

Chapter 98 VEGETATION*

***Cross reference(s)**--Buildings and building regulations, ch. 10; environment, ch. 26; parks and recreation, ch. 58; planning, ch. 66; streets, sidewalks and other public property, ch. 74; subdivisions and other land divisions, ch. 78.

ARTICLE I. IN GENERAL

Sec. 98-1. Violations.

Any person violating this chapter shall be responsible for a civil infraction.

(Code 1975, §§ 18-28, 22-3)

Sec. 98-2. Damaging, pulling, etc., flowers, plants, trees, etc.

It shall be unlawful for any person to pull, pick, trample on, injure, destroy or carry away any flower, grass, plant, herb, shrub or tree in any park, square, street or other public ground or, without the owner's permission, in any private lawn, garden, yard or other place, in the city.

(Code 1975, § 22-1)

State law reference(s)--Malicious destruction of trees and shrubs, MCL 750.383.

Sec. 98-3. Attaching wires to trees.

No person shall fasten any telegraph wire, telephone wire, guy wire or any other wire to any tree in the city, without first obtaining the consent of the owner of such tree.

(Code 1975, § 22-2)

Cross reference(s)--Utilities, ch. 94.

Sec. 98-4. Tree trimming and removal--Generally.

No person shall trim, cut, remove, alter, damage, mark or make use of any tree or plant growth on city property, on a public right-of-way, terrace, boulevard, sidewalk or public easement, without authorization and permission of the city. No person shall have trees or plant growth on private property which interferes with the use of, or causes site restrictions on, public ways or public property.

(Code 1975, § 18-26)

Sec. 98-5. Same--Forestry policy.

The city commission may adopt a forestry policy and codify such forestry policy in regulations which shall determine the methods to be used and policies to be followed in trimming, cutting, removing, altering, planning and locating trees and plant growth on public property, public rights-of-way, terraces, boulevards, sidewalks or public

easements. The regulations shall also provide for public abatement of trees and plant growth on private property which interferes with the use of or causes site restrictions on public ways or public property. The regulations may be amended, from time to time, to provide for permits, fees and oversight for persons receiving authorization and permission of the city to trim, cut, remove, alter or make use of trees and plant growth in public ways and on public property.

(Code 1975, § 18-27)

Secs. 98-6--98-30. Reserved.

ARTICLE II. NOXIOUS WEEDS AND VEGETATION*

***State law reference(s)**--Control and eradication of noxious weeds, MCL 247.61 et seq.

Sec. 98-31. Definitions.

For the purpose of this article, the term "noxious weeds and vegetation" means and includes Canada thistles, dodders, mustards, wild carrots, bindweeds, perennial sow thistles, ragweed, poison ivy and poison sumac. The term "noxious weeds and vegetation" shall also include grass more than eight inches in height, dead bushes, dead trees and stumps and bushes and trees infested with dangerous insects or infectious diseases, un-bagged leaves on a property with a principal structure, after the leaf season has concluded. Leaf Season shall be defined as beginning September 1st. and ending April 30th. Designated natural areas, native dune vegetation and bona fide, maintained wildflower plantings and leaf composting in a container or contained area of less than 16 square feet in size may not be considered noxious.

(Code 1975, § 22-14; Ord. No. 2021, § 22-14, 5-9-2000; Ord. No. 2194, 6-13-2006)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 98-32. Legislative determination; purpose of article.

It is hereby determined that noxious weeds and vegetation growing, lying or located on private land in the city affect and are detrimental to the health, comfort, convenience, safety, welfare and prosperity of the residents of the city. The necessity, in the public interest, for the provisions and prohibitions contained in this article is declared a matter of legislation determination and public policy and it is declared that such provisions and prohibitions are enacted in pursuance of and for the purpose of securing and promoting the health, comfort, convenience, safety, welfare and prosperity of the city and its inhabitants.

