

City of Grand Ledge Ordinance #_____

An Ordinance Amending the Grand Ledge City Code, Chapter 16,
Environment, Article VI, Noxious Weeds, and Chapter 28, Secondhand
Goods, Article III, Junk.

The City of Grand Ledge Ordains:

Section 1. Change. The Grand Ledge City Code, Chapter 16, Environment, Article VI, Noxious Weeds, is amended, as follows:

~~Sec. 16-452. – Appointment of commissioner; term of office.~~

~~There shall be appointed by the City Council for the city a competent person to be known as the commissioner of noxious weeds who shall take the oath required of city officers and who shall hold office for the term of two years and until a successor is appointed and qualified. The City Council 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 City Council shall report the name and address of the person so appointed to the state department of agriculture within ten days after making such appointment.~~

~~Sec. 16-453. – Duties of commissioner.~~

~~The commissioner of noxious weeds shall diligently inquire concerning the introduction and existence of noxious weeds in the city, 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.~~

Sec. 16-454. - Responsibility of owner for removal; cost of removal by city to become lien.

~~The owner of land on which noxious Noxious weeds, are found growing as defined in Section 28-54, shall destroy be eradicated or cut by the owner of the land upon which the weeds before they reach a seed-bearing stage and prevent their regrowth or shall prevent them from becoming a detriment to public health are found growing. The ~~commissioner~~ City shall notify, by ~~certified mail, with return receipt request, or by posting a notice on the premises,~~ the owner, agent, or occupant of any 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 article to which there exists a violation. Failure ~~of the commissioner~~ 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 this chapter. If the owner, agent, or occupant ~~refuses~~ fails to ~~destroy the noxious weeds or cause them to be destroyed~~ correct the violation, the ~~commissioner~~ City shall enter upon the land ~~and destroy the noxious weeds or cause them to be destroyed~~ to abate the violation and achieve compliance with the provisions of this article. Any expense incurred in the destruction or cutting of weeds shall be paid by the owner ~~or owners~~ of the land, and the city shall have a lien against the land for the amount of the expense, which lien shall be enforced in the manner now provided by law for the enforcement of mechanics' liens. ~~Instead of the certified mailing mentioned above in this section, the commissioner may publish a notice in a newspaper of general circulation in the city during the month of March that weeds not cut by May 1 of that year may be cut by the city and the owner of the property charged with the cost as provided in this section. Such publication shall also contain all other information required of the notice as set forth above.~~ The ~~city~~ City may cut or eradicate weeds as many times as is necessary to achieve compliance with the provisions of this article and charge the cost to the property owner.~~

~~Sec. 16-455. – Maximum expenditure by commissioner.~~

~~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 without the advice and consent of the City Council.~~

~~Sec. 16-456. -- Commissioner to report violations.~~

~~It shall be the duty of the commissioner to prosecute or complain to the proper authorities of any person or corporation who may violate the provisions of this article.~~

~~Sec. 16-457. -- Annual report by commissioner.~~

~~The commissioner shall, annually, before the first day of December, make a written report to the department of agriculture and to the City Council for the city. 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.~~

Sec. 16-458. - Exceptions.

~~Nothing in this chapter shall apply to weeds in fields devoted to growing any small grain crops such as wheat, oats, barley, or rye.~~

(a) The provisions of this chapter shall not apply to:

- (1) weeds in fields devoted to growing any small grain crops, whether actively being farmed or in a fallow state, such as wheat, oats, barley, or rye.
- (2) storm water retention and detention facilities developed in accordance with an approved site plan.
- (3) areas adjacent to and within a reasonable distance from rivers, creeks, ponds, and other open waterways.
- (4) steep slopes subject to erosion.
- (5) parcels used for public parks.
- (6) underdeveloped parcels owned by a governmental agency.
- (7) mature wooded areas.

(b) Underdeveloped parcels of land that are at least one (1) acre in size and/or directly adjoin a natural waterway, railroad right-of-way, maturely wooded area, undeveloped area or field for growing crops, whether actively being farmed or in a fallow state are only required to be maintained in compliance with this chapter to a depth of 20 feet, beginning from the edge of the street(s) upon which the parcel is located or to an existing wooded area, whichever is lesser.

(c) The City Manager, or his or her designee, may grant exemption in certain areas, for the control of erosion, the protection of urban forestry, the preservation of community character, and flora or fauna.

- (1) The City Manager, in his or her sole determination, may affix a limited duration or expiration date for such exemption.
- (2) The City Manager, at any time, may revoke an exemption in the absence or nonexistence of the circumstances upon which the exemption was originally granted.
- (3) The City Manager shall notify the owner of land in writing of any durational requirement or revocation.

Section 2. Change. The Grand Ledge City Code, Chapter 28, Secondhand Goods, Article III, Junk, is amended, as follows:

Sec. 28-54. - Definitions.

Noxious weeds includes 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 Elatior* I), [Japanese knotweed \(*fallopia japonica* or *polygonum cuspidatum*\)](#), poison ivy (thus *Toxicodendron*), poison sumac (*Toxicodendron Vernix*), [and all other weeds classified as noxious under the Michigan Seed Law and Regulations \(Act 329 of 1965\) and the State of Michigan Noxious Weeds Statute \(Act 358 of 1941\)](#) or any plant growth, [Including Grass](#), reaching a height of ~~12~~-ten (10) inches or more, except flowers, vegetables, agricultural crops, trees, or bushes.

Section 3. Severability. The provisions of this ordinance are severable, and if any section, sub-section, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of all remaining sections, sub-sections, paragraphs, sentences, clauses, phrases or portions of this ordinance.

Section 4. Section Headings. The section headings used in this ordinance are for convenience only and are not a part of this ordinance.

Section 5. Effective Date. This ordinance shall take effect seven days after it has been adopted by the Grand Ledge City Council.

Introduced by the Grand Ledge City Council this 09th day of August, 2021.

Motion by Lantz

Second by Gillespie

Ayes: Gillespie, Jancek, Lantz, MacDowell, Mulder, Willems

Nays: None

Absent: Sowle

Adopted by the Grand Ledge City Council this _____ day of _____, _____.

Motion by

Second by

Ayes:

Nays:

Absent:

Approved:

Thomas J. Sowle, Jr., Mayor

I, Gregory Newman, Grand Ledge City Clerk, certify this is Ordinance #_____ adopted by the Grand Ledge City Council at a meeting held the _____ day of _____, _____, a meeting held according to the Open Meetings Act, Public Act No. 267 of 1976, as amended. I further certify Ordinance #_____ was published in the Grand Ledge Independent, a newspaper of general circulation in the City of Grand Ledge, the _____ day of _____, _____, subsequent to its adoption.

Gregory L. Newman, City Clerk

Introduced: 09 August 2021

Public Hearing:

Adopted:

Published:

Effective: