

## **7-1-9: Weeds And Growing Grass**

### **7-1-9-1: Purpose**

### **7-1-9-2: Maintenance Standard**

### **7-1-9-3: Declaration Of Public Nuisance**

### **7-1-9-4: Nuisance Notification**

#### **7-1-9-1: Purpose**

The City Council finds that:

- A. Diverse landscapes support biodiversity and enhance the quality of life of residents. This includes certain landscapes in the City that have been created to provide a function, such as those that capture and divert water, and other unmaintained areas that offer significant ecological benefits. There are community expectations, however, that once an area has been disturbed, landscaped, or otherwise altered, that area will continue to be maintained in a consistent manner. When vegetation in that area is not continually maintained, it becomes aesthetically unpleasing, can become invaded with noxious weeds or invasive plant species, and violates community standards. Poorly maintained property may decrease the value of adjacent properties. In addition, if vegetation is not properly maintained, the following adverse impacts on the environment or the public health, safety, and welfare may occur:
1. Undesirable vegetation and noxious weeds such as common buckthorn, garlic mustard, and Canada thistle may invade and threaten to supplant desirable vegetation;
  2. Vegetation that causes allergic reactions, such as ragweed, may develop; and
  3. Tall vegetation or overhanging branches may impair visibility along public roads.
- B. It is in the public interest to allow residents to choose the type of landscaping on their properties and to make changes in that vegetation, as long as the new vegetation does not include noxious weeds or invasive plant species. As a protection for the larger community, the change in vegetation must be properly managed and maintained and the length of the transition period must be minimized.
- C. Managed natural landscapes and pollinator lawns are acceptable landscape treatments in the City. When these plantings or lawns are started from seed, however, this requires special consideration and management because weeds will grow during the first few years during the transition and, before the new vegetation predominates, will appear like neglect. Therefore, the council finds that managed natural landscapes lawns are acceptable if these landscapes are properly established and maintained and if signage is posted describing the intended result.
- D. Establishing reasonable maintenance standards turf grass, pollinator lawns, and managed natural landscapes is in the best interest of the public health, safety, and welfare as outlined above.

The City Council enacts this Chapter to balance the public interest in diverse vegetation with the public need to ensure proper maintenance of that vegetation.

HISTORY

Adopted by Ord. [1601](#) on 10/17/2023

#### **7-1-9-2: Maintenance Standard**

The maintenance standard in this section applies to property that has been developed with a building as defined in the building code, including vacant property combined with developed property for tax purposes, and a parcel of property that has been completely or partially disturbed by demolition, grading or other means in preparation for development or redevelopment.

- A. All turf grasses, pollinator lawns and weeds must not exceed a height of 8 inches, measured from the base at ground level to the tip of each stalk, stem, blade, or leaf.
- B. This requirement does not apply to the following:
  - 1. A wetland or floodplain designated in Title 10 and required wetland buffers or those voluntarily created by a private land owner when compatible with the character of the neighborhood and the intent of Section 10-8-5: Wetland Overlay District Standards of this Code;
  - 2. A drainage pond or ditch that stores or conveys stormwater;
  - 3. An area identified as a natural area in an approved planned unit development;
  - 4. A natural woodland preserved during development or in a reforested woodland related to meeting the requirements of Section 10-8-9: Woodland Protection Standards of this Code;
  - 5. An area in which the land and vegetation appear not to have previously been graded, landscaped, mowed, or otherwise disturbed by human or mechanical means at any recent time. Determination of what constitutes this type of area will be based on a reasonable judgment of the present appearance of the area. The recent history of the area may be relevant to this determination; and
  - 6. A managed natural landscape permitted under Minnesota Statute 412.925.
- C. Managed natural landscapes may include plants and grasses in excess of 8 inches in height and which have gone to seed, but may not include any noxious weeds and must be maintained so as to not include unintended vegetation. Managed natural landscapes may not include any plantings, which due to location and manner of growth constitute a hazard to the public or may cause injury or damage to persons or property when such growth is in violation of clearance and sight line requirements. During the establishment of a managed natural landscape that is in a location likely to be seen by the public, a sign must be posted on the property that advises a managed natural landscape is being established. The sign must remain posted until weeds cover less than 25% of the area.

#### HISTORY

Amended by Ord. [1601](#) on 10/17/2023

### **7-1-9-3: Declaration Of Public Nuisance**

The following are public nuisances subject to abatement under this Chapter:

- A. Noxious weeds;
- B. Vegetation that does not meet the maintenance standard specified in this Chapter; and

C. Vegetation that violates the sight-distance standards listed in Section 10-7-6: Traffic Visibility.

HISTORY

Amended by Ord. [1601](#) on 10/17/2023

**7-1-9-4: Nuisance Notification**

- A. Notice: If a violation is found in accordance with this section, notice will be mailed to the owner and/or occupant ordering the weeds or grass to be cut and removed or otherwise eradicated within 14 days after receiving the letter.
1. The notice will also state that in event of noncompliance, removal will be done by the City at the owner's expense, and that the owner has the right to file an appeal with the City pursuant to section 1-4-7 of this Code.
  2. When no owner, occupant or agent of the owner can be found, notice shall be sent by registered mail to the person listed on the records of the county auditor as the owner
  3. Noxious weeds shall be controlled or eradicated using control best practices methods recommended by the Minnesota department of agriculture.
- B. Noncompliance With Notice: If such person fails to comply with the notice within 14 days after service, or if no owner, occupant or agent can be found, the weed inspector or designee, may have the weeds or grass cut and removed or otherwise eradicated. The records showing the cost of such work attributable to each separate lot or parcel, including an administrative fee as may be determined by the City Council, will be mailed to the property owner. The City shall collect any unpaid amounts under the provisions of Minnesota Statutes Chapter 429.101. The City may collect unpaid amounts relating solely to the elimination of noxious weeds pursuant to Minnesota Statutes Section 18.83, Subdivision 7. (Ord. 1395, 8-16-2016)
- C. Obstructing City Employees: No person shall obstruct the weed inspector or designee, in the inspection, posting, cutting, removal or eradication of weeds or grass. Each day on which such obstruction continues shall constitute a separate offense. (Ord. 1300, 5-14-2013)

HISTORY

Amended by Ord. [1601](#) on 10/17/2023