

# SENATE BILL No. 110

February 19, 1991, Introduced by Senators DE GROW, CONROY, KOIVISTO, CHERRY and BERRYMAN and referred to the Committee on Local Government and Reapportionment.

A bill to amend the title and sections 4 and 10 of Act No. 359 of the Public Acts of 1941, entitled as amended

"An act for the purpose of controlling and eradicating certain noxious weeds within the state, to permit townships, villages and cities to have a lien for expenses incurred in controlling and eradicating such weeds, to permit officials of counties and municipalities to appoint commissioners of noxious weeds, to define their powers, duties and compensation, and to repeal certain acts and parts of acts,"

section 4 as amended by Act No. 58 of the Public Acts of 1984 and section 10 as amended by Act No. 218 of the Public Acts of 1990, being sections 247.64 and 247.70 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. The title and sections 4 and 10 of Act No. 359  
2 of the Public Acts of 1941, section 4 as amended by Act No. 58 of  
3 the Public Acts of 1984 and section 10 as amended by Act No. 218  
4 of the Public Acts of 1990, being sections 247.64 and 247.70 of  
5 the Michigan Compiled Laws, are amended to read as follows:

## 1 TITLE

2 An act for the purpose of controlling and eradicating cer-  
 3 tain noxious weeds within the state; ~~—~~ to permit townships,  
 4 villages, and cities to have a lien for expenses incurred in con-  
 5 trolling and eradicating such weeds; ~~—~~ to permit officials of  
 6 counties and municipalities to appoint commissioners of noxious  
 7 weeds; ~~—~~ to define ~~their~~ THE powers, duties, and compensation  
 8 ~~—~~ OF COMMISSIONERS; TO PROVIDE FOR SANCTIONS; and to repeal  
 9 certain acts and parts of acts.

10 Sec. 4. (1) The owner of land on which noxious weeds are  
 11 found growing shall destroy the weeds before they reach a seed  
 12 bearing stage and prevent their regrowth, or shall prevent them  
 13 from becoming a detriment to public health. The commissioner  
 14 shall notify by certified mail with return receipt requested ~~—~~  
 15 the owner, agent, or occupant of ~~any~~ land on which noxious  
 16 weeds are found growing. The notice shall describe methods of  
 17 treating and eradicating the noxious weeds and a summary of the  
 18 provisions of this section. Failure of the commissioner to give  
 19 such notice ~~shall~~ DOES not, however, constitute a defense to  
 20 ~~any~~ AN action to enforce the payment of ~~any penalty~~ A FINE  
 21 provided for or debt created under this act. If the owner,  
 22 agent, or occupant refuses to destroy the noxious weeds, ~~or~~  
 23 ~~cause them to be destroyed,~~ the commissioner shall enter upon  
 24 the land and destroy the noxious weeds. ~~or cause them to be~~  
 25 ~~destroyed.~~ ~~Any expense~~ EXPENSES incurred in the destruction  
 26 shall be paid by the owner ~~or owners~~ of the land, and the  
 27 township, city, or village of which the commissioner is an

1 officer shall have a lien against the land for the amount of the  
 2 expense, which lien shall be enforced in the manner ~~new~~ pro-  
 3 vided by law for the enforcement of ~~mechanics'~~ CONSTRUCTION  
 4 liens.

5 (2) ~~Any~~ A village or city, or ~~any~~ A township having a  
 6 population of more than 5,000, may, whether or not provided in  
 7 its charter, provide by ordinance enacted for the purpose of con-  
 8 trolling and eradicating noxious weeds in subdivided land ~~,~~  
 9 that if the owner, agent, or occupant of ~~any~~ subdivided land in  
 10 ~~any~~ A subdivision in which buildings have been erected on 60%  
 11 of the lots, ~~included in that subdivision,~~ or the ~~owners,~~  
 12 ~~agents, or occupants of lots~~ OWNER, AGENT, OR OCCUPANT OF A LOT  
 13 along ~~all~~ AN improved ~~streets~~ STREET in common usage, for a  
 14 depth of 10 rods or the depth of the ~~lots~~ LOT, whichever is  
 15 ~~the lesser~~ LESS, has failed, after 10 days' notice as provided  
 16 in this section, to destroy the weeds, ~~or cause them to be~~  
 17 ~~destroyed, then any official, inspector, or other~~ THEN AN agent  
 18 authorized by the governing body of the township, village, or  
 19 city may enter upon the subdivided land or lots and destroy  
 20 NOXIOUS WEEDS by cutting. ~~, with or without mechanical equip-~~  
 21 ~~ment which~~ MECHANICAL EQUIPMENT THAT will not damage the prop-  
 22 erty or the adjacent sidewalk, ~~any~~ MAY BE USED TO CUT THE nox-  
 23 ious weeds. ~~Any expense~~ EXPENSES incurred in the destruction  
 24 shall be paid by the owner ~~or owners~~ of the subdivided land.  
 25 The township, village, or city shall have a lien upon the subdi-  
 26 vided land or lots for the amount of the expense. ~~the~~ THE  
 27 lien ~~to~~ SHALL be enforced in the manner prescribed by charter,

