

Chapter 30

VEGETATION\*

- Art. I. In General, §§ 30-1—30-15  
Art. II. Tree Protection, §§ 30-16—30-40  
Art. III. Noxious Weeds, Grasses And Other Undergrowth, §§ 30-41—30-47

ARTICLE I. IN GENERAL

**Sec. 30-1. Penalty.**

(a) Unless a section in this chapter specifically provides otherwise, a first violation of any provision of this chapter, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than fifty dollars (\$50.00).

(b) Unless a section in this chapter specifically provides otherwise, a second violation of any provision of this chapter, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than one hundred and fifty dollars (\$150.00).

(c) Unless a section in this chapter specifically provides otherwise, a third violation of any provision of this chapter, by any person, is a municipal civil infraction which shall, upon a determination of responsibility, be punishable by a fine of not less than three hundred dollars (\$300.00).

(d) In addition to a fine, a person determined to be responsible for a municipal civil infraction under this chapter shall be assessed the cost of prosecution of not less than nine dollars (\$9.00) but not to exceed five hundred dollars (\$500.00).

(e) The fourth and any subsequent violation of any provision of this chapter, by any person, is a misdemeanor which shall, upon conviction, be punishable in accordance with section 1-13 of this Code.

(f) In addition to the penalties provided by this section, the district court shall have equitable jurisdiction to enforce any judgment, writ, or order necessary to enforce any provision, the violation of which is a municipal civil infraction, including, but not limited to, abatement of the violating condition or the granting of any injunctive relief.

(Ord. No. 319, § 2, 8-12-96)

**Secs. 30-2—30-15. Reserved.**

\*Cross references—Soil erosion and sedimentation control, Ch. 24; streets, sidewalks and other public places, Ch. 25; subdivision regulations, Ch. 26.

**ARTICLE II. TREE PROTECTION\*****Sec. 30-16. Purpose.**

It is the purpose and intent of the city to regulate the removal of trees from public and private property in the city in order to preserve, protect and enhance valuable natural resources entrusted to the state and to protect the health, safety and welfare of its citizens, to establish standards limiting the removal of and insuring the replacement of trees sufficient to safeguard the ecological and aesthetic environment necessary to a community; to prevent the unnecessary clearing and disturbing of land so as to preserve, insofar as is practicable, the natural and existing growth of vegetation; and to replace when feasible the removed trees with the same, comparable, or improved species; and to provide protective regulations against hazardous trees and diseased trees or shrubs; to control activities relative to trees and plantings upon the streets or public property of the city; to establish a permit procedure for tree contractors; and to provide for a tree commission.

(Ord. No. 235, § 1, 10-12-87)

**Sec. 30-17. Definitions.**

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*Covered area.* That area which falls within the drip line of any tree, a vertical line extending from the outermost portion of the canopy to the ground.

*Destroy.* To cut down a tree or to perpetrate any intentional or negligent act which will cause a tree to decline or die within a period of two (2) years. This shall include, but not be limited to, damage inflicted upon the root system of a tree by the application of toxic substances, by the operation of equipment and vehicles, or by the change of natural grade by unapproved excavation or filling within the covered area of a tree, or damage caused by the unapproved alteration of natural physical conditions.

*Historic tree.* A tree which has been determined by the city council to be of notable historic interest because of its age, size or historic association and has been so designated in the official records of the city.

*Owner of property* is the person who is owner of the fee simple title of the property on which a specimen tree is planted.

**\*Editor's note**—Former Art. II, §§ 30-16—30-25, was deleted as being superseded by the provisions of Ord. No. 235 of 1987, adopted Oct. 12, 1987, which enacted amended §§ 30-16—30-25 and added §§ 30-26—30-34 to read as set out herein. The deleted sections pertained to similar provisions and derived from Ord. No. 213 of 1985, §§ 1—9, adopted Mar. 11, 1985.

**State law reference**—Care of trees and shrubs, MCL 247.241 et seq., MSA 9.361 et seq.

*Specimen tree.* A tree which has been determined by the city council to be of high value because of its type, size, age or other professional criteria and has been so designated in the official records of the city.

*Tree.* Any self-supporting woody plant growing upon the earth which usually provides one (1) main trunk and produces a more or less distinct and elevated head with many branches.

- (1) For preservation purposes, a tree shall measure no less than two (2) inches in diameter at six (6) inches above the ground level.
- (2) Replacement trees shall measure no less than two (2) inches in diameter at six (6) inches above the ground level.

*Tree farm.* A privately owned forest (woodland) dedicated to the production of timber crops, consisting of not less than twenty (20) acres of contiguously owned land under one (1) ownership.

(Ord. No. 235, § 2, 10-12-87)

**Sec. 30-18. Removal or treatment of trees or shrubbery on private property.**

(a) The city manager or his designee shall, in carrying out his duties outlined in subsection (b), (c) and (d) of this section, contact the property owner by writing his last known address, describing the conditions and stating the control necessary for correction and establishing a reasonable time within which the required steps shall be taken on a voluntary basis.

(b) The city manager or his designee may cause or order to be removed any tree or part thereof on private ground which is in unsafe condition, or which by reason of its nature is injurious to sewer or other public improvements, or is affected with any injurious fungus, insect or other pest.

(c) The city manager or his designee shall also have power to spray or otherwise treat or cause or order to be sprayed or otherwise treated any tree or shrub infected or infested by parasite, insect or pest, when it shall be necessary in his opinion to do so, to prevent the breeding or scattering of any parasite, and to prevent danger therefrom to person or property or to trees and shrubs planted in the public streets or other public places.

(d) Whenever in the opinion of the city manager or his designee, trimming, pruning, removal or treatment of any such tree or shrub located on private property shall be deemed prudent and necessary, the city manager or his designee shall have the power to trim, treat or remove any such tree or shrub, or cause or order the same to be done.

(e) If the required steps are not taken within the specified time, outlined in subsections (b), (c) and (d) of this section, the city manager or his designee shall cause or order the same to be done and have power to enter any private grounds and shall assess the cost thereof to the owner of the property.

(Ord. No. 235, § 3, 10-12-87)

#### **Sec. 30-19. Activities of public utilities.**

(a) *Authority of city manager.* The authority of the city manager or his designee shall extend to the control of the activities of utility companies in the matter of treating, trimming, planting or removing trees or shrubs on the public and private property and streets of the city.

(b) *Permission required to treat, trim, etc., trees or shrubs.* It shall be unlawful for any such company to in any manner treat, trim, plant or remove trees or shrubs on any public or private property and streets of the city without the written permission of the city manager or his designee, who is hereby expressly given the right to withdraw any permission where inspection by the city manager or his designee indicates that the work has not been or is not being done in compliance with good horticultural standards.

(Ord. No. 235, § 4, 10-12-87)

**Cross reference—Utilities, Ch. 29.**

#### **Sec. 30-20. Plantings along streets and public use easements.**

(a) *Generally.* The planting, pruning or other treatment of trees upon the streets and public use easements and public property shall be under the direction of the city manager or his designee. No tree upon any street or public use easement or public property in the city shall be destroyed, cut down or otherwise removed without the consent of the city manager or his designee. No trees or plants of any kind shall be planted upon any street, public use easement or public property except with the consent of the city manager or his designee.

(b) *Public easements.* No trees shall be planted at public expense upon private property unless a public use easement has been granted; except, that, with the consent of the owner, trees may be planted upon the line between any street and the abutting private property, and trees may be planted in connection with public works projects which have disturbed private property and where the city has easements, on condition that the planting, pruning, removal or other treatment of the trees so planted shall be under the control of the city manager or his designee.

(c) *Prohibited acts.* It shall be unlawful to girdle, break, bend, wound, tack signs or notices upon or in any manner injure any tree planted upon any public use easement or street

or public property within the corporate limits, except with the approval of the city manager or his designee.

(Ord. No. 235, § 5, 10-12-87)

**Cross references**—Cemeteries, Ch. 8; injuring, etc., trees, shrubs, etc. in cemeteries, § 8-20; parks and recreation, Ch. 18.

**Sec. 30-21. Tree contractors.**

(a) *Permit required.* In addition to any other license or permit which may be required by this Code, any person who shall solicit or otherwise seek to engage in the business of tree maintenance and preservation by pruning or fertilizing or of tree removal, in whole or in part, shall be required to obtain a permit from the city manager.

(b) *Application; contents.* The permit shall be applied for in the department of public works on forms prescribed by the city manager and shall contain information as required by him as to reasonably protect the consumer and to assure the qualifications of the person proposing to perform the services.

(c) *Issuance of permit; temporary permit.* Unless, upon an investigation, the character and business responsibility of the applicant is found to be unsatisfactory or incompatible with the purposes of this article, the city manager shall, within ten (10) days, issue such permit containing the information by attachment contained in the application. A seventy-two-hour temporary permit may be issued in the sound discretion of the city manager.

(Ord. No. 235, § 6, 10-12-87)

**Sec. 30-22. Historic or specimen trees.**

The tree commission may recommend to the city council that certain trees located within the city be officially designated as historic or specimen trees. The tree commission shall notify the owner of property on which the tree is located. The tree commission shall present its recommendation to the city council for determination. The city council shall hold a public hearing prior to officially designating any historic or specimen trees. The initial action on such a procedure may be taken by a citizen, citizen's group, or organization by submitting a complete report to the tree commission describing the tree or trees in question and their significance in needing protection.

(Ord. No. 235, § 7, 10-12-87)

**Cross reference**—Historic preservation of structures and sites, Ch. 13.

**Sec. 30-23. Applicability of article.**

The terms and provisions of this article shall apply to real property in the city as follows:

- (1) All undeveloped property regardless of the zone and property undergoing redevelopment.
- (2) Yard area of all developed property shall be required to obtain a permit except residential property zoned R-1 and R-2; provided, that the covered area of historic and specimen trees shall be covered by the terms of this article.
- (3) Covered area of historic or specimen trees.

(4) Public rights-of-way, parks and public grounds.

(5) A person operating a tree farm, as defined, shall not be required to obtain a permit. (Ord. No. 235, § 8, 10-12-87)

**Cross references**—Cemeteries, Ch. 8; parks, Ch. 18; streets, sidewalks and other public grounds, Ch. 25; zoning, App. A.

**Sec. 30-24. Tree removal permit—Required.**

(a) *Generally.* A tree removal permit shall be required before any tree on property described in section 30-23 may be destroyed or removed.

(b) *Application when site plan required.* When a site plan or other development plan is required, application for a tree removal permit shall consist of a plan acceptable to the city manager or his designee in form and content, submitted as part of the site plan or other development plan. Approval of such site plan or other development plan may be deemed approval of the tree removal permit.

(c) *Application when site plan not required.* When no site plan or other development plan is required, application for a tree removal permit shall be submitted to the city manager or his designee in a form which provides the information deemed necessary by the city manager or his designee. Where no emergency exists, the city manager or his designee shall act upon a tree removal permit application within eight (8) days from receipt of application.

(d) *Charge.* Permits shall have no charge unless a consultant is needed before permission may be granted. The permit shall state the time allowed and the functions to be performed. (Ord. No. 235, § 9, 10-12-87)

**Cross reference**—Subdivision regulations, Ch. 26.

**Sec. 30-25. Same—Review and issuance.**

(a) *Factors.* The following factors shall also be taken into consideration in issuing permits:

- (1) The extent to which tree clearing is shown to avoid excessive clearing and still permit the applicant to achieve the proposed development or land use.
- (2) The extent to which the actual or intended use of the property is in accordance with the regulations of the zoning district in which the property lies requires the clearing of trees.
- (3) The hardship to the applicant which will result from a modification or rejection of the required permit.
- (4) The desirability of preserving any tree by reason of its size, age or some other outstanding quality, such as uniqueness, rarity or status as a landmark or species specimen.
- (5) The extent to which the area would be subject to environmental degradation due to removal of the trees.

- (6) The heightened desirability of preserving tree cover in densely developed or densely populated areas.
- (7) Whether the tree is diseased, injured beyond restoration, in danger of falling, interfere with utility services or creates unsafe visual clearance.

