

Legislative Analysis



SUBDIVISION WEED ERADICATION ORDINANCE: ELIMINATE POPULATION REQUIREMENT

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House Bill 5573

Sponsor: Rep. Jase Bolger

Committee: Intergovernmental and Regional Affairs

Complete to 1-25-10

A SUMMARY OF HOUSE BILL 5573 AS INTRODUCED 11-3-09

House Bill 5573 would amend Public Act 359 of 1941, which permits local governments to control and eradicate noxious weeds. Currently, the law allows the officials of a village or city, and of a township with a population of more than 5,000, to provide, by ordinance, for noxious weed eradication on subdivided land, under certain conditions. In this instance, lot owners are liable for any expenses incurred when the weeds are eradicated by local officials, and if the expenses are not paid, then local officials have a lien upon the lot for the amount of the expense. House Bill 5573 would eliminate the population requirement, so the provision would apply to townships of any size, as well as cities and villages.

[The law in general requires landowners to destroy noxious weeds (when notified by the locally appointed commissioner of noxious weeds) in order to prevent them from becoming a detriment to public health. The act specifies certain noxious weeds. If landowners do not do so, then local government officials may eradicate the weeds and charge the landowners for the cost. If the landowner does not reimburse the expenses, then local officials can place a lien against the land for the amount of the expense. The refusal to destroy noxious weeds is subject to a fine of \$100, with revenues to be deposited in the local noxious weed control fund. Local units can make the refusal a municipal civil infraction, in which case the fine is a civil fine. The refusal to remove noxious weeds can also be designated a blight violation under a city ordinance by a city with an administrative hearings bureau.]

MCL 247.64

FISCAL IMPACT:

As written, the bill would not have any direct State fiscal impact. Any local fiscal impact is likely to be small.

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