



**CITY OF YPSILANTI  
NOTICE OF ADOPTED ORDINANCE  
Ordinance No. 1367**

An ordinance to amend the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code

- 1. THE CITY OF YPSILANTI HEREBY ORDAINS** that the Noxious Weed Ordinance, Article IV. Weed Control, Section 110-80 et seq of the Ypsilanti City Code be amended to read as follows:

• **ARTICLE IV. - WEED CONTROL** <sup>[4]</sup> ...

*State Law reference— Control and eradication of noxious weeds, MCL 247.61 et seq.*

- **Sec. 110-80. - Noxious weeds, grass and brush determined to be a nuisance.**

In order to preserve the public health, safety, and welfare of the citizens of Ypsilanti, the council determines that the existence of grass, weeds, and brush more than ten inches in height within the city constitutes a nuisance for the reason that the said grass, weeds, and brush provides a hiding place for vermin, is unsightly and unkempt, and is more likely to be a dumping ground for trash than otherwise.

(Ord. No. 981, § 1, 5-22-2003)

- **Sec. 110-81. - Duty to remove; penalty.**

(a)

The city council determines that the existence of weeds, brush and grass over ten inches in height, or any other noxious weeds as defined by MCL. 247.61 et seq. on private property within the city poses a threat to the public health, safety and welfare, and is noxious and a nuisance per se, because weeds, brush and grass over ten inches in height is likely to attract and harbor vermin, provide cover for wild animals, encourage trash, attract criminal activity and lower property value, and noxious weeds as defined by the State are hazards to health and the environment.

(b)

No owner, possessor or occupier shall permit weeds, grass or brush at a height greater than twelve inches, or any noxious weeds defined by MCL 247.61 et seq on any private property. The provisions of this section are in addition to and cumulative with any and all other remedies or requirements which may be provided to the city by law or any provision of this Code or other ordinance of the city, and nothing in any provision of this Code or other ordinance of the city shall be deemed to impair the full effectiveness of this section.

Exception. An owner, possessor or occupier of land in the City of Ypsilanti may plant and grow native vegetation, as defined by the Michigan Natural Shoreline Partnership or similar agencies and organizations as a garden or rain garden on their land in the City of Ypsilanti on the following terms and conditions:

- a. Application and permit issued by the Economic Development Department showing the area to be cultivated.
- b. Permit Planning on the City right-of-way or the lawn extension shall not obstruct sightlines for vehicle or pedestrian traffic;
- c. Planting shall not invade or encroach on any adjacent property.
- d. (c)

*Blight violation.* A person who violates any provision of this section is responsible for a blight violation, subject to payment of a civil fine as set forth in [section 71-73](#). Repeat offenses under this section shall be subject to increased fines as set forth in [section 71-73](#).

(Code 1983, § 9.61; Ord. No. 981, § 1, 5-22-2003; Ord. No. 1132, § 1, 9-21-2010)

- **Sec. 110-82. - Publication and contents of general notice to remove.**

It shall be the duty of the city manager to give general notice at least once each year of required weed cutting by publication in a newspaper in the same manner as is required for the publication of other city notices. Such notice shall set forth the fact that all such weeds, brush and grass must be cut on or before the date therein designated and the publishing of such notice shall take place at least ten days prior to the date upon which such weeds, brush or grass must be cut.

(Code 1983, § 9.62)

- **Sec. 110-83. - Removal by city.**

(a)

In the event the owner, possessor or occupant of land or the person having charge of any such land refuses or neglects to comply with the aforementioned notice to cut the weeds, brush or grass on or before the date stated in the notice such person is responsible for a blight violation, subject to payment of a civil fine as set forth in [section 71-73](#). Repeat offenses under this section are subject to increased fines as set forth in [section 71-73](#).

(b)

It is the duty of the city manager or his/her designee to enter upon such land and to cause all such weeds, brush and grass to be cut down and the city manager or other authorized person doing this work shall not be liable in any action of trespass therefor.

(Code 1983, § 9.63; Ord. No. 1234, § 1, 12-2-2014)

- **Sec. 110-84. - Payment of costs.**

It shall be the duty of the city manager to keep an accurate account of the costs incurred in carrying out the provisions of [section 110-83](#) and to file a statement thereof in the office of the city clerk. The owner, possessor or occupant of any parcel or lot on which noxious weeds, brush or grass have been cut by city employees under the direction of the city manager, in the manner herein prescribed, is required to pay the costs so incurred. The city clerk shall bill each such

owner, possessor or occupant for the costs charged against each parcel or lot. Payment may be made at the office of the city clerk, who is hereby authorized to receive it and to receipt therefor in the name of the city.

(Code 1983, § 9.64)

- **Sec. 110-85. - Lien for costs.**

In the event the owner, possessor or occupant of any parcel or lot on which noxious weeds, brush or grass have been cut by the city fails to pay the aforementioned bill from the city clerk within 30 days from the date of the billing, the city clerk shall thereupon place the entire sum, plus a collection charge as set by resolution of the city council, on the tax rolls as an assessment against the parcel or lot, the assessment to be collected as other taxes are levied and collected. Such charges shall be added to the general city tax roll, and to the total of the taxes levied on such parcel or lot the same year and shall be a lien on the parcel until fully paid.

(Code 1983, § 9.65)

- **Sec. 110-86. - Appeal.**

(a)

The owner, possessor, or occupant of any parcel of lot billed for cutting noxious weeds pursuant to this article has the right to appeal the bill.

(b)

Appeal must be taken within ten days of receipt of the bill, but in no case later than 30 days from the date of billing, to the city manager. The appeal must be in writing, signed by the appellant, and specify the reason for the appeal.

(c)

The city manager will consider the appeal and make a decision in writing, within ten days of receipt of the appeal. A copy of the decision will be filed with the city clerk and sent to the appellant by first class mail.

(d)

An adverse decision of the city manager may be appealed to the circuit court.

(Ord. No. 981, § 1, 5-22-2003; Ord. No. 1234, § 1, 12-2-2014)

**2. Severability.** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that

the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**3. Repeal.** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**4. Savings Clause.** The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

**5. Copies to be available.** Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

**6. Publication and Effective Date.** The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 20th DAY OF October 2020.

\_\_\_\_\_  
Andrew Hellenga, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1367 was published according to Section 11.13 of the City Charter on the 29 day of October, 2020.

\_\_\_\_\_  
Andrew Hellenga, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 20th day of October, 2020.

Andrew \_\_\_\_\_

RESOLUTION NO. 17-\_\_\_\_\_

, 2017

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That an ordinance entitled "" be approved on first reading.

OFFERED BY: \_\_\_\_\_

SUPPORTED BY: \_\_\_\_\_

YES:            NO:            ABSENT:            VOTE: