

## Section 807 - Vegetation Management

807.01. Purpose and Intent. The purpose and intent of this Section is to establish minimum standards for vegetation management while recognizing a variety of landscapes within a community adds diversity and richness to the quality of life for all residents. Managed turf grass lawns are recognized as the dominant feature in the landscape, while the benefit from the variety, beauty, and practical value of diverse landscapes is also recognized. The City seeks to encourage each property owner to create and sustain their property in a state of good health and vigor, as opposed to one of neglect. It is the intent of this ordinance to require vegetated areas to be managed in ways that do not adversely affect human health or safety, or pose a threat to turf grass or landscape establishment.

807.02. Definitions. The following words and terms, wherever they occur in this Section, shall be interpreted as herein defined:

*Noxious Weeds* means and includes an annual, biennial, or perennial plants that the Commissioner of Agriculture has designated to be injurious to public health, the environment, public roads, crops, livestock, or other property pursuant to Minnesota Statutes § 18.79.

*Nuisance Vegetation* means and includes noxious weeds, prohibited plants, rank vegetation, turfgrass that exceeds eight inches in length, and trees or shrubs that impede travel or sight lines on a roadway, trail, or sidewalk.

*Prohibited Plants* means and includes: articum minus (common burdock); amaranthus retroflexus (pigweed); rumex crispus (curly dock); abutilon theophrasti (velvetleaf); ambrosia spp (ragweed); kochia scoaria (kochia); melilotus officianalis (sweetclover); chenopodium album (lambs quarter); barbarea vulgaris (yellow rocket); and erassica kaber (wild mustard). For the purposes of this Section, taraxacum spp (common dandelion) or glechoma hederacea (creeping charlie) are not considered to be prohibited plants.

*Property* means and includes the land lying within the boundary of a lot or parcel, together with directly abutting boulevards (roadway rights-of-way) and directly abutting trail or sidewalk outlots. For purposes of this Section, if an abutting trail or sidewalk outlot lies between and abuts a roadway, the term “property” shall include the trail or sidewalk outlot and boulevard area extending to the nearest edge of the roadway, and if such abutting trail or sidewalk outlot abuts another property, the term “property” shall include the trail or sidewalk outlot area extending to the nearest edge of the trail or sidewalk.

*Rank Vegetation* means and includes uncultivated vegetation that generally grows at a rapid rate and is planned, unintentional, or accidental.

(Ord. 2018-05, 3/13/2018)

807.03. Vegetation Length. Except in a natural preserves as defined in Section 811 of the City Code and on property zoned Future Restricted Development (FRD) as defined in Section

21350 of the City Zoning Ordinance, the length of turf grass and/or rank vegetation may not exceed eight inches.

807.04. Nuisance Vegetation. Nuisance vegetation is prohibited. Property owners are responsible for eradication, removal, trimming, and/or maintenance of nuisance vegetation on their property, as defined in this Section. (*Ord. 2018-05, 3/13/2018*)

807.05. Notification Procedure. If a property, as defined in this Section, contains nuisance vegetation, the City shall notify the property owner by sending a letter by first class mail to the property owner or posting a notice on the property. The notice shall include pertinent information regarding the nature of the violation, method of correction and a deadline for correcting the violation. (*Ord. 2003-13, 5/27/2003; Ord. 2009-08, 5/12/2009; Ord. 2018-05, 3/13/2018*)

807.06. Corrective Action by City. If the owner of any property fails to comply with a notice, as provided for by Subd. 807.05, the City shall take corrective action necessary to abate the violation as provided by Section 810 of the City Code. Records shall be maintained by the weed inspector showing the cost of such work assessable to each separate lot and parcel and shall deliver such information to the City Clerk. (*Ord. 2003-13, 5/27/2003; Ord. 2009-08, 5/12/2009; Ord. 2018-05, 3/13/2018*)

807.07. Hardship and Appeal. Property owners shall be exempt from the requirements of this section if, as a result of circumstances beyond their control, the property owner is prevented from controlling the height of turf grass and/or rank vegetation on their property because of a hardship. A property owner may apply in writing to the Park and Recreation Director for a hardship determination. Hardship means that because of steep slopes or standing water it is not feasible to maintain the area. The Park and Recreation Director shall review the property and determine whether a hardship exists. The decision of the Park and Recreation Director may be appealed by the property owner to the Council by filing a written appeal within 10 days of the Park and Recreation Director's decision. (*Ord. 2003-13, 5/27/2003; Ord. 2018-05, 3/13/2018*)

807.08. Appeal Procedure. A property owner disputing the decision of the weed inspector who receives a written notice to abate turf grass and/or rank vegetation over eight inches or nuisance vegetation shall submit their Notice of Appeal to the Park and Recreation Director within their notification period. The appeal shall include the contact information, specific nature of the appeal, a design plan and maintenance plan for the area at issue. The Park and Recreation Director shall review the property and determine whether turf grass and/or rank vegetation in excess of eight inches in length or nuisance vegetation exists. The decision of the Park and Recreation Director may be appealed by the property owner to the Council by filing a written appeal within 10 days of the Park and Recreation Director's decision. (*Ord. 2018-05, 3/13/2018*)

807.09. Obstructing City Employees. No person shall obstruct the weed inspector, or assigned agents, in inspecting, cutting, removal, or eradication. Obstruction shall constitute a petty misdemeanor.

807.10. Penalties for Violation. A third violation and any subsequent violations of this section within a two-year period shall be a petty misdemeanor. (*Ord. 2003-13, 5/27/2003; Ord. 2018-05, 3/13/2018*)

(*Ord. 2013-15, 5/28/2013; Ord. 2018-05, 3/13/2018*)

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