



CITY OF MONROE

NOXIOUS WEED AND GRASS CUTTING PROCEDURES

For Private Property Enforcement - 2024 Season

BACKGROUND

Consistent with State Law, the City of Monroe, through various past actions of its City Council, has determined that it is necessary for the protection of the public health, safety, and welfare, to facilitate the destruction of noxious weeds and high grasses as from time to time become a blight upon lands within the City. The legal basis for this action is found in Monroe Code Sections C-389 and C-390 (Charter), supported by Chapter 712, "Weeds, Trees, and Refuse", which are both consistent with State of Michigan Public Act 359 of 1941 (Codified in Sections 247.61 through 247.72 of the Michigan Compiled Laws). The texts of these documents are attached for reference. The City of Monroe wishes to delineate the procedures under which enforcement is undertaken through this document, for the information of affected stakeholders. Chapter 712 was last amended in 2019, and this revised document is attached.

START OF ENFORCEMENT ACTIVITIES

In accordance with Monroe Code Section 712-5, **May 1, 2024** is the annual date for start of enforcement activities and notice was subsequently published in the Monroe News thirty (30) days prior to the start date as required. (Publication date March 15, 2024).

REPORTING ORDINANCE VIOLATIONS

There are multiple mechanisms by which high grass and weed complaints can be forwarded to the City for initial action, including the following:

1. Web Page - complaints may be entered through the City's "Report an Issue" citizen request module on the City's web page at www.monroemi.gov
2. My Monroe On the Go app - complaints may be entered through the City's reporting app from any mobile device.
3. Email - citizens may email the Building Division at krystyn.spare@monroemi.gov and / or use the general information email at info@monroemi.gov.
4. Phone - citizens may contact via phone, 734-384-9185, and speak to a Departmental Aide, or leave a message after hours
5. In Person - citizens may report at City Hall, Building Division (first floor) from 8:30 A.M. to 4:30 P.M., Monday through Friday

For all complaints that are received via methods 1, 2, and 3 above, they will be entered into the City's request module for tracking purposes by the Department staff as soon as possible, typically within 24 hours of being received. When the property is associated with a structure, the property address will generally be readily visible to all parties. When the subject property is a vacant lot, City staff shall take the complaint, and shall utilize the City's online GIS (Geographic Information System) program to determine and / or verify the correct billing address, and shall include this as well as any other identifying information (i.e., vacant lot north of 123 Main Street, northeast corner of Main and Water) in the request module submittal, to ensure that reviewing parties in the field have a clear indication of the property in question. Residents using the app are typically able to pinpoint the location using Global Positioning System (GPS) coordinates, such that City staff is able to ascertain the correct location.

INVESTIGATING VIOLATIONS

Once complaints are entered into the response module, they must be reviewed by City representative(s), as may be designated from time to time. For the 2024 season, the Economic & Community Development Department- Building Division will again be the lead department charged with investigating the validity of the complaint and determining the appropriate action. A representative of the Building Division will investigate the complaints to determine whether or not the prevailing height of noxious weeds and grasses exceeds 8 inches. In addition, to ensure enforcement consistency across neighborhoods as well as the entire City, the Building Division representative is empowered to identify additional properties in the vicinity of those where a complaint has already been raised or at any location in the City, and add those for action as well. If, after investigation, the City representative determines that the prevailing height on any property exceeds 8 inches, the property will be turned over to the City's contractor for mowing. If the property in question has been mowed, no further action is taken. If the height is close to, but not yet exceeding 8 inches, the Building Division representative shall maintain the property on the current list, reviewing each day until it reaches 8 inches or is otherwise mowed. Generally, the Building Division will investigate the site within 24-48 hours.

Once the Building Division has reviewed all properties, the list where enforcement is needed will be sent back to the Departmental Aide. Before they are turned over for mowing to the City's contractor, an entry will be made by an Engineering and Public Services Departmental Aide to the City's Pre-Invoice Status Database to indicate that the property has a lien pending due to mowing. This database is described in further detail later in this policy document. Following this entry, the Departmental Aide will change the status of each within the response module to "Closed", and the property is then forwarded to the City's contractor for mowing.

