

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 14-182

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, AT CHAPTER 21, "NUISANCES," ARTICLE II, "RELATED TO PROPERTY," IN ORDER TO ADD A NEW DIVISION 12, "OBSTRUCTIONS IN PUBLIC WAYS."

THE CITY OF NOVI ORDAINS:

PART I. That Chapter 21, "Nuisances," Article II, "Related to Property," of the City of Novi Code of Ordinances is hereby amended to add a new Division 12, "Obstructions in Public Ways," to read as follows in its entirety:

Division 12. Obstructions in public ways.

Sec. 21-210. Duty to Keep Free of Obstruction by Trees, Bushes, and Plants

No person owning, leasing, occupying, or having charge or control of any parcel, lot, premises, or land within the city on which any tree, bush, shrub, vine, or plant is located shall allow the limbs, branches, twigs, or leaves of such tree, shrub, vine, or plant to overhang, protrude, or extend into any portion of any street, sidewalk, or pathway in a manner that obstructs or interferes with, or is likely to obstruct or interfere with, the use of such public ways. Such persons have an affirmative duty to trim or prune, or to cause to be trimmed or pruned, all limbs, branches, twigs, or leaves of such tree, shrub, vine, or plant either at the property line adjacent to the public way or to a clear height of at least eight (8) feet above the surface of such public way. Such persons shall not plant or maintain any thereof so close to any property line as to obstruct thereby the vision of travelers along the streets.

A violation of this section is declared to be a public nuisance, which may be abated by the City. Following 10 days' written notice to the owner of record by first class mail to the address on the tax records of the City and to the address of the property (if different), the City may enter upon such parcel, lot, premises, or land to conduct such trimming, pruning, or other work as it determines to be necessary, or to remove such obstructions herein prohibited upon the failure of the owner and/or occupant to do so. The costs of such work shall be charged to the owner of the parcel, lot, premises, or land by sending an invoice for services in the same manner as the notice described herein. If the owner fails to pay the amount due within 30 days of the date such bill is sent by the City, the amount shall be considered delinquent and the City may collect such amount, plus a reasonable administrative fee, in any manner authorized by law, including placement of the amount (and the administrative fee) on the tax rolls and collecting such amount in the same manner as delinquent taxes.

PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV. Repealer. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

PART V. Effective Date. The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Novi.

PART VI. Adoption. This ordinance is hereby declared to have been adopted by the Novi City Council in a meeting thereof duly held and called on the 6th day of October, 2014, in order to be given publication in the manner prescribed by the Charter of the City of Novi.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 6th day of October, 2014.

Maryanne Cornelius, City Clerk

Adopted: 10/06/2014

Published: 10/16/2014

Effective: 10/21/2014

Certificate of Clerk

I hereby certify that the foregoing ordinance was published by posting a copy thereof at each of the following times and places within the City of Novi, on the 7th day of October, 2014.

1. Novi City Hall 45175 Ten Mile Road

Novi Library 45255 Ten Mile Road

I do further certify that on the 16th day of October, 2014 said Ordinance Text Amendment 14-182 was published in brief in the Novi News, a newspaper published and circulated in said City.

Moved by _____ and supported by _____.

Robert J. Gatt, Mayor

Maryanne Cornelius, City Clerk

~~Certificate of Adoption~~

_____ I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the _____ day of _____, 2014.

Maryanne Cornelius, City Clerk