

## CHAPTER 8-500 - MAINTENANCE OF VEGETATION AND LANDSCAPING<sup>11</sup>

Footnotes:

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**Editor's note**— Ord. No. [2164](#), adopted May 3, 2016, repealed the former Ch. 8-500, §§ 8-501—8-506, and enacted a new Ch. 8-500 as set out herein. The former Ch. 8-500 pertained to weeds and derived from Revised 4/19/11, Ordinance 2069; Revised 7/16/02, Ordinance 1778.

### 8-501 - Intent.

This Chapter intends to encourage landscape and vegetation throughout the City that is friendly to pollinators and encourages the use of native plants, while respecting existing community values in landscaping, to include well-maintained yards, compatibility with structures, and maintaining safety sight lines, visibility, air movement, and light transmission.

(Ord. No. [2164](#), 5-3-16)

### 8-502 - Definitions.

For the purposes of this Chapter, the following terms have these definitions:

- (1) "Gardens" mean cultivated areas dedicated to growing vegetables, fruits, flowers, ornamental grasses, shrubs, and similar plants, planted and maintained in well-defined borders.
- (2) "Landscape Manager" means the City Manager or designee.
- (3) "Native Plants" mean grasses, including meadow vegetation, sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants), trees, and shrubs, that are plant species native to or naturalized to the State of Minnesota, excluding prohibited exotic species defined by Minn. Stat., Chap. 84D. Native plants do not include weeds.
- (4) "Native Plant Landscape Areas" mean areas where native plants are being or have been planted in a well-defined and maintained border. Native plant landscape areas do not include gardens.
- (5) "Natural Areas" mean undeveloped landscapes not changed, altered, moved, cultivated or planted by human or mechanical means, and which do not contain turfgrass.
- (6) "Meadow Vegetation" means grasses and flowering broad-leaf plants, other than weeds, that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities.
- (7) "Rain Gardens" mean shallow landscape features planted with moisture-loving wildflowers, grasses, shrubs and trees, used to manage storm water run-off by allowing water to soak into the ground.
- (8) "Turfgrass" means commercially available cultured grass varieties that are grown to create turf, including bluegrass, fescue, and ryegrass blends, commonly used in regularly cut lawn areas.
- (9) "Weeds" mean (a) Noxious weeds as defined and designated pursuant to the "Minnesota Noxious Weed law", Minn. Stat. §§18.76-18.91, as amended from time to time, or (b) volunteer plants, including, but not limited to, garlic mustard (*Alliaria petiolata*), spotted knapweed (*Centaurea maculosa*), or burdock (*Arctium minus*), and other plants designated by the Landscape Manager. Weeds do not include dandelions or clover.

(Ord. No. [2164](#), 5-3-16)

8-503 - Prohibited Activities and Nuisances.

- (1) It is a misdemeanor and a nuisance to grow or allow the growth of noxious weeds on any land within the City.
- (2) The growing of herbaceous vegetation, other than noxious weeds, to a height greater than eight inches, or that have gone to seed or are about to go to seed, is declared to be a nuisance. This Section applies to the following lands:
  - a. Within 100 feet of an occupied dwelling, office, commercial, or industrial building;
  - b. Within a sight triangle as defined by Section 11-201, unless a right-of-way permit is obtained;
  - c. Within a public right-of-way, including the area between a sidewalk or trail and the curb of a street, unless a right-of-way permit is obtained.

(Ord. No. [2164](#), 5-3-16)

8-504 - Locational Regulations Applying to All Vegetation.

Section 8-503(2) does not apply to vegetation grown on the following lands, unless such lands fall within 8-503(2)(b) or (c):

- (1) Whose slopes are at or steeper than three units horizontal to one unit vertical (3:1);
- (2) Natural areas;
- (3) That are part of or comprise a designated scenic or conservation easement;
- (4) That are maintained as gardens or rain gardens, or as native plant landscape areas that meet Section 8-505;
- (5) City park lands;
- (6) Officially-designated floodplains;
- (7) Drainage ponds or ditches that store or convey storm water.

(Ord. No. [2164](#), 5-3-16)

8-505 - Requirements for Native Plant Landscape Areas.

Except where prohibited in Section 8-503, a native plant landscape area is permitted if the property owner or agent demonstrates all the following conditions are met:

- (1) The area is set back not less than twenty feet from the front lot line. For the purposes of this Section, corner lots are deemed to have two front yards;
- (2) The area is set back not less than five feet from the side and rear lot lines. No set back is required on the side or rear lot lines if (1) there is a fully opaque fence at least five feet in height installed between the native plants and the side or rear lot lines or (2) the native plants abut a neighboring native plant landscape area that meets this Section;
- (3) The area is maintained according to current industry standards for the kind of vegetation being grown, to include seasonal cutting as appropriate;
- (4) Turfgrass is immediately eliminated, and the area is planted through transplanting or seed by human or mechanical means;

- (5) Soil erosion is controlled, subject to the time requirements of Section 11-1204.1, while the ground is bare of plant growth that is sufficient to inhibit erosion.

(Ord. No. [2164](#), 5-3-16)

#### 8-506 - Permitting a Nuisance.

- (1) Notice. When the owner and/or occupant permit a nuisance to exist in violation of this Chapter, the Landscape Manager shall serve notice in the form of an administrative citation pursuant to City Code Chapter 2-1100 ordering that such weeds or grass be cut and removed or otherwise eradicated. The administrative penalties and procedures set forth in Chapter 2-1100 shall apply.
- (2) Noncompliance with Notice. If the weeds or grass are not cut and removed or otherwise eradicated as required by the administrative citation and the time periods prescribed by Chapter 2-1100, the Landscape Manager shall abate the nuisance by having such weeds cut and removed or otherwise eradicated. The cost of the abatement shall be paid as part of an administrative penalty pursuant to City Code Section 2-1104.
- (3) Subsequent Violations in Same Growing Season. The notice required in Subsection 8-504(1) shall include language notifying the owner and/or occupant that in the event the Weed Inspector is required to abate the nuisance, no further notice will be given prior to abatement if the nuisance is again allowed to exist within the same growing season. Each subsequent abatement within the same growing season is subject to an additional penalty.
- (4) Appeal. An administrative citation issued for weeds or grass may be appealed as authorized in City Code Section 2-1106.

(Ord. No. [2164](#), 5-3-16)

#### 8-507 - Phosphorous Fertilizer Sales.

From and after January 1, 2004, all displays for retail sale to the general public of fertilizers containing phosphorous must be posted with a sign containing, at a minimum, the following information:

- (1) The fertilizer in the display contains phosphorus.
- (2) State law prohibits the application of phosphorous fertilizers on any turf except:
  - a. Where a state approved test conducted within the previous three years demonstrates that the level of phosphorous in the soil is insufficient to support healthy turf growth.
  - b. During the first growing season of a newly sodded or seeded turf.
  - c. On a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program authorized by the State.
- (3) A person who applies phosphorous fertilizer except when authorized by this Section or state law is guilty of a petty misdemeanor and subject to a fine.
- (4) Additional consumer information on phosphorous fertilizer use restrictions and best turf management practices as produced by the State Commissioner of Agriculture must be posted or made available for distribution at all retail points of sale.

(Ord. No. [2164](#), 5-3-16)

#### 8-508 - Obstructing City Employees.

It is a misdemeanor to obstruct the Landscape Manager, or assignee or agents, in the cutting, removal, or eradication of weeds or grass pursuant to Section 8-506. Each day on which such obstruction continues shall constitute a separate offense.

(Ord. No. [2164](#), 5-3-16)