

CHAPTER 98: WEEDS

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§ 98.01 PURPOSE.

(A) It is declared to be the purpose and intent of this chapter to protect and preserve this city's neighborhoods and the public health, safety and welfare of those who live there. The Byron City Council determines that keeping the city free of tall grass and noxious weeds improves the quality of life of city residents by improving the aesthetics of the city, by eliminating harbor for rodents and insects, and by eliminating fire hazards. At the same time, the Council recognizes that requiring the mowing of grasses and noxious weeds is under certain circumstances impractical and unreasonable. The exemptions contained within this chapter are intended to cover these circumstances.

(B) The City Council also determines that a variety of properly maintained landscapes in the city adds diversity and a richness to the quality of life, and does not want to discourage the preservation, restoration and maintenance of diverse biologically stable natural plant communities or environmentally sound practices. The City Council finds that the establishment of prairie, naturalistic and meadow plant communities is an acceptable landscape treatment in the city.

(Ord. - -, passed 3-23-05)

§ 98.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LANDSCAPING. The active involvement in the encouragement of selected plants to grow on a site.

MEADOW VEGETATION. 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.

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NATIVE GRASSES. Grasses (Beach Grass, Wood Chess Grass, Sand Reed Grass, Wheat Grass, Bluestem Grass, Grama Grass, Brome Grass, Buffalo Grass, Switch Grass, Indian Grass, Wild Rye) that existed in the area prior to European settlement.

NATIVE PLANTS. Plants that existed in the area prior to European settlement.

NATURAL LANDSCAPING. The use of groups of plants native to the area.

NATURAL WOODED LOT. An area where the land, trees and vegetation appear not to have been graded, landscaped, mowed, or otherwise disturbed by human or mechanical means at any time.

NATURALISTIC LANDSCAPING. The use of native and non-native plants.

NOXIOUS WEEDS. Plants so designated by the Commissioner of Agriculture under authority of M.S. § 18.77, subd. 8.

PERSON. One or more persons of either sex, natural persons, corporations, partnerships, associations, societies and all other entities of any kind capable of being sued.

PRAIRIE. A plant community dominated by a diversity of native perennial herbaceous plants and grasses.

REGULARLY CUT. Mowing or otherwise cutting vegetation so that it does not exceed eight inches in height.

TRADITIONAL LANDSCAPING. The use of turf grasses and woody plants (shrubbery and trees) with defined areas for cultivation of annual and perennial plants.

TURF GRASSES. Bluegrass, fescue and ryegrass blends with non-woody vegetation interspersed with them commonly used in regularly cut lawns.

WEEDS. All noxious weeds as defined in M.S. §§ 18.77 and 21.72. For the purposes of this chapter, *Taraxacum* ssp (common dandelion) is not considered a weed.

WETLANDS. Lands transitional between terrestrial and aquatic systems where the water table is near the surface. The boundary of wetlands for purposes of this chapter shall be determined according to the U.S. Army Corps of Engineers Wetland Delineation Manual.
Ord. - -, passed 3-23-05)

§ 98.03 NUISANCE DECLARED.

(A) No owner, lessee or occupant, nor agent, servant, representative, or employee of any such owner, lessee, or occupant having control of any lot or land or any part thereof within the corporate

limits of this municipality shall permit or maintain on any such lot or land, or on or along any sidewalk adjacent to the same, or along any street adjacent to the said property between the property line and the curb, or on or along any alley adjacent to the said property between the property line and the middle of the alley, any growth of grasses, rank vegetation or weeds whether defined as noxious weeds or not to a height greater than as follows:

- (1) Upon any lot in a residential area or developed property lot, no greater than eight inches;
- (2) Upon any vacant lot contiguous to any occupied lot, no greater than ten inches;
- (3) Upon any natural wooded lot, no greater than ten inches; or
- (4) Upon any other lot annexed into the City of Byron that has been platted, no greater than 12 inches.

