

ARTICLE IV. TREES, PLANTS AND SHRUBS

Sec. 94-126. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Arboriculture, management or tree care means the treating, spraying, pruning and any other work intended for the preservation of trees and the removal and prevention of tree pests, blights and diseases of any and all kinds.

Buildings and grounds superintendent or his designee means the person authorized to exercise the powers granted to him by this article and who shall have control over the city's urban forest.

Public place means any public street, public highway, public park or any property owned or held by the city within the boundaries of the city.

Tree or street tree includes any tree, shrub or any other plant in a public place or on private property as indicated by subsequent provisions of this article.

When not inconsistent with the context: words of the masculine gender shall include the feminine, and words of the feminine gender shall include the masculine; words used in the plural number shall include the singular number, and words used in the singular number shall include the plural number; words used in the future tense shall include the present, and words in the present tense shall include the future.

(Code 1970, § 38-81; Ord. No. 1998-1, 2-2-98)

Sec. 94-127. Penalty.

Any person violating any provision of this article shall, upon conviction, be punished as prescribed in section 1-15 of this Code. Each day during which the violation shall continue shall be held and deemed to be a separate offense.

(Code 1970, § 38-91; Ord. No. 1998-1, 2-2-98)

Sec. 94-128. Guidelines.

The following guidelines shall be used when interpreting the provisions of this article, or when drafting or interpreting any rules or regulations adopted pursuant thereto:

(1) The cutting down of planted trees should be considered as a last resort. But, naturally, any trees dangerous to public health or safety should be removed. Heroic efforts to save a tree need not be made, but reasonable ones should be used, especially in the case of the larger trees or where such removal will change the look of a neighborhood.

(2) At such time that public sidewalk repair or replacement is deemed necessary by public or private persons, the sidewalk, when and where possible, will be routed, so as not to injure or alter any existing mature tree. In larger species mature means a trunk of 12 inches or more in diameter, measured five feet off the ground.

(3) It will be the responsibility of the buildings and grounds superintendent or his designee, when and where financially feasible, to care for all trees, shrubs and plants on public property in such a manner that any tree, shrub or plant afflicted with disease or

pests is cared for, and that such condition be corrected at the earliest opportunity, so that the removal of trees, shrubs and plants will rarely be required.

(4) City employees dealing with trimming, shaping, planting and care of trees, shrubs and plants should be trained in the proper professional techniques.

(5) Serious consideration is to be given to the welfare of nesting or denning wildlife when possible. Diligent efforts should be taken so as not to unreasonably disturb nesting or denning wildlife habitation sites, especially those considered rare, protected or endangered. When feasible, natural areas, free from human interruption and intrusions, may be set aside. Area naturalists may be consulted, if necessary, for any matter regarding the relocation and/or the disturbing of wildlife. Unless practical, this subsection shall not apply to any tree which is in such a condition and is located so as to constitute a potential danger to persons or property in the vicinity of said tree.

(Code 1970, § 38-82)

Sec. 94-129. General duties of buildings and grounds superintendent or his designee. The buildings and grounds superintendent or his designee will have the duty to superintend, regulate and encourage the preservation, culture and planting of shade and ornamental trees, shrubs and plants and to direct the method and time of planting, trimming, treating and removing the same, as required by this article, or by rules or regulations adopted pursuant hereto.

(Code 1970, § 38-83)

Secs. 94-130, 94-131. Reserved.

Editor's note: Ord. No. 1998-1, adopted February 2, 1998, amended the Code by repealing former §§ 94-130 and 94-131 in their entirety. Former § 94-130 pertained to establishment of a street tree committee, and derived from the Code of 1970, § 38-83.1. Former § 94-131 pertained to establishment of a citizen advisory tree committee, and derived from the Code of 1970, § 38-83.2.

Sec. 94-132. Powers and specific duties of superintendent.

(a) *General authority.* The buildings and grounds superintendent or his designee is hereby given the authority to enforce all provisions of this article.

(b) *Preservation and removal of trees on public property.* The buildings and grounds superintendent or his designee shall have the right and duty to prune, give tree care, preserve or remove any street tree existing upon any public place when any such street tree, or any part thereof, is so infected with any injury, fungus, insect or other plant disease that treatment is desirable or necessary, or when such tree, or part thereof, constitutes an interference with physical travel along public streets or sidewalks.

(c) *Notification of adjoining property owner.* Whenever the buildings and grounds superintendent or his designee plans to remove a tree on public property, he shall first give written notice to the person who owns the property immediately contiguous to where the tree is located. The notice shall inform the person of the intended removal and the reason therefor. Notice may be effectuated in any of the ways listed in section 94-136(1). Such notice shall be delivered or mailed not less than 21 days prior to removal of such tree. In situations when there is potential danger to persons or property, if the person owning the contiguous property cannot be found within a reasonable period of time, depending on the individual circumstances involved, the buildings and grounds

superintendent or his designee may remove the tree before the expiration of the 21 day notice or even prior to any notice being given.

(d) *Tree care or removal of trees on private property.* The buildings and grounds superintendent or his designee shall have the authority, and it shall be his duty, to order the pruning, tree care or removal of trees, shrubs or plants upon private property when such trees, shrubs or plants constitute a public nuisance, or when he shall find such action necessary in order to preserve the public health, safety and welfare.

(1) *Trees, shrubs or plants as a public nuisance.* Any dead, dangerous or diseased tree on private property, insofar as it affects the public health, safety and welfare, is hereby declared to be a public nuisance, dangerous to life and limb. For the purposes of this article: a dead tree is any tree with respect thereto the buildings and grounds superintendent or his designee has determined that no part thereof is living; a dangerous tree is any tree, or part thereof, living or dead, which the buildings and grounds superintendent or his designee shall find is in such a condition and is so located as to constitute a potential danger to persons or property on public space in the vicinity of the tree; a diseased tree is any tree, on private property, in such a condition of infection from a major pathogenic disease or from fungus or insect pests as to constitute, in the opinion of the buildings and grounds superintendent or his designee, a threat to the health of any other tree.

(2) *Obstructions as a public nuisance.* Any hedge, tree, shrub or other growth situated at the intersection of two or more streets, alleys or driveways in the city is hereby declared to be a public nuisance to the extent that such hedge, tree, shrub or other growth obstructs the view of the operator of any motor vehicle with regard to other vehicles or pedestrians approaching or crossing the intersection.

(e) *Authority of the buildings and grounds superintendent or his designee to enter on private premises.* The buildings and grounds superintendent or his designee or any designated member of his staff shall have the authority to enter upon private premises at any and all reasonable times to examine any tree, shrub or plant located upon or over such premises that he has reasonable grounds to believe is dangerous or a public nuisance and to carry out the provisions of this article. Prior to entry upon such premises, the buildings and grounds superintendent or his designee or his agents shall make a reasonable effort to inform the owner or tenant about the inspection and the reason therefor.

(f) *Permits for trimming, removal and planting on public property.* The buildings and grounds superintendent or his designee is given full authority and control in connection with the issuance of permits under this article.

(g) *Issuance of conditional permits.* The buildings and grounds superintendent or his designee shall have the authority to affix reasonable conditions to the grant of a permit issued in accordance with section 94-134.

(h) *Delegation of duties and authority.* In the exercise of all or any of the powers granted in this section, the buildings and grounds superintendent or his designee shall have the authority to delegate all or part of his powers and duties with respect to supervision and control to his subordinates and assistants in the employ of the city as he may from time to time determine. Such subordinates or assistants may be appointed by the buildings and grounds superintendent or his designee as he deems expedient. He may at any time remove them from office.