Often, properties with noxious weeds and grasses have additional potential blight violations, and where this is the case, these properties will also be referred to the Building Division by the response module as well.

NOTIFICATION

Chapter 712 of the Monroe Code does not require that the City provide direct notice to individual property owners, only requiring an annual published notice. This is consistent with state law, and represents the minimum requirement contained therein. **Property owners should not expect any direct notification from the City**, and shall be responsible for maintaining their properties free of noxious weeds and grasses throughout the entire season. However, the City may choose to provide courtesy notices to any subset of property owners within the City at any time in a proactive

effort to achieve greater compliance. Failure to provide such notice to any other group of property owners should not be construed as providing relief from the conditions of the ordinance.

ENFORCEMENT ACTION

The City contracts each year with a vendor to provide “as needed” removal of noxious weeds and grasses, under individual contracts for each property. Daily or otherwise as needed, this vendor is provided with a list of all properties in violation of the City ordinance from the Building Division through the Engineering and Public Services Department clerical staff, who will coordinate mowing with the City’s contractor. Weather permitting, these are addressed as early as the next business day, but not typically later than 48 hours from receipt. Exact mowing specifications will vary from property to property depending on the actual height of the grass, available space, and other hazards present on the property. In general the contractor will attempt to mow down to a height of 3 inches to prevent immediate recurrence, but this may require more extensive initial mowing, including mowing the same area more than once on the same visit. Once the enforcement action is completed, the vendor will invoice the Engineering and Public Services Department for the work, with the payment made at the next available City Council meeting. “Before” and “after” photographs are taken by the vendor and will be made available for review within 48 hours of request, and will also be submitted as soon as possible to City staff. It should be further noted that in cases where a portion of the property requiring remediation is not accessible (i.e. behind a locked gate) and the Contractor must make a return trip to the property to complete work, additional charges may apply.

CITY INVOICING TO PROPERTY OWNERS

Once the vendor bill has been processed for payment through the Finance Department, the Engineering and Public Services Departmental Aides shall prepare an invoice against the property. These charges are based on the most recent resolution of City Council as approved at the April 15, 2019 meeting, which is in turn authorized by Monroe Code Section 712-9. The resolution and fee calculation have been attached to this policy statement. No changes are being proposed to this fee structure for 2024.

All invoices are due and payable within 30 days, and are not delinquent until this time period has elapsed. Entry of invoices by the Departmental Aides will usually range from 1-4 weeks from the date a particular property was mowed, depending on when the City’s mowing contractor invoices the City for the work. Once the invoice has been entered by City staff, it does show up as a linked invoice when property searches are conducted by the City Treasurer’s Office, and prior to this time, the property will be listed in the Pre-Invoice Status Database, also linked to the property.

RESEARCHING PENDING / COMPLETED ENFORCEMENT ACTIONS

The City of Monroe has implemented a Pre-Invoice Status Database to provide a centralized source of information to the general public relative to charges that are placed, or will soon be placed, on properties by City Departments that have not necessarily yet been invoiced. In such a fashion, there will at all times be an indication that some sort of action is pending, so that current property owners and potential buyers can determine potential liens by simply contacting the Treasurer’s office to research the property. Attached to this policy statement is a two-page description of the functionality of the database, which is used for not only high grass, but other types of enforcement actions as well.

EXEMPTIONS

While the Monroe Code does not provide direct exemptions to the enforcement procedures, there are practical exemptions that do not unduly harm the public health, safety, and welfare if left unabated. Areas clearly not in productive use and isolated from other properties are generally not mowed, except for a perimeter strip of 100-150 feet adjacent to residentially-zoned or used areas upon request. Lands in active cultivation for farming, gardens, etc. are generally thought to be exempt from the provisions of this ordinance by other State legislation, as are designated wetlands, forested areas, etc.

QUESTIONS

Citizen questions regarding the enforcement procedures in should be routed to the Building Division (734-384-9185). Questions regarding billing alone may be made through the Department of Engineering and Public Services (734-384-9125).

