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**CITY OF ANOKA, MINNESOTA
ORDINANCE**

ORD-2023-1781

**AN ORDINANCE AMENDING CHAPTER 74 VEGETATION, ARTICLE II,
TALL GRASS AND BRUSH AND NOXIOUS VEGETATION
OF THE CODE OF THE CITY OF ANOKA MINNESOTA**

THE COUNCIL OF THE CITY OF ANOKA ORDAINS:

Section 1. Pursuant to Minnesota Law, the Anoka City Charter and the Anoka City Code, and upon a review conducted by City staff, amendment to Chapter 74 Vegetation, Article II. Tall Grass and Brush and Noxious Vegetation is hereby adopted, by an affirmative vote of a majority of the Anoka City Councilmembers present, to read with stricken text deleted and underlined, italicized text inserted into existing code

Section 2. This Ordinance shall be in full force and effective upon passage and seven (7) days after publication.

ATTEST:

	Introduced: <u>10.02.2023</u>
	Adopted: <u>10.16.2023</u>
	Published: <u>Summary Publication 10.20.2023</u>
<u>Phil Rice, Mayor</u>	Effective: <u>10.27.2023</u>

	Aye	Nay	Abstain	Absent
<u>Amy Oehlers, City Clerk</u>	Rice <u>X</u>	<u> </u>	<u> </u>	<u> </u>
	Scott <u>X</u>	<u> </u>	<u> </u>	<u> </u>
	Skogquist <u>X</u>	<u> </u>	<u> </u>	<u> </u>
	Weaver <u>X</u>	<u> </u>	<u> </u>	<u> </u>
	Wespt <u> </u>	<u> </u>	<u> </u>	<u> X</u>

CHAPTER 74 VEGETATION

ARTICLE I. IN GENERAL

Sec. 74-1 Penalty.

Any person who violates Section 74-55(c), 74-59, or 74-60, is guilty of a misdemeanor. A violator of any other section of this chapter shall be guilty of a petty misdemeanor.

Secs. 74-2 -74-~~2019~~. **Reserved.**

ARTICLE II. TALL GRASS AND BRUSH AND NOXIOUS VEGETATION¹

Sec. 74.20 Definitions

Brush includes parts of plants, such as but not limited to, twigs, tree and shrub branches. BRUSH does not include firewood and construction material.

Managed natural landscape is defined as planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural landscapes does not include turf-grass lawns left unattended for the purpose of returning to a natural state.

Meadow vegetation means 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, not including noxious weeds.

Noxious weed shall have the meaning assigned by Minnesota Statutes, Section 18.77, Subd. 8.

Ornamental plants mean grasses, perennials, annuals and groundcovers purposefully planted for aesthetic reasons.

Rain garden means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes and rivers.

Turf-grass lawn means a lawn comprised mostly of grasses common used in regularly cut lawns or play areas (such as but not limited to bluegrass, fescue, and ryegrass blends), intended to be maintained at a height of no more than eight (8) inches.

Weeds includes all noxious weeds as defined by the statutes of the state and all such useless and troublesome plants as are commonly known as weeds to the general public including volunteer and scrub trees or shrubs.

Sec. 74-21. Unlawful vegetation.

¹ State law reference(s) - Minnesota Noxious Weed Law, M.S.A. §18.75 et seq.

It is unlawful for any property owner, lessee, or occupant having control of any property within the city to permit or maintain on any property, or on or along the sidewalk, street or alley adjacent to the property, between the property line and the curb or middle of the alley, any uncultivated, or uncontrolled growth of weeds, grass, brush or other vegetation, which is not part of an orderly landscape design, to a greater height than ~~eight six~~ inches or any accumulation of dead weeds, grass, or brush. It shall also be unlawful for any such person to cause or allow noxious weeds as defined by the statutes of the state to exist on any property within the city limits.

Vegetation declared unlawful by this section is a public nuisance.

