

**SOO TOWNSHIP
NOXIOUS WEED ORDINANCE
Ordinance No. 12 of 2001**

AN ORDINANCE PURSUANT TO ACT 359 OF THE PUBLIC ACTS OF 1941, AS AMENDED TO CONTROL AND ERADICATE NOXIOUS WEEDS, TO GRANT THE TOWNSHIP THE AUTHORITY TO ERADICATE NOXIOUS WEEDS AT THE PROPERTY OWNER'S EXPENSE, TO PROVIDE A LIEN TO SECURE PAYMENT OF THOSE EXPENSES, TO PROVIDE A PENALTY FOR THE VIOLATION OF THE PROVISIONS HEREOF, AND TO PROVIDE FOR THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC.

SOO TOWNSHIP ORDAINS:

Section 1. Definitions.

The terms listed herein shall be defined as follows:

- A. "Noxious Weeds" shall mean 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*), poison ivy (*rhus toxicodendron*), poison sumac (*toxicodendron vernix*) or any grass or other weeds in excess of eight (8") inches in height.
- B. "Person" shall mean an individual, firm, partnership, corporation, limited liability company, or other legal entity.
- C. "Property" shall mean lots in the Township located within a subdivision in which buildings have been erected on sixty (60%) percent of the lots within the subdivision.
- D. "Township Supervisor" shall means the Soo Township Supervisor.

Section 2. Noxious Weed Control.

Any person who owns or possesses property in the Township shall cut down and destroy, or cause to be cut down and destroyed, all noxious weeds on his or her property as often as may be necessary to prevent them from going to seed or otherwise perpetuating themselves.

Section 3. Notice.

If the Township Supervisor determines that noxious weeds are present on property within the Township, he or she shall notify the person who owns or possesses the property, or his or her agent, that noxious weeds are present and must be destroyed within ten (10) days from the receipt of the notice. The notice may be personally served

or sent by certified mail, return receipt requested to the owner of the property at the address shown by the last current assessment or tax roll, and shall describe methods of treating and eradicating the noxious weeds. The notice shall also include a statement that if the owner or possessor of the property fails to destroy the noxious weeds, or cause the noxious weeds to be destroyed, then the Township shall have the right to enter upon the land to cut the noxious weeds, to charge the owner of the property for its expenses, and to have a lien against the property to secure payment of those expenses. Failure of the Township Supervisor to provide the notice required in this Section shall not, however, be a defense to any action to enforce this Ordinance or to collect any debt created under this Ordinance.

Section 4. Newspaper Notice.

In lieu of the notice requirements of Section 3 above, the Township may publish a notice in a newspaper of general circulation in the Township during the month of March each year that noxious weeds not cut by May 1 of that year may be cut by the Township as many times as necessary to keep the property in compliance with this Ordinance and may charge the cost each such cutting to the person owning the property. The newspaper notice shall contain all the information required in Section 3 above.

Section 5. Cutting by Township.

If a person who owns or possesses property in the Township fails to comply with this Ordinance within the time specified in the notice sent under Section 3 or by May 1 pursuant to the newspaper notice provided in Section 4, then the Township shall have the right to enter onto the land to cut the noxious weeds. The Township Supervisor shall keep an accurate account of the expenses incurred in carrying out the authority provided in this Section, including an additional ten (10%) percent administrative charge, and shall make a sworn statement of that account to the Township Board, which shall then audit and approve the account.

Section 6. Collection of Cutting Expenses.

After the Township Board approves the expense account for cutting noxious weeds on a specific property, the Township Clerk shall send by first class mail a statement of those expenses to the owner of the property at the address shown by the last current assessment or tax roll. The statement of expenses shall be payable to the Township Treasurer within thirty (30) days from the date the statement was mailed. If the statement of expenses is not paid within that thirty (30) day period, then the Township Clerk shall forward a copy of the statement of expenses to the Township Assessor, who shall then assess those expenses against the land in question and those expenses shall become a lien on such property pursuant to Act 359 of the Public Acts of 1941, as amended, and shall be enforced in the manner prescribed by the laws of the State of Michigan for the enforcement of tax liens.

Section 7. Prohibition.

No person shall permit noxious weeds on lands owned or rented by him or her after having received a notice under Section 3 and after the time specified in the notice has expired.

Section 8. Penalties.

A person who violates Section 8 of this Ordinance shall be guilty of a misdemeanor which shall be punishable by imprisonment for not more than ninety (90) days or a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars, or both, plus court costs.

Section 9. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the township.

SOO TOWNSHIP

By: 
James Molitor

Its: Supervisor

By: 
Barbara Reed

Its: Clerk

ORDINANCE CERTIFICATION

At a regular meeting of the Soo Township Board, Chippewa County, Michigan, held in the Soo Township Hall, located at 639 Three and One-half Mile Road, Sault Ste. Marie, Michigan, on July 11, 2001, at 7:30 P.M.

PRESENT: Molitor Perron, Osborn, Reed

ABSENT: Thoresen

It was moved by Molitor and supported by Perron that the

following Ordinance be adopted:

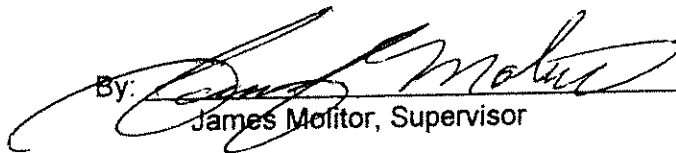
(See attached SOO TOWNSHIP ORDINANCE)

YES: Perron, Molitor, Osborn, Reed

NO: _____

ORDINANCE DECLARED ADOPTED.

SOO TOWNSHIP

By:  _____
James Molitor, Supervisor

I, the undersigned, the Clerk of the Township of Soo, Chippewa County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Soo Township Board of said County at its regular meeting held on _____, 2001, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the _____ on _____, 2001 and was filed with the County Clerk on _____, 2001.

Dated: _____
Barbara Reed, Clerk

Note: The Ordinance and this Ordinance Certification should be filed with the County Clerk within one (1) week of publication and the Ordinance should be placed in the Township Ordinance Book.