

CHAPTER 75: VEGETATION

Article

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ARTICLE I: TREES AND SHRUBS

Section

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§ 75.101 PLANTING, CARE AND PROTECTION OF TREES, SHRUBS, AND THE LIKE.

The City Administrator or such other persons as may from time to time be appointed by the City Commission shall have the right, power and authority to direct, regulate and supervise the planting, care, maintenance, protection and removal of all trees, plants, shrubs, and grassy areas planted in or upon the public highways or public places in the city. A survey of such trees, plants, shrubs and grasses may be taken from time to time to determine the condition of such and what actions should be taken.
(Ord. 212, passed 7-21-86; amended by Ord. 426, passed 1-3-11)

§ 75.102 PERMIT TO PLANT NECESSARY.

It shall be unlawful for any person, firm, corporation or establishment to plant or set out any tree or shrub or cause, authorize or procure any person to plant or set out any tree or shrub in or upon any part of any public highway or public place within the city without first obtaining from the City Administrator a written permit to do so and without first complying in all respects with the conditions set forth in such written permit and with the provisions of this article.
(Ord. 212, passed 7-21-86; amended by Ord. 426, passed 1-3-11) Penalty, see § 75.199

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§ 75.103 PERMIT TO CUT, TRIM OR PRUNE.

It shall be unlawful for any person, firm, corporation or establishment to remove, destroy, deface, cut, break, injure, misuse or remove any device set for protection of any tree, plant, or shrub or portion thereof that is planting or growing in or upon any public highway or public place within the city, or cause or authorize or procure any person to remove, destroy, deface, cut, break, injure, misuse, or remove any device set for the protection of any such tree, plant or shrub or part thereof without a written permit to do so signed by the City Administrator, or such other person appointed pursuant to § 75.101 of this article.

(Ord. 212, passed 7-21-86; amended by Ord. 426, passed 1-3-11) Penalty, see § 75.199

§ 75.104 CITY'S RIGHTS IN OUTLYING AREAS.

(A) The city shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within any public highway, including the outlying areas, and upon all public places in order to insure the safety of or preserve the symmetry and beauty of such public highways or places.

(B) The city shall have the further right and power to remove any tree, plant, shrub, tree stump or part thereof which is in an unsafe condition, dead, diseased or infected with an injurious fungus, insect or other pest, if such tree, plant, shrub or tree stump is located on a public highway or other public grounds.

(C) For purposes of this article, **OUTLYING AREA** is defined as that portion of land lying between the curb or shoulder of a roadway and the sidewalk running parallel with said roadway; or in the event no such sidewalk exists, then the area between the curb or shoulder of the roadway and adjacent property lines.

(Ord. 212, passed 7-21-86; amended by Ord. 426, passed 1-3-11)

§ 75.105 RESPONSIBILITY OF ALL PERMIT HOLDERS.

All permits authorizing any person, firm, corporation or establishment to remove, destroy, cut, trim or prune any tree, plant, shrub, tree stump, or portion thereof, that is planted or growing in or upon any public highway, public place or on privately owned property, will hold the city harmless from any liability. All liability will become the responsibility of the property owner or abutting property owner receiving the permit.

(Ord. 212, passed 7-21-86; amended by Ord. 426, passed 1-3-11)

§ 75.106 CERTAIN TREES OR SHRUBS ABSOLUTELY PROHIBITED.

It shall be unlawful for any person, firm, corporation or establishment to plant or have or keep growing on any property, either public or private, within the city, any tree, plant or shrub which is

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diseased or infected with any injurious fungus, insect or other pest, or which is likely to cause damages to any public sewer, sidewalk or other public installation.

(Ord. 212, passed 7-21-86; amended by Ord. 426, passed 1-3-11) Penalty, see § 75.199

§ 75.107 RIGHT TO ENTER UPON PRIVATE PROPERTY TO PRESERVE OR REMOVE TREES.

