

ARTICLE III. - NOXIOUS WEEDS

Sec. 91.30. - Definitions.

For the purpose of Section 91.30 et seq., the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Noxious and poisonous weeds. Dodders (any species of *Cuscuta*), mustards (charlock, black mustard and Indian mustard, species of *Brassica* or *Sinapis*), bindweed (*Convolvulus arvensis*), perennial sowthistle (*Sonchus arvensis*), hoary alyssum (*Berteroa incana*), Canada thistles, milkweed, wild carrot, oxeye daisies, ragweed, golden rod, burdock, and poison ivy, poison sumac, or any other plant which in the opinion of the City Council is regarded as a common nuisance.

Person. One or more persons of either sex, firms, corporations, partnerships, associations, unincorporated voluntary clubs, and associations.

(Ord. No. 13, 8-31-2000; Ord. of 6-23-2004)

Sec. 91.31. - Property owner responsibility.

It shall be the duty of every person who owns any lands within the corporate limits of the city to cut, destroy, and remove, or cause to be cut, destroyed, and removed, from the land all noxious weeds and grasses growing thereon to prevent the weeds and grass from becoming unsightly and growing to seed or blossom, as the case may be, and to prevent the grass and brush from becoming a fire hazard. Grass or weeds may not exceed the height of eight inches as measured of the 15th day of the months May through September.

Owners of property that is zoned Industrial, Agriculture/Open Space, or areas that are determined to be forested or in a natural state are exempt from this section.

Any city property owner may ask the Zoning Administrator to determine whether their property qualifies as a forested or natural area. If the Zoning Administrator determines the property does qualify, the owner may not develop the property until such time the designation is removed. An adverse decision by the Zoning Administrator may be appealed to the City Council.

(Ord. No. 13, 8-31-2000; Ord. of 6-23-2004; Ord. No. 2018-01, 3-21-2018)

Cross reference— Penalty, see Section 91.99.

Sec. 91.32. - Removal by city; expenses.

Should the owner fail to comply with the provisions of Section 91.30 et seq. within the time limited therein, it shall be the duty of the Public Works Foreman of the city to cause all of the noxious and poisonous weeds, dead grass, and brush to be cut, destroyed, and removed from the land and the Public Works Foreman of the city shall keep an accurate account of the expenses incurred in so doing with respect to each parcel of land entered upon for the purpose and shall make a sworn statement of the account and deliver the statement to the City Clerk. The City Clerk shall present all the accounts to the City Council not later than the third Thursday in December of each year in which the labor was performed. The City Council shall audit and, if correct, allow the accounts and order the accounts paid from the General Fund of the city. The sworn statement of the Public Works Foreman shall give the date or dates when the weeds, dead grass, and brush were cut, destroyed, and removed, the owner and description of the lands involved, and the costs of the labor.

(Ord. No. 13, 8-31-2000; Ord. of 6-23-2004)

Sec. 91.33. - Recovery of expenses for city removal.

When the account of expenses shall be audited, allowed, and paid as provided in Section 91.32, it shall be the duty of the City Clerk to certify them forthwith to the City Assessor. All expenditures represented by the accounts shall be severally spread upon the city tax roll next in preparation, levied on the lands on which the expenditures were made, be a lien and be collected in the same manner as other city taxes, and paid into the General Fund of the city.

(Ord. No. 13, 8-31-2000; Ord. of 6-23-2004)

Sec. 91.34. - Effective date.

As a general ordinance, Section 91.30 et seq. shall be effective 30 days after adoption by the Iron River City Council.

(Ord. No. 13, 8-31-2000; Ord. of 6-23-2004; Ord. of 7-2-2009)

Sec. 91.35. - Notice.

The Police Chief shall give written notice of violations of Section 91.31. The landowner shall have ten days to abate the nuisance. Thereafter, the city will direct the abatement of the nuisance as provided in Section 91.32.

(Ord. No. 2018-01, 3-21-2018)

Sec. 91.99. - Penalty.

- (A) Any person in violation of any section of Section 91.01 et seq., except subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below.
- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 91.01 et seq., except subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), shall be subject to a civil fine of \$50.00.
 - (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 91.01 et seq., except subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), in any 12-month period shall be subject to a civil fine of \$100.00.
 - (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 91.01 et seq., except subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), in any 12-month period shall be subject to a civil fine of \$500.00.
 - (4) *Juveniles.* If the person cited for a violation of Section 91.01 et seq., except subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), is under the age of 17 at the time of the occurrence of the violation, the juvenile division of the Probate Court for the County of Iron has jurisdiction over the proceedings and shall proceed to hear and dispose of the case as provided by Chapter X11A of Public Act 288 of 1939, being M.C.L.A. §§ 712A.1—712A.28.
- (B) Any person in violation of any section of subsections 91.16(B)(1) and (B)(2) shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below.
- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of subsections 91.16(B)(1) and (B)(2) shall be subject to a civil fine of \$50.00.

- (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of subsections 91.16(B)(1) and (B)(2) in any 12-month period shall be subject to a civil fine of \$100.00.
 - (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of subsections 91.16(B)(1) and (B)(2) in any 12-month period shall be subject to a civil fine of \$500.00.
 - (4) *Juveniles.* If the person cited for a violation of subsections 91.16(B)(1) and (B)(2) is under the age of 17 at the time of the occurrence of the violation, the juvenile division of the Probate Court for the County of Iron has jurisdiction over the proceedings and shall proceed to hear and dispose of the case as provided by Chapter XIIA of Public Act 288 of 1939, being M.C.L.A. §§ 712A.1—712A.28.
- (C) Failure to comply with the provisions of subsections 91.16(B)(3), (B)(4), (B)(5) and (B)(6), within 30 days of the service of the notice pursuant to subsection 91.17(A), shall be punishable as a civil infraction, and upon finding of responsibility, subject to a fine of \$500.00.
- (D) Any person in violation of any section of Section 91.30 et seq. shall be guilty of a municipal civil infraction and shall be subject to payment of a civil fine as provided in the schedule below.
- (1) *First violation.* Any person who admits responsibility for, or who is found responsible for, a violation of Section 91.30 et seq. shall be subject to a civil fine of \$50.00.
 - (2) *Second violation.* Any person who admits responsibility for, or who is found responsible for, a second violation of Section 91.30 et seq. in any 12-month period shall be subject to a civil fine of \$100.00.
 - (3) *Third and subsequent violations.* Any person who admits responsibility for, or who is found responsible for, a third or subsequent violation of Section 91.30 et seq. in any 12-month period shall be subject to a civil fine of \$500.00.

(Ord. No. 11, 8-31-2000; Ord. No. 12, 9-30-2000; Ord. of 5-21-2001; Ord. of 6-23-2004; Ord. of 7-2-2009; Ord. No. 13, 8-31-2000)