(b) *Replacement of trees.* When warranted in the judgment of the city manager or his designee, the applicant may be required to replace, in accordance with a tree replacement plan, any tree being removed with a suitable replacement tree elsewhere on the site. In determining whether the replacement of trees is reasonable and shall be required, the city manager or his designee shall consider the intended use of the property together with an evaluation of the following:

- (1) Existing tree coverage, size and type;
- (2) Number of trees to be removed;
- (3) Area to be covered with structures, parking and driveways;
- (4) Grading plan and drainage requirements; and
- (5) Character of the site and its environs.

(c) *Approval.* If the permit application conforms to standards and guidelines and there are no objections resulting from consideration of the factors listed in subsection (a) of this section, the permit application shall be approved.

(d) *Rejection.* If the permit application does not conform to standards and guidelines or there is an objection resulting from consideration of the factors listed in subsection (a) of this section, the permit application shall be rejected. The city manager or designee may require that the application be modified to bring it into conformance with the standards and guidelines or to eliminate any objections to the application.

(Ord. No. 235, § 10, 10-12-87)

#### **Sec. 30-26. Area to be cleared.**

The area of land to be cleared of trees and other vegetation in conjunction with proposed development or land use shall not include any trees which are unique by reason of size, age or some other outstanding quality, such as rarity or status as a landmark or species specimens. Subject to the city manager or his designee approval, the area to be cleared shall generally be limited to that area needed for:

- (1) Street construction and necessary slope construction.
- (2) Public service or utility easements and rights-of-way. This shall include area for utility line installation with any construction easements necessary for such installation and easements for maintenance access. These easements shall not be cleared prior to actual line installation.
- (3) Building roof coverage area and ancillary structures such as patios and porches plus fifteen (15) feet on all sides for construction activity.

- (4) Driveways, alleyways, walkways, parking lots and other land area necessary to the installation of the proposed development or use.
- (5) Sediment basins. Only those trees within the area necessary for construction of the dam, the area in which sediment will collect, and the area necessary for construction and maintenance of the basin shall be cleared of trees.

(Ord. No. 235, § 11, 10-12-87)

**Cross references**—Buildings and building regulations, Ch. 7; utilities, Ch. 29.

#### **Sec. 30-27. Tree preservation and maintenance.**

(a) *Agreement.* prior to approval of the plan, there shall be executed by the owner or his agent and submitted with the plan an agreement in form and substance as approved by the city to establish the measures provided for on the plan for the protection of vegetation.

(b) *Certificate of completion.* Upon completion of the work required for which the city has issued a permit, the owner or his agent may apply to the city manager or his designee in writing for a certificate of completion. If the work is found by the city manager or his designee to conform to the approved plan provided for in section 30-26 and other applicable regulations and city ordinances, he shall issue the certificate.

(Ord. No. 235, § 12, 10-12-87)

#### **Sec. 30-28. Failure to comply with plan.**

If the city manager or his designee determines that the permit holder has failed to comply with the plan, the city manager or his designee shall immediately serve upon the permit holder a notice to comply which shall be sent by registered or certified mail to the address specified by the permit holder in his permit application. Such notice shall set forth specifically the measures needed to come into compliance with such plan and shall specify the time within which such measures shall be completed. If the permit holder fails to comply within the time specified, he may be subject to revocation of the permit and a special assessment against the property to correct the noted deficiencies; furthermore, he could be deemed to be in violation of this article and upon conviction could be subject to the penalties provided by this article.

(Ord. No. 235, § 13, 10-12-87)

#### **Sec. 30-29. Exceptions; waiver of article.**

(a) *Hazardous, dangerous condition of tree.* In the event that any tree shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and require immediate removal without delay, verbal authorization may be given by the city manager or his designee and the tree removed without obtaining a permit as herein required.

(b) *Period of emergency.* During the period of an emergency, such as a tornado, ice storm, flood or any other act of nature, the requirements of this article may be waived by the city manager or his designee.

(Ord. No. 235, § 14, 10-12-87)

**Sec. 30-30. Replacement of trees destroyed of article.**

When trees are destroyed in violation of this article, replacement trees shall be required unless exemption is granted by the city manager or his designee. The size, species and quantity of these replacements shall be determined by the city manager or his designee.

