

Darwin McClary

From: Lake Orion, MI <noreply@civicplus.com>
Sent: Friday, May 29, 2026 2:27 PM
To: Darwin McClary
Subject: Seeking an exception permit to the Noxious Weeds Ordinance

Name: Michael J. DeLuca
Email: michaeljdeluca@gmail.com

Message:

Dear Mr. McClary,

As Village Manager for Lake Orion Village, I hope you might be the right person to contact with this. I apologize if not.

I've been the property owner and resident at 206 East Flint Street in Lake Orion Village since 2012. On May 22, 2026, I received a notice from Lake Orion Village code enforcement officer Hammond requesting that I "mow + trim lawn" for "Nuisances/Grass/Weeds", erroneously referring to Ordinance Chapter 154. I did as requested, apparently to the code enforcement officer's satisfaction, given that I have not heard from him since. This is the second notice I've received to this effect in two years. For a number of years prior, I have been participating in the international "No Mow May" movement, which encourages landowners to refrain from cutting plants until the end of May in order to provide habitat for essential native pollinators and wildlife. I've dedicated my yard to supporting native wildlife of all kinds and have devoted a lot of time and effort to encouraging native plants and habitat on my property and elsewhere in Lake Orion. I've received certification from the Clinton River Watershed Council and the National Wildlife Federation for my efforts and have posted signage on my property to that effect. Accordingly, after I received compliance notices both in 2025 and 2026, the code enforcement officer recommended I contact the village regarding the possibility of seeking an exemption to the noxious weeds ordinance. I am now pursuing that possibility.

The noxious weeds ordinance in question is outlined in the Village of Lake Orion Code of Ordinances, not in Chapter 154 as advertised in the compliance notices, but rather in sections 95.35 to 95.98. The possibility of an exemption is detailed specifically in section 95.36 (C):

"(C) Land that is located within a conservation area or easement, open space or natural area that has been approved by the village to be left in its natural state without the removal, cutting or mowing otherwise required by divisions (A) and/or (B), shall be exempt from those requirements. For purposes of this exemption, village approval may be by a permit or plan approval under Chapter 157 of this code or the village zoning ordinance."

I've reviewed Chapter 157, but can find no mention there of any permitting process for a conservation area or easement; instead it describes permitting requirements for development of a new subdivision, which is rather beyond the scope of my capacity or intent. Chapter 157 does, however, include one potentially relevant subsection, 157.12, of which sections (C) and (D) state as follows:

"(C) The Planning Commission shall submit to the Village Council its findings on the existence of any extraordinary hardships, practical difficulties or unique circumstances that will result from the strict enforcement of these regulations. If the Planning Commission finds the requested variance will not compromise

the public interest or the intent of §§ 157.01 through 157.12, the Planning Commission may recommend to the Village Council approval of a variance to these regulations. The Planning Commission may recommend conditions to the variance consistent with the objectives of these regulations.

(D) The Village Council may grant a variance if the Council finds that:

(1) The variance will not be detrimental to the public, health, safety and general welfare nor injurious to other property.

(2) The conditions underlying the variance request are unique to the property and are not generally applicable to other property.

(3) Due to particular characteristics, shape or topographical conditions of the property, a particular hardship to the owner, as distinguished from inconvenience or monetary loss, will result if these regulations are enforced.

(4) The variance will not violate the requirements of the Zoning Code, Chapter 158 of this code, being Ordinances 26.01 through 26.64 and all amendments thereto; Master Plan; and Subdivision Control Act, being M.C.L.A. §§ 560.101 et seq. or any other applicable law or regulation."

Would it be possible to adapt these provisions for the division or partitioning of land to create a permitting process for a conservation exception for individual property owners?

I've reviewed the village of Lake Orion's current noxious weeds ordinance, sections 95.35 to 95.98. I see that this ordinance has been re-posted annually without changes for a number of years, and accordingly I would like to recommend some updates. First, please consider changing the date of enforcement from May 1st to June 1st to allow residents to participate in "no mow May" without incurring fines. As I'm sure you're aware, Michigan's native wildlife have been in steep decline, endangering agricultural production, tourism revenue, and public health, and encouraging rather than prohibiting participation in No Mow May would be a great way to reverse some of that decline. I also believe that the list of plants designated "noxious weeds" should be updated, given that it doesn't mention several notorious invasive species of plants which spread aggressively in our climate, threaten native plant populations and wildlife, and in some cases can cause significant damage to property and infrastructure if left unchecked. These include but are not limited to:

- Australasian Reed (*Phragmites australis*) - Orion Township has already had an ordinance (151) in place against *Phragmites* since 2015, so it seems particularly odd this species is not listed as noxious.
- Japanese Knotweed (*Reynoutria japonica*)
- Garlic Mustard (*Alliaria petiolata*)
- Japanese Barberry (*Berberis thunbergii*)
- Glossy Buckthorn (*Frangula alnus*)

Please consider expanding this list. I would personally recommend seeking input from plant experts, of which Lake Orion Village is in ready supply, including Oakland University riparian biologist Dr. Scott Tiegs and Oakland Township Natural Areas Stewardship Manager Dr. Ben VanderWeide.

Thank you very much for your attention. My contact information is below for your reply.

Sincerely,
Michael J. DeLuca

206 East Flint Street
Lake Orion, MI 48362


michaeljdeluca@gmail.com