

Ordinance No. 25-01
VILLAGE OF PAW PAW
VAN BUREN COUNTY, MICHIGAN
NOXIOUS WEEDS ORDINANCE

An ordinance to further the public health, peace, safety and environmental quality of the Village of Paw Paw by the prevention, reduction or elimination of noxious weeds within the Village of Paw Paw, Van Buren County, Michigan, to repeal any conflicting ordinances, and to provide penalties for the violation thereof.

VILLAGE OF PAW PAW
VAN BUREN COUNTY, MICHIGAN
ORDAINS:

SECTION I
AMENDMENT TO ARTICLE IV OF THE VILLGAE OF PAW PAW'S
CODE OF ORDINANCES

This section amends Article IV of the Village of Paw Paw's Code of Ordinances to replace the existing the language in its entirety to read as follows:

Section 12-91. Purpose of article.

This article is enacted to protect the health, safety, and welfare of the people of the Village of Paw Paw by controlling and eradicating from subdivided lands and improved streets, whether paved or unpaved, of the Village certain noxious weeds and repeal and conflicting ordinances.

Section 12-92. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Noxious weeds means 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 (*Berteros incana*), ragweed (*ambrosia elatior* l.) and poison ivy (*rhys toxicodendron*), Poison Sumac (*toxicodendron vernix*) or other plants, grass, vines or other growth whenever in the opinion of the board of trustees it is regarded as a common nuisance. State Law reference – Similar provisions, MCL 247.62.

Section 12-93. Penalty for violation of article.

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions for each infraction. Each day on which any violation of this article continues is a separate offense and shall be subject to penalties or sanctions as a separate offense. State Law reference – Authority to make violation a municipal civil infraction, MCL 42.21.

Section 12-94. Nonapplicability of article provisions.

This article shall not apply to noxious weeds in fields devoted to growing of any small grain crop such as wheat, oats, barley or rye.

State Law reference – Similar provisions, MCL 257.64(4).

Section 12-95. Unlawful growth of weeds.

The owner of land on which noxious weeds are found growing shall destroy the weeds before they reach a seed-bearing stage and prevent their regrowth, or shall prevent them from becoming a detriment to public health.

Section 12-96. Public nuisance in certain areas of the Village.

Noxious weeds are deemed to be detrimental to the public health, safety, and welfare and shall constitute a public nuisance when found in any of the following areas:

- (1) Any subdivided land in any subdivision of the Village in which buildings have been erected on 60 percent of the lots included in that subdivision.
- (2) Any lot along all improved streets, whether paved or unpaved, in common usage, for a depth of ten rods or the depth of the lots, whichever is the lesser.

Section 12-97. Enforcement.

1. This ordinance shall be enforced by such persons who shall be designated by the Village Counsel as the commissioner of noxious weeds, and the Village Counsel shall determine the commissioner's compensation.

State Law reference – Commissioner of noxious weeds, MCL 247.61.

2. The owner, agent or occupant of the property upon which any noxious weeds are found to be present shall be notified by certified mail, return receipt requested, to cut or destroy such noxious weeds, grass, plants, vines or other growth within ten days from the date of the certified notice, return receipt requested. Such notice shall contain methods of treating and eradicating such noxious weeds and a summary of the provisions of section 4 of 1941 PA 59 (MCL 247.64). 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 under the provisions of this article.

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3. In lieu of the notice required by subsection (b) of this section, the Village may publish a notice in a newspaper of general circulation in the county during the month of March that weeds not cut by June 1 of that year will be cut by the Village and the owner of the property charged with the cost under the provision of this article. The publication shall also contain all other information required by the notice provided for in subsection (b) of this section.

State Law reference – Similar provisions, MCL 257.64a.

4. If the owner, agent or occupant of the property upon which such noxious weeds, grass, plants, vines or other growth are found to be present has failed after ten days' notice to cut or destroy such weeds, grass, plants, vines or other growth, then such commissioner or other agent authorized by the Village board may enter upon such property and destroy any such weeds, grass, plants, vines or other growth by cutting or destroying with or without mechanical equipment which will not damage the property or sidewalks adjacent thereto.
5. All expenses incurred by the Village in such destruction shall be paid by the owner or owners of such land. The Village shall have a lien upon the subdivided land or lots for the amount of the expense, the lien to be enforced in the manner prescribed by the laws of the state providing for the enforcement of tax liens.

State Law reference – Weed cutting, MCL 257.64

ARTICLE II

REPEAL

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.

ARTICLE III

SEVERABILITY

The separate provisions of this ordinance are hereby declared to be severable and if any provision or section of this Ordinance is declared unconstitutional by a court of competent jurisdiction, the remaining provisions and sections of said Ordinance shall remain in full force and effect.

ARTICLE IV

EFFECTIVE DATE

This Ordinance shall become effective 30 days after publication, after adoption.

Roman Plaszcak, President
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