(Ord. No. 235, § 15, 10-12-87)

**Sec. 30-31. Tree commission; membership.**

(a) *Appointment by the mayor.* The mayor shall, subject to confirmation by the council, appoint a commission of two (2) planning commission members, one (1) parks commission member and one (1) council representative. The terms shall be concurrent with the member's terms to the planning commission, parks commission and city council respectively.

(b) *Responsibilities.* It shall be the responsibility of this commission to study, investigate and develop, as well as update annually a written plan for the care, preservation, planting or removal of trees and shrubs in public parks and parkways. Such a plan shall be submitted to the council for approval, and upon their acceptance and approval shall constitute the official tree plan for the city. The commission shall also, when required by the council, consider, investigate or recommend upon any special matter falling within the scope of its work.

(Ord. No. 235, § 16, 10-12-87; Ord. No. 300, § 1, 5-23-94)

**Cross reference**—Planning commission, § 20-16 et seq.

**Sec. 30-32. Replacement program.**

(a) *Intent.* It is the intent of the city to maintain the numbers and character of its trees. Therefore, each tree lost in its parkways, easements or public lands shall be replaced by an appropriate official tree.

(b) *Funding:*

- (1) For trees lost by age, disease or acts of nature, trees shall be replaced as soon as possible and by a plan recommended yearly by the commission. Normally a tree killed by storm or disease damage will be replaced by a one-and-one-half-inch or two-inch tree. The cost will be shared by the property owner on a fifty-fifty basis.
- (2) Where a tree is lost by negligent or intentional damage or vandalism, the person, vehicle owner, or agent responsible shall be charged for the value of an equal sized replacement. If such a replacement is not available locally, the value of the tree will be computed from the state forestry and park association shade tree evaluation formula and the person shall be invoiced that amount to compensate for costs of removal and planting of a replacement.
- (3) Each year, in addition to the list of trees drawn up by the commission, property owners may request (at times to be designated by the commission) to have trees replaced that may have been removed prior to March 11, 1985. When possible the city will replace these trees on a fifty-fifty cost-sharing arrangement. If the trees request-

ed are totally on private property, the property owner shall bear the entire cost of the replacement tree. The council shall budget funds adequate to complete these objectives after it approves the commission's annual proposal.

(Ord. No. 235, § 17, 10-12-87; Ord. No. 300 of 1994, § 2, 5-23-94)

**Sec. 30-33. Planting regulations.**

(a) *Street tree species to be planted.* The list in subsection (f) constitutes the official street tree species for the city. No species other than those included in this list may be planted as street trees. In addition, there is a recommended list of various size trees for private plantings. Tree height of new trees must ultimately blend with others in vicinity.

(b) *Spacing of street trees.* The spacing of street trees will be in accordance with the tree species size classes listed in subsection (f) and no trees may be planted closer together than the following: Small trees, thirty (30) feet (9.1m); medium trees, forty (40) feet (12.2m); and large trees, fifty (50) feet (15.2m).

(c) *Distance from curb and sidewalk.* The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the tree species size classes listed in subsection (f), and no trees may be planted closer to any curb or sidewalk than the following: Small trees, two (2) feet (0.61m); medium trees, three (3) feet (0.91m); and large trees, four (4) feet (1.22m).

(d) *Distance from street corners and fireplugs.* No street tree shall be planted closer than thirty-five (35) feet (10.67m) to any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten (10) feet (3.05m) to any fireplug.

(e) *Utilities.* No street trees other than those listed as small trees in subsection (f) may be planted under or within ten (10) lateral feet (3.05m) of any overhead utility wire, or over or within five (5) lateral feet (1.52m) of any underground waterline, sewer line, transmission line or other utility.

(f) *Official street tree species:*

(1) *Small trees (Grow to less than 30' tall):*

- |                          |                    |
|--------------------------|--------------------|
| Dogwood, Kousa           | Cornus kousa       |
| Flowering Crabapple, var | Malus spp.         |
| Hawthorne, Dotted        | Crataegus punctata |
| Maple, Amur              | Acer ginnala       |
| Redbud                   | Cercis canadensis  |

(2) *Medium trees (Grow to from 30 to 45' tall):*

- |                   |                                 |
|-------------------|---------------------------------|
| Corktree, Amur    | Phellodendron amurense          |
| Honeylocust       | Gleditsia tricanthos, Imperial  |
| Maple, Hedge      | Acer campestre, Queen Elizabeth |
| Pear, Callery var | Pyrus calleryana                |

(3) *Large trees (Grow to over 45 ' tall):*

|                        |                            |
|------------------------|----------------------------|
| Ash, White var         | Fraxinus americana         |
| Baldcypress            | Taxodium distichum         |
| Ginkgo                 | Ginkgo biloba              |
| Linden, Littleleaf var | Tilia cordata              |
| Linden, Silver         | Tilia tomentosa            |
| Maple, Norway Columnar | Acer platanoides, Columnar |

(g) *Recommended official tree list for private plantings:*

(1) *Small trees:*

|                             |                              |
|-----------------------------|------------------------------|
| Acer ginnala                | Amur Maple                   |
| Acer platanoides "Globosum" | Globe Norway Maple           |
| Cercise canadensis          | Eastern Redbud               |
| Elaegnus angustifolia       | Russian Olive                |
| Koelreuteria paniculata     | Golden Raintree              |
| Malus SPP                   | Flowering Crabapple          |
|                             | *Disease-resistant varieties |
|                             | Adams                        |
|                             | Baccata                      |
|                             | Donald Wyman                 |
|                             | Floribunda                   |
|                             | Ormiston Roy                 |
|                             | Sargenti                     |
|                             | Snowdrift                    |
|                             | Winter Gold                  |
|                             | Zumi                         |
| Pinus mugo                  | Mugo Pine                    |
| Tilia cordata "Greenspire"  | Greenspire European Linden   |

(2) *Medium trees:*

|                                 |                       |
|---------------------------------|-----------------------|
| Acer Compestre                  | Hedge Maple           |
| Acer Platanoides "Crimson King" | Crimson King Maple    |
| Gleditsia tricanthos inermis    | Thornless Honeylocust |
| Pinus sylvestris                | Scotch Pine           |
| Quercus imbricaria              | Single Oak            |
| Quercus palustris               | Pin Oak               |
| Sophora japonica                | Japanese Pagoda Tree  |
| Tilia cordata                   | European Linden       |

(3) *Large trees:*

|                  |                  |
|------------------|------------------|
| Acer platanoides | Norway Maple     |
| Acer rubrum      | Red Maple        |
| Carya ovata      | Shagbark Hickory |

|                          |                  |
|--------------------------|------------------|
| Cercidiphyllum japonicum | Katsura Tree     |
| Fraxinus americana       | White Ash        |
| Fraxinus pennsylvanicum  | Green Ash        |
| Juglans nigra            | Black Walnut     |
| Pinus nigra              | Austrian Pine    |
| Pinus resinosa           | Red Pine         |
| Pinus strobus            | White Pine       |
| Platanus acerifolia      | London Planetree |
| Quercus alba             | White oak        |
| Quercus palustris        | Pin Oak          |
| Quercus rubra            | Red Oak          |

*h. Official park trees (in addition to any street tree):*

|                   |   |
|-------------------|---|
| Blackgum          | Nyssa sylvatica<br>(Wet soils, medium heat) |
| Hemlock, Canadian | Tsuga canadensis                            |
| London Planetree  | Patanus x acerfolia                         |
| Oak, Bur          | Ouercusmacrocarpa                           |
| Pine, White       | Pinus strobus                               |
| Pine, Austrian    | Pinusnigra                                  |
| River Birch       | Betula nigra (Medium Ht)                    |
| Serviceberry var  | Amelanchier spp. (small Ht)                 |
| Spruce, White     | Picea glauca                                |
| Sweetgum          | Liquidamber styraciflua                     |
| Tulip Poplar      | Liriodendron tulipifera                     |

(Ord. No. 235, § 18, 10-12-87)

**Sec. 30-34. Violations.**

Any person who shall violate any provision of this article or who disobeys any lawful order issued in pursuance of this article, shall be guilty of a misdemeanor. Imposition of any penalty for a violation of this article shall not be construed as a waiver of the right of the city to collect from the defendant the cost of the tree work done by the city which the defendant was required but failed to pay under provisions of this article.

