



PUBLIC NOTICE

Notice of Prohibited Vegetation Including Noxious Weeds, Plants, and Trees

In accordance with Chapter 86 Art. II of the City Ordinance, in order to preserve and maintain the public health and welfare and to prevent fire hazards, no owner or occupant of any lot, place or area within the city, or the agent of such owner, shall permit on such lot, place or area, or upon any abutting sidewalk or street, any noxious weeds, grasses or deleterious or unhealthy growths, or other noxious or flammable matter, that may be growing, lying or located on such lot, place or area.

As defined in Chapter 1 Sec. 2 of the City Ordinance, a Noxious Weed means Canada thistle (*Cirsium arvense*), dodders (any species of *Cuscuta*), mustards (charlock, 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*), quackgrass (*Synopyron repens*), crab-grass (*Digitaria sanguinalis*), poison ivy (*Rhus toxicodendron*), poison sumac (*Rhus vernix*), or other plant or grass which, in fact constitutes a nuisance or a fire hazard.

It shall be the duty of the owner, agent or occupant of any property located within 165 feet of a structure or the depth of ownership, whichever is the lesser, excepting public utility installations, to prevent weeds, grasses, brush, or other vegetation from growing to a height of greater than eight inches, nor shall such owner, agent, or occupant permit an accumulation of dead weeds, grasses, brush, or other vegetation of a height greater than eight inches on any such properties. Sec. 86-33. Nothing in this section shall apply to trees, flower gardens, vegetation planted for ornamental purposes, vegetation in vegetable gardens or vegetation in fields devoted to an agricultural crop, however, these plantings are subject to other applicable ordinances. Visibility must be kept unobstructed at corners on private property and where a driveway intersects the public right of way per Chapter 94, Sec. 94-172(d)(3) and Chapter 100, Fig. 100-103. Plantings in the public right of way are generally allowed as ground cover if kept less than eight inches tall but any other plantings or objects must be approved by the Zoning Official in accordance with Chapter 94, Sec. 94-241(e)(5). The planting of trees on public property may be approved by the Tree Commission in accordance with Chapter 86, Article III. Division 3. Objects and plantings may also be subject to Chapter 70, Sec 70-1, which states no person shall obstruct or encumber any portion of a public street, alley, sidewalk or other public space, with any article or thing whatsoever; however, this section shall not be construed to prevent merchants and other business persons occupying buildings in the highway commercial and central business zoning districts from using and occupying that portion of the sidewalk next to their respective places of business for the purpose of displaying their goods or wares. Signs placed in any public right of way or on private property must comply with Chapter 58 Signs.

The Code Enforcement/Community Resource Officer, shall notify personally, or by posting on the premises, the owner, agent or occupant of any of the lands described in Sec. 86-33 on which prohibited grasses, weeds, vegetation or brush is found. Such notice shall contain a description of the prohibited condition and a summary of the provisions of this article. If the owner, agent, or occupant of such land has failed within three business days after such notice is delivered or posted to cut, destroy, or remove the prohibited condition, the City may enter upon such land and destroy by cutting with or without mechanical equipment and/or otherwise remove the prohibited weeds, grasses, brush, or other vegetation. Express power to so enter such lands and perform such duties is hereby conferred upon the city administrator and his/her designee(s).

All expenses incurred in such destruction and/or removal shall be billed to and paid by the owner, agent, or occupant of such lands. The City will charge a flat rate of \$165.00 per hour, with a 2-hour minimum, in response

to Ordinance Violations as listed in the Directory of Charges.

Any person or business violating the terms of this article shall be, in addition to the penalties herein before provided, deemed responsible for a municipal civil infraction and subject to a civil fine of up to \$500.00 plus applicable court costs and abatement costs. The City will consider the Governor's Executive Orders when determining when enforcement action is appropriate.

Sarah J. Jarvis, City Clerk
City of Mason, Ingham County, Michigan