

ORDINANCE NO. 4-500

AN ORDINANCE REGULATING NOXIOUS WEEDS, TALL GRASS, AND MISCELLANEOUS DEBRIS

THE CITY OF ISHPEMING ORDAINS:

Section 4-501. Definitions. As used herein, the following terms shall be defined as follows:

- a. Noxious weeds: Noxious weeds shall include Canada thistle, milkweed, wild carrots, mustards, ragweed, ox-eye daisies, goldenrod, poison sumac and poison ivy, all of which are hereby declared to be a common nuisance, together with all other noxious weeds as designated by State law, being MCLA Section 247.62. Noxious weeds shall also include all grass and weeds growing to a height of more than twelve (12") inches.

- b. Miscellaneous debris: Miscellaneous debris shall include, but not be limited to, scrap or used wood or used lumber; tree limbs that have been cut or are not attached to a tree; excavated tree stumps; brush that has been cut; scrap metal, metal or aluminum of any kind, whether rusted or not rusted, including barrels, cans, and wire; plastic pails, plastic containers, and any other broken, damaged or used plastic materials; tires and wheels of any kind and for any motor vehicle, recreational vehicle, bicycle, or two-wheeled vehicle such as a motorcycle or motor bike; truck, automobile, or motor vehicle body parts (such as fenders, doors, hoods, and the like), mechanical parts, batteries, and every other component or part of a motor vehicle; junk; rubbish, trash, cardboard, and paper; carpeting, padding, and every other kind of interior floor covering; household furniture, fixtures, appliances, bedding, mattresses and box springs, and all other household goods, including electronic devices that were originally designed to be used indoors; clothing, shoes, and footwear; broken glass, glass jars, bottles, or other glass containers whether intact or broken; construction debris from salvage, demolition, repair, or remodeling work including, but not limited to, new or used or damaged drywall, siding, particle board, building materials, flooring, electrical fixtures or wiring, shingles, roofing materials, and new, used, or broken windows or window glass; bricks, cinder or concrete blocks, broken slabs or pieces of concrete, scrap pavement or road materials; and including garbage bags containing household trash, rubbish, garbage or other refuse or materials except when placed at curbside on the day of garbage collection.

Miscellaneous debris shall not include lawn furniture designed to be used out-of-doors, barbeque grills, toys, children's wading pools (unless torn or ripped), snow plow blades (one per residence), snowmobiles, snow blowers, bicycles (unless broken or unusable), lawn maintenance implements or tools, and all other lawn care or yard maintenance items in good working condition customarily associated with outdoor use.

- c. Residential parcel: Residential parcel shall mean every lot and parcel of land in the City of Ishpeming on which is located a single family home, duplex, apartment house, condominium, or any other structure designed or used for human habitation (collectively "living quarters"), whether such living quarters is occupied or vacant.

- d. Zoning District: Reference to a zoning district in this ordinance shall mean that zoning district as defined in City Ordinance No. 8-100 and as located on the official zoning map.

Section 4-502.

- a. There is hereby created the office of the Commissioner of Noxious Weeds, which office shall be filled by appointment of the City Council. The Commissioner so appointed shall hold office for the term of two years and until a successor is appointed and qualified, and he shall receive for his compensation such sum as may be fixed by the City Council. The City Council may, at any time, for good cause, remove such Commissioner and appoint a successor. The Commissioner of Noxious Weeds shall have all powers and duties conferred under the provisions of MCLA Section 247.61, et. seq. as well as those powers and duties conferred in this Ordinance.
- b. In the event the owner, agent, or occupant of any subdivided land in any subdivision in the City of Ishpeming in which buildings have been erected on 60% of the lots included in that subdivision, or owners, agents, or occupants of lots along all improved streets in common usage, for a depth of one hundred sixty-five (165) feet or the depth of the lots, whichever is the lesser, shall fail to destroy such noxious weeds, then any agent authorized by the City of Ishpeming may enter upon such lot and destroy the noxious weeds by cutting, with or without mechanical equipment which will not damage the property or the sidewalk adjacent thereto. All expenses incurred in such destruction shall be paid by the owner or owners of the lot. The City of Ishpeming shall have a lien upon such lot for such expense, such lien to be enforced in the manner prescribed by the general laws of the State providing for the enforcement of real property tax liens.
- c. It shall be unlawful for any landowner, occupant or person in actual or constructive possession of:
- i) any real property in any platted subdivision in the City of Ishpeming in which buildings have been erected on at least 60% of the lots in that subdivision, or
 - ii) any lot or parcel along any improved street in common usage, for a depth of 165 feet or the depth of the parcel, whichever is less,
- to allow noxious weeds or grass on the property to grow to a height more than twelve (12") inches and to fail to destroy them by cutting as provided in a notice of violation. The notice of violation shall be posted on the property and mailed to the owner of the property and shall give the owner and occupant of the property seven (7) days after mailing of the notice to cut the noxious weeds or grass to a height less than four (4") inches. If the noxious weeds or grass are not cut below four (4") inches within the seven (7) day period, the Commissioner of Noxious Weeds or his agent may authorize any City employee or a contract laborer or independent contractor to enter upon the property thereafter and do the necessary cutting and removal of the grass or weed clippings. The charge for such work shall be \$200.00 or the cost of the contract laborer or independent contractor, whichever is greater, which charge shall be paid by the owner of the property, and the City shall have a lien against the property for such charge and expense. Such lien shall be enforced in the manner prescribed by the general laws of the State providing for the enforcement of real property tax liens.
- d. The requirements of this Section 4-502 shall not apply to any lot or parcel that:
- i) does not have a home or commercial building located thereon, and

