

ORDINANCE NO. 80-745

AN ORDINANCE TO AMEND CHAPTER 38 - VEGETATION TO INCLUDE AN ARTICLE THAT ENCOURAGES PROPERTY OWNERS TO USE THE BIODIVERSITY OF NATIVE PLANT VEGETATION

THE CITY OF WARREN ORDAINS:

**SECTION 1.** That Chapter 38 of the Code of Ordinances of the City of Warren,

Michigan,

**WHICH PRESENTLY READS AS FOLLOWS:**

**Sec. 38-1. – Definitions.**

The word "trees," as used in this chapter, includes shrubs which grow higher than fifteen (15) feet; "shrubs" under fifteen (15) feet in height may include vines and plants; the word "growth" includes any or all thereof unless the context otherwise requires.

**Cross reference—** Definitions and rules of construction generally, § 1-2.

**IS HEREBY AMENDED TO READ AS FOLLOWS:**

**ARTICLE I – IN GENERAL**

**Sec. 38-1. – Definitions.**

For the purposes of this Chapter, the following words have the meanings described below:

A ***Low Growth Area*** is an area that is made up of either (1) grass or other groundcover that is six inches or less, or (2) a flat landscaping material that is flush with the sidewalk or surrounding property.

A ***Medium Growth Area*** is an area that is made up of plants that do not exceed four feet in height.

A ***Native Plant*** is a plant that: (1) is listed as a native plant in the Michigan State University Native Plants and Ecosystem Services' Southern Lower Peninsula Regional Plant List (RPL), as amended; or (2) has existed and evolved in Southeast Michigan over hundreds or thousands of years. A copy of the RPL is available in the Clerk's Office.

A ***Non-Native Plant*** is a plant introduced with human help (intentionally or accidentally) to a new place or new type of habitat where it was not previously found.

An **Opportunistic Plant** is a plant that is: (1) listed as opportunistic by the RPL; or (2) is an invasive species. Invasive species include non-native plants that have no natural controls and are able to out-compete and gradually displace Native Plants or cause other economic or environmental harm.

A **Planned Natural Landscaping Area** is a deliberate and maintained area consisting of Native Plants. Non-Native Plants are discouraged. Opportunistic Plants are prohibited.

A **Plant** is any tree, shrub, herb, grass, fern, vine, or similar organism.

A **Shrub** is a low woody plant that is less than 20 feet in height. Shrubs are typically bushy owing to multiple small trunks and branches that emerged from near the ground.

A **Tree** is a woody perennial plant that can grow taller than 20 feet and has a single, usually elongated, main stem with few or no branches on its lower part.

**Cross reference**— Definitions and rules of construction generally, § Section 1-2.

**SECTION 2.** That Chapter 38 of the Code of Ordinances of the City of Warren, Michigan,

**IS HEREBY AMENDED TO ADD THE FOLLOWING TITLE BEFORE SECTION 38-3:**

**ARTICLE II – VEGETATION REGULATIONS, AND PUBLIC WAY AND PLACES REQUIREMENTS**

**SECTION 3.** That the Code of Ordinances of the City of Warren, Michigan, is hereby amended by adding Article III to Chapter 38

**WHICH SHALL READ AS FOLLOWS:**

**ARTICLE III – PLANNED NATURAL LANDSCAPING AREA**

**Sec. 38-19. - Purpose.**

The purpose of this Article is to encourage property owners to plant and maintain Planned Natural Landscaping Areas. Planned Natural Landscaping Areas and planting Native Plants reduces greenhouse gasses and pollution, reduces water consumption, supports native songbirds, pollinators, insects, and species diversity, saves money on watering, reduces soil erosion, decreases the need for pesticides, naturally cools the City, filters contaminated storm water, and reduces the potential of sewer overflow and basement flooding.

**Sec. 38-20. - Goals.**

The City will strive to plant Native Plants, greatly reduce mowed turf grass areas, increase tree canopy, water during the hours of darkness, and encourage property owners to do the same. The City will work toward creating a 30% tree canopy over the City.