(A) The City Administrator or such other person appointed pursuant to § 75.101, shall have the right and power to enter upon any private property in the city and to spray any tree, plant or shrub infected or infested by any disease, parasite or insect pest when it shall be necessary in his opinion to prevent the spreading or scattering of any disease or parasite or insect pest. Provided, however, before undertaking such treatment or spraying, the city shall first cause to be served upon the owner of the property a three-day notice of the city's intention to do so. Service of such notice shall be in the manner set forth above in § 75.105*.

(B) Whenever, in the opinion of the City Administrator or other person appointed pursuant to § 75.101, it shall be advisable to trim or remove any infected or diseased tree, plant or shrub or part thereof located on private property, the city shall have the right and power to do so. Provided, however, before trimming or removing any tree, plant or shrub pursuant to this section, the city shall first cause a written notice to be served upon the owner or owners of the property in the same manner set forth in § 75.105* and ordering and directing the owner or owners to trim or remove such tree, plant or shrub within ten days after the receipt of such notice. In the event that such owner or owners fail to comply with said order within said ten days, the city shall do the necessary trimming or removing.

(C) Whenever, in the opinion of the City Administrator or other person appointed pursuant to § 75.101, it shall be advisable to remove any dead tree, plant or shrub or part thereof located on private property, the city shall have the right and power to do so. Provided, however, before removing any dead tree, plant or shrub pursuant to this section, the city shall first cause a written notice to be served upon the owner or owners of the property in the same manner set forth in § 75.105* and ordering and directing the owner or owners to trim or remove such tree, plant or shrub within ten days after the receipt of such notice. In the event that such owner or owners fail to comply with said order within said ten days, the city shall do the necessary trimming or removing.

(D) In the event that the city shall remove any tree, plant or shrub or part thereof pursuant to this section, the city shall have the right to charge the costs of such removal upon the real property on which such tree or shrub or part thereof was located. Such costs shall be certified by the City Administrator to the City Treasurer and shall thereupon become and be a lien upon such real property and shall be included in the next tax bill rendered to the owner or owners thereof, unless paid before; and shall be collected in the same manner as other taxes against such real property.

(Ord. 212, passed 7-21-86; amended by Ord. 426, passed 1-3-11) Penalty, see § 75.199

* *Editor's note:*

Ordinance 426, passed 1-3-11, deleted the former § 75.105 to which divisions (A) through (C) refer. The intent was probably to delete the phrase "in the same manner set forth in § 75.105" from these provisions. Future legislation will correct the provision if needed.

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§ 75.108 OBSTRUCTION OF TREES AND PLANTS PROHIBITED.

It shall be unlawful for any person, firm or corporation, except with a written permit from the City Administrator, to place or maintain upon the ground in any public highway or public place, any stone, cement or other impervious material or substance in such a manner as may obstruct the free access of air and water to the roots of any tree, plant or shrub in any such highway or place. Unless otherwise provided for in such written permit, there must be maintained about the base of the trunk of each tree in such highway or place at least nine square feet of ground for a tree three inches in diameter and for every two inches of increase of such diameter there must be an increase of at least one square foot of open ground.

(Ord. 212, passed 7-21-86; amended by Ord. 426, passed 1-3-11) Penalty, see § 75.199

§ 75.199 PENALTY.

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500 and costs of prosecution, or by imprisonment in the Genesee County Jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court.

(Ord. 212, passed 7-21-86; amended by Ord. 426, passed 1-3-11)

ARTICLE II: NOXIOUS WEEDS AND GRASS

Section

- 75.201 Definitions
- 75.202 Duty of owners
- 75.203 Notice and orders

- 75.299 Penalty

§ 75.201 DEFINITIONS.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NOXIOUS WEEDS. This term shall include Canada Thistle (*Cirsium Arvense*), Dodders (any species of *Cuscuta*), Mustards (Chariock, Black Mustard and Indian Mustard, species of *Brassica* or *Sinapis*), Wild Carrot (*Daucus Carota*), Bindweed (*Convolvulus Arvensis*), Perennial Sowthistle (*Sonchus Arvensis*), Hoary Alyssum (*Berteroa Incana*), Ragweed (*Ambrosia Clatior* 1.) and Poison Ivy (*Rhus Toxicodendron*), Poison Sumac (*Toxicodendron Vernix*) or other plant that, in the opinion of the City Administrator, is regarded as a common nuisance.
(Ord. 361, passed 11-15-04; amended by Ord. 459, passed 7-15-13)

§ 75.202 DUTY OF OWNERS.