(i) *Supervision.* The buildings and grounds superintendent or his designee or any person to whom the buildings and grounds superintendent has delegated all or a part of his powers and duties shall have the authority, and it shall be his duty to supervise all work done under a permit issued in accordance with the terms of this article.

(j) *Hiring consultants.* The buildings and grounds superintendent or his designee may, if there is money available for such purposes, from time to time as he deems advisable, hire consultants to assist him.

(Code 1970, § 38-84; Ord. No. 1998-1, 2-2-98)

Sec. 94-133. Street tree inventory plan and plant lists.

(a) The buildings and grounds superintendent or his designee shall develop a street tree inventory plan showing the species of all trees existing, as well as planting sites in the public places of the city. Such inventory shall be kept up-to-date and be open to public inspection and copying. The Davey Environmental Services Street Tree Inventory Report, which was delivered to the city in 1984, is hereby approved in concept as a general guide for the beginning of the street tree inventory plan, which is required by this article. That report and the resulting street tree inventory plan, as well as the designated planting sites, may be changed by the buildings and grounds superintendent or his designee from time to time as deemed necessary. No person shall plant, transplant or remove any public tree on or to any public place in the city, except on a location where it will be in conformity with the street tree inventory plan and in conformity with the desirable species and variety of trees which are listed in accordance with this article.

(b) The buildings and grounds superintendent or his designee shall provide a list of trees that are undesirable for planting in public places in the city, so as to ensure the public safety and welfare. These shall not be recommended for general planting, and their use, if any, shall be restricted to special locations where, because of certain characteristics of adaptability or landscape effect, they can be used to their advantage. The buildings and grounds superintendent or his designee shall also provide lists of trees desirable for planting in public spaces. Other species and varieties may be added or deleted as experience or additional information becomes available.

(c) No variety of box elder (*Acer negundo*), catalpa (*Bignoniaceae*), chinese elm (*Ulmus parvifolia*), horse chestnut (*Aesculus*), poplar (*Populus*), siberian elm (*Ulmus pumila*), tree of heaven (*Ailanthus*), weeping willow (*Salix*), silver maple (*A. Saccharinum*), conifer or fruit bearing tree shall be planted as a city street tree unless approved in writing by the buildings and grounds superintendent or his designee.

(Code 1970, § 38-85; Ord. No. 1998-1, 2-2-98)

Sec. 94-134. Required permit and conditions for planting trees, shrubs or plants on public property.

(a) *General requirements for planting trees, shrubs or plants.* No tree shall be planted in or removed from any public place without a written permit from the buildings and grounds superintendent or his designee. Such permits shall designate the type of tree and place where such tree is to be planted or removed in accordance with this article. The buildings and grounds superintendent or his designee shall have the authority to determine the required spacing and required minimum planting size.

(b) *Application data.* The application for a permit required by this section shall state the number, species and variety of trees to be pruned, preserved, removed or planted; the kind of treatment to be administered; and such other information as the buildings and grounds superintendent or his designee shall find reasonably necessary for a fair determination of whether a permit should be issued under this section.

(c) *Standards for issuance.* The buildings and grounds superintendent or his designee shall issue the permit provided for in this section when he finds that the desired action or treatment is satisfactory and that the proposed method and workmanship are satisfactory.

(d) *Exemptions.* No permit shall be required to cultivate or water public trees, shrubs or plants. The buildings and grounds superintendent or his designee may authorize any tree expert company or other professional to do the work or act described in subsection (a) of this section without a written permit for each tree, shrub or plant, whenever he determines that such work or act will not be detrimental to the public interest and will be in accord with the spirit and other requirements of this article. However, the buildings and grounds superintendent or his designee in such instance will make a written report of the general duty and instructions given to the tree expert company or professional and the locations involved.

