

CHAPTER 904: WEEDS AND GRASS DECLARED TO BE A NUISANCE

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§ 904.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DESTRUCTION ORDER. The notice served by the city weed inspector or designated city official on the property owner of the ordinance violation.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as right-of-way, easement, license or lease.

WEEDS. Shall be construed to mean and include not only noxious weeds as are enumerated in M.S. Chapter 18.76 to 18.88, as they may be amended from time to time, but also such useless and troublesome plants as are commonly known as weeds to the general public. The word **WEEDS** shall also be construed to mean all rank vegetative growth which exhales unpleasant or noxious odors, and also high rank vegetative growth that may conceal filthy deposits.

(Prior Code, § 904.01) (Ord. 93-09, passed 9-13-1993)

§ 904.02 NUISANCE DECLARED.

(1) Any weeds or grass growing upon any lot or parcel of land in the City of Lino Lakes in excess of eight inches in height or which have gone or about to go to seed, are hereby declared to be a nuisance and dangerous to the health and safety and good order of the city. This shall apply in zoning districts where the land is platted or developed. **DEVELOPED** shall mean that the property has been improved with the construction of buildings, parking lots or other facilities excluding underground utilities or sewer or water.

(2) It shall be unlawful to allow or permit any growth of weeds, grass, brush or other rank vegetation to a height greater than eight inches or any accumulation of dead weeds, grass or brush.

(3) In the instance where the control area is larger than one acre, the control shall be restricted to the front one acre and 20 feet on the perimeter of adjoining frontages.

(Prior Code, § 904.02) (Ord. 93-09, passed 9-13-1993)

§ 904.03 OWNER RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

All property owners shall be responsible for the removal, cutting or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice, is in excess of eight inches in height.

(Prior Code, § 904.03) (Ord. 93-09, passed 9-13-1993)

§ 904.04 NOTICE OF VIOLATIONS.

When any conditions exist on any lot or parcel in the City of Lino Lakes in violation of the provisions hereof, it shall be the duty of the city weed inspector or his or her designee to serve a forward written notification in the form of a "Destruction Order" on the property owner, occupant or agent to have the weeds or grass cut and removed. The notice shall be served in writing by certified mail. The notice shall provide that within ten days after the service thereof, that the designated violation shall be removed by the property owner or person occupying the property, and also stating that in case of noncompliance, the same will be done by the city weed inspector at the owner's expense.

(Prior Code, § 904.03) (Ord. 93-09, passed 9-13-1993)

§ 904.05 APPEALS.

(1) The property owner may appeal by filing written notice of objections with the City Council within 48 hours of the notice, excluding weekends and holidays, if the property owner contests the findings of the city. It is the property owner's responsibility to demonstrate that the matter in question is not in violation of this chapter.

(2) An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Council Members in attendance and being at a regularly scheduled or special meeting of the City Council.

§ 904.06 ABATEMENT BY CITY.

In the event that the property owner shall fail to comply with the "Destruction Order" within ten regular business days and has not filed a notice within 48 hours to the City Clerk of an intent to appeal, the city weed inspector may employ the services of city employees or outside contractors and remove the weeds to conform to this chapter by all lawful means.

§ 904.07 LIABILITY.

(1) The property owner is liable for all costs of removal, cutting or destruction of weeds as defined by this chapter.

(2) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney's fees and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals which may be used.

(3) All sums payable by the property owner are to be paid to the City Clerk and to be deposited in a general fund as compensation for expenses and costs incurred by the city.

(4) All sums payable by the property owner may be collected as a special assessment as provided by M.S. § 429.101, as it may be amended from time to time.

§ 904.08 EXCLUSIONS.

This chapter shall not apply to:

- (1) Natural areas which shall be defined as densely wooded areas, bogs and marshes;
- (2) Managed natural landscapes as defined in M.S. § 412.925(a)(1)-(5);
- (3) City owned and/or controlled property (city will maintain city properties the same as the norm for the area or neighborhood it is located);
- (4) Storm water pond areas;
- (5) Land used for agricultural purposes; or
- (6) Compost areas which meet the following conditions:
 - (a) The compost is in a compost box which is of adequate construction to allow for the decomposition of the material; and
 - (b) The compost is screened from view of adjacent property owners.

(Prior Code, § 904.05) (Ord. 93-09, passed 9-13-1993; Am. Ord. 10-23, passed 10-23-2023)

§ 904.09 PENALTY.

Any person, or firm or corporation who violates any provision of this chapter shall be guilty of a misdemeanor.

(Prior Code, § 904.06) (Ord. 93-09, passed 9-13-1993)