

SECTION 3

703.000 WEEDS. This section shall be cited as the “Weed Ordinance.”

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shall be in addition to any state statute or county ordinance presently in effect, subsequently added, amended or repealed.

703.002 DEFINITIONS.

- A. **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.

- B. **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.

- C. **WEEDS, GRASSES AND RANK VEGETATION.** Includes but is not limited to the following:
 - 1. Noxious weeds and rank vegetation shall include but not 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 12 inches.
 - 5. Rank vegetation includes the uncontrolled, uncultivated growth of annuals and perennial plants.
 - 6. The term **WEEDS** does not include shrubs, trees, cultivated plants or crops.

703.003 EXCLUSIONS.

- 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.

703.004 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, grasses and rank vegetation or other uncontrolled plant growth on their property, which at the time of notice, is in excess of 12 inches in height.

703.005 FILING COMPLAINT.

- A. 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.

703.006 NOTICE OF VIOLATION.

- A. Upon receiving notice of the probable existence of weeds in violation of this section, a person designated by the City Council shall make an inspection and prepare a written report to the City Clerk regarding the condition. The City Clerk, upon concluding that there is a probable belief that this section has been violated, 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 personal service or certified mail. The notice shall provide that within seven regular business days after the service of the notice that the designated violation shall be removed by the property owner or person occupying the property.
- B. Certified mailing to the City Clerk or others is deemed served on the date of posting to the United States Postal Service.

703.007 APPEALS.

- A. The property owner may appeal by filing written notice of Appeal stating objections with the City Clerk within seven days of the service of the notice, if the property owner contests the "Destruction Order". 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 section, and should not be subject to destruction under the section.
- 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.

703.008 ABATEMENT BY CITY.

- A. 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 seven days with the City Clerk of a notice of appeal, the City Council may employ the services of city employees or outside contractors and remove the weeds to conform to this section by all lawful means.

703.009 LIABILITY.

- A. The property owner is liable for all costs of removal, cutting or destruction of weeds as defined by this subchapter.
- B. The property owner is responsible for all collection 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 a 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 Minnesota Statute § 429.101, and amended from time to time.
- E. The property owner is assessed a fee of \$75.00 if it fails to comply with the “destruction order” within 7 regular business days and does not file a notice of appeal within 7 days with the City Clerk. Said \$75.00 fee is in addition to the other costs and expenses mentioned hereinabove.

(Ord. 20-05, 7/21/20)