

City of South St. Paul
Dakota County, Minnesota
Ordinance No. 1354

**AN ORDINANCE AMENDING CHAPTER 66, ARTICLE III TO INCLUDE
LANGUAGE AND PERFORMANCE STANDARDS FOR NATIVE PLANT
LANDSCAPE AREAS**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Chapter 66 Article III is hereby amended as follows:

ARTICLE III. - WEEDS, VEGETATION, AND LANDSCAPING.

Section 66-49 - Definitions

For purposes of this chapter, the following words, term, and phrases shall have meanings herein ascribed to them.

Native Plant Landscape Areas means areas where native plants are being planted or have been planted in a well-defined and maintained border.

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 or turfgrass.

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.

Weeds means noxious plants as enumerated by the Minnesota Noxious Weed Law, M.S. 18.75, et. seq, in addition to the useless and troublesome plants as are commonly known as weeds to the general public. Weeds shall also be constructed to mean all rank vegetable growth which exhales unpleasant or noxious odors, and all high rank vegetable growth that may conceal filthy deposits.

Sec 66-50- Native Plant Landscape Areas.

A native plant landscape area is permitted if the property owner or agent demonstrates that all of the following conditions are met:

- a) The area is properly managed and maintained according to current industry standards for the kind of vegetation being grown, to include seasonal cutting as appropriate.
- b) Any existing turfgrass on the area is immediately eliminated prior to the introduction of the native plants. The native plant landscape area is to be planted through transplanting or seed by human or mechanical means.
- c) Soil erosion is controlled while the ground is bare of plant growth that is sufficient to inhibit erosion.
- d) The native plant landscape area is set back at least five feet from the front property line.
- e) The native plant landscape area is set back at least five feet from the side and rear lot lines. No setback is required on the side and rear lot lines if one of the following conditions is met:
 - I. There is a fully opaque fence at least five feet in height between the native plants and the side or rear lot lines. All fences must comply with Section 118-199.
 - II. The native plants abut a neighboring native plant landscape area that complies with the provisions of this section.
- f) The native plant landscape area shall not obscure, block or impede the traffic visibility triangle area; regulatory, warning or street identification signs; or street light illumination required to ensure the safe and efficient circulation of vehicles and pedestrians on streets, intersections, trails, pathways, and sidewalks.
- g) The property owner or agent shall not be permitted to install native plant landscape areas within any City-owned boulevard or the right-of-way of a City street. Any plantings installed in violation of this provision may be required to be removed at no expense to the City.
- h) The City may require the property owner or agent who has planted, or has allowed to be planted, native plants or other vegetation within a drainage and utility easement to remove the native plants or other vegetation from the drainage and utility easement at no expense to the City.
- i) The City will not be responsible for damage to turfgrass and/or any landscaped area resulting from public works improvements or snow removal activities within the right-of-way or drainage and utility easements.

Sec. 66-~~4951~~. - Weeds, grass, and plants.

- (a) *Nuisance defined; removal.* Grass, plants, and weeds, whether noxious, as defined by law, or not, other than trees, bushes, flowers, native plant landscape areas that comply with this ordinance or other ornamental plants growing to a greater height than six inches or that have gone or are about to go to seed upon a lot or parcel of land outside the traveled portion of a street or alley in the city are a public nuisance. The owner and the occupant must abate or prevent such nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property.
- (b) *Notice.* When the owner or occupant permits a nuisance to exist in violation of subsection (a) of this

section, the weed inspector will serve notice upon the owner of the property by regular mail or by personal service, ordering the owner or occupant to have the grass, plants, or weeds cut and removed within five days after receipt of the notice, and also stating that, in case of noncompliance, the work will be done by the city at the expense of the owner, and that if unpaid, the charge for such work will be made a special assessment against the property concerned. When no owner, occupant or agent of the owner or occupant can be found, the notice shall be posted on the property.

- (c) *City to remove* . If the owner or occupant fails to comply with the notice within five days after its receipt or posting, the city will cut and remove the grass, plants, or weeds. A record showing the cost of such work attributable to each separate lot and parcel will be made and delivered to the clerk.

(Code 1992, § 905.01; Ord. No. 1169, §§ 1—4, 10-17-2005; Ord. No. 1220, § 6, 10-5-2009; Ord. No. 1247, § 1, 8-15-2011)

Sec. 66-~~5952~~. - Payment of costs.

- (a) *Personal liability*. The owner of property for which the weeds have been removed by the city in accordance with this section is personally liable for the cost of such work. As soon as the work has been completed and the cost determined, the clerk will prepare a bill of service charges and mail it to the owner, and thereupon the amount is immediately due and payable at the office of the clerk.
- (b) *Assessment*. If the bill for service charges is not paid when due, the city may assess the costs as a public nuisance in accordance with chapter 34, article II.

(Code 1992, § 905.03; Ord. No. 1220, § 6, 10-5-2009)

Editor's note— Ord. No. 1220, § 6, adopted Oct. 5, 2009, changed the title of § 66-50 from "Assessment of costs" to "Payment of costs."

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance creates definitions and performance standards for native planting areas in the city.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: _____

Published: _____

Christy Wilcox, City Clerk