(e) *Storage and filing.* The buildings and grounds superintendent or his designee shall keep all applications for the permits as described in this section, any permits issued or reports of exemptions granted, as well as any property owner requests for public tree removal, or any other writing required by this article, on file for a period of time not less than two years. Such applications, permits and exemptions shall be open to inspection at reasonable times by the public, as well as open for copying for a reasonable cost.

(Code 1970, § 38-86; Ord. No. 1998-1, 2-2-98)

Sec. 94-135. General tree, shrub and plant regulations.

(a) *Injury to trees, shrubs and plants prohibited.* No person shall, without written permission from the buildings and grounds superintendent or his designee in the case of a street tree, or without the permission of the owner in the case of a tree on private property, do, or cause to be done by others, any of the following acts:

(1) Secure, fasten or run any rope, wire, sign or other device or material to, around or through a tree.

(2) Break, injure, mutilate, deface, kill or destroy any tree, or permit any fire to burn where it will injure any tree.

(3) Permit any toxic chemical, gas, smoke, brine, oil or other injurious substance to seep, drain or to be emptied upon or about any tree.

(4) Excavate any ditch or trench in such a manner as to adversely affect the health of a tree or damage the root system.

(5) Erect, alter, repair or raze any building or structure without placing suitable guards around all nearby trees which may be injured or defaced by, or where such injury or defacement may arise out of, in connection with or by reason of such operation. The quality of such guard shall be determined by the buildings and grounds superintendent or his designee.

(6) Knowingly permit any uninsulated electric transmission or distribution wire to come into prolonged contact with any tree.

(7) Remove any guard, stake or other device or material intended for the protection of any tree or close or obstruct any open space about the base of a tree designed to permit access to air, water and fertilizer.

(b) *Moving trees.* All moving of trees upon any public place in this city made necessary by the moving, construction or razing of a building or structure by any other private enterprise shall be done under the supervision of the buildings and grounds superintendent or his designee at the expense of the applicant. Such applicant, as one of the conditions of obtaining such permission, shall deposit with the city such sum in cash as the buildings and grounds superintendent or his designee may determine and specify to cover all the costs of moving and replacement thereof; provided, however, that in lieu of such cash deposit, at the discretion of the city treasurer, the applicant may post a good and sufficient bond in like amount conditioned upon the payment of all the cost of such moving and replacing.

(c) *Removing public trees upon request of contiguous property owner.* Granting or denying the request for removal of a tree on public property, which is made by a person who owns the property immediately contiguous to the location of the tree, shall be at the discretion of the buildings and grounds superintendent or his designee. All such requests shall be in writing and shall state the reason for the requested removal. In such situations, the buildings and grounds superintendent or his designee shall put his decision on the request and the reasons therefor in written form.

(1) If the reason for the requested removal is that the tree is dead, diseased or damaged beyond reasonable efforts which would cure or repair the disease or damage, or that the tree is dangerous or likely to damage persons or property, and if the buildings and grounds superintendent or his designee agree with any of such reasons, then the tree will be removed at city expense, and the person will not be forced to pay any costs for either removal or replacement of the tree.

(2) If such person's removal request is not for a reason listed in subsection (c)(1) of this section, then the cost of such removal and the cost of the tree's proper replacement, when possible, by city employees or by contracted persons shall be the responsibility of the requesting person. The estimated amount of such costs shall be given in writing to the requesting person before the tree is removed.

(3) If such person's removal request is not for a reason listed in subsection (c)(1) of this section, and if the tree is listed as undesirable pursuant to section 94-133, then, in situations involving extreme financial hardship of the requesting person, and if funding, manpower and time are available in the discretion of the buildings and grounds superintendent or his designee, the cost of such removal may be paid by the city. Unless an exception is made for the reasons stated above, the cost of removal shall be paid by such person. In any event, however, the cost of such tree's proper replacement, when possible, by city employees or a contracted person shall be the responsibility of the requesting person. The estimated amount of all costs shall be given in writing to the requesting person before the tree is removed.

