

CHARTER TOWNSHIP OF HAMPTON ORDINANCE NO. 12

CHARTER TOWNSHIP OF HAMPTON NOXIOUS WEEDS ORDINANCE

ADOPTED: June 20, 1967

EFFECTIVE: July 15, 1967

An Ordinance for the purpose of controlling and eradicating certain noxious weeds within the Charter Township of Hampton, to permit the Charter Township of Hampton to have a lien for expenses incurred in controlling and eradicating such weeds, to permit the Charter Township of Hampton Board to appoint a Commissioner of Noxious Weeds, to define his powers, duties and compensation, and to repeal certain acts and parts of acts.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN
ORDAINS:

SECTION 1. TITLE

This Ordinance shall be known and cited as the Charter Township of Hampton Noxious Weeds Ordinance.

SECTION 2. COMMISSIONER OF NOXIOUS WEEDS, APPOINTMENT, TERM, COMPENSATION, REMOVAL, NOTIFICATION OF DEPARTMENT OF AGRICULTURE.

The Charter Township of Hampton Board shall appoint a competent person to be the Commissioner of Noxious Weeds who shall take the oath required of the Charter Township of Hampton officers, and shall hold office for the term of two (2) years and until a successor is appointed and qualified, and he shall receive for his compensation such sum as may be fixed by the Charter Township of Hampton Board. The Charter Township of Hampton Board may, at anytime, for good cause remove such Commissioner from

office and appoint his successor to serve the remaining portion of his term. The Charter Township of Hampton Board shall report the name and address of the person so appointed to the State Department of Agriculture within ten (10) days after making such appointment.

SECTION 3. DEFINITION OF NOXIOUS WEEDS

For this purpose of this Ordinance, "noxious weeds" shall include Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), wild carrot (*Daucus carota*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), ragweed (*ambrosia elatior* L.) and poison ivy (*Rhus toxicodendron*), poison sumac (*toxicodendron vernix*) or other plant which in the opinion of the Charter Township of Hampton Board, coming under the provisions of this Ordinance is regarded as a common nuisance.

SECTION 4. DUTY OF COMMISSIONER, PREVENTION OF SPREAD AND ERADICATION

The Commissioner of Noxious Weeds shall diligently inquire concerning the introduction and existence of noxious weeds in the Charter Township of Hampton, and if any are found growing therein, he shall take charge of all such growing and take care that they do not go to seed or otherwise spread, or become a detriment to the public health, and he shall carefully seek and learn, so far as practicable, the best methods of their destruction and he shall persistently apply in proper time such remedy or treatment as shall be best calculated to prevent their spread and to eradicate the same.

SECTION 5. DUTY OF LAND OWNERS, NOTICE, DESTRUCTION BY COMMISSIONER, EXPENSE, SUBDIVIDED LANDS AND LOTS, PENALTY, LAND OF UNKNOWN OWNERSHIP.

A. DUTY OF LAND OWNERS,

It shall be the duty of all owners of land on which noxious weeds are found growing, to destroy the same before they reach a seed bearing stage and to prevent such weeds from perpetuating themselves, or to prevent such weeds becoming a detriment to public health.

B. NOTICE

The Commissioner shall notify by certified mail, with return receipt requested, the owner, agent or occupant of any lands on which noxious weeds are found growing. Such notice shall contain methods of treating and eradicating such noxious weeds and a summary of the provisions of Section 5 of this Ordinance. Failure of the Commissioner to give such notice shall not, however, constitute a defense to any action to enforce the payment of any penalty provided for or debt created under the provisions of this Ordinance.

C. DESTRUCTION BY COMMISSIONER

In case any such owner, agent or occupant shall refuse to destroy such noxious weeds or cause the same to be destroyed, it shall be the duty of the Commissioner to enter upon such lands and to destroy such noxious weeds or cause the same to be destroyed. Express power to so enter upon such lands and destroy such noxious weeds is hereby conferred upon such Commissioner.

D. EXPENSES

Any expenses incurred in such destruction shall be paid by the owner or owners of such lands, and the Charter Township of Hampton, of which such Commissioner is an officer, shall have a lien against such lands for such expenses, which lien shall be enforced in the manner now provided by law for the enforcement of mechanics' liens.

