

## REVISED ORDINANCE NUMBER 9

A REVISED ORDINANCE PROVIDING FOR AND REQUIRING OWNERS AND/OR OCCUPIERS OF LANDS WITHIN THE CITY LIMITS OF THE CITY OF CARSON CITY TO CUT DOWN AND/OR DESTROY ALL NOXIOUS WEEDS GROWING THEREON.

THE CITY OF CARSON CITY ORDAINS:

### CHAPTER 9.1

#### ESTABLISHMENT OF REVISED ORDINANCE

9.101 Short Title. This revised Ordinance shall be known as the "Noxious Weeds Ordinance" [originally enacted on August 20, 1922].

9.102 Authority. The authority for this Ordinance is set forth in MCL 247.61 through 247.72; Chapter 2 Section 2.3(1)(p)(u); and Chapter 7 in general of the City Charter of the City of Carson City.

9.103 Purpose. This Ordinance is revised for the purpose of controlling noxious weeds growing in the City and to eradicate such weeds as a nuisance in the preservation of the public peace, health, safety and general welfare of the City of Carson City.

### CHAPTER 9.2

#### PROHIBITION OF NOXIOUS WEEDS

9.201 It shall be the duty of every landowner, occupant, or person in possession of real estate within the corporate limits of the City of Carson City, to cut, destroy and remove or cause to be cut, destroyed and removed from said land all noxious and poisonous weeds growing thereon, and dead grass and brush thereon, at least twice in each year, once within the week beginning June 1<sup>st</sup>, and once within the week beginning August 15<sup>th</sup>, to prevent such weeds from growing to seed or to blossom, as the case maybe, and prevent such dead grass and brush from becoming a fire hazard.

9.202 It shall be unlawful for any landowner, occupant, or any person in possession of any real estate within the corporate limits of the City of Carson City to permit or maintain, any growth of noxious weeds as defined herein, nor grass or other rank vegetation to a greater height than six (6) inches on the average on any lot or parcel along any approved street in common usage.

### CHAPTER 9.3

#### DEFINITIONS

9.301 The term "person" shall mean and include one or more persons of either sex, firms, corporations, limited liability companies, partnerships, associations, unincorporated voluntary clubs and associations.

**CHAPTER 9.5**  
**NON COMPLIANCE RIGHT OF ENTRY AND REMOVAL BY THE CITY**

If the owner(s) of any premises personally notified or notified by publication pursuant to Chapter 9.4, places the City in the position of having to have Public Works or contract labor, cause such noxious weeds to be cut or destroyed, the City shall keep accurate account of all expense incurred with respect to each parcel of land entered upon in carrying out the provisions of this Chapter and shall make a sworn statement of said account.

**CHAPTER 9.6**  
**COLLECTION FROM PROPERTY OWNER(S)**

All expenses incurred in connection with the cutting or removal of noxious weeds or grass, plus 10 percent, shall be paid by the owner of the property and shall be a lien against the premises collected in the manner prescribed by Act No. 359 of the Public Acts of 1941 (MCL 247.61 through 247.72, as amended. If the City should elect to cut and remove noxious weeds and grass in the manner that is outlined in Chapter 9.4, said action, on the part of the City of Carson City does not preclude enforcement of this Chapter by the issuance of a City civil infraction as provided in Chapter 9.8.

**CHAPTER 9.7**  
**EXEMPTIONS**

This Ordinance does not apply to flower gardens, plots or shrubbery, vegetable gardens and small grain plots and are exempt from this Ordinance. Such exemption cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such categories.

**CHAPTER 9.8**  
**PENALTIES**

9.801 The penalty for this Revised Ordinance shall a civil infraction will a maximum fine not more than \$500.00.

9.802 Each separate violation of this Revised Ordinance shall be considered a separate offense.

**CHAPTER 9.9**  
**SEVERABILITY**

If any chapter, section, subsection, paragraph, sentence, clause, phrase or portion of this Revised Ordinance is, for any reason, held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Revised Ordinance.

ORDINANCE NUMBER NINE

AN ORDINANCE TO REQUIRE OWNERS OR OCCUPIERS OF LANDS WITHIN THE CORPORATE LIMITS OF CARSON CITY TO CUT OR CAUSE TO BE CUT DOWN AND DESTROYED ALL NOXIOUS WEEDS GROWING THEREON.

SECTION I. It shall be unlawful for any owner, possessor, or occupier of any lands within the corporate limits of the City of Carson City to allow Canada Thistles, Milkweed, Wild Carrot, Ox Eye Daises, or other noxious weeds to go to seed.

SECTION II. The common council shall cause to be published in two issues of the newspaper in Carson City due notices of the time for cutting of noxious weeds as mentioned in section I, which shall be twice in each year, once before July 1 and the other before September 1.

SECTION III. If the owner, possessor, or occupier of lands within the corporate limits of Carson City fails to have such noxious weeds as mentioned in Section I cut within ten (10) days after the dates mentioned in the Section above, the said common council shall have the right to enter upon said land and causes said noxious weeds to be cut and destroyed at the expense of said owner, possessor or occupier.

SECTION IV. An itemized cost of the expense as mentioned in the Section above shall be kept by the Comptroller and the account shall be paid from the General Fund of the City as other ordinary expenses. The Comptroller shall then certify to the expense thereof and shall deliver the same to the Assessing Officer, together with an additional 10 percentum to be spread with the tax upon the property and collected with other taxes and if unpaid, shall become a Lien upon the property the same as other unpaid taxes.

SECTION V. The Street Committee of the City Council shall also cause to be cut as often as the City Council may deem it necessary, all noxious weeds and growths along the highways within said City, which time shall be at least twice in each year.

SECTION VI. This ordinance shall take effect on and after August 20, 1922.

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