

GRASS/WEEDS

§ 92.20 SHORT TITLE.

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

(Prior Code, § 92.20) (Ord. 234, passed 7-9-2007)

§ 92.21 JURISDICTION.

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shall be in addition to any state statute or county ordinance presently in effect, subsequently added, amended, or repealed.

(Prior Code, § 92.21) (Ord. 234, passed 7-9-2007)

§ 92.22 DEFINITIONS; EXCLUSIONS.

(A) For the purpose 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 Administrator or designated city official on the property owner of the ordinance violation.

PROPERTY OWNER. The person occupying the property, the holder of legal title or a person having control over the property of another, such as a right-of-way, easement, license, or lease.

WEEDS, GRASSES, AND RANK VEGETATION. Includes, but is not limited to, the following:

(1) Noxious weeds and rank vegetation shall include, but not be limited to: alum (allium), Buckthorn, Bur Cucumber, Canada Thistle, Corncockle, Cressleaf Groundsel, Curly Dock, Dodder, Field Bindweed, French Weed, Hairy Whitetop, Hedge Bindweed, Hoary Cress, Horsenettle, Johnsongrass, Leafy Spurge, Mile-A-Minute Weed, Musk Thistle, Oxeye Daisy, Perennial Sowthistle, Poison Hemlock, Purple Loosestrife, Quackgrass, Russian Knapweed, Russian Thistle, Serrated Tussock, Shatter Cane, Sorghum, Wild Carrot, Wild Garlic, Wild Mustard, Wild Onion, Wild Parsnip;

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

(3) Bushes of the species of tall, common, or European barberry, further known as berberis vulgaris or its horticultural varieties;

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

(5) **RANK VEGETATION** includes the uncontrolled, uncultivated growth of annuals and perennial plants; and

(6) The term **WEEDS** does not include shrubs, trees, cultivated plants, or crops.

(B) 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.

(Prior Code, § 92.22) (Ord. 234, passed 7-9-2007)

§ 92.23 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL, AND THE LIKE.

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

(Prior Code, § 92.23) (Ord. 234, passed 7-9-2007; Ord. 2019-241, passed 8-12-2019) Penalty, see § 92.99

§ 92.24 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 Administrator. 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.

(Prior Code, § 92.24) (Ord. 234, passed 7-9-2007)

§ 92.25 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of the probable existence of grass or weeds in violation of this subchapter, the City Administrator, or his or her designated official, shall make an inspection of the property regarding the condition. The City Administrator, upon concluding that there is probable belief that this subchapter has been violated, shall forward a written notification in the form of a “Destruction Order” to the property owner.

(B) All notices are to be in writing and all filings are to be with the City Administrator.

(C) All notices provided herein shall be served in the same manner as a summons in a civil action in the District Court or by certified mail. Service on persons living temporarily or permanently outside of the city whose property is vacant or unoccupied may be made by

sending the notice by certified mail to the last known address of such person, to be ascertained, if necessary, from the last tax list in the County Treasurer's office.

(Prior Code, § 92.25) (Ord. 234, passed 7-9-2007)

§ 92.26 APPEALS.

(A) The property owner may appeal by filing written notice of objections with the City Administrator within 48 hours of the "destruction order", excluding weekends and holidays, if the property owner contests the finding of the City Administrator. 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.

(Prior Code, § 92.26) (Ord. 234, passed 7-9-2007)

§ 92.27 ABATEMENT BY CITY.

(A) If any such property owner fails to comply with the "destruction order" within seven days of such notice and has not filed a notice within 48 hours to the City Administrator of an intent to appeal, the city shall cause such grass or weeds to be cut and the expenses incurred shall be collected according to § 92.28.

(B) The city may employ the services of city employees or outside contractors and remove the grass or weeds to conform to this subchapter by all lawful means.

(Prior Code, § 92.27) (Ord. 234, passed 7-9-2007)

§ 92.28 LIABILITY.

(A) The property owner is liable for all costs of removal, cutting, or destruction of grass or weeds as defined by this subchapter.

(B) The property owner is liable for all collection costs associated with grass or weed destruction, including, but not limited to, court costs, attorneys fees, and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, equipment, supplies, and chemicals, it shall set and assign a rate of \$100 per hour with a one hour minimum. The city may also bill the property owner for the actual cost of any damages to city equipment accrued during the destruction of the grass or weeds, plus such sums as determined by the City Council to reimburse the city for its costs of inspection. Future establishment of fees may be done by city resolution.

(C) All sums owed by the property owner are to be billed and are payable to the city and are to be deposited in the General Fund as compensation for expenses and costs incurred by the city.

(D) All unpaid payables by the property owner may be collected as a special assessment against the real estate as provided by M.S. § 429.101, as it may be amended from time to time.

(Prior Code, § 92.28) (Ord. 234, passed 7-9-2007)

§ 92.99 PENALTY.

(A) Any person violating any provisions of this chapter for which no other penalty is provided shall be subject to the provisions of § 10.99.

(B) Violations of any of the provisions of § 92.05 shall be petty misdemeanors. The third violation and all subsequent violations within a one-year period of time shall constitute a misdemeanor.

(Prior Code, § 92.05)

(C) Any violation of § 92.08 involving the operation of a motor vehicle is a petty misdemeanor and, upon conviction, the violator shall be punished by a fine not to exceed \$100 (or the maximum fine allowed by law). Every person who violates any other provision of § 92.08 is guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$700 (or the maximum fine allowed by law) or imprisonment for a term not to exceed 90 days, or both. In all cases the city shall be entitled to collect the costs of prosecution to the extent outlined by law, Rules of Criminal Procedure, and the Rules of Court. Each act of violation and each day a violation occurs or continues constitutes a separate offense.

(Prior Code, § 92.08)

(Ord. 82-3, passed 6-28-1982; Ord. 209, passed 6-14-1999)