

ORDINANCE #25-03
AN ORDINANCE TO AMEND MARQUETTE CITY CODE
CHAPTER 22, ARTICLE IV, REGARDING NOXIOUS WEEDS

INTENT

The purpose of this ordinance is to amend Article IV (Noxious Weeds) of Chapter 22 (Environment) of the Marquette City Code in order to clarify associated definitions and regulations.

The City of Marquette Ordains:

SECTION 1. That Article IV of Chapter 22 be hereby amended in its entirety to read as follows:

Article IV. Noxious Weeds

Sec. 22-99. Definitions.

- (a) The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *Clear vision triangle* shall have the meaning ascribed to that term in the City of Marquette Land Development Code.
 - (2) *Department* means the City of Marquette Department of Public Works.
 - (3) *Designated official* means any individual identified or designated under Sec. 30-21 of this code.
 - (4) *Invasive species* means non-native species that, when present, result in reduced native plant life.
 - (5) *Lawn* means an area of grass that is kept short.
 - (6) *Noxious weeds* means those plants identified by MCL 247.62, as amended.
 - (7) *Planned natural landscape* means an area of native grasses and wildflowers intended to serve as a pollinator habitat, which requires certification from the Marquette County Conservation District.
 - (8) *Turf grass* is a type of grass used for lawns.
 - (9) *Right-of-way* means city street right-of-way, including the terrace area between the sidewalk and the curb or edge of the street.

Sec. 22-100. Penalty.

Any owner or agent who violates any provision of this article shall be guilty of a municipal civil infraction. Each day that violation continues after due notice has been served shall be deemed a separate offense.

Sec. 22-101. Vision obstruction (corner lots).

No turf grass, weeds, shrubs, planned natural landscape, rain garden, or other plant growth shall impede the clear vision triangle.

Sec. 22-102. Height restrictions.

On private property, no turf grass shall be permitted to exceed a height of 6 inches. A planned natural landscape or rain garden shall have an average height of not more than 48 inches.

Sec. 22-102.1. City right-of-way.

The owner of every parcel of land is responsible for grading, planting, mowing, and raking the adjacent right-of-way. A planned natural landscape or rain garden shall not be located within or infringe upon any right-of-way. The City shall not be liable for damage to any vegetation planted in the City right-of-way that results from work performed by the City in the right-of-way.

Sec. 22-102.2. Noxious weeds and invasive species

No person shall fail to mitigate any noxious weeds or invasive species growing on private property or adjacent right-of-way. Upon notification, a property owner may be referred to the Marquette County Conservation District for assistance with a management plan. Failure to develop or adhere to a management plan will result in a penalty per Sec. 22-100.

Sec. 22-103. Notices.

Whenever the designated official determines that a violation of this article has occurred, he shall provide written notice to the owner or agent of the property. Such notice shall state a deadline for the correction to be made on the described property. The designated official shall be required to issue only one such notice to the owner or agent of the property each calendar year. Any subsequent violations will immediately be subject to abatement in accordance with Sec. 22-104.

Sec. 22-104. Abatement after notice.

If, at the expiration of the deadline in the notice issued pursuant to Sec. 22-103, the owner or agent of the property has not corrected the violation, the department shall take action to correct the violation. The cost of such abatement will be charged against the premises and the owner thereof, in accordance with the provisions of City Code Chapter 40, pertaining to special assessments. In the instance where abatement is carried out pursuant to this article, the city shall not be held liable for damage to any vegetation damaged during such abatement.

Sec. 22-105. Immediate abatement.

The city manager may declare any tree, shrub, or plant, including noxious weeds or invasive species, which endangers public property or the health and safety of the public, a nuisance. The city manager may abate any such public nuisance without giving notice if the public health or safety requires immediate action. Thereafter, the cost of abating

such nuisance may be charged against the premises of the owner thereof in accordance with the provisions of chapter 40, pertaining to special assessments.

Sec. 22-106:22-123. Reserved.

SECTION 2. That this ordinance shall take effect ten days after adoption but not before publication.

Jessica Hanley, Mayor

Kyle Whitney, City Clerk

Date Adopted: _____

Date Published: _____