may make appropriations from the general fund of the Township Treasury to aid in destroying noxious weeds in the Township.

\* 1 Rod = 16½ feet

Section 14. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 15. Should any section, paragraph, clause or provision of this Ordinance be held invalid, the invalidity of such Section, paragraph, clause or provision shall not affect any other provisions of this Ordinance.

Section 16. This Ordinance shall be published once in full in the Courier Herald, a newspaper of general circulation within the boundaries of the Township and qualified to publish legal notices within ten (10) days after its adoption.

Section 17. This Ordinance shall become effective forty (40) days after its publication pursuant to statute.

TOWNSHIP BOARD, TOWNSHIP OF ERIE,  
COUNTY OF MONROE, and STATE OF MICHIGAN

by Margaret M. Dusseau  
MARGARET M. DUSSEAU, Township Clerk

Attest:

William D. Frey  
WILLIAM D. FREY, Township Supervisor

I, Margaret M. Dusseau, Clerk of Erie Township, do hereby certify that the above Ordinance was approved and adopted by the Erie Township Board at the regular meeting thereof, held on the 8th day of August, 1978 the vote thereon being as follows:

Ayes 5

Nays 0

by Margaret M. Dusseau  
MARGARET M. DUSSEAU, Township Clerk

ERIE TOWNSHIP ORDINANCE NO. 70-A

An ordinance to amend Erie Township Ordinance No. 70, being the Noxious Weed Ordinance, by amending the text of Sections 8 and 10 of said Ordinance.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1. That the text of Erie Township Ordinance No. 70, being the Noxious Weed Ordinance, is hereby amended in the following particulars:

A. That Section 8 is hereby amended to read as follows:

In the event that the owner, agent, or occupant of any parcel of land fails, after ten days notice as provided herein, to destroy such weeds or cause the same to be destroyed, then the Commissioner of Noxious Weeds or any duly appointed or authorized employee of the Township of Erie may enter upon such parcel of land and destroy by cutting with or without mechanical equipment any such weeds. All expenses incurred in connection with such destruction shall be paid by the owner of such parcel of land. Any expense incurred in such destruction shall be placed as a lien against such land, which lien shall be enforced in the manner now provided by law for the enforcement of tax liens.

B. That Section 10 is hereby amended to read as follows:

The Commissioner of Noxious Weeds shall apply the best known means and the utmost diligence in eradicating noxious weeds. He shall expend such monies as may be necessary to eradicate such noxious weeds, except that he shall not

have the power to expend monies for such purpose which exceed \$50 per man hour of time devoted to the parcel of land to eradicate such noxious weeds. Said \$50 per man hour limitation on expenditures to eradicate noxious weeds on any parcel of land shall include expenditures for both labor and materials. Provided, further, that the Commissioner of Noxious Weeds may expend more than \$50 per man hour necessary to eradicate noxious weeds on any parcel of land upon first receiving written authority to do so from the Township Board of the Township of Erie.

SECTION 2. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. This ordinance shall become effective thirty (30) days after it has been published in a newspaper of general circulation in the Township of Erie.

I, Margaret M. Dusseau, Clerk of Erie Township, do hereby certify that the above Ordinance is approved and adopted by the Erie Township Board at the regular meeting thereof, held on the 14th day of October, 1980, the vote thereon being as follows:

In Favor of the Ordinance	<u>5</u>
Against the Ordinance	<u>0</u>

ATTEST:

THE TOWNSHIP BOARD OF THE  
TOWNSHIP OF ERIE IN THE  
COUNTY OF MONROE, MICHIGAN

By: William D. Frey  
William D. Frey,  
Township Supervisor

By: Margaret M. Dusseau  
Margaret M. Dusseau,  
Township Clerk