Prior to removal of any public tree pursuant to subsection (c)(2) or (c)(3) of this section, such contiguous owner shall sign a written agreement to pay the city for the cost involved in the replacement of such tree and, when applicable, for the cost of such tree's removal. Collection of such costs shall be as provided by the ordinances of the city or in any other manner permitted by law.

(d) *Appeal of decision to remove a public tree.* A person who owns or lives on property immediately contiguous to where a public tree is located, which the buildings and grounds superintendent or his designee plans to remove, shall have the right, within four business days after receipt of notice of the removal plan, to appeal, in writing, to the city manager or his designee, who shall review such order within five working days and file his written decision thereon.

(e) Disposal of diseased or infested or infected trees, shrubs or plants. Any tree or plant which is removed because of disease or insect or other infestation shall be disposed of in a manner so as to, as much as possible, prevent the spread of such disease or infestation.

(f) *Duty of persons pruning, giving tree care or removing trees.* Any person pruning, giving tree care or removing any public tree shall do such work in accordance with this article and with all rules or regulations adopted pursuant to this article. All such work must also be in accordance with any directions of the buildings and grounds superintendent or his designee.

(g) *Trimming and pruning of trees on public property by utility company.* Prior to trimming or pruning of public trees on public property by any public or private utility company, agent or contractor, specific written approval shall be first obtained from the buildings and grounds superintendent or his designee outlining the method, degree, locations and limit of such activity.

(Code 1970, § 38-87; Ord. No. 1998-1, 2-2-98)

Sec. 94-136. Procedure upon order to give tree care or remove tree on private property. When the buildings and grounds superintendent or his designee shall find it necessary to order the pruning, tree care or removal of trees, shrubs or plants upon private property, as authorized in section 94-132(b) and (d), he shall serve a written order to correct the dangerous condition upon the owner, operator, occupant or other person responsible for its existence. Any of the following methods of service may be used, but they are listed in order of preference:

(1) *Method of service.* The order shall be served in one of the following ways:

- a. By making personal delivery of the order to the owner of the premises or to the person responsible for the care and upkeep of the premises.
- b. By mailing a copy of the order to the last known address of the owner of the premises by regular and registered mail.
- c. By leaving the order with some person of suitable age and discretion upon the premises.
- d. By affixing a copy of the order to the door at the entrance of the premises in violation.
- e. By publishing a copy of the order in a local paper once a week for three consecutive weeks.

(2) *Time for compliance.* The order required in this section shall set forth a time limit for compliance, dependent upon the hazard and danger created by the violation. The time for compliance shall not be less than 21 days, except in cases of extreme danger to persons or property, in which case the buildings and grounds superintendent or his designee shall have the authority to require compliance immediately upon service of the order. In case of such extreme danger to persons or property, if the owner cannot be found within a reasonable amount of time depending on the individual circumstances involved, the buildings and grounds superintendent or his designee may order the

hazardous or dangerous condition abated by the use of city employees or contracted persons, even if service of the order has not been effected.

(3) *Appeal from order.* A person to whom an order under this section is directed shall have the right, within four business days after service of such order, to appeal to the city manager or his designee, in writing, who shall review such order within five working days and file his written decision thereon. Unless the order is revoked or modified, it shall remain in full force and be obeyed by the person to whom it was directed. A person to whom such order is directed must comply with such order within 20 working days after an appeal shall have been determined.

(4) *Refusal to comply or noncompliance with order.* When a person to whom such an order is directed fails to comply within the specified time period, the buildings and grounds superintendent or his designee may take such steps as he finds necessary to remedy the condition, which specifically includes having the work done.

(5) *Special assessment.* If the cost to the city of remedying a condition on private property is not paid within 30 days after receipt of a statement itemizing the cost of remedying such condition from the buildings and grounds superintendent or his designee, such cost shall be levied against the property upon which said hazard existed as a special assessment and is collectable subject to all applicable ordinances of the city. The levying of such an assessment shall not affect the liability of the person to whom the order was directed to fine and imprisonment as provided in section 94-127

(Code 1970, § 38-88)

Sec. 94-137. Regulations governing residential and apartment house subdivisions.

