



ORDINANCE NO. 09-02

Ordinance Regarding Trimming and Removal of Trees and Shrubs

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The Village of Morrice Ordains:

Section 1. Grass, Noxious Weeds, Trees, Plants, and Shrubs – Growth or Accumulation. It shall be unlawful for the owner of any lot or parcel of land or any person in possession or control of any lot or parcel of land within the Village to allow or maintain upon any portion of such lot or land any growth of grass, brush, weeds, or to permit the deposit or accumulation upon any portion of such lot or land, of any debris, rubbish, refuse, trash, dead vegetation or garbage, so as to create a nuisance due to unsightliness, an unhealthy or unsafe condition, or traffic hazard or fire hazard.

Section 2. Grass, Noxious Weeds, Trees, Plants, and Shrubs – Noxious Weeds. It shall be unlawful for the owner or occupant of any lot or parcel of land within the Village to allow or maintain on any portion of such lot or land, any growth of any noxious or poisonous weeds which may create a detriment to the public health. The term "noxious and poisonous weeds" shall include, but shall not be limited to canada thistle, milkweed, wild carrots, ox-eyed daisies, ragweed, goldenrod, burdock, poison ivy, poison sumac, and poison oak.

Section 3. Grass, Noxious Weeds, Trees, Plants, and Shrubs – Jurisdiction of Council. Council shall have exclusive jurisdiction, authority, control, and supervision, of all trees, plants, and shrubs planted or growing in the Village, and of the planning, removal, care, maintenance, and protection thereof.

Section 4. Grass, Noxious Weeds, Trees, Plants, and Shrubs – Trimming and Removal. Trees or shrubs standing in or upon any public highway or other public place, and on any lot or land adjacent to any public highway or other public place having branches projecting into the public highway or any other public place which is endangering public safety or property, shall be kept trimmed or removed by the owner or occupant of the property on or in front of which such trees or shrubs are growing.

Section 5. Grass, Noxious Weeds, Trees, Plants, and Shrubs – Notice. Upon complaint of a violation of the aforementioned provisions, it shall be the duty of the Village President, his agent, or the Police Department, to investigate such complaint and the premises complained upon, and after such investigation if it shall be determined that the condition of the premises are such as to be in violation of the aforementioned provisions, the Village President, his agent, or the Police Department, shall issue an order by U.S. Mail or in person, directing the owner or person in possession or control of the land upon which said violation is committed, requiring the cutting of such brush, weeds, trees, or the removal of such debris, rubbish, refuse, trash, vegetation, or garbage within ten (10) days after receipt of such order. Such order may be served by delivering the notice personally, leaving it at the residence, office, place of business, or with a person of suitable age, or by mailing such order by registered, certified, or first-class mail to the last known address, or by posting such notice in some conspicuous place on the premises or by publication of such notice in a newspaper of general circulation.

Section 6. Grass, Noxious Weeds, Trees, Plants, and Shrubs – Newspaper Notice. During the last half of the month of June, and the first half of the month of August, of each year, it shall be the duty of the Village Council or Village President, to have published in a newspaper of general circulation within the Village, a notice specifying Chapter VII and requiring the owner or occupant of any lot or parcel of land coming within the terms of Chapter VII (1), (2), or (4) to cut and destroy all such growth upon his or her land before a certain date, but not less than ten (10) days from the date of publication of such notice and giving notice that upon the failure or neglect of such owner or occupant to comply with the provisions of Chapter VII, the owner or occupant will be served with an order in accordance with the provisions of this chapter. Such order shall direct the owner or occupant to comply with Chapter VII within five (5) days after receipt of such order.

Section 7. Grass, Noxious Weeds, Trees, Plants, and Shrubs – Code Violations. If any owner of any lot or land or any person having charge of any lot or land shall violate the provisions of this Chapter and/or fail to comply with the order described in this Chapter, he or she shall be guilty of a violation of this Code.

Section 8. Grass, Noxious Weeds, Trees, Plants, and Shrubs – Destruction by Village. When it has been established that a property owner or person in charge is in violation of this Code, as stated in this Chapter, the Village President shall direct employees of the Village to enter upon such land for the purpose of destroying such growth accumulation or hazardous conditions. The Village President shall keep an accurate account of the expenses incurred in destroying growth or accumulations with respect to each parcel of land entered upon therefore, and make a sworn statement of said account.

Section 9. Grass, Noxious Weeds, Trees, Plants, and Shrubs – Assessment of Cost. The expenses of destruction by the Village provided in this Chapter shall be charged against the owner or person in charge of the land. Payment thereof may be enforced as a special assessment as provided by this Chapter. Cost will be a minimum of One Hundred (\$100.00) Dollars.

Section 10. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Morrice declares that it would have passed this ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared unconstitutional.

Section 11. Effective Date. This Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL 66.1; MSA 5.1271.

Section 12. Repealer. All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Enacted February 10, 2009