

CHAPTER 696
Weeds, Grasses and Plants

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CROSS REFERENCES

Box elder trees, female, as nuisance - see M.C.L.A. Sec. 124.151
 Weeds generally - see M.C.L.A. Secs. 247.51, 247.52, 247.61 et seq., 286.701 et seq.
 Cutting or destroying trees - see M.C.L.A. Secs. 247.235, 247.241, 752.701 et seq.
 Malicious destruction of trees - see M.C.L.A. Sec. 750.382
 Street trees - see P. & Z. 1248.16

696.01 DEFINITIONS.

The following words or terms, when used in this chapter, shall be deemed to have the meanings set forth below:

- (a) "Accumulation" means a heap, pile, bundle, mess, or stack exceeding 24 inches in height or an area of 32 sq. ft.
- (b) "City" means the City of Litchfield.
- (c) "Costs" means the expense of inspection, preparation of notices, printing, mailing, administrative expenses, and all actual expenses incurred in removing the nuisance herein provided for.
- (d) "Improved lot" means any lot or parcel of real property or any portion thereof located within the City of Litchfield upon which any of the following activities have occurred, to whatever extent or degree: leveling, installation of utility leads, driveway cuts, or upon which other improvements or periodic maintenance has occurred.
- (e) "Noxious weeds" means any weeds, such as jimson, burdock, ragweed, thistle, cocklebur, poison ivy, poison sumac, mustards, bindweed, and all other vegetation of a like kind or nature.

(Ord. 2017-04. Passed 10-17-17)

696.02 MAXIMUM HEIGHT OF WEEDS, GRASSES, OR PLANTS, AND PROHIBITION ON ACCUMULATIONS OF BRUSH, FALLEN TREES AND DEAD, DECAIVING, OR DECOMPOSING ORGANIC MATERIALS.

(a) No person shall allow any noxious weeds, grasses, or plants, other than trees, bushes, flowers, or other ornamental plants, to grow upon any improved lot or parcel to a height exceeding the following:

- (1) No such noxious weeds, grasses, or plants located within 65 feet of the property line of an improved lot or parcel shall exceed eight inches in height.
- (2) No such noxious weeds, grasses, or plants located more than 65 feet, but less than 165 feet, from the property line of any improved lot or parcel shall exceed 16 inches in height.

Any such noxious weeds, grasses, or plants exceeding the heights herein established are hereby declared to be a nuisance.

(b) No person shall allow the accumulation of brush, fallen trees, or other dead, decaying, or decomposing organic materials such as, but not limited to, leaves and grass clippings, to accumulate on any improved lot or parcel within the city limits. Any such accumulation of brush, fallen trees, or dead, decaying, or decomposing organic materials are hereby declared to be a nuisance, unless they are accumulated as part of a bona fide organic compost pile that is maintained in a designated compost container or receptacle, or to the extent applied as a soil amendment to a garden or landscaped area located on the lot or parcel.

(Ord. 90-3. Passed 10-9-90. Ord. 2017-05. Passed 10-17-17.)

696.03 ABATEMENT OF NUISANCE.

It shall be the duty of the City Manager to deliver or cause to be delivered a notice upon the owner or occupant of any premises upon which noxious weeds, grasses, or plants are permitted to grow in violation of the provisions of this chapter and to demand the abatement of the nuisance within seven days from the date of delivery of the notice. The notice shall be mailed by first class mail, and depositing said notice with the United States Postal Service with the appropriate postage affixed thereon, shall constitute delivery of said notice.

(Ord. 90-3. Passed 10-9-90.)

696.04 NOTICE OF VIOLATION; CONTENTS.

The notice of violation shall specify the nature of the nuisance and shall direct the abatement of the nuisance within seven days. The notice shall also provide that if the nuisance is not abated within the time period set forth, then the City Manager shall cause the nuisance to be abated forthwith and the owner or occupant of the premises shall be liable for the costs thereof. The notice shall also provide that the City shall have a lien against the premises for any costs which the City incurs in connection with the abatement, and that if unpaid after sixty days, said lien shall be charged as a special assessment against the real property on which the nuisance was located and thereafter collected in the assessments.

(Ord. 90-3. Passed 10-9-90.)

696.05 REMEDY OF CITY FOR NONCOMPLIANCE.

If the person so served with a notice of violation does not abate the nuisance within seven days, the City Manager may order the nuisance abated by the proper department qualified to perform the work or may have the work performed by contract or hire, keeping an account of the costs of the abatement, including administrative expenses, and such expense shall be charged to, and paid by, the owner or occupant of the premises.

(Ord. 90-3. Passed 10-9-90.)

696.06 ASSESSMENT AS LIEN; COLLECTION.

The expenses incurred by the City in abating the nuisance shall be a lien upon the premises and, if unpaid after sixty days, shall be charged as a special assessment against the real property on which the nuisance was located and thereafter collected in the same manner as other special assessments.

(Ord. 90-3. Passed 10-9-90.)

696.07 REMEDIES NOT EXCLUSIVE.

The remedies provided for in this section shall be in addition to the penalty provided for in Section 696.99.

696.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is provided.)