

ORDINANCE No. 2.35

AN ORDINANCE TO ADD ORDINANCE 2.35 OF THE CITY OF CRYSTAL FALLS TO REGULATE NOXIOUS WEEDS AND TALL GRASS AND TO PROVIDE PENALTIES FOR VIOLATIONS

The City of Crystal Falls Ordains:

Section 1. Ordinance 2.35 of the City of Crystal Falls is added to read in its entirety as follows:

Sec. 1. Intent and Purpose

The City Council hereby determines that, under certain circumstances as set forth herein, the presence of Tall Grass and Noxious Weeds creates blight and constitutes a nuisance. It is recognized that such blight lowers property values, leads to deteriorating housing conditions, undermines the quality of neighborhood life, and adversely affects the public health, safety and general welfare of the citizens of the community. This ordinance provides for the cutting, destruction, and/or removal of grass, noxious weeds and miscellaneous debris, and for the administration and enforcement of this ordinance. Both the Home Rule City Act, Public Act No 279 of 1909, as amended, and the Noxious Weeds Act, Public Act No. 359 of 1941, as amended, authorize a Home Rule City to address and eradicate common nuisances, such as weed and grass issues, in order to ensure the health, safety, and welfare of its citizens.

Sec. 2. Definitions.

The following words and phrases have the meanings ascribed to them when used in this ordinance:

Act 359 means Public Act No. 359 of 1941, as amended, MCL 247.61 *et seq.*

Noxious Weeds includes but is not limited to 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*), giant hogweed (*Heracleum mantegazzianum*), ragweed (*Ambrosia elatior* L.) and poison ivy (*Rhus toxicodendron*), poison sumac (*Toxicodendron vernix*), or other plant, which in the opinion of the City is regarded as a common nuisance, including, but not limited to, Tall Grass.

Tall Grass means weeds, grasses and undergrowth higher than eight inches (8") from ground level.

"Owner" and "Occupant" means any person or entity with any ownership or possessor right or interest, including deed holders and land contract vendees (whether recorded or unrecorded), mortgagees, lessees, tenants, residents, and any agent of any of the foregoing.

Words and phrases not otherwise specifically defined in this section shall have the meanings ascribed to them in Act 359, except where the context clearly indicates a different meaning.

Sec. 3. Requirements-Noxious Weeds and Tall Grass.

- (a) The Owner and Occupant of land, whether occupied or unoccupied, within the City, on which Noxious Weeds are found growing shall destroy such weeds before they reach a seed-bearing stage, or a height of eight inches (8"), whichever occurs first, and shall prevent their regrowth.

- (b) The Owner and Occupant of land, whether occupied or unoccupied, within the City shall keep Tall Grass thereon cut to a height of not more than eight inches (8”).
- (c) *Exceptions.* These requirements shall not apply to the following:
 - (1) Agricultural crops.
 - (2) Flower or vegetable gardens.
 - (3) Publicly owned lands.
 - (4) Parcels owned by public utilities.
 - (5) Weeds in fields devoted to growing any small grain crop such as wheat, oats, barley, or rye.
 - (6) Vegetation in woodlands or wetlands.

Sec. 4. Notice.

- (a) The City shall attempt to notify the owner, agent and/or occupant of any parcel or lot subject to this ordinance on which either Noxious Weeds or Tall Grass or both are found growing by one of the following methods; First class mail/personal service/property posting. The notice shall describe methods of treating and eradicating the Noxious Weeds, if applicable, and shall contain a summary of the provisions of this Ordinance. Failure of such owner, agent and/or occupant to receive such notice shall not constitute a defense to any action to enforce this ordinance or payment of any penalty provided for or debt created under this ordinance.
- (b) In addition to or in the alternative to the notice described above, the City may publish a notice in a newspaper of general circulation in the county during the month of April providing that either Noxious Weeds and/or weeds, grasses and undergrowth higher than eight inches (8”) from ground level (Tall Grass) not cut by the Owner/Occupant may be cut by the City and the owner or occupant of the property may be charged with the cost thereof as provided in this ordinance. The notice shall describe methods of treating and eradicating the Noxious Weeds, if applicable, and shall contain a summary of the provisions of this Ordinance.

Sec. 5. Enforcement and Cost Recovery.

- (a) If within ten days after notice or publication as provided in Section 4 the owner, agent or occupant of any land upon which Noxious Weeds or Tall Grass are growing has failed to destroy the Noxious Weeds cause such Noxious Weeds to be destroyed or has failed to cause such weeds, grass or brush to be cut down, destroyed or removed, the City’s designated agent may enter upon the land and destroy the Noxious Weeds, cause them to be destroyed, or cut and/or cut down the Tall Grass. In addition, once an attempt to notify the owner, agent and/or occupant of any parcel or lot is given the notice shall remain in full effect for the remainder of that calendar year and the City or City’s agent may enter upon the property to correct any violation.
- (b) Any expense incurred by the City in such destruction or cutting shall be paid by the owner or owners of such parcel and the City shall have a lien against the parcel for the expense,

which lien shall be enforced in the manner prescribed by the general laws of this State providing for the enforcement of tax liens.

Sec. 6. Penalties.

- (a) In addition to the assessment of costs, any person who violates the provisions of this ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$100.00 plus court costs.
- (b) Every repeat offense shall be subject to increased fines, as follows:
 - (1) First repeated offense shall be no less than \$250.00 plus costs
 - (2) A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$500.00 plus costs.
- (c) In addition to ordering that the person found in violation of the Ordinance must pay civil fines and costs. The District Court Judge or District Court Magistrate may issue any written order necessary to enforce this Ordinance including, but not limited to, the authority to order the person found in violation of this Ordinance to correct the condition giving rise to the civil infraction within thirty (30) days or be subject to the contempt powers of the District Court as authorized and provided for by the applicable Michigan Statutes.

Sec. 7. Severability.

This ordinance and the various parts, sections and clauses thereof are hereby declared severable. If any part, section paragraph or clause is held to be invalid, the remainder of the ordinance shall remain in full force and effect

Effective Date. This ordinance shall take immediate effect 30 days after publication, as provided in Section 2.12(c) of the City Charter.

Tara Peltoma, City Clerk

ADOPTION HISTORY OF ORDINANCE

Original Adoption Date: May 13, 2019

Effective Date: June 12, 2019

Amended: April 27, 2020

Effective Date: May 27, 2020

Amended: March 19, 2024

Effective Date: April 18, 2024

Amended: December 9, 2024