POLICY PRIORITY

This policy dated March 15, 2024 supersedes all others and, to the extent that any previous rule, regulation, policy or past practice, written or unwritten, is in conflict with the provisions of this policy, such is hereby withdrawn, voided and all personnel should conduct themselves in conformity with this policy. This policy is not designed to replace or limit any rights and responsibilities the City of Monroe may have under enabling state statutes or local ordinances, only to set forth the procedures by which City staff is to implement activities.

3/15/2024



Mark Cochran
Director, Economic & Community
Development Department

Chapter 712

WEEDS, TREES AND REFUSE

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[HISTORY: Adopted by the Mayor and City Council of the City of Monroe 4-29-1974 by Ord. No. 74-011 . Amendments noted where applicable.]

CHARTER REFERENCES

Weeds and grass — See § C-389 et seq.

GENERAL REFERENCES

Nuisances — See Ch. 458.

Burning of leaves — See Ch. 557.

Property maintenance — See Ch. 525.

Trees — See Ch. 668.

STATUTORY REFERENCES

Box elder trees, female, as nuisance — See MCLA § 124.151.

Cutting or destroying trees — See MCLA § 247.241.

Weeds generally — See MCLA §§ 247.61 et seq., 286.701 et seq.

Malicious destruction of trees — See MCLA § 750.382.

§ 712-1. Definitions; intent. [Amended 4-4-2005 by Ord. No. 05-004]

- A. As used in this chapter and the City Charter, "weeds" and "grass" shall mean those species defined by the federal or state government as invasive, prohibited, restricted, noxious, or a similar category. Such federal or state determinations shall include, but not be limited to, determinations made by the United States Department of Agriculture (USDA), Michigan Department of Agriculture and Rural Development (MDARD), Michigan Department of National Resources (MDNR), or Michigan Department of Environment, Great Lakes and Energy (MDEGLE), or their predecessor or successor entities, or other such noxious weeds and/or grasses of any and all types as may be determined from time to time by City Council resolution. "Grass" shall also specifically include normal and typical lawn or yard grasses for purposes of prohibiting the growth of such grasses in excess of eight inches in height pursuant to § 712-4. [Amended 9-26-2019 by Ord. No. 19-006]
- B. This chapter is intended to supersede all other chapters and sections of the Code of the City of Monroe

as such chapters and sections relate to the procedure for the notice and abatement of items and conditions as described in this chapter.

§ 712-2. Declaration of nuisances; abatement.¹

- A. Any shrub, plant, weed, tree, trash, debris, refuse, filth or other noxious material which endangers public property or the health and safety of the public is hereby declared to be a public nuisance.
- B. Any tree, shrub, debris, trash, refuse, filth or other noxious material which falls partly on public property and partly on private property and which endangers public property or falls on public property is hereby declared to be a public nuisance.
- C. The head of the Department of Public Services may abate any such public nuisance without giving notice if the public health or safety requires immediate attention.

§ 712-3. Removal of dead or diseased trees.

It shall be the duty of every owner, possessor or occupier of land and every person having charge of any land in the City to remove, destroy or cut, or cause to be removed, destroyed or cut, all dead or diseased trees.

§ 712-4. Duty to cut weeds and grasses. [Amended 4-8-1996 by Ord. No. 96-008 ; 4-4-2005 by Ord. No. 05-004]

- A. Every owner, possessor or occupier of land, and every person having charge of any land in the City, shall remove, destroy or cut, or cause to be removed, destroyed or cut, all weeds and grass as defined in § 712-1 in such a manner as shall effectively prevent such weeds and grass from bearing seed or spreading to adjoining property, as needed during the usual growing season. **[Amended 9-26-2019 by Ord. No. 19-006]**
- B. Weeds and grasses referred to in Subsection A hereof shall not be allowed to grow in excess of eight inches in height. The Department of Public Services is hereby authorized to cut such weeds and grasses when they reach eight inches or higher during the growing season.

