

Legislative Analysis



SUBDIVISION WEED ERADICATION ORDINANCE: ELIMINATE POPULATION REQUIREMENT

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5573 as introduced
Sponsor: Rep. Jase Bolger
Committee: Intergovernmental and Regional Affairs

First Analysis (2-1-10)

BRIEF SUMMARY: The bill would allow the officials of a township with a population of 5,000 or less to have the same noxious weed eradication powers as cities, villages, and larger townships.

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

THE APPARENT PROBLEM:

Currently, Michigan statute 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, and if landowners do not remove them, then local government officials may eradicate the weeds and charge the landowners for the cost. See *Background Information*.

In subdivisions, however, only the officials of cities and villages, and officials in townships with a population of 5,000 or more can remove noxious weeds, and charge the lot owners for the cost. Smaller townships are excluded from the act.

Recently the township officials in Schoolcraft Township (located in Kalamazoo County) attempted to remove the noxious weeds growing in the yards of many foreclosed properties located in their township subdivisions. Their township attorney advised that were unable to do so, given the population requirement in state statute.

Legislation has been introduced to remove the township population requirement in the statute.

THE CONTENT OF THE BILL:

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 officials 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.

MCL 247.64

BACKGROUND INFORMATION:

Local Noxious Weed Control Fund. If a landowner does not reimburse a local government for the expense of removing noxious weeds, 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 to destroy noxious weeds 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.

ARGUMENTS:

For:

Left unattended, noxious weeds serve as habitat to rats and field mice, both potential carriers of diseases harmful to human beings. In order to protect the public health, local officials have had the authority under state statute to remove noxious weeds since 1941. However, when the law was drafted 70 years ago, cities and villages were authorized to remove the noxious weeds in subdivisions, but only "large" townships (those with a population of 5,000 or more) were granted those powers. This bill would revise that statute to remove this antiquated township population requirement for subdivisions.

The bill would allow the officials of Schoolcraft Township in Kalamazoo County, and officials in small townships throughout Michigan, to control the growth of noxious weeds in subdivisions within their jurisdictions.

POSITIONS:

The Michigan Township Association submitted testimony supporting the bill. (1-26-10)

Schoolcraft Township supports the bill. (1-26-10)

Legislative Analyst: J. Hunault
Fiscal Analyst: Jim Stansell

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.