It shall be the duty of every person who owns any subdivided land or land along public streets and roads or improved streets in common usage, for a depth of 300 feet or the depth of the lot, whichever is the lesser, within the corporate limits of the City of Clio, to cut down on said land all noxious and poisonous weeds growing thereon, at least six times each year, once before the first day of May, June, July, August, September, and October, to prevent such weeds from going to seed or to blossom, as the case may be, and to prevent such dead grass and brush from becoming a fire hazard. No person shall allow any weeds or grass to exceed seven inches in height.
(Ord. 361, passed 11-15-04; amended by Ord. 386, passed 7-5-06; amended by Ord. 459, passed 7-15-13) Penalty, see § 75.299

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§ 75.203 NOTICES AND ORDERS.

Any person violating this chapter shall be given notice pursuant to the provisions of the City of Clio Maintenance Code, which is currently the 2012 Edition of the International Property Maintenance Code, including but not limited to, Section 107 (Notices and Orders), Section 106 (Violations), and Section 302 (Exterior Property Areas), and such other sections of the Property Maintenance Code as may be necessary under the circumstances. It shall be the duty of the City of Clio Administrator, in the months of April and July of each year, to publish a notice in a newspaper of general circulation within Genesee County, giving notice of this chapter. Said notice shall be substantially in the following form:

“TO ANY OWNERS OF LANDS SITUATED IN THE CITY OF CLIO,
GENESEE COUNTY AND STATE OF MICHIGAN:

NOTICE IS HEREBY GIVEN THAT ALL NOXIOUS WEEDS GROWN AND ALL TALL OR DEAD GRASS AND BRUSH ON ANY SUBDIVIDED LAND OR LAND ALONG PUBLIC STREETS OR ROADS OR IMPROVED STREETS, FOR A DEPTH OF 300 FEET OR THE DEPTH OF THE LOTS WHICHEVER IS THE LESSER, WITHIN THE CITY OF CLIO, COUNTY OF GENESEE AND STATE OF MICHIGAN, MUST BE CUT DOWN ON OR BEFORE THE 1ST DAY OF MAY, JUNE, JULY, AUGUST, SEPTEMBER, AND OCTOBER, TO PREVENT WEEDS FROM GOING TO SEED OR TO BLOSSOM, AS THE CASE MAY BE, AND TO PREVENT TALL OR DEAD GRASS AND BRUSH FROM BECOMING A FIRE HAZARD. NO PERSON SHALL ALLOW ANY WEEDS OR GRASS TO EXCEED SEVEN INCHES IN HEIGHT.

FAILURE TO COMPLY WITH THIS NOTICE ON OR BEFORE THE ABOVE MENTIONED DATES SHALL MAKE ANY PARTY LIABLE FOR THE COSTS OF CUTTING NOXIOUS WEEDS AND TALL OR DEAD GRASS AND BRUSH BY THE CITY OF CLIO, AND THE COST SHALL BE LEVIED AND COLLECTED AGAINST SAID LANDS IN THE SAME MANNER AS OTHER TAXES ARE LEVIED AND COLLECTED, PURSUANT TO:

(Ordinance No. 459, effective July 17, 2013.)”

(Ord. 361, passed 11-15-04; amended by Ord. 386, passed 7-5-06; amended by Ord. 459, passed 7-15-13)

§ 75.299 PENALTY.

Any person, persons, firm or corporation failing to comply with this chapter, shall, upon conviction thereof, be guilty of a misdemeanor, be sentenced to pay a fine not exceeding \$500, or incarceration for a period of 93 days, or both, at the discretion of the court.

(Ord. 361, passed 11-15-04; amended by Ord. 386, passed 7-5-06; amended by Ord. 459, passed 7-15-13)