Planting of street trees on public property in all residential and apartment house subdivisions, as well as new stores, offices and industry, shall be as follows:

(1) Street trees shall be planted by the property owner in all new residential and apartment house subdivisions, including single-family dwellings, stores, offices and industry within the city, including land abutting any street previously opened, as well as those opened for the subdivision. The planting of such trees shall be under the guidance of the buildings and grounds superintendent or his designee.

(2) The number, size, species and location of the street trees planted at all new residences, offices, apartments, etc., shall be as specified by the buildings and grounds superintendent or his designee.

(3) The city shall not grant a building permit, unless a street tree planting permit has been issued and a bond has been filed or cash deposited with the city treasurer to ensure compliance with this article and any rules and regulations adopted under this article.

(4) The bond or cash deposit shall equal the cost, as determined by the buildings and grounds superintendent or his designee, of purchasing and planting the required number of street trees.

(5) The subdivider may comply with the street tree regulations or request the buildings and grounds superintendent or his designee to contract the work on public bid, the subdivider agreeing to pay the cost therefor.

(6) If a bond or cash deposit exceeds or is less than an accepted bid, the subdivider, in the case of the bond, may decrease or shall increase the bond and, in the case of a cash deposit, be reimbursed or increase the deposit in the amount of the difference, as the case may be.

(7) Street trees shall be planted by the subdivider or contractor within two years from the issuance of a permit. Failure to plant the trees shall be a default and the bond or cash deposit shall be forfeited. Any funds derived from a default shall be expended by the buildings and grounds superintendent or his designee to plant the required street trees. (Code 1970, § 38-89)

Sec. 94-138. Regulations pertaining to persons engaged in the handling and care of street trees.

No person shall advertise, solicit or contract as a tree expert to improve the condition of fruit, forest, shade or ornamental trees by feeding, fertilizing, trimming, bracing, or other methods of improving or protecting trees, without first obtaining a yearly permit from the buildings and grounds superintendent or his designee.

(1) Any person interested in obtaining such a permit shall make application to the buildings and grounds superintendent or his designee who shall review the qualifications of the applicant and determine whether a permit will be issued.

(2) Such permit shall be a prerequisite to the performance of any work connected with the planting, removing, spraying, pruning, bark tracing and root pruning or any other acts necessary to obtaining such work.

(3) Each permittee shall file with the city clerk evidence of compliance with the insurance requirements as are set forth in section 30-58. Each permittee shall covenant and agree to defend, indemnify and save harmless the city, its officers, agents and employees from any and all claims, injuries, damages, losses and expenses, including attorney fees, arising out of, resulting from or caused by the permittee's performance of the activities and work covered by the permit, whether it is caused by the permittee, its employees or agents, or anyone directly or indirectly employed, retained or consulted by it, or for anyone whose acts it may be liable.

(4) The permittee shall perform the work described above in a professional manner and, in addition, shall comply with the specifications, written and drawn, furnished by the buildings and grounds superintendent or his designee. The permittee shall further comply with regulations governing the work to be done as directed upon the permit to cover such work.

(5) A party who fails to obtain such a permit violates this section of the article and, in addition to any other penalties which may be imposed pursuant to section 94-127, may be subject to a fine of not more than \$100.00 per day. The imposition of this penalty shall not affect the liability of the party to fine and imprisonment as provided in section 94-127.

(Code 1970, § 38-90)

Sec. 94-139. Interfering with enforcement of article.

No person shall hinder, prevent or interfere with the agents or employees of the city while they are engaged in carrying out the provisions of this article.

(Code 1970, § 38-93)

Sec. 94-140. Issuance of appearance tickets for violations of article.