(B) No person shall cause, permit, or allow poison ivy, ragweed, or other poisonous plants or plants detrimental to health, to grow on any such lot or any such land in such a manner that any part of said weeds or plants shall extend upon, overhang or border any public place, or in such a manner that said weeds or plants are allowed to seed or to emit pollen or other poisonous particles into the atmosphere in a manner such that said particles are carried through the air into any public place.

(Ord. --, passed 3-23-05)

§ 98.04 EXEMPTIONS.

The provisions of this chapter shall not apply to the following:

- (A) Non-noxious weeds and grass vegetation in wetland areas;
- (B) Non-noxious weeds, grasses and herbaceous vegetation within 50 feet of designated stormwater ponds or within 50 feet of natural and 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 developed property;
- (C) Areas of any occupied lot or parcel of land having wetland-type vegetation because of neighborhood drainage patterns, where the drainage pattern is evident on contour maps and from field observation, and the vegetation is confined to a single lot, separated from adjacent lots, and managed so as not to be a nuisance;
- (D) Non-noxious weed and grass vegetation growing on land that, no matter underlying zoning, is utilized agriculturally as long as land is owned by the same family or family members as when originally annexed;
- (E) Non-noxious weeds and grass vegetation present in areas zoned as Industrial;

(F) Temporary erosion-control grasses;

(G) Maintained and weeded prairie, meadow or natural landscape vegetation that does not contain noxious weed growth and that includes the cultivation of native grasses indigenous to Minnesota;

(H) An area of at least two acres used by an educational institution or public agency for prairie land restoration, if the prior vegetation is eliminated and the prairie vegetation is planted through transplanting or seeding. The area shall be cut at least once per year to a height of no more than 18 inches if weeds cover more than 25% of the area. If such mowing is necessary and the area is likely to be seen by the public, a sign shall be posted advising that a meadow or prairie is being established. The size of the sign shall be one square foot and it shall be posted no higher than three feet;

(I) Grass and non-noxious weed vegetation in publicly 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 times;

(J) Grasses and non-noxious weed vegetation on natural or altered slopes steeper than 2:1; or

(K) Ornamental grasses.

(Ord. - -, passed 3-23-05)

§ 98.05 DUTIES OF OWNERS, LESSEES AND OCCUPANTS.

It shall be the duty of the owner, lessee, or occupant of any lot or land to cut and remove, or to cause to be cut and removed, all such weeds, grass, or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions within this chapter.

(Ord. - -, passed 3-23-05)

§ 98.06 CUTTING BY THE CITY.

(A) If the provisions of the foregoing sections in this chapter are not complied with, the city shall serve written notice of such fact upon the owner, lessee, occupant, or any agent or person having the care or control of such lot or land. If the person upon whom the notice is served fails, neglects, or refuses to cut and remove or cause to be cut and removed, such weeds, grasses, or other vegetation within the time specified in the notice, after receipt of such notice, or if no person can be found in this municipality who either is or claims to be the owner of such lot or land, or who either represents or claims to represent such owner, the city may cause such weeds, grass, or other vegetation on such lot or land to be cut and removed.

(B) The cost of cutting and removing shall be set annually by the City Council's Fee Schedule together with a \$25 administrative fee and such other additional costs incurred in connection therewith.

The amount so charged against said premises, lots, or parcels of land shall be a lien upon the property on which said weeds, grass and vegetation were located, and shall be added to, and become, and form part of the taxes to be assessed against said property.

(Ord. - -, passed 3-23-05)

§ 98.07 VIOLATION AND PENALTY.

Any person who shall neglect to cut and remove weeds, grass or other vegetation as directed in this chapter, or who shall fail, neglect or refuse to comply with the provisions of any notice herein provided, or who shall violate any of the provisions of § 98.03, or who shall resist or obstruct any City of Byron employee in the cutting and removal of weeds, grass, and other vegetation shall, upon convictions, be guilty of a petty offense as provided in § 10.99 of this code, and each day on which such violation continues shall constitute a separate offense.

(Ord. - -, passed 3-23-05) Penalty, see § 10.99

