

ORDINANCE NO. 80-830
AN ORDINANCE TO AMEND CHAPTER 21 (NUISANCES), AND CHAPTER 28,
ARTICLE I, (INTERNATIONAL PROPERTY MAINTENANCE CODE)

Chapter 21, Article III of the Code of Ordinances of the City of Warren, Michigan reads as follows:

ARTICLE III. NOXIOUS WEEDS AND RUBBISH

Sec. 21-46. Purpose.

It is the purpose of this Article to promote the health, safety, and general welfare of the residents of the City by prohibiting: noxious weeds, accumulation of garbage and rubbish, dead or hazardous trees or tree limbs, and excessive grass or vegetation growth. The Article also provides a mechanism for the City to clean up properties that are not in compliance with this Article.

Sec. 21-47. Definitions.

Noxious weeds are: (1) plants listed in MCL 247.61, as amended, (2) *overgrowth*, and (3) species listed on the prohibited species list as adopted and amended by the Urban Forestry Committee pursuant to Warren Code of Ordinances, § 38-22 *et seq.*

Occupant means an individual living or sleeping on or in a *premise* or having possession of a building or a space within a building.

Operator means a *person* who has charge, care, or control of a *premise* that is let or offered to an *occupant*.

Overgrowth means grass over six inches or *plants* that encroach on public easements or cause public safety concerns. *Overgrowth* does not include Planned Natural Landscape Areas.

Owner means a *person*, agent, or *operator* with legal or equitable interest in the *premises*; who is listed in official records of the state, county, or municipality as holding title to the *premises*; or otherwise has control of the property, including a guardian, executor, or administrator of an estate of any person listed above.

Person includes individuals and entities.

Plant is any tree, shrub, herb, grass, fern, vine, or similar organism.

Premises means a lot, plot, or parcel of land or easement, including structures, improvements, and the area between the lot line and the street.

Responsible party or parties are *owners*, *operators*, and *occupants*.

Rubbish means waste material, including but not limited to, residue from burning combustible materials, paper, rags, packing material, cardboard, cans and other metal, bottles and other glass or plastic, wood, tires and other rubber, tree branches, yard waste, food waste, mineral material, and other junk, debris or unwholesome substances.

Sec. 21-48. Prohibitions.

Responsible parties shall not cause or allow the growth or accumulation of *noxious weeds* and/or *rubbish* on the *premises*.

Sec. 21-49. Abatement.

(a) Notice of abatement.

- (i) In March of each year, the City shall publish a notice in a newspaper of general circulation that states: (1) the City will remove any *noxious weeds* (including overgrowth) not cut by May 1st of the year, and (2) the *responsible party or parties* will be charged for the costs associated with the removal.
- (ii) Content and service. The City shall provide a *responsible party* notice of a violation of this Article that complies with all of the following:
 - (1) Contains the nature and location of the violation.
 - (2) Includes a statement that failure to comply with the notice will result in the City abating the violation and charging a *responsible party or parties* for the cost of abatement.
 - (3) States a contact name and phone number or email address to request information about the violation.
 - (4) Is posted in a conspicuous area on the *premises*. For accumulation of *rubbish* notices, the City shall also mail the notice to the *owner* or *operator's* address, as listed in City records.
- (iii) Time to abate.
 - (1) For *noxious weed* violations, the City shall give the *responsible party or parties* at least 24 hours' notice before abating the violation.
 - (2) For accumulation of *rubbish*, the City shall give the *responsible party or parties* at least ten days' notice before abating the violation.
- (b) If the *responsible party or parties* fail to correct the violation in the time listed in subsection (a)(ii) above, the City, or its agent, may remove the *noxious weeds* and/or *rubbish* from the *premises*.
- (c) The City may charge any *responsible party* for abatement costs, including but not limited to administrative, labor, and contractor costs.
- (d) The City shall send a notice of assessment to the *responsible party* being assessed. The City may collect the assessment as permitted by law, including as provided for in MCL 247.64.
- (e) A *responsible party* may appeal the assessment by submitting a written appeal to the Public Service Director or his/her designee within 21 days of the notice of assessment. The appeal shall state the reason(s) that the *responsible party* believes they are not responsible for the assessment.

Sec. 21-50. Strict Liability.

Violations of this Article are strict liability offenses.

Se. 21-51. Penalty.

In addition to the abatement procedure outlined in Section 21-49 above, a violation of this Article is a municipal civil infraction punishable by a fine of up to \$500, cost not to exceed \$500, and other sanctions as provided by MCL 600.8727.

Chapter 28, Article I, Section 28-2(x) of the Code of Ordinances of the City of Warren, Michigan reads as follows: *Section 302.4* shall be stricken in its entirety.

SECTION 3. This Ordinance shall take effect on March 31, 2025.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-830 was adopted by the Council of the City of Warren at its meeting held on March 11, 2025.

SONJA BUFFA
City Clerk

Published: March 26, 2025