

NOXIOUS VEGETATION AND LAWN GRASS GROWTH CONTROL

Sec. 17-26. Definitions

(a) The term "noxious vegetation" means those plants described in section II of Act No. 359 of the Public Acts of Michigan of 1941 (MCL 247.62; MSA 9.631(2)), as amended*, and all types and varieties of wild grass and weeds which exceed the height of eight (8) inches above ground level.

**MCL § 247.62 [MSA § 9.631(2)] "Noxious weeds" defined: For the purpose of this act, 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 Elatior 1.), and poison ivy (Rhus toxicodendron), poison sumac (toxicodendron vernix) or other plant which in the opinion of the governing body of any county, city, or village, coming under the provisions of this act is regarded as a common nuisance.*

(b) The term "lawn grass" means any type and variety of grass(es) which is typically established as a ground cover for any occupied or unoccupied residential, industrial, business or commercial property.

(c) The term "owner" means any person, partnership, firm, company, corporation, association, organization, agent or entity to which the law attributes rights and responsibilities, including occupants holding any proprietary interest in land in the city upon which there is noxious vegetation or lawn grass growth. The term, however, shall not include the Oakland County Road Commission.

(d) Terms not specifically defined herein and throughout this article shall have the meaning customarily attributed to them.

Sec. 17-27. Duty of owner to cut noxious vegetation and lawn grass.

(a) If noxious weeds are found growing within an area of one hundred (100) feet or less from a platted subdivision, or single-family residential condominium; or within a platted subdivision, or single-family residential condominium; or within one hundred (100) feet of any major roads, it shall be the duty of all owners of such land to keep such vegetation or long grass growth to a maximum height of no more than eight (8) inches above ground level or a level which prohibits a flower-bearing state, whichever level is less.

(b) Nothing in this section shall apply to noxious vegetation or grasses of any type in/on fields devoted to the lawful cultivating of any small grain crops such as wheat, oats, barley or rye; a landscaped area which has been specifically approved by the city planning and community development department; or areas adjacent to natural beauty roads as defined by this Code.

Sec. 17-28. Notice to owner.

The city manager or his/her designee(s) shall notify, by certified mail with return receipt requested, the owner of any property on which prohibited noxious vegetation or lawn grass growth is found. The notice shall contain a summary of the provisions of this article. Failure of the city manager or his or her designee(s) to give notice shall not, however, constitute a defense to any to any action to enforce the payment of any fine or debt created under the provisions of this section or any other applicable section(s) of the city Code.

Sec. 17-29. Cutting by city upon failure of owner; lien; exception.

(a) An owner as defined in section 17-26 must cut the noxious vegetation or lawn grass as provided in section 17-27 within ten (10) days after notice is given. If the noxious vegetation or lawn grass is not cut within such time period, then the city manager or his/her designee(s) may cause entry upon the land by the city or its agent(s) and cause the noxious vegetation or lawn grass to be cut with appropriate equipment. All expenses and costs incurred in the cutting of the noxious vegetation or lawn grass shall be paid by the owner.

(b) The city shall have a lien for the cutting expenses and costs incurred which shall be enforced in the manner prescribed by the general laws of the State of Michigan and/or the city Code for the enforcement of tax liens.

Sec. 17-30. Published notice.

In lieu of the notice required in section 17-28, the city manager or his/her designee(s) may publish a notice in a newspaper of general circulation in the city and/or Oakland County during the month of March in each year. The notice shall state that noxious vegetation and lawn grass growth not appropriately cut by June 1 of that year and thereafter for the remainder of the year may be cut by the city and the owner will be charged with the expenses and costs of each cut as provided in section 17-29. The publication shall also contain such information as is required by section 17-28.

Sec. 17-31. Civil fine for violation.

In addition to the costs assessed pursuant to this article for each cutting of noxious vegetation or lawn grass growth by the city or its agent(s), any owner who has refused or otherwise failed to cut noxious vegetation or lawn grass growth as provided for in this article shall, upon a finding of guilt, be subject to a civil fine of not more than five hundred dollars (\$500.00) and/or ninety (90) days in the county jail, together with the costs of prosecution which shall include actual attorneys' fees incurred by the city.