

32.03 WEEDS

- (a) "Weeds" Defined. "Weeds" shall mean and include not only such noxious weeds as defined in Minnesota Rules 1505.0751, but also such undesirable, useless, uncultivated and troublesome plants as are commonly known as weeds to the general public and all pollen producing plants which are a hazard to hay fever sufferers.
Ord. No. 3450 05/01/00 Ord. No. 3900 4/16/2012
- (b) Permitting or Maintaining Growth. It shall be unlawful for any owner or occupant, if other than the owner, of any occupied or unoccupied lot or land or any part thereof, to permit or maintain on any such lot or land, or on or along the sidewalk, street or alley adjacent to the same between the property line and the curb or middle of the alley or for 10 feet outside the property line if there be no curb, any growth of weeds and/or grass, brush or other rank vegetation to a greater height than 6 inches on the average or any accumulation of dead weeds, grass or brush which may conceal filthy deposits of garbage and refuse and provide harborage for rodents; provided, that in those blocks that are 25% developed or less, weeds, etc., shall be cut at least once during the growing season at the discretion of the weed inspector.
- (c) Duty of Owner and Occupant to Remove. It shall be the duty of any owner and occupant, if other than the owner, of any lot or land or any part thereof, to cut and remove or cause to be cut and removed all such weeds and/or grass, brush and rank vegetation as often as may be necessary to comply with the provisions of this section; provided, that the cutting and removing of such weeds and/or grass, brush and rank vegetation at least once in every three weeks, between May 15 and September 15, shall be considered compliance with this chapter.
- (d) Publication of General Notice for Control and Eradication. A general notice for the control and eradication of weeds and/or grass, brush and rank vegetation shall be published in the official newspaper on or before May 15 of each year. Failure of weed inspector to publish a general weed notice or to serve individual notices herein provided does not relieve any person from the necessity of full compliance with any and all provisions and regulations of this chapter. In all cases such published notice shall be deemed legal and sufficient notice.
- (e) Serving Notices. Whenever the city weed inspector finds it necessary to secure prompt eradication or cutting and removal of weeds and/or grass, brush and rank vegetation in individual cases or in the event of failure to comply with the general published notice, the city weed inspector shall serve individual notices in writing upon the owner and occupant, if other than the owner, giving specific instructions when and how the weeds and/or grass, brush and rank vegetation are to be cut and removed. The notice shall be served upon the owner of the property and on the occupant, if other than the owner, either personally or by first class mail supported by an affidavit of mailing sent to the last known address of the owner and occupant of the property. A notice tag shall also be affixed to the door of any building situated on the property. Service on an owner living temporarily or permanently outside of the city whose property is vacant or unoccupied may be made by sending the notice by first class mail supported by an affidavit of mailing

to the last known address of such person, to be ascertained, if necessary, from available public records.

- (f) Removal by City. If any owner or occupant, if other than the owner, upon whom the individual notice is served, fails to comply with the notice either by refusal or neglect to cut and remove such weeds and/or grass, brush and rank vegetation within 7 days after service of such notice, the city weed inspector shall cause such weeds and/or grass, brush and rank vegetation to be cut and removed. Promptly upon completion of the work of removal of the weeds and/or grass, brush and rank vegetation, the city manager or his designated representative shall serve upon the owner by first class mail an itemized statement of the actual cost of such cutting and removal plus the actual cost of supervision, including cost of serving notice upon the person responsible for such cutting and removal; such statement to include an administrative fee as set forth in the Section 51.01 of this Code.. If the owner fails to pay, the city manager shall submit to the city council the itemized accounting of costs and a recommendation that the city council by resolution authorize that an assessment be levied upon such lot or land in accordance with Minnesota Statutes, chapter 429.

The owner of any property so assessed may, at any time prior to certification of the assessment to the county auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the city treasurer; except, that no interest shall be charged if the entire assessment is paid within 30 days of the date of adoption of such assessment resolution.

- (g) Penalty. Any person who shall fail, neglect or refuse to comply with the provisions of the individual notice delivered or sent to him or shall resist or obstruct the city weed inspector or person or persons hired by him to cut and remove weeds and/or grass, brush and rank vegetation, shall, upon conviction thereof, be subject to a fine not exceeding \$500 or imprisonment for a term not exceeding 90 days.

Ord. No. 2871	04/20/87	Ord. No. 2963	03/20/89
Ord. No. 3814	10/05/09	Ord. No. 3823	1/04/10