

CITY OF MT. MORRIS
ORDINANCE 13-03

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, City of Mt. Morris, Michigan, by adding provisions relative to (a) obstructions or conditions which constitute a present or potential hazard to the City's rights-of-way, including, but not limited to, trees, brush, vegetation, structures, leakage or overflow or drainage upon the rights-of-way, and (b) the uncontrolled growth of weeds, brush, or other vegetation on private property or in the area between the center of the public streets and the property line; providing a special provision as to sump pumps and providing a method of notification of offending property owners and providing for the repeal of Article II entitled "Weeds" of Chapter 70 of the Mt. Morris Code, to-wit: sections 70-26, 70-27 and 70-28.

WHEREAS, The City of Mt. Morris ORDAINS:

Section 1. Code Section 34-13 entitled Hazards and Obstructions to the Public Right-of-Way is hereby added to the Code of Ordinances.

Code Section 34-13. Hazards and Obstructions to the Public Right-of-Way; Special Provision as to Sump Pumps: (a) It shall be unlawful, with respect to property abutting a public street or sidewalk (including the area between the sidewalk and the public street), to cause or permit the existence of conditions which pose a danger to the safe and unrestricted use of the public rights-of-way, including slippery conditions or ice upon the said right-of-way. Such conditions include, but are not limited to, dead or diseased trees or vegetation, noxious weeds as hereinafter described or structures which are in danger of collapse as reasonably determined by the City's Code Enforcement Official or the hazardous overflow of water. Unlawful conditions shall be abated upon proper notice from the City's Code Enforcement Official within a reasonable time frame as designated by the said Code Enforcement Official.

(b) It is unlawful for the owner of any property to discharge sump pump drainage into the sanitary sewer system. It is further unlawful for the owner of any property abutting a public way to allow a sump pump discharge line to drain on the street or alley except as provided for by the following subsections:

- (i) Except as hereafter provided, existing sump pump discharge lines that drain on to a public street or alley, may be allowed to continue draining to the street or alley contingent upon the Superintendent of Public Works

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issuing a Permit to discharge on to a public street if, in the opinion of the Superintendent, the public storm sewer or collection line is not within a reasonable proximity to the property; the discharge does not create a traffic or pedestrian hazard; and there is adequate surface drainage capacity available.

- (ii) The Superintendent may revoke the said Permit for providing false or misleading information on the Application Form or for any other reason which, in the Superintendent's sole discretion, adversely affects the health or safety of the citizens or becomes a public nuisance. The revocation shall be effective within ten days from the date notice is served on the owner or tenant/occupant personally or by certified mail, return receipt requested.
- (iii) The City may require that a property owner connect a sump pump drain to the storm sewer or to a collector line when provided by the city or a developer when it is adjacent to the property owner's property.
- (iv) This Section applies equally to occupants and tenants as well as owners of real property, residential and commercial, and a Permit granted need not be renewed upon a change in ownership, or use, provided there is no change in the material circumstances.

Section 2. Code Section 34-14 entitled Noxious Weeds is hereby added to the Code of Ordinances.

Code Section 34-14. Noxious Weeds, defined: Noxious weeds are hereby defined as follows: 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*), poison ivy (*Rhus toxicodendron*), poison oak (*Toxicodendron quercifolium*), poison sumac (*Rhus vernix*), ragweed (*Ambrosia elatior* l. and *Ambrosia trifida*), dock weeds (*Rumex crispus*), milkweed (*Asclepias syriaca*) and goldenrod (*Solidago odora*).

Section 3. Code Section 34-15 entitled Noxious Weeds and Grass Exceeding 9 Inches is hereby added to the Code of Ordinances.

Code Section 34-15. Noxious Weeds and Grasses Exceeding 9 Inches. It shall be unlawful to cause noxious weeds as hereinabove defined in Section 34-14 hereof or grasses or any sort which exceed 9 inches in height to exist upon private property within the City of Mt. Morris.

Section 4. Code Section 34-16 entitled Program for Elimination of Noxious Weeds and Certain Grasses; Published Notice: Initiation After Beginning of Growing Season is hereby added to the Code of Ordinances.

Code Section 34-16. Program for Elimination of Noxious Weeds and Certain Grasses; Published Notice: Initiation After Beginning of Growing Season.

(a) The City shall develop a program for the elimination by cutting of grasses and noxious weeds on a periodic basis as established by the City Manager and the charge therefore as specified by the City Council shall be charged to the owner of the subject property as disclosed by the City's assessment records.

- (i) Notice of this requirement shall be given by placing a notice no smaller than 2 inches by 4 inches in a paper of general circulation within the City, notifying property owners that all noxious weeds grown and all tall or dead grass and brush on any land within the City along public streets or roads or improved streets for a depth of 300 feet or the depth of the subdivided lot, whichever is lesser, must be cut down and removed on or before the first 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 9 inches in height. Said notice shall state that failure to comply with this notice on or before the above-mentioned dates shall make any party liable for the cost of cutting noxious weeds and tall or dead grass and brush within the City of Mt. Morris, and the cost shall be levied and collected against said lands in the same manner as other taxes are levied and collected pursuant to applicable law.

- (ii) If the program is initiated after the beginning of the growing season, the provisions hereof shall apply commencing one month after the publication of the notice herein provided.

(b) No other notice shall be issued, said published notice, to be deemed sufficient notice to all persons owning property within the City. A statement shall be issued periodically to the owners of said property, as disclosed by the assessment rolls for the costs incurred for such abatement.

Section 5. Code Section 34-17 entitled Violation a Civil Infraction is hereby added to the Code of Ordinances.

Code Section 34-17. Violation a Civil Infraction: violation of the provisions hereof shall constitute a civil infraction and shall be punishable as provided in this Code.

Section 6. Code Section 34-18 entitled Authority of Court is hereby added to the Code of Ordinances.

Code Section 34-18. Authority of Court: The Court shall have the authority as prescribed in MCL 600.8302 (4)(a) to abate the nuisances herein defined and to issue such orders as the Court has the authority to issue pursuant to MCL 600.2940 and such other provisions as may apply with respect to the abatement of nuisances, generally. The City shall have the right to a lien upon the subject premises to the extent provided by law.

Section 7. Code Section 34-19 entitled Repeal of Inconsistent Ordinances is hereby added to the Code of Ordinances.

Code Section 34-19. Repeal of Inconsistent Ordinances: All Ordinance provisions inconsistent herewith including, but not limited to, Code Section 70-26, 70-27 and 70-28, are hereby repealed.


Section 8. Effective Date and Savings Clause. The provisions of this Ordinance shall be effective the day after the date of publication as set forth in Section 5.2 of the City Charter; provided, however, that pending the effectiveness of the program specified in Section 4 of this Ordinance which enacts Code Section 34-16, the existing Code sections relative to weeds, to-wit: Code Sections 70-26, 70-27 and 70-28, shall remain effective with respect to notices which have been issued and which are issued pending the new procedure as established by this Ordinance. All provisions of these

identified Code Sections shall remain effective and in full force and effect with respect to action taken and notices issued for the purpose of assessments and liens established there under and for such other purposes as may be necessary to protect action heretofore taken or taken pursuant to the phasing out of said provisions.

We the undersigned Mayor and Clerk of the City of Mt. Morris, do hereby certify that the above ordinance was adopted by the City Council at a regular meeting on the 10th day of June, 2013.



Daniel J. Lavelle, Mayor



Vicki Fishell, Interim City Clerk

APPROVED AS TO FORM
AND LEGALITY

Charles A. Forrest, Jr.