1 by the laws of the state providing for the enforcement of tax  
2 liens, or by ordinance duly passed by the governing body of the  
3 township, village, or city.

4 (3) ~~Any~~ AN owner who refuses to destroy noxious weeds as  
5 provided for in this section ~~shall be~~ IS subject to a fine of  
6 not more than \$100.00, ~~which fine~~ THAT when collected, shall  
7 become a part of the "noxious weed control fund" of the township,  
8 village, or city.

9 (4) This act ~~shall~~ DOES not apply to weeds in fields  
10 devoted to growing any small grain crop such as wheat, oats,  
11 barley, or rye. In the case of AN easement, property such as AN  
12 abandoned ~~subdivisions~~ SUBDIVISION, strip ~~mines, and~~ MINE, OR  
13 gravel ~~pits~~ PIT, public property such as A forest ~~preserves~~  
14 PRESERVE, and all other land as to which definite ownership is  
15 not known to the commissioner and cannot be established, the  
16 county board of commissioners shall cause the destruction of nox-  
17 ious weeds in accordance with this act.

18 (5) If the county board of commissioners of ~~any~~ A county  
19 ~~of this state~~ passes a resolution to participate under the pro-  
20 visions of this act, the commissioner of noxious weeds shall  
21 notify the department of natural resources, which shall determine  
22 whether there is land in the county belonging to ~~the~~ THIS state  
23 ~~of Michigan~~ under the jurisdiction of the department. The  
24 department of natural resources shall cut ~~all~~ noxious weeds  
25 growing on ~~any~~ THAT land ~~under its jurisdiction~~ within 10  
26 rods of any privately owned improved property, upon receipt of  
27 the notification. If the department of natural resources fails

1 to cut the weeds, the commissioner of noxious weeds shall enter  
2 upon the land and destroy the weeds. ~~or cause them to be~~  
3 ~~destroyed, the~~ THE expense ~~of which~~ shall be a charge against  
4 the department of natural resources ~~—~~ and may be recovered in  
5 an action in the court of claims.

6       Sec. 10. The ~~boards~~ COUNTY BOARD of commissioners may  
7 make ~~appropriations~~ AN APPROPRIATION from the county treasury  
8 to aid in destroying the noxious weeds in ~~any 1 or more towns or~~  
9 ~~precincts~~ A TOWN OR PRECINCT of the county. ~~— and in case they~~  
10 ~~deem it expedient, they~~ THE BOARD OF COMMISSIONERS may assume  
11 control over ~~any 1 tract or of all~~ the noxious weeds in ALL OR  
12 PART OF the county, ~~and~~ MAY make ~~such~~ NOXIOUS WEED provisions  
13 ~~as they may deem~~ THAT IT CONSIDERS necessary, and MAY impose  
14 ~~penalties~~ A FINE, not exceeding \$100.00 for each ~~offense, for~~  
15 a violation of ~~any~~ SUCH A provision. ~~made by them on this~~  
16 ~~subject, to be sued for,~~ THE ACTION FOR IMPOSITION OF THE FINE  
17 SHALL BE COMMENCED in the name and for the use of the proper  
18 county, before the district or municipal court of the judicial  
19 district or municipality in which the weeds are located.  
20 ~~Whenever~~ IF the board of commissioners ~~shall decide to assume~~  
21 ASSUMES control, ~~and so long as they exercise it, their~~ ITS  
22 jurisdiction ~~shall be~~ IS superior to that of the commissioner  
23 OF NOXIOUS WEEDS SO LONG AS THE BOARD OF COMMISSIONERS EXERCISES  
24 THAT CONTROL.

25       Section 2. This amendatory act shall not take effect unless  
26 Senate Bill No. 96  
27               of the 86th Legislature is enacted into law.