**Sec. 38-21. - Planned Natural Landscaping Area Requirements.**

- (a) Property owners may maintain a Planned Natural Landscaping Area, if the property owner complies with all of the following:
  - (i) Registers the property with the Department of Property Maintenance;
  - (ii) does not have planned natural landscaping in the right-of-ways;
  - (iii) does not grow or allow excessive growth of any Non-Native Plant that was not previously growing on the property before first registering the property as a Planned Natural Landscaping Area;
  - (iv) does not grow or allow excessive growth of any plant;
  - (v) abides by all other applicable laws and ordinances not listed in Section 38-21(c), including property maintenance ordinances prohibiting collection of junk or rubbish, rodent infestations, sanitation, grading and drainage, and rodent or other pest harborage; and zoning ordinances relating to corner visibility;
  - (vi) maintains a three foot low growth area setback from any side and rear lot lines;
  - (vii) maintains a three foot low growth area setback and a six foot medium growth area buffer zone from the front lot line; and
  - (viii) regularly maintains the Planned Natural Landscaping Area.
- (b) Registration.
  - (i) The property owner shall register the property every two years.
  - (ii) If the property owner sells the property, the registration is automatically transferred to the next owner until such a time that the registration requires renewal.
  - (iii) The registration application shall include the name of the person registering the property, the address and parcel number of the property to be registered, an affidavit swearing that the person registering the property owns the property, and a statement that the registered property owner agrees to abide by all Neighborhood Resolution and Appeal Committee determinations and orders.
- (c) Registered Planned Natural Landscaping Areas that comply with this Section are exempt from the following vegetation-related property maintenance ordinances:
  - (i) the portions of Chapter 21, Section 21-47 banning growth of weeds or grass higher than six inches and accumulation of dead weeds, grass, or brush; and

- (ii) International Property Maintenance Code Section 302.4 as incorporated into the Code of Ordinances in Chapter 28, Article I, International Property Maintenance Code banning certain weeds and plant growth.

(d) Noncompliance.

- (i) If the property owner fails to register a Planned Natural Landscaping Area as required by Section 38-21(a)(i), the City may issue blight tickets for violations listed in Section 38-21(c).
- (ii) If the property owner fails to abide by the requirements listed in Section 38-21(a)(ii)-(vi), the Director of Public Service or his designee may (1) issue blight tickets for violations listed in Section 38-21(c); (2) revoke or not renew the property owner's Planned Natural Landscaping Area registration; or (3) do both.
- (iii) The property owner may appeal a revocation or refusal to renew his Planned Natural Landscaping Area registration to the Neighborhood Resolution and Appeal Committee as provided for in Section 38-21(e).

(e) Disputes and Appeal.

- (i) The Mayor shall appoint a five member Neighborhood Resolution and Appeal Committee. The Committee shall be made up of Warren residents.

(ii) The Committee is responsible for:

- (1) conducting dispute and appeal hearings; and
- (2) making a final determination on the dispute or appeal following the hearing.

(iii) Hearings.

- (1) If a property owner or resident lives on the same city block (both sides of the street) or the city block directly behind the Planned Natural Landscaping Area and has a complaint about the Planned Natural Landscaping Area, he may submit a request for a dispute hearing. The request shall state the nature of the dispute.
- (2) If the Director of Public Service or his designee revokes or refuses to renew his Planned Natural Landscaping Area registration, the property owner may submit a request for an appeal hearing.
- (3) A request for a hearing shall be in writing and be submitted to the Property Maintenance Department.
- (4) The Committee shall conduct a hearing. At the hearing, the person who requested the hearing and the registered property owner may both address the Committee.

(iv) Final determination.

- (1) Following the hearing, the Committee will make a final determination and order
- (2) The final determination and order is binding on all parties.

(v) Failure to comply with the final determination is a blight violation. The Administrative Hearings Bureau shall punish a violator as provided in Warren Code of Ordinances, Chapter 2.5, Section 2.5-7. A blight violation is appealable to the Circuit Court.

**Cross reference** — MCL 117.4q; Chapter 16 -- Garbage and Rubbish; International Property Maintenance Code Sections 302, 308, and 309 as adopted by Warren Code of Ordinances, Sections 28-1 and 28-2; Chapter 28 – Property Maintenance generally; and Appendix A – Zoning generally.

**SECTION 4.** This Ordinance shall take effect on December 14, 2016.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-745 was adopted by the Council of the City of Warren at its meeting held on November 22, 2016.

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PAUL WOJNO  
City Clerk

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