

ARTICLE VI: WEEDS AND BRUSH

§ 10.37 DEFINITIONS.

The following words or terms, when used in this Article VI, shall have the following meanings, unless the context clearly indicates otherwise.

BRUSH. Includes parts of plants, such as but not limited to, twigs, tree and shrub branches. **BRUSH** does not include firewood and construction material.

WEEDS. Includes all noxious weeds as defined by the statutes of the state and all such useless and troublesome plants as are commonly known as weeds to the general public including volunteer and scrub trees or shrubs.

(1958 Code, § 163.08(1)) (Ord. 208, passed 10-15-1959; Ord. 63-23, passed 7-1-1963; Ord. 2009-3, passed 2-2-2009; Ord. 2011-16, passed 8-1-2011)

§ 10.38 NUISANCE.

(a) *Weeds and grass.* All weeds or growing grass upon any lot, parcel of land or adjacent right-of-way area in the city to a height greater than eight inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and a detriment to the good order of the city with the following exceptions:

(1) Native prairie and long grass areas shown on an approved landscape plan in accordance with § 21.301.15;

(2) Native prairie and long grasses within a defined landscape area on a single- or two-family residential parcel, provided that such defined landscape area:

(A) Occupies no more than 50% of the pervious surface area of the parcel excluding natural wooded areas, wetlands, water bodies, rain gardens, lakescaping and scenic easements;

(B) Is set back from property lines by at least five feet. The setback is not required where the defined landscape area abuts another similar private or public landscape area, a wetland, pond, lake or stream or if a fully opaque fence at least four feet in height is installed along the lot line adjoining the planned landscape area; and

(C) Is maintained at least once per year through mowing or, if appropriate permits are obtained through the City Fire Marshal, burning.

(3) Natural wooded areas;

(4) Wetlands, ponds or rain gardens;

(5) Lakescaping areas as defined in § 19.03; and

(6) Areas where mowing is prohibited by easement or law.

(b) *Brush.* All brush piles not properly stored in a closed container upon any lot or parcel of land in the city are hereby declared to be a vermin harborage and attractive nuisance and dangerous to the health, safety and good order of the city with the following exceptions:

(1) Brush piles located near the street or other specific area for pickup or collection for a period of time of less than one week;

(2) Brush accumulations from a large storm event where it is not reasonable that brush be collected in a week or less; and

(3) Brush that has fallen in natural wooded or wetland areas or yards.

(1958 Code, § 163.08(2)) (Ord. 208, passed 10-15-1959; Ord. 63-23, passed 7-1-1963; Ord. 2004-44, passed 11-15-2004; Ord. 2009-3, passed 2-2-2009; Ord. 2015-15, passed 5-18-2015; Ord. [2018-13](#), passed 6-4-2018; Ord. [2021-7](#), passed 4-26-2021)

§ 10.39 NOTICE.

(a) When the owner or occupant or both permit a nuisance to exist in violation of § 10.38 of this Article VI, the Environmental Health Manager, or designated employee, shall serve a notice on the owner, occupant or agent of the owner of such lot or parcel of land ordering such person to have such brush, yard waste or weeds or long grass cut and removed, or removed within seven calendar days after the service of such notice; such notice shall also state that in the event of noncompliance, removal will be done by the city at the owner's expense. The notice of the cost of abatement shall also inform the owner of the owner's right to appeal the fee under § 1.17 of the city code.

(b) Such notice shall be deemed to be properly served if a copy thereof is:

(1) Delivered personally;

(2) Sent by first-class mail addressed to the person who is listed by the County Auditor as the owner of tax payer record. If the tax payer's address is different than the address where the violation exists, then the notice shall also be mailed to the property address where the violation exists; or

(3) If the notice is returned showing that the letter was not delivered or the property is known to be vacant, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

(1958 Code, § 163.08(3)) (Ord. 208, passed 10-15-1959; Ord. 63-23, passed 7-1-1963; Ord. 2008-15, passed 5-5-2008; Ord. 2009-3, passed 2-2-2009; Ord. 2012-2, passed 1-23-2012; Ord. 2015-15, passed 5-18-2015; Ord. [2016-24](#), passed 10-24-2016)

§ 10.40 ASSESSMENT.

(a) If any person fails to comply with the notice provided in § 10.39 of this Article VI within seven calendar days after service, or if no owner, occupant or agent can be found, the Environmental Health Manager, or designated employee, shall have such brush, yard waste, long grass or weeds cut and removed or otherwise eradicated. A record showing the cost of such work attributable to each separate lot or parcel shall be delivered to the City Clerk. On or before October 1 of each year, the amount so charged, including the administrative and inspection charges due under subsections (b) and (c) below, together with interest thereon at the maximum lawful rate permitted under M.S. Chapter 429, as it may be amended from time to time, against said lot or parcel of land, together with a description of the premises and the name of the supposed owner, shall be certified to the County Auditor and shall be collected in the same manner as taxes or special assessments against said premises. The charge shall be a perpetual lien on the premises until paid.

(b) The administrative assessment charge as set forth in City Code Appendix A.

(c) An inspection charge, as set forth in City Code Appendix A, shall be due upon the mailing of the city invoice to the property owner.

(1958 Code, § 163.08(4)) (Ord. 208, passed 10-15-1959; Ord. 63-23, passed 7-1-1963; Ord. 81-18, passed 5-4-1981; Ord. 2009-3, passed 2-2-2009; Ord. 2015-15, passed 5-18-2015; Ord. [2016-24](#), passed 10-24-2016; Ord. [2019-26](#), passed 5-20-2019; Ord. [2020-40](#), passed 11-23-2020)

§ 10.41 PENALTY.

Failure or neglect to cut and remove or otherwise eradicate weeds or grass or remove yard waste and brush as directed in this Article VI; failure, neglect or refusal to comply with any provision of any notice provided herein; violation of any provision of this Article VI; or resisting or obstructing the Environmental Health Manager, or designated employees and contractors in the cutting and removal,

or eradication of weeds or long grass, or removal of yard waste or brush shall be a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

(1958 Code, § 163.08(5)) (Ord. 208, passed 10-15-1959; Ord. 246, passed 9-19-1960; Ord. 63-23, passed 7-1-1963; Ord. 77-68, passed 10-3-1977; Ord. 2009-3, passed 2-2-2009)

§ 10.42 SEVERABILITY.

In any case any section of this Article VI is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of the Article VI shall continue in full force.

(1958 Code, § 163.08(8)) (Ord. 208, passed 10-15-1959; Ord. 2009-3, passed 2-2-2009)