

AN ORDINANCE
of the City Council of the City of Berkley, Michigan, to amend Section 130-79 of
Chapter 130, Article III - Noxious Weeds, of the Berkley City Code.

THE CITY OF BERKLEY ORDAINS:
ARTICLE III. NOXIOUS WEEDS

Sec. 130-76. Exemptions.

Exempted from the provisions of this article are flower gardens, plots of shrubbery, vegetable gardens and small grain plots, except that under no circumstances are invasive species as defined in section 130-90 allowed. An exemption under the terms of this section cannot be claimed unless the land has been cultivated and cared for in a manner appropriate to such exempt categories.

Sec. 130-77. Cutting required.

No person occupying any premises and no person owning any unoccupied premises shall permit or maintain on any such premises any growth of weeds, grass or other rank vegetation to a greater height than eight inches, or any accumulation of dead weeds, grass or brush. No such occupant or owner shall cause, suffer or allow poison ivy, ragweed, poisonous plants, or plants detrimental to health, to grow on any premises in such manner that any part of such ivy, ragweed, poisonous or harmful weed shall extend upon, overhang or border any public place, or allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into any public place.

Sec. 130-78. Duty of occupant or owner.

It shall be the duty of the occupant of every premises and the owner of unoccupied premises within the city to cut and remove or destroy by lawful means, all such weeds, grass or rank, poisonous or harmful vegetation, except compost, which shall be maintained by proper composting procedures, as often as may be necessary to comply with the provisions of section 130-77; provided, however, that the cutting, removing or destroying of such weeds, grass and vegetation between April 15 and November 15 of each year, shall be deemed to be in compliance with the requirements of this article.

Sec. 130-79. **Notice; Abatement by city.**

(a) In the month of March, each year, the clerk shall publish a notice in a newspaper of general circulation in Oakland County stating that noxious weeds, weeds and uncontrolled vegetation which are not cut by May 1, may be cut by the city and the costs charged to the occupant and/or owner and, if not paid, the costs shall be collected as a special assessment against the property as provided in Chapter 102. The publication shall contain all the information required of the notice provisions provided for in Section 4 of Act 359 of the Public Acts of 1941, as amended.

(b) Notice of violation of sections 130-77 or 130-78 shall be given by delivering the notice personally to the owner of the property, by leaving notification at his residence, office or place of business or by mailing notice to such owner at his last known address; or in the alternative, if the owner is unknown, by posting the notice in a conspicuous place on the premises for five days. One notification for failure to comply with the provisions of either sections 130-77 and 130-78 shall be given for the growing season between April 15 and November 16 of each year.

(c) Upon notification, the occupant or owner of unoccupied premises shall cause the weeds, grass and other vegetation to be removed or destroyed within five days and continue to maintain such vegetation at a height of no greater than eight inches. Failure to cure a violation of section 130-77 or 130-78 in a timely manner will cause the city to abate the violation(s). The actual cost of such cutting, removal or destruction, plus 20 percent for inspection, enforcement and administrative costs in connection therewith, shall be collected as a special assessment against the property as provided in Chapter 102.

Sec. 130-80. Violations.

A person who violates any section of this article shall be responsible for a municipal civil infraction.

Secs. 130-81—130-89. Reserved.