

## Chapter 31 TALL GRASS, WEED, AND OTHER VEGETATION MANAGEMENT<sup>1</sup>

### Sec. 31-1. Legislative intent.

This chapter is intended to help protect neighborhood aesthetics and the public's health, safety, and welfare by regulating turf grass over eight (8) inches tall, noxious weeds, and other vegetation. The city council finds that appropriately managed and regulated turf grass and other vegetation add diversity and richness to the community and reduce fire hazards and rodent habitat.

(Ord. No. 2023-9, § 2, 6-27-23)

### Sec. 31-2. Definitions.

The following words, terms, and phrases have the following definitions in this chapter:

*Buffer or buffer strip.* A management area that separates landscapes and land uses to minimize the impact from adjacent land uses.

*Landscaping.* The encouragement of selected plants to grow on a site.

*Meadow vegetation.* Grasses and flowering broad-leaf plants (except weeds) that are native to or adapted to the State of Minnesota and commonly found in meadow and prairie plant communities.

*Native grasses.* Grasses that existed in the area before European settlement, including, but not limited to beach grass, wood chess grass, sand reed grass, wheat grass, bluestem grass, grama grass, brome grass, buffalo grass, switch grass, Indian grass, wild rye.

*Native plants.* Plants that existed in the area before European settlement.

*Natural landscaping.* Groups of native plants in a style resembling naturally occurring plant communities.

*Naturalistic landscaping.* Native and non-native plants in a style resembling naturally occurring plant communities.

*Natural preserve.* An undisturbed natural area designated by the city council where the land and vegetation appear to not have been graded, landscaped, or disturbed by human actions in recent times.

*Noxious weeds.* Plants identified by the commissioner of agriculture as "noxious weeds" pursuant to Minnesota Statutes Section 18.77, subdivision 8.

*Prairie.* A plant community dominated by diverse native perennial herbaceous plants and grasses.

*Public nuisance.* An activity, or failure to act, that unreasonably interferes or obstructs the public's health, safety, welfare and/or comfort.

*Temporary erosion control grasses.* Grasses (including, but not limited to winter wheat, oats, or annual rye) that are used as single-growing season cover or nurse crops to establish permanent vegetation.

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<sup>1</sup>Editor's note(s)—Ord. No. 2023-9, §§ 1, 2, adopted June 27, 2023, repealed the former Ch. 31, §§ 31-1—31-6, and enacted a new Ch. 31 as set out herein. The former Ch. 31 pertained to similar subject matter and derived from Ord. No. 2009-21, § 2, adopted Dec. 22, 2009.

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*Transitional period.* A period not to exceed three (3) growing seasons to change from one type of landscaping to another.

*Turf grass.* Grass commonly used in regularly cut and maintained lawns or play areas (including, but not limited to, bluegrass, fescue, and ryegrass blends) that is intended to be maintained at a height of no more than eight (8) inches.

*Weeds.* All noxious weeds and any undesirable or troublesome plants that are horticulturally out of place, especially profuse plants that grow where unwanted. This chapter does not define the common dandelion (*Taraxacum* spp.) as a weed.

*Wetlands.* Lands that are transitional between terrestrial and aquatic systems where the water table is near the surface. The boundary of wetlands, for purposes of this chapter, shall be determined according to the U.S. Army Corps of Engineers Wetland Delineation Manual (1987).

(Ord. No. 2023-9, § 2, 6-27-23)

### **Sec. 31-3. Public nuisance declared.**

It is against the law and a public nuisance for any person responsible for maintaining any property in the city to permit or maintain on that property any of the following:

- (1) Noxious weeds;
- (2) Turf grass or weeds over eight (8) inches tall; and
- (3) Other vegetation that presents a public health, safety, welfare, or nuisance concern.

(Ord. No. 2023-9, § 2, 6-27-23)

### **Sec. 31-4. Exemptions.**

This chapter exempts the following from the definition of a public nuisance:

- (1) Non-noxious weeds and grasses in wetland and wetland buffer areas as defined in chapter 28 of the City Code of Ordinances;
- (2) Non-noxious weeds, grasses, and herbaceous vegetation that are within city-designated buffer areas of stormwater ponds, natural or altered creeks, rivers, and stream corridors, including riparian buffer strips that convey water;
- (3) Non-noxious weeds and grasses growing in actively farmed areas;
- (4) Temporary erosion control grasses as approved by the city engineer;
- (5) Prairie, meadow, or natural vegetation that is maintained and includes the cultivation of native grasses and does not contain noxious weeds;
- (6) Grass and non-noxious weed vegetation growing in areas designated by the city council as a natural preserve; and
- (7) Grass, non-noxious weed vegetation, and ornamental grasses growing on slopes steeper than 2:1.

(Ord. No. 2023-9, § 2, 6-27-23)

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**Sec. 31-5. Turf grass and other vegetation management.**

- (a) Turf grass must not exceed eight (8) inches in height unless expressly allowed by the city. Grass clippings are not allowed on impervious surfaces in the public right-of-way. Long grass clippings resulting in a public nuisance cannot remain on yards.
- (b) Noxious weed must be immediately removed.
- (c) Non-noxious weeds must not exceed eight (8) inches in height.
- (d) In general, vegetation exceeding eight (8) inches in height should not be within eighteen (18) inches of a public sidewalk, trail, road, or alley. In no case shall vegetation hang over the public right-of-way in a manner that creates a public hazard or nuisance.
- (e) In general, vegetation over eight (8) inches in height should not be located within four (4) feet of the neighboring property without the written consent of the neighboring property owner.

(Ord. No. 2023-9, § 2, 6-27-23)

**Sec. 31-6. Violations and abatement.**

- (a) Inspection and citation. An authorized agent of the city will inspect properties to determine whether weeds, grass, or other vegetation constitute a public nuisance, as outlined in section 31-3 in this chapter. The agent is authorized to enter onto private property to conduct these inspections. If the agent finds a public nuisance, they may cite the property owner for the violation. The agent will send a copy of the citation and notice to the record owner of the property by certified mail, U.S. mail, or personal service. The owner must abate the nuisance within five (5) business days of the issuance of the citation or notice. The citation or notice will inform the owner that if they fail to abate the nuisance on time, the city will abate the nuisance and charge the owner the cost of the abatement. If the owner does not pay the abatement costs, the city will levy any unpaid amounts against the property as a special assessment. A property owner's refusal to accept the citation does not constitute a defense that the property owner did not receive the notice.
- (b) Abatement by the city. If the nuisance identified in the citation and notice is not abated within the time required, the city may abate the nuisance. An authorized agent of the city will record the total cost of the abatement attributable to each property and report such information to the city clerk.
- (c) Owner liability for cost. Once abated and the cost determined, the city will prepare a bill and mail it to the owner. The amount will be immediately due and payable. If the owner fails to pay the bill, the total charges may be levied as an assessment against the property. This will be an additional remedy and not in lieu of any other penalty provided for in the city code or state law.

(Ord. No. 2023-9, § 2, 6-27-23)