

WEEDS

92.35 Short tittle

92.36 Weeds and Vegetation

92.37 Jurisdiction

92.38 Definitions; exclusions

92.39 Owners responsibility for trimming, removal and the like

92.40 Filing complaint

92.41 Notice of violations

92.42 Appeals

92.43 Abatement by city

92.44 Liability

' 92.16 PUBLIC NUISANCES AFFECTING HEALTH

(H) All noxious weeds and other rank growths of vegetation upon public or private property;

' 92.35 SHORT TITTLE

This subchapter shall be cited as the Weed and Grass Ordinance.

' 92.36 WEEDS AND VEGETATION

(A) Purpose. The purpose of this chapter is to establish minimum standards for lawn maintenance and weed control while recognizing that a variety of landscapes within our community adds diversity and richness to the quality of life for all residents. Turf grass lawns continue to be recognized as the dominant nature in the landscape; however, alternatives to this traditional type of lawn are recognized as important parts of a diverse and successful landscape. Lands within the City of Vergas are diverse, including, but not limited to: agriculture (crops and pasture); road and railway right-of-ways; woods and trees; lakeshore; wetlands; gravel mining operations, pollinator habitat; natural areas; and public and private lands. The purpose and intent of this chapter is to protect and preserve the city's neighborhoods and the public health, safety and welfare of those who live there. The city council determines that keeping the city free of tall grass and noxious weeds improves the quality of life of all residents by improving aesthetics, by eliminating harbor for rodents and insects, and by eliminating fire hazards. At the same time, the city council recognizes that requiring the mowing of grasses and control of noxious weeds is sometimes unreasonable or impractical under certain circumstances.

' 92.37 JURISDITON

This subchapter shall be in addition to any state statute or regulation or county ordinance presently in effect, subsequently added, amended or repealed.

' 92.38 DEFINITIONS; EXCLUSIONS.

(A) for the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DESTRUCTION ORDER. The notice served by the City Council or designated city official, in cases of appeal, on the property owner of the ordinance violation that shall conform to M.S.

' 18.83, Subd. 2, as it may be amended from time to time.

INSPECTORS. “Inspector” means the commissioner of agriculture, agent of the commissioner, county agricultural inspector, local weed inspector, or assistant weed inspector. The supervisors of each town board and the mayor of each city shall act as the local weed inspectors within their respective municipalities. A municipality may appoint one or more assistants to act on behalf of the appointing authority as a weed inspector for the municipality. The appointed assistant or assistants have the power, authority, and responsibility of the city mayor in the capacity of weed inspector, M.S. ‘ 18.80.

MEADOW VEGETATION. Grasses and flowering broad-leafed plants that are native to, adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, except weeds as defined herein.

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, licensee or lease.

WEEDS, GRASSES and RANK VEGETATION.

(A) Grapevines when growing in groups of 100 or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years;

(B) Bushes of the species of tall, common, or European barberry, further known as Berbers vulgarism or its horticultural varieties;

(C) Any weeds, grass, or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 12 inches;

(D) Rank vegetation includes the uncontrolled growth of annuals and perennial plants;

(E) The term WEEDS does not include shrubs, trees, cultivated plants and crops.

Any other weed designated by M.S. ‘ 18.77, or as they may be amended from time to time, as noxious.

(A) In no event shall cultivated plants or crops include plants which have been defined by state statute or administrative rule as being noxious or detrimental plants.

’ 92.39 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

(A) All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds; or grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of the notice, is in excess of 12 inches in height.

These provisions shall not apply to an area established with meadow vegetation if:

(1) The prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means; and

(2) A sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. This sign must be no smaller than 10 inches square, no larger than on square foot, and no higher than three feet tall.

Penalty, see ‘ 92.99

’ 92.40 FILING COMPLAINT.

Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter shall make a written complaint signed, dated, and filed with the City Clerk. If the city makes the complaint, an employee, officer or Council Member of the city shall file the complaint in all respects as set out above.

’ 92.41 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of the probable existence of weeds or other uncontrolled plant growth in violation of this subchapter, weed inspector or their assistant(s) shall make an inspection and prepare a written report regarding the condition. Upon concluding that there is a probable belief that this subchapter has been violated, the City Clerk shall forward written notification in the form of a Destruction Order to the property owner or the person occupying the property as that information is contained within the records of the

City Clerk or any other city agency. The notice shall be served in writing by certified mail. The notice shall provide that within seven regular business days after the receipt of the notice that the designated violation shall be removed by the property owner or person occupying the property.

- (B) (1) All notices are to be in writing and all filings are to be with the City Clerk.
- (2) Certified mailings to the City Clerk or others is deemed filed on the date of posting to the United States Postal Service.

' 92.42 APPEALS

- (A) The property owner may appeal by filing written notice of objections with the City Council within 72 hours of the notice, excluding weekends and holidays, if the property owner contests the findings of the Inspector. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the subchapter.
- (B) 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.

' 92.43 ABATEMENT BY CITY.

In the event that the property owner shall fail to comply with the Destruction Order within seven regular business days and has not filed a notice within 72 hours to the City Clerk of an intent to appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds or uncontrolled vegetation to conform to this subchapter by all lawful means.

' 92.44 LIABILITY.

- (A) The property owner is liable for all costs or removal, cutting or destruction of weeds as defined by this subchapter.
- (B) The property owner is responsible for all collection of 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.
- (C) All sums payable by the property owner are to be paid to the City Clerk and to be deposited in the general fund as compensation for expenses and costs incurred by the city.
- (D) All sums payable by the property owner may be collected as a special assessment as provided by MS ' 429.101, as it may be amended from time to time.