

THE INSECT PEST AND PLANT DISEASE ACT (EXCERPT)
Act 189 of 1931

286.220 Insect pests and plant diseases; eradication of nuisances; notice; abatement; inspection; payment of expenses.

Sec. 20.

(1) If the director shall determine that any species or variety of tree, shrub, vine or other plant growing within this state is a host plant nuisance as defined in section 18, and if in the judgment of the director such species or variety of plant should be eradicated from this state or from any section thereof, in order to safeguard the other plants and plant products of the state or any section thereof, he shall give public notice thereof, designating the species or variety of plant, the eradication of which is proposed, the section of the state involved, and the reasons why the eradication of such plant is necessary. The notice shall also designate a place and a time, which time shall not be less than 30 days after the date of such notice, for a public hearing, at which all persons in the state interested in the proposed action of the director may be heard. If after such hearing the director shall determine that such species or variety of plant should be eradicated, he shall give public notice of the fact, naming the species or variety of plant to be eradicated, describing the boundaries of the section of the state from which such species or variety of plant shall be eradicated, and the date when such notice shall become effective. The director shall also give written notice of the facts to any owner, or other person in charge of the property or place where such nuisance is found; which notice shall specify the condition constituting such nuisance and the method by which and the time within which such nuisance shall be abated. The owner or person in charge shall proceed to remove, cut, destroy or otherwise completely eradicate the host plant constituting the nuisance within the time and in the manner described in such notice. Whenever such owner or other person cannot be found, or shall fail, neglect or refuse to obey the requirements of the notice, the director may proceed to abate such nuisance; and in so doing, the director is authorized to treat, remove, cut or destroy the host plant nuisance. Certain plants and plant products included in the classification of host plant nuisances and not actually infested or infected may be permitted by the director to remain without eradication until such time as they become infested or infected.

(2) If the director has reason to believe that any article, except one which could serve as a favorable host plant, is a nuisance as defined by section 18 or that such a nuisance, either alone or in combination with a host plant, exists on any premise or area or is in transit in this state, he may inspect or cause to be inspected by a person or device any such article, premise or area. If he finds by inspection that such nuisance exists, he may give notice to the owner, possessor or person in charge of such article or premise, and after expiration of the time stated in the notice, may seize, quarantine, treat or otherwise dispose of such nuisance in a manner deemed necessary to suppress, control, eradicate or to prevent or retard the spread of an insect pest or plant disease, or he may order the owner, possessor or person in charge to so treat or otherwise dispose of the pest or article. The notice shall be given at least 10 days prior to such action and may be given by personal service, mail or newspaper publication as the director deems expedient.

(3) The director may employ the necessary aid in abating any nuisance under this section and he may render a bill against the owner for the expense incurred. If the owner refuses to pay the bill, it shall be certified to the local assessing officer and assessed against the property.

History: 1931, Act 189, Eff. Sept. 18, 1931 ;-- CL 1948, 286.220 ;-- Am. 1961, Act 239, Eff. Sept. 8, 1961 ;-- Am. 1967, Act 11, Imd. Eff. June 2, 1967