

Subd. 3. Abatement.

- A. **Impounding.** A police officer or other authorized person may order a vehicle constituting a public nuisance to be immediately removed and/or impounded. The impounded vehicle will be surrendered to the owner by the towing contractor only upon payment of the required impound, towing and storage fees.
- B. **Sale.** Notice and sale of a vehicle impounded under this ordinance will be conducted in accordance with Minn. Chap. 168B, governing the sale of abandoned motor vehicles.

SECTION 805.01. SPECIAL PROVISIONS – LAWN MAINTENANCE.

Subd. 1. Preamble. The Council finds that there are a variety of landscapes in the City that add diversity and a richness to the quality of life. Certain areas in the City have been left, or allowed to go, unmaintained. These have been accepted by the vast majority of the City residents as appropriate and as part of the unique quality of life in this community. There are community expectations, however, that once an area has been disturbed, landscaped, or otherwise maintained, that area will continue to be maintained in a consistent manner. When vegetation in that area is not continually maintained, it becomes aesthetically unpleasing and violates community standards. Property that appears neglected may decrease the value of adjacent properties. In addition, if vegetation is not properly maintained, there may be the following adverse impacts on public health, safety, and welfare:

- A. Undesirable vegetation such as common buckthorn, quackgrass, and other weeds may invade and threaten to supplant other more desirable vegetation;
- B. Vegetation that causes allergic reactions, such as ragweed, may develop; and
- C. Tall vegetation along driveways and public roads may impair visibility when entering or exiting public roads.

The Council also finds that it is in the public interest to allow citizens to choose the type of landscaping on their properties and to make changes in that vegetation. As a protection for the larger community, however, this change in vegetation must be properly managed and maintained and the length of the transition period must be minimized.

The Council finds that the establishment of prairie and meadow plant communities is an acceptable landscape treatment in the City. This requires special consideration, however, because weeds will grow during the first few years of transition before the new vegetation predominates and will appear like neglect. Therefore, the Council finds that this type of vegetation is acceptable if it is properly maintained to shorten the transition period and if notice is given of the intended result.

In contrast, the transition to trees and other woody species does not require special consideration because untended grass or weeds are not a necessary part of that transition period. Rather, the transition period is shortened by eliminating competition around the seedlings through such techniques as organic mulch.

The Council enacts this ordinance to balance the public interest in a variety of vegetation with the public need to ensure proper maintenance of that vegetation. The Council finds that establishing a height limitation for certain vegetation is in the best interest of the public health, safety, and welfare as outlined above and is a reasonable maintenance standard.

Subd. 2. Definitions. For purposes of this Section the following words have the meanings specified below:

- A. "Meadow vegetation" is grasses and flowering broad-leaf plants that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, except weeds.
- B. "Noxious weeds" are those plants so designated by the state of Minnesota pursuant to Minnesota Statute §18.77, Subd. 8 and those listed under Minnesota Rule, Parts 1505.0730 to 1505.750.
- C. "Regularly cut" means mowing or otherwise cutting the vegetation so that it does not exceed 10 inches in height.
- D. "Turf grasses" are grasses commonly used in regularly cut low areas, such as bluegrass, fescue and rye grass blends, and non-woody vegetation interspersed with them.
- E. "Weeds" include all noxious weeds, buffalobur, burdock, common cocklebur, crabgrass, dandelions, jimsonweed, quackgrass, common and giant ragweed, field sandbur, velvetleaf, and wild sunflower. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden. A property owner may establish that a plant or plants are not horticulturally out of place by providing a written landscape plan for the area in question, complete with a listing and locations of plant species. The plants specifically listed above may not be included within the landscape plan. Vegetation that does not comply with this plan are weeds.

Subd. 3. Maintenance Standard. The maintenance standard in this Section applies to property that has been developed with a building as defined in the City's Building Code, including vacant property combined with developed property for tax purposes, and a parcel of property that has been completely or partially disturbed by demolition, grading or other means in preparation for development or redevelopment.

- A. All turf grasses and weeds must not exceed a height of 10 inches, measured from the base at ground level to the tip of each stalk, stem, blade, or leaf.
- B. This requirement does not apply to the following:
 - 1. A wetland or floodplain designated in the zoning ordinance and required wetland buffers or those voluntarily created by a private land owner when compatible with the character of the neighborhood and the intent of the wetland ordinance.
 - 2. A drainage pond or ditch that stores or conveys stormwater.
 - 3. A pasture that is (a) currently being used only for the exercise or feeding of domestic hoofed animals; (b) physically surrounded by a permanent fence that

separates the pasture from property used for other purposes; (c) at least one-half acre in size; and (d) undeveloped with any habitable buildings;

4. An area in which the land and vegetation appears not to have been graded, landscaped, mowed, or otherwise disturbed by human or mechanical means at any time. Determination of what constitutes this type of area will be based on a reasonable judgment of the present appearance of the area. The recent history of the area may be relevant to this determination; and
5. An area established with meadow vegetation if:
 - (a) The prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means;
 - (b) The area is cut at least once per year to a height of no more than 10 inches, if weeds cover more than 25 percent of the area; and
 - (c) 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 is required only if the meadow vegetation is in an area likely to be seen by the public. This sign must be in addition to any sign permitted by the sign ordinance but must be no smaller than 10 inches square, no larger than one square foot, and no higher than three feet tall. The sign is no longer required when weeds cover 25 percent or less of the area.

Subd. 4. Declaration of Public Nuisance. The following are public nuisances subject to abatement under this chapter:

- A. Noxious weeds;
- B. Vegetation that does not meet the maintenance standard specified in Subdivision 3 above.

SECTION 806.01. BUILDINGS OR STRUCURES THAT ENDANGER PUBLIC SAFETY, HEALTH OR PROPERTY WITHIN THE CITY. A building or structure in the City is a public nuisance affecting public safety and health if the Building Official or Fire Marshal find it to be dangerous to public safety, health or to other property by reason of:

- A. Damage by fire;
- B. Defective chimneys or stovepipes;
- C. Dilapidated condition or decay;
- D. Defective electric wiring;
- E. Defective gas installation;
- F. Defecting heating apparatus;
- G. Defective sewage disposal system or plumbing; or