

Chapter 62

VEGETATION*

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***Cross references**—Buildings and building regulations, ch. 10; community development, ch. 14; environment, ch. 22; land division, ch. 30; subdivisions, § 30-31 et seq.; streets, sidewalks and other public places, ch. 50.

ARTICLE I. IN GENERAL

Secs. 62-1—62-30. Reserved.

ARTICLE II. TREES*

Sec. 62-31. Injuring trees and shrubs declared unlawful; removal by order of commission.

It shall be unlawful for any person (except as provided in this article) to injure, deface, cut or destroy any tree or shrub not owned by him, planted along the margin of any public street or in any public grounds of the city, or purposely left there for shade or ornament, provided, that whenever it shall appear to the city commission that any shade or ornamental tree or shrub is an obstruction or an injury to any public street, such tree or shrub may be cut down or removed by order of the city commission.

(Code 1979, § 30.006)

Sec. 62-32. Trees causing damage to public property; planting in tree lawn.

(a) It shall be unlawful for any person to maintain any tree, the roots of which are causing damage to any public sewer, sidewalk, pavement or other public property.

(b) No person shall set out or plant any tree in a public street or any portion thereof, including the tree lawn, without a permit from the city.

(Code 1979, § 35.101)

Secs. 62-33—62-65. Reserved.

ARTICLE III. WEED CONTROL†

Sec. 62-66. Municipal civil infraction.

A person who violates any provision of this article is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in section 1-14. Repeat offenses under this article shall be subject to increased fines as set forth in section 1-14.

Sec. 62-67. Noxious weeds prohibited.

(a) Ragweed, milkweed, bitterdock, burdock, thistles, goldenrod and all other noxious weeds are determined and declared to be dangerous, unhealthy, tending to cause and promote disease and are declared a nuisance.

***State law references**—Planting of trees along highways, MCL 247.231 et seq., MSA 9.351 et seq.; care of trees and shrubs along highways, MCL 247.241 et seq., MSA 9.361 et seq.; obnoxious plants and trees, MCL 124.151 et seq., MSA 12.270(1) et seq.

†State law reference—Control and eradication of noxious weeds, MCL 247.61 et seq., MSA 9.631(1) et seq.

(b) No person, property owner or occupant shall permit any one or more of the noxious weeds described in subsection (a) of this section to exist on any lands within the city.
(Code 1979, § 35.102(a))

Sec. 62-68. Duty to cut.

It shall be unlawful for the owner or occupant of any land within the city to permit grass or any weeds or other plants to grow upon any land owned or occupied by him to a height exceeding six inches, and it shall be the duty of all such persons to cut down such weeds, grass or plants when they reach a height of six inches.
(Code 1979, § 35.102(b))

Sec. 62-69. Abatement by city; recovery of costs.

(a) The existence of any one or more of the conditions listed in this article, upon any land within the city, shall constitute a public nuisance contrary to the public health, safety and general welfare of the city.

(b) The city may remove or cause to be removed any growth of grass, weeds, brush or other vegetation found in violation of this article, after having notified in writing the owner or occupant of such property at least ten days in advance. If the property is vacant and personal service cannot otherwise be given, notice to remove or abate the nuisance within ten days shall be posted on a conspicuous place on the property.

(c) If the city shall cause the growth to be cut, removed and the nuisance abated, the fair and reasonable cost and expense to the city, including but not limited to actual expenses for labor, equipment use and other direct costs, shall constitute a charge against the owner of the affected premises. If the costs and charges are not paid within 30 days of billing, there shall be a penalty of ten percent added, and the total cost and penalties chargeable against the property as a delinquent account.
(Code 1979, § 35.102(c))