

ORDINANCE NO. 869

An Ordinance to amend various Chapters of the Howell City Code.

THE CITY OF HOWELL ORDAINS:

**Section 1.** Chapter 622.02 of the Howell City Code is hereby amended regarding growth of grass, brush and weeds creating a nuisance, the addition of trees and a hardship provision for payment of charges as a result of a violation of this section.

**622.02 TREES AND VEGETATION.**

(a) Cutting and Removal. No owner, lessee or occupant, or any agent, servant, representative or employee of such owner, lessee or occupant, having control of any occupied or unoccupied lot or land or any part thereof in the City, shall permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb, or between the property line and the middle of the alley up to twenty feet outside the property line if there is no curb, any growth of weeds, grass or other rank vegetation to a greater height than eight inches ~~on the average~~, or any accumulation of dead weeds, grass or brush. No person shall cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health, to grow on any such lot or land in such a manner that any part of such ivy, ragweed or other poisonous or harmful weed extends upon, overhangs or borders any public place (including the public sidewalk), or allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place. No person shall allow or maintain upon any portion of such lot or land any growth of grass, brush, weeds so as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, or traffic hazard, or fire hazard.

No person shall neglect to cut, remove or destroy weeds, grass or other vegetation as directed in this section, or fail, neglect or refuse to comply with the provisions of any notice herein provided for or violate any of the provisions in this section, or resist or obstruct the City Manager or his or her authorized agent in the cutting and removal of weeds, grass and other vegetation.

(b) Trees. No tree or other vegetation by virtue of disease, damage or insect infestation which presents a hazard to persons or vegetation on public property shall be maintained on private property.

(b)(c) Obstructing Vision. Whenever any tree, shrub, bush or plant is located on or adjacent to a street right of way such as to obstruct the view of a driver of a vehicle entering or driving upon that street, the vegetation in question shall be cut or trimmed so as to eliminate such obstruction, provided that the written approval of the City Manager must be obtained before any tree with a trunk diameter of greater than one inch is removed or radically trimmed. No shrub, bush or plant shall be permitted to grow to a height of greater than three feet if it is located so as to provide such obstruction.

(e)(d) Duty of Owner Lessee or Occupant. The owner, lessee or occupant of any lot or land shall cut and remove or cause to be cut and removed or destroyed by other lawful means, all such weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with subsection (a) hereof, provided that cutting, removing or destroying such weeds and vegetation at least once in every four weeks between May 15 and September 15 shall be deemed to be in compliance with this section.

(d)(e) Noncompliance; Remedy of City. If the provisions of the foregoing subsections are not complied with, the City Manager or his or her duly authorized representative shall serve notice upon the owner, lessee or occupant or any person having the care or control of any such lot or land to comply with the provisions of this section. Such notice shall be given verbally to any of such persons or in writing. If in writing, it shall be sent first class mail to the owner of record of the lot or land in question with a copy sent to the occupant of such lot or land if other than the owner of record thereof. If the person upon whom the notice is served fails, neglects or refuses to cut, remove or destroy, or to cause to be cut, removed or destroyed, such weeds, grass, trees, or other vegetation within five business

days from the date of such notice, or if no person can be found in the City who either is or claims to be the owner of such lot or land or who either represents or claims to represent such owner, the City Manager shall cause such weeds, grass, trees and other vegetation to be removed or destroyed and the actual cost of such cutting, removal or destruction, plus an administrative fee of seventy-five dollars (\$75.00) for inspection and other additional costs in connection therewith, shall be certified to by the City Manager or his or her duly authorized representative and shall become and be a lien upon the property on which such weeds, grass, trees and other vegetation were located. A statement for such actual costs plus administrative fee shall thereupon be sent by first class mail to the property owner or his or her representative to whom the original notice was given. Should the obligation as described by this statement remain unpaid after forty-five days from the date of the statement, the City Manager or his or her representative may then certify the delinquent amount, after first adding a penalty of ten percent, to the Assessor. At the discretion of the City Manager, this amount shall either be incorporated into a special assessment roll, to be processed in the manner prescribed by the City Charter and ordinances of the City, or shall be entered upon the next tax roll as a charge against such premises and be collected and the lien thereof enforced in the same manner as general City taxes against such premises are collected and liens enforced. In general, the decision as to whether the obligation shall be made a part of a special assessment roll or certified directly to the assessing officer for collection as a City tax shall depend upon the number and magnitude of such outstanding delinquent statements.

(f) Hardship. Under proof of financial hardship the City Manager may authorize charges under section (d) herein to be paid in installments or to be reduced subject to City Council approval.

(e)(g) Exemptions. Exempted from the provisions of this section, except subsection (b) hereof, are flower gardens, plots of shrubbery, vegetable gardens and small grain plots. An exemption under this subsection cannot be claimed unless the land has been subjected to adequate cultivation.

**Section 2.** All Ordinances inconsistent herewith are hereby repealed.

**Section 3.** This Ordinance shall take effect pursuant to the Howell City Charter.

ADOPTED by the Howell City Council at its regular meeting this 20<sup>th</sup> day of May, 2013.

  
BY: PHILLIP CAMPBELL, MAYOR

  
BY: JANE CARTWRIGHT, CLERK

#### CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 869, adopted by the City Council of the City of Howell, Livingston County, Michigan, at a regular meeting held on the 20<sup>th</sup> day of May, 2013, and that the meeting was held and the minutes therefore were filed in compliance with Act No. 267 of the Public Acts of 1976.

IN WITNESS WHEREOF, I have hereto affixed my official signature this 20<sup>th</sup> day of May, 2013.

BY:   
Howell City Clerk