(Ord. No. 235, § 19, 10-12-87)

**Secs. 30-35—30-40. Reserved.**

**ARTICLE III. NOXIOUS WEEDS, GRASSES AND OTHER UNDERGROWTH\***

**Sec. 30-41. Prohibition.**

No person owning, occupying or in control of any lot or land within the limits of the city shall allow or maintain on such lot or land or on any untraveled portion of any public right-of-way

\*Cross reference—Nuisances generally, Ch. 16.

State law references—Control and eradication of noxious weeds, MCL 247.61 et seq.; MSA 9.631(1) et seq.; obnoxious plants and trees, MCL 124.151 et seq., MSA 12.270(1) et seq.; deposit of noxious weeds on highways, MCL 247.51, MSA 28.181.

abutting such lot or land within the city limits any growth of weeds or grasses which have obtained the height of ten (10) inches or are in the seed-bearing stage of their growth. For the purpose of this section, "weeds" shall include, but are not limited to, any noxious weeds, rank vegetation which exhales unpleasant and noxious odors, or any uncultivated vegetation, including grasses which may conceal persons, rubbish, or filthy deposits.

(Ord. No. 181, § 1, 10-13-80; Ord. No. 317, § 1, 7-22-96)

**Sec. 30-42. Notice to destroy.**

The city manager or city manager's designee is hereby authorized and empowered to notify, in writing, the owner or person in control of any lot or land within the city or the agent thereof in violation of section 30-41 to cut, destroy and/or remove, within ten (10) days from the date of the notice, any such weeds, grass, or deleterious, unhealthful, uncultivated growths or other noxious matter found growing, lying, or located on the owner's property, or upon the sidewalk abutting the same, or on any untraveled portion of any right-of-way adjacent to such property. The notice shall be handed personally or mailed to the person or address used for tax purposes or to the person standing in apparent control or dominion of the premises.

(Ord. No. 181, § 2, 10-13-80; Ord. No. 317, § 2, 7-22-96)

**Sec. 30-43. Action upon noncompliance.**

Upon the failure, neglect or refusal of any person or agent notified under section 30-42 to cut, destroy and/or remove weeds, grass, or deleterious, unhealthful, uncultivated growths or other noxious matters lying or located upon property within the limits of the city or upon the sidewalk abutting the same within ten (10) days after mailing of the notice or of personal service thereof, whether or not the same was successfully delivered, the noxious weed commissioner is authorized and empowered to arrange and pay for the cutting, destroying and/or removal of the same, either by the city or by others, and immediately bill the expense thereof to the owner or person in control of the property.

(Ord. No. 181, § 3, 10-13-80)

**Sec. 30-44. Assessment of property.**

If any bill rendered as provided in section 30-43 shall remain due and unpaid for a period of thirty (30) days after the bill is mailed, it shall thereafter accrue with interest at the rate of six (6) percent per annum from the date of completion of the work ordered by the noxious weeds commissioner and the council may in its discretion order the collection thereof by suit at law or may assess the same against the property and after due notice to the owner of the property and upon confirmation of the assessment the same shall constitute a lien upon the property for the enforcement of the collection of the principal and interest and shall be billed as a part of the tax applicable thereto and shall be collected in the same way with all remedies to the city as in the case of nonpayment of taxes. The council may in its discretion provide that such assessment may be paid in not to exceed five (5) equal installments.

(Ord. No. 181, § 4, 10-13-80)

**Sec. 30-45. Other regulations.**

This article shall be in addition to and not in place of Act No. 359 of the Public Acts of Michigan of 1941 (MCL 247.61 et seq., MSA 9.631(1) et seq.), as amended.

(Ord. No. 181, § 5, 10-13-80)

**Sec. 30-46. Nuisance.**

Maintenance of premises in violation of this article is declared to be a nuisance entitling the city to appropriate action to abate same by mandatory injunction or other method including aforesaid remedies.

(Ord. No. 181, § 6, 10-13-80)

**Sec. 30-47. Violations.**

In addition to the other remedies and charges under this article any person found guilty of a violation of this article shall be subject to the penalties of section 1-13.

(Ord. No. 181, § 7, 10-13-80)