

## CHAPTER 11

### MAINTENANCE OF TURF GRASS AND VEGETATION

#### SECTION:

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4-11-1: **Purpose:** It is the purpose of this Section to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of landscaping or garden treatments which add diversity and a richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interest to provide standards regarding the maintenance of vegetation because vegetation which is not maintained may threaten public health, safety and order, and may decrease property values. It is also in the public's interests to encourage diverse landscaping and garden treatments, particularly those which restore native vegetation which requires less moisture and place a lower demand on the public's water resources. The City enacts this Section to balance these competing interests.

4-11-2: **Definitions:** Unless the context clearly indicates otherwise, the following terms shall have the stated meanings.

**NATIVE GRASSES AND FORBES:** Grasses, including prairie grasses and flowering broad-leaf plants which are indigenous to the State.

**NATURAL AREA:** Any wetland or floodplain or any area of mature woodland, prairie and meadow vegetation native to the State.

**ORNAMENTAL GRASSES AND GROUNDCOVER:** Grasses and groundcovers not indigenous to the State. Ornamental grasses and groundcovers do not include turf grasses.

**PLANNED LANDSCAPE AREA:** An area where ornamental grasses and groundcovers or native grasses and forbs are planted pursuant to a plan.

**RESTORATION AREA:** An area where native grasses and forbs are being or have been intentionally reestablished.

**TURF GRASS:** Grasses commonly used in lawn areas, including any blue grass, fescue or rye grass blends or any other similar grasses.

**WEED:** Any plant which is identified by the City Weed Inspector or Assistant City Weed Inspector as a noxious weed pursuant to Minnesota Statute 18.77, Subd. 8, or any volunteer plant, except trees and other woody vegetation, which is not customarily or intentionally planted.

**RAIN GARDEN:**

A City designed and inspected planted depression that is designed to absorb rainwater runoff from impervious urban areas like roofs, driveways, walkways, and compacted lawn areas.

**4-11-3: Where Planted:**

1. Ornamental grasses and groundcovers shall be planted only in a planned landscape area.
2. Native grasses and forbs shall be planted only in a planned landscape area or a restoration area.

**4-11-4: Location of Restoration Areas and Planned Landscape Areas:**

1. **Setback:** A restoration area or a planned landscape area must provide the following minimum setbacks:
  - a. 20 feet front street, rear street, or side street setback (as measured from the traveled portion of the street).
  - b. 5 feet side yard or rear yard setback

Provided, however, that a required side yard or rear yard setback may be reduced to 0 feet if:

  - a. The restoration area or planned landscape area abuts a restoration area on any adjoining lot, a public park or open space, a vacant lot, a wetland, pond, lake or stream, or natural area, or
  - b. The restoration area or planned landscape area is located on slopes equal to or greater than three feet horizontal to one foot vertical.

**4-11-5: Maintenance Standards:** Every owner, lessee, occupant, or any other person having control of property shall maintain the vegetation growing thereon according to the following minimum standards:

1. Turf grasses shall be regularly cut such that no individual plant shall exceed, at any time, ten inches in height or length as measured from its base at the ground to the tip of each stalk, stem or blade. Provided, however, that turf grasses located on slopes equal to or steeper than three feet horizontal to one foot vertical (3:1) or within 20 feet of a wetland, pond, lake or stream, need not be maintained in accordance with this Section.
2. Property owners are responsible to plant and maintain the boulevard areas adjoining their property in a manner which enhances and improves the aesthetic appearance of city streets with turf grass, or rain gardens. To maintain an adequate site line and safe travel within the right-of-way, such plantings, excluding trees, shall not exceed thirty-two inches in height.
3. Weeds shall be regularly cut or controlled such that no individual plant shall exceed at any time ten inches in height or length as measured from its base at the ground to the tip of each stalk, stem, blade or leaf. Noxious weeds as defined by the State Commissioner of Agriculture shall be eradicated.

4. Planned landscape areas and restoration areas shall be cut at least once between May 1 and August 1 of each year or, if appropriate permits are obtained through the City Fire Marshal to burn. Provided, however, that planned landscape areas and restoration areas located on slopes equal to or steeper than three feet horizontal to one foot vertical (3:1) or within 20 feet of a wetland, lake, pond or stream, need not be cut. No person shall permit ornamental grasses and groundcovers growing on the person's property to invade adjoining properties.

4-11-6: **Non-Conforming Planned Landscape Areas and Restoration Areas:** Any planned landscape area or restoration area which lawfully existed prior to the effective date of this Chapter may continue to exist and need not comply with the requirements of Section 4-11-4, but shall comply with Section 4-11-5. Any expansion or addition to a non-conforming landscaped area or restoration area shall comply with all provisions of this Chapter.

4-11-7: **Exemptions:** The provisions of this chapter shall not apply to the following:

1. Non-noxious weeds, grasses and herbaceous vegetation within 50 feet of designated storm water ponds or within 50 feet of natural or altered creeks, rivers and stream corridors, including riparian buffer strips that convey water, provided they are cut to less than 10 inches at least once per year if located within 200 feet of an occupied residence or development property;
2. Non-noxious weed and grass vegetation growing on agriculturally zoned land, including pastures that are fenced and contain animals.
3. Temporary erosion control grasses.
4. Grass and non-noxious weed vegetation in publically owned parks designated as natural preserves or private property so designated by the City Council or natural undisturbed areas where the land and vegetation appears not to have been graded, landscaped or otherwise disturbed by human or mechanical means in recent time.
5. Grass and non-noxious weed vegetation on natural or altered slopes steeper than 2:1.
6. A city designed rain garden that is planted to absorb rainwater runoff from impervious urban areas like roofs, driveways, walkways, and compacted lawn areas.

4-11-8: **Notice, Abatement by City:**

1. **Nuisance:** Any vegetation which does not meet the requirements of this Chapter is declared to be a nuisance.
2. **Conditions Allowing Inspector to Enter Property:** Entry by the City Weed Inspector or Assistant City Weed Inspector for the purpose of inspecting, cutting, removing, destroying or eradicating vegetation shall be done only after written notice is served upon the owner, lessee, occupant, or other person having control of the property, and failure of the owner, lessee or occupant to cut down, remove or eradicate vegetation declared to be a nuisance, within the time, and in such a manner as the Weed Inspector or Assistant Weed Inspector shall designate in the notice. The notice shall be given in the manner prescribed by Minnesota Statute 18.83, Subd. 2, and shall allow a minimum of seven days for the property owner,

lessee, occupant, or other person having control over the property to comply with the requirements of the notice.

3. **Owner's Responsibility for Costs Incurred:** The costs and expenses incurred by the City in connection with entering a property pursuant to Section 4-11-8 and cutting, removing, destroying and eradicating vegetation declared to be a nuisance shall be paid by the owner or occupant of the property. If unpaid within 30 days of invoice to owner or occupant, such amount shall become a lien in favor of the City and a penalty as established by the governing body shall be added to the amount due as of that date and the total cost, expenses and penalties shall be certified to the County Auditor for entry as a special assessment upon such property for collection as other real estate taxes are collected.

4-11-9: **Penalty:** Any person who shall neglect to cut and remove noxious weeds and turf grass, as directed in this Chapter, or who shall fail, neglect or refuse to comply with provisions of any notice herein provided or who shall violate any of the provisions of this Chapter or who shall resist or obstruct the city or its employees in the cutting and removal of weeds, grass, brush and other vegetation, shall be guilty of a petty misdemeanor. Each day on which such violation continues shall constitute a separate offense.