(Prior Code, § 70-31)

Sec. 74-22. Growing grass.

(a) Weeds or grasses growing to height greater than eight inches upon any lot or parcel within the city, or which have gone or are about to go to seed, may be declared by the weed inspector, or its assistants, to be a public nuisance.

(b) Exceptions: As required under the Minn. Rules 6106.0150 Subp. 3. C., the following areas, identified in the MRCCA plan, are exempt from the vegetation ground cover height restriction:

(1) Shore Impact Zone (SIZ);

(2) Bluff Impact Zone (BIZ)

(3) Within 50 feet of a wetland or natural drainage way; or

(4) Areas of native plant communities and significant vegetative stands.

Sec. 74-23. Managed Natural Landscape

(a) Any owner, or authorized agent or occupant with the prior written permission of the owner, of any privately-owned lands or premises, may install and maintain a managed natural landscape as follows:

1. The owner, or authorized agent or occupant with the prior written permission of the owner, must first apply for, and be issued, a natural landscape permit from the City, and the natural landscape must be maintained in a condition consistent with the issued permit;

2. All prairie, meadow, and natural landscape vegetation, including the cultivation of native grasses indigenous to the State, must be maintained, weeded, and may not contain any noxious weed growth;

3. Natural landscape permits are required if a proposed landscape includes native grasses that exceed, or are expected to exceed, eight inches in overall height;

4. Turf grass must be eliminated, and the native plants, trees and shrubs must be planted through transplanting or seeding by human or mechanical means. Soil erosion should be controlled while the ground is bare of plant growth in a

manner that is sufficient to inhibit erosion, which is the sole responsibility of the owner or occupant;

5. Managed natural landscapes may include plants and grasses in excess of eight (8) inches in height and which have gone to seed, but may not include any noxious weeds, and must be maintained so as to not include unintended vegetation;

6. Managed natural landscapes shall not include turf-grass lawns left unattended for the purpose of returning to a natural state; and

(b) A violation of any of the requirements set forth above will result in the revocation of the natural landscape permit by the city.

Sec. 74-223. Duty of owner, lessee or occupant.

It shall be the duty of every owner, lessee or occupant of any property within the city to cut, destroy, remove, or eradicate all nuisance vegetation as often as may be necessary to comply with the provisions of section 74-21 and whenever the weed inspector or his assistants notify such owner, lessee or other occupant of the nuisance.

Sec. 74-234. Permitting a nuisance.

(a) *Notice.* When an owner, lessee, or occupant permits a nuisance to exist in violation of sections 74-21 and 74-22, the weed inspector may serve, by certified mail or hand delivery, written notice upon the owner, lessee or occupant of such property ordering compliance within seven days after the posting date of such notice. The notice also shall state that, in the event of noncompliance, the inspector may order the work to be done by the inspector or his assistants at the property owner's expense and further that the person has the right to appeal the order as provided in subsection (c) of this section.

(b) *Noncompliance with notice.* If such person fails to comply with the notice, the weed inspector or his assistants shall take such action as is necessary to abate the nuisance. All costs, including administration, inspections, and work, weather contractual or other, may be recovered by the city council, at its direction, either by billing the person directly or by extending the cost of such work as a special assessment against the property, which assessment shall be certified to the county auditor for collection as the other special taxes.

(c) *Appeal.* Any person aggrieved by an order of the weed inspector or his assistants may appeal that order to the city council by filing a written request with the weed inspector or his assistants within five days of service of the notice provided in this section. The weed inspector shall within five days cause the appeal to be placed on the next regular city council agenda and shall notify the appellant of the date, time, and place of such meeting. The city council shall have authority to affirm, amend, or reject the order of the weed inspector or his assistants.

Sec. 74-245. Obstructing city employees.

No person shall obstruct the weed inspector, or his assistants, in the cutting, removal, or eradication of weeds or grass.

Secs. 74-256-74-50. Reserved.