

ORDINANCE NO. 1159

CITY OF FERNDALE
OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 20, VEGETATION, ARTICLE III,
NOXIOUS VEGETATION, TO THE CODE OF ORDINANCES, CITY OF
FERNDALE, MICHIGAN.

THE CITY OF FERNDALE ORDAINS:

Part I.

The City of Ferndale Code of Ordinances, Chapter 20, Vegetation, Article III, Noxious Vegetation, is amended to provide additional definitions and allow for Planned Natural Landscaping within the City as follows:

Sec. 20-38. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Native Plants means those plants identified as native plant species in southern lower Michigan by Michigan State University Native Plants and Ecosystem Services, a copy of which shall be maintained at the city.

Owner means the person having legal possession of the property and shall include the occupant or renter of any dwelling or property.

Parcel of land means any continuous piece or parcel of land owned by one person and shall include such portions of any street or alley abutting such land dedicated for public use that would be attached to the said piece or parcel of land, upon the vacation of the public rights to the street or alley.

Planned Natural Landscaping means a planned, intentional and maintained landscaping of native plants, ornamental grasses and groundcovers, rain gardens, shrubs and trees. Non-native plants and invasive species of plants shall not be allowed. Planned natural landscaping is not intended to allow a property owner to ignore lawn care duties.

Poisonous or harmful vegetation means any and all vegetation that in any way becomes a hazard to or detrimental to the health of any person.

Weeds means all weeds, grass, brush, wildings, second growth, rank vegetation or other vegetation that is not growing in its proper place, having a greater height than seven inches or a spread of more than seven inches and is not in registered planned natural landscaping.

Sec. 20-39. Responsibility.

- (a) Each person occupying a piece of property and the owners of vacant properties shall maintain all yard spaces, including such portions of any street or alley abutting such lands dedicated for public use that would be attached to the said parcel of land upon the vacation of the public rights to the street or alley, that is not otherwise paved or improved, in a condition that will not detract from the appearance of the neighborhood.
- (b) For properties occupied by a single party, the occupant shall be responsible and subject to the penalties provided for violation of this article.
- (c) For properties that are occupied for multiple use, the owner shall designate a person who resides on the property to act as his agent and who shall be responsible for the maintenance of the property as required by this article. Failure to appoint an agent by the owner shall make the owner subject to the penalties provided for violation of this article.
- (d) Provided that where the property is occupied by a tenant, this shall not relieve the owner of responsibility and upon failure to maintain the property as required by this article, the city may do such work as is required and assess its cost to the property as provided in this article.
- (e) For unoccupied properties the owner shall be responsible for maintaining the property as required by this article.
- (f) The city encourages planned natural landscaping that is well maintained.
- (g) All planned natural landscaping shall be maintained to not attract rodents.

Sec. 20-40. Growth -Unlawful to permit.

It shall be unlawful for any person having control of any occupied or unoccupied lot or parcel of land or any part thereof, in the city, to permit or maintain on any such lot or parcel of land any growth of weeds or poisonous or harmful vegetation.

Sec. 20-41. Same—Duty to remove.

Each person having control of any occupied or unoccupied land shall remove or destroy, or cause to be removed or destroyed, any and all growth of weeds or poisonous or harmful vegetation and shall maintain such parcel of land free from any growth of such weeds or poisonous or harmful vegetation, and each person having control of any parcel of land shall cut and remove or cause to be cut or removed or destroyed by other lawful means such weeds, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this article; provided that, cutting, removing or destroying such weeds or poisonous or harmful vegetation shall occur as often as necessary between May 1 and October 31 in order to keep said vegetation from attaining a height greater than seven inches or attaining a spread of over seven square inches, which shall be deemed to be in compliance with this article.

Sec. 20-42. Annual notice to comply with article provisions.

- (a) The city manager shall give notice to the persons responsible for lands within the city once each year prior to May 1 by publishing at least two times in a newspaper having general

circulation within the city and by such other means as the city council shall direct; said notice shall declare the provisions of this article and the penalties for the failure of compliance or the violation thereof.

- (b) The notice shall contain the provision that if the requirements of this article are not complied with within ten days after the date of the notice and maintained free from weeds, or poisonous or harmful vegetation from May 1 through October 31 of each year, without further notice, the city manager may cause such weeds or poisonous or harmful vegetation to be cut or destroyed, as required by the provisions of this article with the actual cost for such destruction and removal plus an additional fee to cover inspection and other costs in connection therewith to be charged against the property.

Sec. 20-43. Failure of owner to destroy—Destruction by city; cost assessed against property.

- (a) If a parcel of land has not been cleared of the weeds or poisonous or harmful vegetation, as provided in this article, within ten days after the date of the notice in [section 20-42](#) and maintained from May 1 through October 31 in a condition free from such weeds or poisonous or harmful vegetation, without further notice, the city manager may cause such weeds or poisonous or harmful vegetation to be cut or completely destroyed: provided that, in the case of poison ivy or other poisonous plants, he will cause such plants to be completely destroyed.
- (b) The actual cost of such cutting, removal or destruction plus fee for inspection as prescribed by resolution of the city council and any other cost in connection therewith, shall be certified by the city manager to the city council and upon their approval shall become and be a lien upon the property on which such weeds or poisonous or harmful vegetation were located, and such charges shall be assessed and collected in the same manner provided in the Charter of the city, wherein any cost is incurred in connection with a single lot or parcel of land.

Sec. 20-44. Same—Right of entry.

Because of the failure of the person responsible to carry out the provisions of this article the city or its employees or agents shall have the right to enter upon any private property not securely fenced or enclosed, for the purpose of cutting, removing or destroying any and all weeds, poisonous or harmful vegetation, and the city and its employees or agents shall not be liable for any damage to any plants or vegetation obscured by the growth of weeds, poisonous or harmful vegetation.

Sec. 20-45. Planned Natural Landscaping

- (a) Any person who is an owner of real property wishing to maintain a planned natural landscaping area shall register his or her property with city, through a registration process established by the city manager or city manager's designee.
- (b) Any registered planned natural landscaping area shall be setback at least three (3) feet from any side yard lot line in the front yard.

- (c) Planned natural landscaping shall be cut back at least annually to remove dead or unmaintained growth. A person who is an owner of real property shall cut or remove any dead or unmanaged growth on his or her property, including a planned natural landscaping.

Part II. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Part III. Severability.

The various parts, sections and clauses of this ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Part IV. Repeal.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Part V. Effective Date; Publication.

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the city, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the city clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS 13th DAY OF APRIL, 2015.

DAVE COULTER, MAYOR

MARNE McGRATH, CITY CLERK

Date of Adoption: April 13, 2015

Date of Publication: April 17, 2015

CERTIFICATE OF ADOPTION

I certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the 13th day of April, 2015.

MARNE McGRATH, CITY CLERK

CITY OF FERNDALE
NOTICE OF ADOPTION
ORDINANCE 1159

The City of Ferndale has adopted Ordinance No.1159, amending Chapter 20, Vegetation, Article III, Noxious Vegetation, Sections 20-38 and 20-39 of the City of Ferndale. This Ordinance shall be effective upon publication. A true copy of the ordinance may be inspected or obtained at the office of the City Clerk.

MARNE McGRATH, CITY CLERK