

CITY CODE EXCERPT

CHAPTER 34 VEGETATION
SECTION 34-111 – LAWN MAINTNENANCE

34-114 PURPOSE. The purpose of this Section is to establish minimum standards for lawn maintenance while recognizing that a variety of landscapes within a community adds diversity and richness to the quality of life for all residents. Turf grass lawns continue to be recognized as the dominant feature in the landscape; however, alternatives to this traditional type of lawn are recognized as important parts of a diverse and successful landscape.

34-114.1 DEFINITIONS.

Subd.1. The following terms have its meaning given them in their subsections.

Subd.2. “Maintenance Plan” – A document submitted with an application for a Native Vegetation Permit demonstrating a precise course of maintenance for numerous individual plants in a landscape over months and seasons.

Subd. 3. “Native Vegetation” – Those indigenous trees, shrubs, wildflowers, grasses and other plants that have naturally adapted themselves to the climate and soils of the area but require cultivation and maintenance to remain viable.

Subd. 4. “Native Vegetation Permit” – A permit issued by the City pursuant to this Section allowing an owner or occupant to cultivate Native Vegetation upon his/her property, subject to the restrictions of this Section. A Native Vegetation Permit exempts an owner or occupant from 34-114 of this Section.

Subd. 5. “Natural Habitat” – Specially uncultivated valued and sensitive habitat whereupon native vegetation exists in a pristine state and provides habitat for a variety of species native to the area. Such vegetation shall maintain itself in a stable condition with minimal human intervention.

Subd. 6. “Noxious Weeds” – An annual, biennial, or perennial plant designated by the MN Commissioner of Agriculture or the Council as injurious to public health, the environment, public roads, crops, livestock, or other property.

Subd. 7. “Rank Vegetation” – Uncultivated vegetation growing at a rapid rate due to unplanned, unintentional, or accidental circumstances.

Subd. 8. “Turf Grass: - Cultivated vegetation consisting of a highly maintained surface of dense grass underlain by a thick root system.

Subd. 9. “Weeds” – Unsuitable, unwanted, or uncultivated vegetation, often causing injury to the desired vegetation type.

34-114.2 GENERAL RULES.

- Subd. 1.** All lot areas not designated for buildings, pedestrians, or vehicles, parking, recreation, and storage shall be provided with Turf Grass, Native Vegetation, or combined ground cover of cultivated vegetation, garden, hedges, trees and shrubbery.
- Subd. 2.** No owner or occupant of any lot shall allow to grow any Noxious Weeds on any part or portion of said lot as designated by Minn. Stat. Sec. 18.78.
- Subd. 3.** No owner or occupant shall allow any Turf Grass, Weeds, Native Vegetation or Rank Vegetation to grow to a height greater than six (6) inches on a majority of any lot or parcel of land.
- Subd. 4.** The provisions contained in City code, Section 34, Article II, Trees, shall apply to this Section.

34-114.3 EXEMPTION.

- Subd. 1.** The following exemptions shall apply according to their terms.
- Subd. 2.** Vacant Land. The owner of vacant and unoccupied land consisting of a contiguous tract of one (1) acre or more is exempt from Subdivision 3 of this Section, provided that Weeds, Turf Grass, Native Vegetation, and Rank Vegetation thereon are cut twice annually. The first cutting shall not be later than June 1, and the second cutting shall be made between July 15 and September 15.
- Subd. 3.** Natural Habitat.
 - A) All private lands designated by the Council as Natural Habitat shall be exempt from conflicting portions of Chapter 34.
 - B) All public lands designated in the City's Comprehensive Plan as Natural Habitat shall be exempt from conflicting portions of Chapter 34.
- Subd. 4.** Native Vegetation Permit.

Upon satisfaction and completion of all the requirements of this Section, the City Manager or designee shall approve all applications for a Native Vegetation Permit and issue such permit. A Native Vegetation Permit shall grant any property owner or occupant (with written permission of the owner) so interested, the ability to cultivate Native Vegetation on his/her property and exempt the owner/occupant from the requirements of Chapter 34-114.2 of this Section. A Native Vegetation Permit shall be valid for five (5) years from the date of approval. The City Manager or designee shall approve no Native Vegetation Permit for any applicant having unresolved city Code violations or administrative citations.

34-114.4 APPLICATION.

- Subd.1.** The Application for a Native Vegetation Permit and Renewal Application, which shall be provided by the City Manager or designee shall contain the following:
- A) Statement of intent and purpose in cultivating Native Vegetation.
 - B) Site plan showing lot lines, buildings, location of proposed Native Vegetation, the property's legal description, corner visibility requirements as defined by Chapter 24, Article III of City Code, and right-of-way requirements as defined by Chapter 24, Article VII of City Code.
 - C) Latin and common names of the species the property owner or occupant plans to cultivate.
 - D) Maintenance requirements for said species.
 - E) Name and address of a professional landscaping company which has been hired to perform maintenance on the Native Vegetation; or the name, address, and qualifications of the person(s) who will be responsible for maintenance of the Native Vegetation.
 - F) A Maintenance Plan, which shall contain the following:
 - 1. Planting diagram showing the location and mature height of all specimens of Native Vegetation; and
 - 2. Detailed information on the upkeep of the planting; and
 - 3. Details of any long-term maintenance required for the Native Vegetation.

34-114.5 ASSESSMENT.

- Subd.1.** The City Manager or designee may regularly inspect any property holding a Native Vegetation Permit for compliance with the Maintenance Plan on file with the City for the property. For any property out of compliance with the Maintenance Plan, the City Manager or designee shall give notice to the holder of the Native Vegetation Permit by US Mail stating that the property must be in compliance with the Maintenance Plant with thirty (30) days. Should that period pass without action by the holder of the Native Vegetation Permit, the City Manager or designee shall:
- A) Revoke the Native Vegetation Permit;
 - B) Remove all improperly maintained Native Vegetation;
 - C) Declare the property ineligible for a Native Vegetation Permit, unless sold, for a period of two (2) years; and
 - D) Assess the property for all fees associated with inspection of the property and any removal of improperly maintained Native Vegetation in accordance with Minnesota Statutes 449.101 and Chapter 34-12 of the City Charter, as each may be amended.

34-114.6 PENALTY. A person who fails or neglects to cut and remove or otherwise eradicate weeds or grass as directed in this section, or who fails, neglects, or refuses to comply with the provisions of any notice provided herein, or who violates the provisions of this section, or who resists or obstructs the

weed inspector in the cutting, removal, or eradication of weeds or grass, is guilty of a misdemeanor. Each day on which the violation continues is a separate offense.

34-114.7 WEED INSPECTOR. The mayor is the weed inspector as provided by law. The mayor may assign the duty to the City Manager.