Peace officers or the buildings and grounds superintendent or his designee and his designated agents are hereby authorized to issue appearance tickets for violations of this article.

(Code 1970, § 38-94)

Secs. 94-141--94-160. Reserved.

ARTICLE II. NOXIOUS WEEDS*

*State law references: Control and eradication of noxious weeds, MCLA 247.61 et seq., MSA 9.631(1) et seq.

Sec. 110-26. Declaration of nuisance.

For the purposes of this article, all plants mentioned in section 110-27 are hereby declared to be noxious weeds and to constitute a public nuisance.

(Code 1970, § 21-85)

Sec. 110-27. Duty to cut and destroy.

It shall be the duty of each owner, possessor or occupier of land, and of every person having charge of any land within the city, to cut or remove and destroy all noxious weeds. Noxious weeds shall be defined as all grasses, annual plants, and vegetation other than trees or shrubs; provided, however, this term shall not include cultivated flowers and gardens. All noxious weeds shall be cut or removed and destroyed on or before May 1 of each year. Thereafter, all noxious weeds shall be cut or removed and destroyed before they reach a height of six inches on lands adjacent to a residence or a height of eight inches on vacant lands or commercial property and, in any case, as necessary to prevent all noxious weeds from going to seed or otherwise spreading or becoming a detriment to the public health.

(Code 1970, § 21-86; Ord. No. 2001-8, § 1, 7-16-01)

Sec. 110-28. Notice to cut and destroy.

It shall be the duty of the city manager to give general notice to every owner, possessor or occupier of land, and of every person having charge of any land within the city by publication at least once in a newspaper of general circulation in the city that weeds not cut by May 1 of that year, and as often thereafter as necessary, will be cut by the city and the owner of the property charged with the cost of same, including any cost incurred in the removal or relocation of debris, junk, or other miscellaneous obstructions which would be necessary or convenient for carrying out the requirements of this article.

(Code 1970, § 21-87; Ord. No. 2001-8, § 2, 7-16-01)

Sec. 110-29. Cutting and destroying noxious weeds by the city--Generally.

If any noxious weeds have not been cut or destroyed by May 1, or as often thereafter as necessary, the city manager or his designee or any duly authorized contractor engaged by the city may enter upon the land and cause all such weeds to be cut down and destroyed. Express power to so enter upon such land and to destroy such noxious weeds is hereby conferred. All expenses of such cutting or destroying, including

any and all costs incurred in the removal or relocation of debris, junk, or other miscellaneous obstructions which would be necessary or convenient for carrying out the requirements of this article shall be paid by the owner of such land plus an administrative service charge of \$110.00 per parcel, per cutting or destroying. The city manager or his designee may enter upon such lands as often as necessary to cut and destroy weeds and shall not be liable for damages in any action of trespass therefor.
(Code 1970, § 21-88; Ord. No. 2001-8, § 3, 7-16-01)

Sec. 110-30. Same--Account and collection of expenses incurred.

(a) The city manager shall keep an accurate account of the expenses incurred in carrying out the provisions of section 110-29 with respect to each parcel of land entered upon therefor. The amount of such expense incurred in the destruction of such weeds shall constitute a debt due the city by the persons so failing to comply with this article, and the city may maintain an appropriate action in a court of law for the collection thereof.

(b) If the cost of destroying weeds as provided for in section 110-29 remains uncollected or unpaid on September 30 following the cutting of the weeds, the unpaid amount shall be returned by the city manager to the assessor of the city and the same, together with interest not to exceed the maximum established by state law for municipal borrowing nor be less than seven percent per annum, shall be placed upon the special tax roll next in course of preparation as a charge against the property upon which such order was carried out, and the same shall become a lien upon the land and shall be assessed and collected in the same manner as all other special assessments of the city are assessed and collected; and the same, when collected, shall be paid into the general fund to reimburse the outlay therefrom.

(Code 1970, § 21-89)