(Code 1975, § 22-15; Ord. No. 2021, § 22-15, 5-9-2000)

Sec. 98-33. Declared nuisance.

All noxious weeds and vegetation growing, lying, or located on any land within the city are hereby declared to be a public nuisance.

(Code 1975, § 22-16; Ord. No. 2021, § 22-16, 5-9-2000)

Sec. 98-34. Designation and general duties of commissioner of noxious weeds and vegetation.

The city manager shall appoint a commissioner of noxious weeds and vegetation, who shall superintend the control and eradication of noxious weeds and vegetation. Assignment of staff to monitor noxious weeds on public and private property may also be delegated to appropriate departments in the city.

(Code 1975, § 22-17; Ord. No. 2021, § 22-17, 5-9-2000)

State law reference(s)--Authority to appoint commissioner of noxious weeds, MCL 247.61.

Sec. 98-35. Notice to destroy and remove; publication.

- (a) The city shall publish in a newspaper of general circulation in the city during the month of March that noxious weeds and vegetation not cut or removed during the growing season, namely April 15--October 15 of the given year, may be cut or removed by the city and the owner of the property charged with the cost thereof. The publication shall contain the following information:
- (1) That noxious weeds, grass more than eight inches in height, dead bushes, dead trees and stumps and bushes and trees infested with dangerous insects or infectious diseases must be cut and removed from property during the growing season, namely April 15--October 15 of the given year. Un-bagged leaves on a property with a principal structure, after leaf season has concluded must be removed.
 - (2) That if the owner, agent or occupant refuses to destroy the noxious weeds, the city or its contractor may enter upon the land and destroy them and remove them.
 - (3) That any expense incurred in the destruction shall be paid by the owner of the land and the city shall have a lien against the land for the expense, to be enforced as provided by this article or in the manner of enforcement of tax liens.
 - (4) That any owner who refuses to destroy such material and remove it may be subject to a civil infraction.
 - (5) That the city or its contractor may cut or remove the weeds as many times as is necessary and charge the cost to the property owner. Uncovered costs may be placed as a lien on the property and/or subject to collection proceedings.
- (b) Such notice shall state that, for failing to comply with the notice, the city, through its commissioner of noxious weeds and vegetation, shall have the right to enter upon such lands and destroy and remove such noxious weeds or vegetation and the city shall have a lien upon such lands for the expense and cost so incurred, which shall be levied and collected against the property in the same manner as general taxes.
- (c) Additional notice shall be provided as outlined and adopted by the city

commission policy.

(Code 1975, § 22-18.1; Ord. No. 2021, § 22-18, 5-9-2000; Ord. No. 2194, 6-13-2006)

Sec. 98-36. Duty of property owner to destroy and remove.

It shall be the duty of every owner or his authorized agent, of any lands in the city, to cut down or cause to be cut down, pulled out, destroyed and removed all noxious weeds and vegetation growing, lying or located on such lands, so as to prevent the same from perpetuating themselves or spreading infectious diseases, or becoming a detriment to public health, during the growing season as often as may be necessary to prevent them from blooming or reaching a seed-bearing stage or from spreading infectious diseases. If such owner, or his authorized agent, shall fail to do so, after notice as provided in section 98-35, he shall be in violation of this section.

(Code 1975, § 22-19; Ord. No. 2021, § 22-19, 5-9-2000)

Sec. 98-37. City exempt from action of trespass for entering private land to destroy and remove.

The city or its contractor shall not be liable in any action of trespass for entering upon private lands for the purpose of cutting down, destroying, or removing noxious weeds or vegetation.

(Code 1975, § 22-21; Ord. No. 2021, § 22-21, 5-9-2000)

Sec. 98-38. Penalty for failure to destroy and remove.

Any owner of any private lands or his authorized agent, who shall fail or refuse to destroy and remove any noxious weeds or vegetation provided in this article shall be responsible for a civil infraction.

(Code 1975, § 22-20)