E. SUBDIVIDED LANDS AND LOTS

In the event that the owner, agent or occupant of any subdivided land in any subdivision in which buildings have been erected on 60% of the lots included in that subdivision, or the owners, agents or occupants of lots along all improved streets in common usage, for a depth of ten (10) rods or the depth of the lots, whichever is the lesser, has failed, after ten (10) days notice as provided herein, to destroy such weeds or cause the same to be destroyed, then the Commissioner of Noxious Weeds of the Charter Township of Hampton may enter upon such subdivided lands or lots and destroy by cutting with or without mechanical equipment which will not damage the property or the sidewalk adjacent thereto, any such weeds, and all expenses incurred in such destruction shall be paid by the owner or owners of such subdivided lands or lots. The Charter Township of Hampton shall have a lien upon such subdivided lands or lots for such expenses, such lien to be enforced in the manner prescribed in the Charter for the Charter Township of Hampton, by the general laws of the State providing for the enforcement of tax liens, or by ordinance duly passed by the Charter Township of Hampton.

F. PENALTY

Any owner who shall refuse to destroy such noxious weeds, as provided for in this Section, shall be subject to a fine of not more than One Hundred (\$100.00) Dollars; said fine when collected to be paid to the Supervisor of the Charter Township of Hampton and shall become a part of the "Noxious Weed Control Fund" of the Charter Township of Hampton.

G. LAND OF UNKNOWN OWNERSHIP

Nothing in this Ordinance shall apply to weeds in fields devoted to growing any small grain crop such as wheat, oats, barley or rye.

In the case of easement, property or properties such as abandoned subdivisions, strip mines, gravel pits, and public properties such as forest preserves and all other lands where definite ownership is not known to the Commissioner and cannot be established, it shall be the duty of the Bay County Board of Supervisors to cause the destruction of noxious weeds in accordance with the provisions of Michigan Statutes Annotated, Sec. 9.631 (4).

SECTION 6. LIMITATION OF EXPENDITURE ON ANY ONE TRACT

The Commissioner shall apply the best known means, and use the utmost diligence in eradicating noxious weeds, but he shall not have power to expend in work or materials more than Twenty-five (\$25.00) Dollars on any one (1) infested tract, without the advice and consent, in writing, of the Supervisor of the Charter Township of Hampton.

SECTION 7. PROSECUTION OF VIOLATORS

It shall be the duty of the Commissioner to prosecute or complain to the proper authorities of any person or corporation who may violate any law now existing, or which may hereafter be passed, on the subject of noxious weeds.

SECTION 8. ANNUAL REPORT OF COMMISSIONER

The Commissioner shall, annually, before the first day of December, make a written report to the Department of Agriculture and to the Charter Township of Hampton Board. Said Report shall be made out upon blank forms furnished by the Department of Agriculture and shall contain such information with reference to the existence and growth of noxious weeds as said Department may require.

SECTION 9. AUDIT AND PAYMENT OF COMMISSIONER'S ACCOUNTS

The Charter Township of Hampton Board shall audit the accounts of the Commissioner, both for his services and for the money expended or labor employed by him; and the Charter Township of Hampton Board shall provide for the payment of said services, expenditures, or labor as they now do for other Township expenses.

SECTION 10. FAILURE OF RAILROAD TO DESTROY NOXIOUS WEEDS, PENALTY.

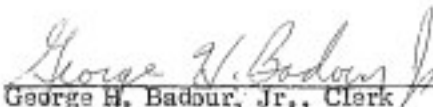
If any company, association, or person owning, controlling or operating a railroad shall refuse or neglect to dig up and destroy or take other certain means of exterminating noxious weeds that may at anytime be growing on the right-of-way or other lands of such lots, or appertaining thereto, they shall be fined for each offense not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars.

SECTION 11. SEPARABILITY CLAUSE

All Ordinances, or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

SECTION 12. EFFECTIVE DATE

This Ordinance shall take effect on the 15th day of July, 1937.


George H. Badour, Jr., Clerk
Charter Township of Hampton
Bay County, Michigan