

Noxious Weeds

An Ordinance to provide for the cutting, destruction and removal of noxious and poisonous weeds, dead grass and brush on lands within the City of Caspian, Iron County, Michigan, and to provide for the levy and collection of the costs incurred thereby when done by said City as other taxes are levied and collected.

The City of Caspian Ordains:

Definitions. Whenever used in this ordinance:

1.1 The term "person" shall mean and include one or more persons of either sex, firms, corporations, partnerships, associations, unincorporated voluntary clubs and associations.

1.2 The term "noxious and poisonous weeds" shall include Canada Thistles, milkweed, wild carrots, oxeye daisies, ragweed, goldenrod, burdock, poison ivy, poison sumac, or any other plant which in the opinion of the City Commission is regarded as a common nuisance.

It shall be the duty of every person who owns any lands within the corporate limits of the City of Caspian, to cut, destroy and to remove, or cause to be cut, destroyed and removed from said land all noxious and poisonous weeds growing thereon, and dead grass and brush thereon, at least twice in each year, once within the week beginning June 1, and once within the week beginning August 15, to prevent such weeds from growing to seed or to blossom, as the case may be, and to prevent such dead grass and brush from becoming a fire hazard.

If any person shall fail or neglect to comply with the provisions of this Ordinance, the City Manager shall cause a notice, either written or printed to be served on such person requiring such person to destroy and remove any noxious and poisonous weeds, dead grass or brush, as the case may be, within 10 days after service of said notice; said notice may be either served personally or by registered mail addressed to such person's last known post office address, and said notice shall also contain a summary of the provisions of this ordinance, or a copy in full of this ordinance. The failure to give said notice shall not, however, constitute a defense to any action or proceeding for reimbursement to the City as hereinafter provided for.

If any person shall fail or neglect to comply with the provisions of this Ordinance within the time limited therefore in the aforesaid notice, served as aforesaid, the City Manager may then cause all of said noxious and poisonous weeds, dead grass or brush, to be destroyed, cut down, sprayed, burned or removed to some place where refuse is ordinarily disposed of. The City Manager shall keep or cause to be kept, an accurate account of the time expended by the City personnel and type of equipment used by the city personnel, in carrying out the provisions of this Ordinance, with respect to each parcel of land entered upon therefore. Nothing herein shall be construed as a restriction upon the City's right to subcontract the performance of weed destruction work.

If any person violates any provision of this Ordinance, that person commits a civil infraction, for which said person shall be liable for a fine of \$25.00. In the event that the City has destroyed, cut down, sprayed, burned, or removed said weeds, dead grass or brush, said person shall be liable for all costs attributable to the destruction, cutting, spraying, burning or removing, including wages earned by City employees while engaged in

such work, plus an amount equivalent to market rental value of equipment used in performing the work. In the event the City has contracted for services or machinery in order to have such work performed, the person shall be liable for those amounts for which the City is liable under those contracts, irrespective of whether the weeds, dead grass or brush were removed before the City's contractor performed such work. Also, the costs imposed hereunder shall be added to any fine imposed hereby. In lieu of pursuing an action at law to recover a fine and costs, all costs attributable to destruction of weeds plus the \$25.00 fine may be specially assessed against the property as with other special assessments.

6. Codified April 29, 1986.