- ii) abuts City owned property which is not maintained in accordance with the requirements of Subsections b and c of this Section 4-502.
- e. The City of Ishpeming shall publish a notice in a newspaper of general circulation in Marquette County during the month of March each year that weeds not cut by May 1 of that year may be cut by the City and the Owner of the property charged with the cost under the provisions of MCLA Section 247.64 and Section 4-502 of this Ordinance. The publication shall also contain all other information required of the notice in MCLA Section 247.64. The City may cut the weeds as many times as is necessary and charge the cost to the property owner.

Section 4-503.

- a. It shall be unlawful for any landowner, occupant, and/or person in actual or constructive possession of any residential parcel, or any parcel of land in Zoning District NC (Neighborhood Commercial), GC (General Commercial) or CBD (Central Business District), or any residential parcels within an Industrial Zoning District, to cause, allow, permit, or continue the storage or accumulation of miscellaneous debris on such parcel in violation of the terms of a notice of violation unless the miscellaneous debris is kept in a fully enclosed building. Notice of violation of this Section 4-503 shall be mailed to the landowner and/or to the occupant or person in actual or constructive possession of the parcel, setting forth the nature of the offense and the address or location of the property where the violation exists. The notice of violation shall be mailed to the last known address of the landowner or the occupant, or both, by first class mail. If the name of the occupant or person in possession of the property is not known, it is sufficient if said notice of violation is addressed to "occupant" at the street address of the property. The notice of violation shall give the landowner and the occupant seven (7) days after the mailing of the notice to remove all of the miscellaneous debris from the property.
- b. If the storage or accumulation of miscellaneous debris continues for more than seven (7) days after the notice of violation is mailed under Section 4-503(a), the continuation of such condition shall constitute a public nuisance. Such nuisance shall be abated by the landowner and by the occupant. If the nuisance is not abated, the City may enter upon the property where the miscellaneous debris is stored or kept, and the City may remove the miscellaneous debris and dispose of same by taking it or having it taken to the Marquette County Landfill, or otherwise. All costs of abatement of the nuisance shall be paid by the landowner within thirty (30) days after being billed to the landowner.
- c. On any lot or parcel of land to which Section 4-503(a) applies, and on which there is active construction or active building renovation, all miscellaneous debris generated as a result of such work shall be removed from the premises within thirty (30) days after the date of completion of the work. The date of completion of the work shall be established by the City Code Enforcement Officer after consultation with the property owner; provided, however, that if the property owner does not cooperate with or contact the Code Enforcement Officer to establish the date of completion, or if the property owner gives false, inaccurate, or misleading information to the Code Enforcement Officer, the Code Enforcement Officer shall use his or her best judgment to unilaterally establish the date of completion of the work. If any miscellaneous debris remains on the property after thirty (30) days following the date of completion of the work, the Code Enforcement Officer may issue a notice of violation under

Section 4-503(a) above.

Section 4-504.

- a. Failure to comply with or a violation of the provisions of Section 4-502 of this Ordinance shall constitute a municipal civil infraction, punishable by a civil fine not to exceed One Hundred (\$100.00) Dollars plus costs. The Court shall also have the authority conferred under MCLA Section 600.8302(4) to order the property owner or occupant to cut the weeds or grass as required herein.
- b. Failure to comply with or a violation of the provisions of Section 4-503 of this Ordinance shall constitute a municipal civil infraction, punishable as follows:
 - (i) for a first offense, a civil fine not to exceed One Hundred (\$100.00) Dollars, plus costs;
 - (ii) for a second offense, a civil fine not less than Two Hundred (\$200.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs;
 - (iii) for a third offense and each subsequent offense, a civil fine not less than Three Hundred (\$300.00) Dollars and not more than Five Hundred (\$500.00) Dollars, plus costs;

and in addition to the above, the Court shall also have the authority conferred under MCLA Section 600.8302(4) to order the property owner or occupant to remove the miscellaneous debris from the property, to dispose of it in a lawful manner, and to provide proof of the manner of disposal.

Section 4-505. The lien enforcement rights of the City to reimburse the City for costs incurred in cutting long grass, weeds, or noxious weeds shall be in addition to the civil infraction penalties set forth in Section 4-504 of this Ordinance.

Section 4-506. Any notice of violation issued under the terms of this ordinance may be personally served upon an owner or occupant of the property where the violation exists. If personal service of the notice of violation is made, the date of personal service shall be deemed to be the date of mailing.

Section 4-507. This Ordinance shall become effective upon legal publication.

Adopted: September 6, 1972
Amended: August 7, 1974
Amended: July 22, 1987
Amended: June 8, 1994
Amended: October 23, 1996
Amended: January 8, 2003
Amended: August 9, 2006
Amended: May 6, 2009
Amended: September 8, 2010
Amended: June 8, 2011
Amended: August 3, 2011
Amended: February 6, 2013
Amended: May 7, 2014