

CHAPTER 4

WEEDS, GRASSES AND OTHER HARMFUL VEGETATION

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4-4-1: **FINDINGS; PURPOSE; NUISANCE DECLARED:** Noxious weeds grass exceeding the height limits allowed under this Chapter, and other harmful vegetation create a detriment to public health, comfort and convenience of the residents of the city as well as creating a general aesthetic depreciation. The growth of such vegetation is hereby declared to be a nuisance. The purpose of this chapter is to ensure proper maintenance of noxious weeds, vegetation and grasses. The City Council finds that establishing a height limitation for certain vegetation is in the best interest of the public health, safety and welfare and is a reasonable maintenance standard. (Ord. 219A, 10-2-2001; Amended Ord. 553, 7-18-23)

4-4-2: **DEFINITIONS:** The following words shall have the meanings as specified:

GRASS: Any vegetative ground cover that does not include "noxious weeds" as defined by State Statute or "natural area" as defined by this chapter.

HEAVILY FORESTED AREA:

Any area that is impractical to maintain due to the density of trees.

MANAGED NATURAL LANDSCAPE:

A planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs or trees,

including but not limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural landscapes does not include turf-grass lawns left unattended for the purpose of returning to a natural state. (Amended Ord. 553, 7-18-23)

MEADOW

VEGETATION: Grasses and flowering broad-leaf plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds. (Amended Ord. 553, 7-18-23)

NOXIOUS

WEEDS: Includes all “noxious weeds” as defined by Minnesota State Statute as may be amended. (Amended Ord. 553, 7-18-23)

ORNAMENTAL

PLANTS: Grasses, perennials, annuals, and groundcovers purposely planted for aesthetic reasons. (Amended Ord. 553, 7-18-23)

RAIN GARDEN:

A native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes, and rivers. (Amended Ord. 553, 7-18-23)

TURF-GRASS

LAWN: A lawn composed mainly of grasses commonly used in regularly cut lawns or play areas, including but not limited to bluegrass, fescue, and ryegrass blends, intended to be maintained at a height of no more than eight inches. (Amended Ord. 553, 7-18-23)

WEED

INSPECTOR: The City Administrator or his/her designee.

4-4-3: MAINTENANCE STANDARDS:

- A. Removal Of Noxious Weeds: All "noxious weeds", as defined by State Statute, are required to be removed within ten (10) days of notification from the city.
- B. Height Requirements: Any grasses or weeds growing upon any lot or parcel of land to a height greater than eight inches or that have gone or are about to go to seed are prohibited with the following exceptions:

- a. Managed natural landscapes provided they do not include any noxious weeds and are otherwise maintained.
- b. Wetlands and wetland buffer areas.
- c. Storm water ponds.
- d. Heavily forested areas.
- e. Parks and nature preserves.
- f. Slopes greater than 3:1.
- g. Properties within the AgP – Agricultural Preserve overlay district. (Amended Ord. 553, 7-18-23)

4-4-4: **PERMITTING A NUISANCE; NOTICE REQUIREMENTS:** The weed inspector shall have the power to enter upon and inspect all public and private places within the city and take all reasonable precautions to prevent the commission and maintenance of public nuisances under this chapter. Whenever, during an inspection, it is determined that such a public nuisance is being maintained or exists the city shall notify, in writing, the owner/occupant of the premises of such fact and shall order that said nuisance be terminated and abated. The notice shall be served in person or by certified or registered mail, addressed to the last known address of the owner. If the property is unoccupied and the owner is unknown, the notice may be served by posting of the notice on the premises upon which the violation is located. The notice shall specify the steps to be taken to abate the nuisance and the time, not exceeding ten (10) days from the date of said notice, within which the nuisance is to be abated. Such notice shall also state that in the event of noncompliance, abatement will be done by the city at the owner's expense. (Ord. 219A, 10-2-2001; Amended Ord. 383, 6-2-09)

4-4-5: **ABATEMENT COSTS:**

- A. **Liability For Costs:** If the nuisance is not abated within the period stated in the notice provided to the owner, the weed inspector may arrange for the immediate abatement of the nuisance. The owner of the premises on which such a nuisance has been abated by the weed inspector shall be personally liable for the cost to the city of the abatement, including and administrative fee in accordance with the City's fee schedule (Amended Ord. 383, 6-2-09; Amended Ord. 547, 2-7-23)
- B. **Notice Of Costs:** As soon as the abatement work is completed and the costs determined, the weed inspector shall prepare a written notice to the

owner, identifying the work done and a tabulation of the costs and expenses involved, which shall be served on the owner of the property in accordance with the notice provisions stated in Section 4-4-4 of this chapter. Such notice shall further provide that if the total amount is not paid to the city within thirty (30) days the costs, expenses, and maximum allowable interest shall be collected as an unpaid special assessment pursuant to Minnesota State Statute 429.101. (Ord. 219A, 10-2-2001; Amended Ord. 383, 6-2-09)

4-4-6: **INTERFERENCE WITH CITY OFFICIALS:** It is a misdemeanor for any person to prevent, delay or interfere with city employees or agents of the city when they are engaged in the performance of duties set forth in this chapter. (Ord. 219A, 10-2-2001)

4-4-7: **PENALTIES:**

- A. Financial Penalty: Upon the first abatement of a nuisance, the property shall be subject only to the costs outlined in Section 4-4-5 of this chapter. An additional financial penalty will be imposed on properties that have a second nuisance abated, as determined by the City Council. Each successive nuisance abated thereafter shall be subject to a cumulative penalty per occurrence as determined by the City Council. (Amended Ord. 383, 6-2-09)

- B. Misdemeanor Penalty: Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the provisions as defined by state law. (Ord. 219A, 10-2-2001)