



## CITY COUNCIL ACTION REPORT

DATE: September 30, 2009

TO: John Szerlag, City Manager

FROM: Mark Miller, Acting Assistant City Manager/ Economic Development Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Deletion of Chapter 89 of the Troy City Code  
Weed Control Ordinance

### Background:

- With the adoption of the new Property Maintenance Code the existing provisions of the Weed Control Ordinance will no longer be necessary.
- Weed control will now be regulated by Section 302.4 of the Property Maintenance Code.
- We have attached the current text of the Weed Control Ordinance showing the language that is proposed to be deleted.
- This action should only be taken after the adoption of the new Property Maintenance Code.

### Financial Considerations:

- There are no financial considerations.

### Legal Considerations:

- City Council has the authority to amend the Weed Control Ordinance under the City Charter and the Home Rule Cities Act.

### Policy Considerations:

- Troy enhances the health and safety of the community (Outcome I).

### Options:

- Once the new Property Maintenance Code is adopted the existing text of the Weed Control Ordinance can be deleted.
- Council can retain the existing text of the Weed Control Ordinance.
- Council can adopt revised text of the Weed Control Ordinance.

Approved as to Form and Legality:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

mss/ Chapter 89 revision memo 10-5-09

The text of Chapter 89, Weed Control, shall be amended by deleting the chapter in its entirety.

## ~~CHAPTER 89 WEED CONTROL~~

~~9.21 Commissioner of Noxious Weeds. Pursuant to the provisions of Act 359, Public Acts of 1941 (Michigan Compiled Laws of 1948, Sections 247.61—247.72), there is hereby created the office of "Commissioner of Noxious Weeds". Said Commissioner of Noxious Weeds shall be appointed by the City Manager in accordance with the provisions of the aforesaid Act 359 of the Public Acts of 1941, and shall possess all rights and be subject to all duties as prescribed in said Act.~~

~~9.22 Definition of Noxious Weeds. For the purpose of this Chapter, "Noxious Weeds" shall include 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 L.) and poison ivy (Rhus toxicodendron), poison sumac (Toxicodendron vernix) or other plant which, in the opinion of the City Council, is regarded as a common nuisance.~~

~~9.23 Destruction of Noxious Weeds. It shall be the duty of all owners of land on which noxious weeds are found growing within one hundred (100) feet of any occupied building, or within 100 feet of a platted subdivision, or within the boundaries of any subdivision in which buildings have been erected on thirty percent (30%) of the lots included in that subdivision, or within 100 feet of any major road, to destroy the same before they reach a seed-bearing state and to prevent such weeds from perpetuating themselves or to prevent such weeds from becoming a detriment to the public health.~~

~~In case owner, agent or occupant fails or refuses to comply with the provisions of this Ordinance, the Commissioner of Noxious Weeds will enter upon the land and destroy the weeds as many times as necessary during the growing season, not to exceed four cuttings.  
(Rev. 5-12-80)~~

~~9.24 Exemptions. Nothing herein shall apply to fields devoted to the growing of small grain crops such as corn, wheat, oats or rye.  
(Rev. 4-21-69)~~

CITY OF TROY  
AN ORDINANCE TO  
AMEND CHAPTER 89 OF  
THE CODE OF THE CITY  
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 89, Weed Control, of the Code of the City of Troy.

Section 2. Amendment

Chapter 89, Weed Control, shall be amended by deleting the Chapter in its entirety:

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective on January 1, 2010.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_\_\_ day of \_\_\_\_\_ 2009.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, City Clerk