§ 712-5. Annual date for destroying or cutting. [Amended 4-4-2005 by Ord. No. 05-004 ; 4-3-2017 by Ord. No. 17-002]

- A. May 1 of each year shall be the annual date for the destruction or cutting of the trees, weeds, shrubs or plants referred to in this chapter which endanger public property or the health or safety of the public. Notice of said annual date shall be published in a newspaper of general circulation within Monroe County no less than 30 days before the annual date, as well as being posted within City Hall.
- B. Every owner, possessor or occupier of land, and every person having charge of any land in the City, shall destroy and/or cut all such trees, weeds, shrubs or plants referred to in this chapter on or before May 1 of each year. Thereafter, all such trees, weeds, shrubs or plants referred to in this chapter shall be cut or removed and destroyed before they bear seed or spread to adjoining property; and all weeds and grasses referred to in this chapter shall be cut before they exceed eight inches in height.

1. Editor's Note: See also Ch. 458, Nuisances.

§ 712-6. Removal of refuse preventing City from cutting.

Any tree, shrub, plant, trash, debris, refuse or filth which prevents the Department of Public Services from getting onto property and cutting it properly may be removed by the Department, and the owner, possessor or occupier of land upon which such obstruction exists may be assessed the cost of the removal.

§ 712-7. Removal of nuisance conditions by City. [Amended 4-4-2005 by Ord. No. 05-004 ; 6-16-2008 by Ord. No. 08-008]

If any person shall fail to comply with the provisions of the chapter, within a time specified, the head of the Department of Public Services shall cause all such weeds, grasses, trees, trash, debris, refuse, filth, or noxious materials to be cut, destroyed, or removed from the land of the person not complying with the provisions of this chapter.

§ 712-8. Right of entry. [Amended 4-4-2005 by Ord. No. 05-004]

The head of the Department of Public Services and his or her authorized representatives, or designees, are hereby empowered to enter upon any premises in the City for the purpose of removing or destroying noxious weeds, brush, grass, shrubs, plants, trees, trash, debris, refuse, filth or other noxious materials. No person shall molest or interfere with such person or persons while they are engaged in carrying out the provisions of this chapter.

§ 712-9. Assessment of costs, fees, and penalties. [Amended 4-3-2017 by Ord. No. 17-002]

The head of the Department of Public Services shall keep an accurate account of the expenses incurred by his or her Department with respect to each parcel of land in carrying out the provisions of this chapter and present the same to the Finance Director. In addition to the actual expenses incurred in the destruction or cutting of trees, weeds, shrubs, plants or grasses in accordance with this chapter, an administrative fee shall be added to the account of expenses. The amount of the administrative fee shall be set by resolution of the City Council and may be increased or decreased from time to time by resolution of the City Council. The Finance Director shall immediately prepare and send an invoice to the last known owner, as reflected by the current tax roll, for the cost of such work and improvements to the property in accordance with the statement of the head of the Department of Public Services reflecting the actual expenses incurred, together with the administrative fee as set by City Council. The Finance Director shall add 10% to the cost, including the administrative fee, reflected by the head of the Department of Public Services, as a penalty. In the event that the invoice is not paid forthwith by the record owner, the cost of such payment shall be charged against the premises, reported to the Assessor and levied by him or her as a special tax or assessment upon the lot or premises. The special assessment shall be subject to review, after proper notice is given, as in all other cases of special assessment provided for by the City Charter. When such tax is confirmed, it shall be a lien upon the premises and the same shall be collected in the same manner as other City taxes, or the City may file suit to collect the same.

§ 712-10. Violations and penalties.² [Amended 8-12-1996 by Ord. No. 96-018 ; 4-4-2005 by Ord. No. 05-004]

- A. Unless otherwise designated herein, whoever violates any of the provisions of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50 nor more than \$500, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided in § 1-27E of the Code of the City of Monroe.

2. Editor's Note: See also Ch. 85, Municipal Civil Infractions.

- B. Whoever violates the provisions contained in § 712-8 shall be responsible for a municipal civil infraction, and subject to the payment of a civil fine in the amount of \$500.
- C. Each day that a violation exists, occurs or continues constitutes a separate offense and shall be subject to the penalties and sanctions provided herein as a separate offense.