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House Bill 5573 (as passed by the House)
Sponsor: Representative Jase Bolger
House Committee: Intergovernmental and Regional Affairs
Senate Committee: Local, Urban and State Affairs

Date Completed: 6-21-10

CONTENT

The bill would amend Public Act 359 of 1941 (which governs the control of noxious weeds) to eliminate a requirement that a township have a population of more than 5,000 in order to provide by ordinance for the destruction of noxious weeds in a subdivision by township officials.

The Act requires the owner of land on which noxious weeds are found growing to destroy them before they reach a seed-bearing stage and prevent their regrowth, or prevent them from becoming a detriment to public health. The city, village, or township commissioner of noxious weeds must notify the owner, agent, or occupant of land on which noxious weeds are found growing. If he or she refuses to destroy the weeds, the commissioner must do so. The land owner must pay the expenses incurred in the destruction, and the local unit of government has a lien against the land for the amount of the expense.

A village or city, or a township with a population of more than 5,000 may provide by ordinance that if the owner, agent, or occupant of subdivided land in a subdivision in which buildings have been erected on 60% of the lots, or the owner, agent, or occupant of a lot along an improved street in common use, has failed to destroy the weeds after 10 days' notice, then an authorized agent of the local unit's governing body may enter the lot and destroy them by cutting. The lot owner must pay the expenses incurred in the destruction, and the local unit has a lien upon the lot for the amount of the expense. The bill would delete the township population requirement.

("Noxious weeds" include Canada thistle, dodders, mustards, wild carrot, bindweed, perennial sowthistle, hoary alyssum, ragweed, poison ivy, poison sumac, and any other plant that the governing body of any county, city, or village regulated under the Act regards as a common nuisance.)

MCL 247.64

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no impact on State revenue or expenditures. The bill could increase local unit revenue and expenditures. Expenditures could increase due to local units' costs of cutting weeds. The costs would be more than offset by the expenses assessed to the owner plus any fines. The net impact on local units would likely be negligible.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.