

**CITY OF ST. AUGUSTA  
STATE OF MINNESOTA**

**ORDINANCE NO.: 2010-07**

**AN ORDINANCE RELATING TO GRASS AND  
WEEDS WITHIN NON-AGRICULTURAL ZONED  
AREAS FO THE CITY**

The City Council of the City of St. Augusta, Minnesota hereby ordains:

**Section 1: Definitions:**

The following word or term, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

- (A) **Brush** - Includes parts of plants, such as but not limited to, twigs, tree and shrub branches. Brush does not include firewood and construction material.
- (B) **Grass** – Grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue, and rye grass blends and non woody vegetation interspersed with them.
- (C) **Weeds** - Includes all noxious weeds as defined by the statutes of the State of Minnesota and all such useless and troublesome plants as are commonly known as weeds to the general public.

**Section 2: Nuisance:**

- (A) **Weeds and Grass.** All weeds or growing grass upon any lot or parcel of land in the City of St, Augusta, other than land zoned agricultural, that reach a height of at least 8 inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety, and good order of the City with the following exceptions:
  - (1) native prairie and long grass areas shown on an approved landscape plan,
  - (2) native prairie and long grasses within a defined landscape area on a single or two-family residential parcel, provided that such defined landscape area:
    - (a) occupies no more than fifty percent of the pervious surface area of the parcel excluding natural wooded areas, wetlands, water bodies, rain gardens, lakescaping, and scenic easements;
    - (b) is set back from property lines by at least five feet. The setback is not required where the defined landscape area abuts another similar private or public landscape area, a wetland, pond, lake or stream or if a fully opaque fence at least four feet in height is installed along the lot line adjoining the planned landscape area.

- (c) is maintained at least once per year through mowing or, if appropriate permits are obtained through the City Fire Marshal, burning;
- (3) natural wooded areas;
- (4) wetlands, ponds or rain gardens; and
- (5) areas where mowing is prohibited by easement or law.

- (B) **Brush.** All brush piles not properly stored in a closed container upon any lot or parcel of land in the City of St. Augusta are hereby declared to be a vermin harborage and attractive nuisance and dangerous to the health, safety, and good order of the City with the following exceptions:
  - (1) brush piles located near the street or other specific area for pickup or collection for a period of time of less than one week;
  - (2) brush accumulations from a large storm event where it is not reasonable that brush be collected in a week or less; and
  - (3) brush that has fallen in natural wooded or wetland areas or yards.

### **Section 3: Notice to Remove:**

If the provisions of this chapter are not complied with, the city shall serve written notice upon the owner, lessee, or occupant or any person having control of such lot or land, to comply with the provision of this section.

- (A) **Occupied lots/land:** One written notice shall serve as notice to the person upon whom it was served for the entire season.
- (B) **Unoccupied lots/land:** For any vacant lot/land the City may serve written notice by leaving a door hanger in a visible place on the lot/land. One door hanger shall serve as notice to the owner, lessee, or occupant or any person having control of such lot or land for the entire season.

### **Section 4: Removal by City:**

- (A) **Occupied lots/land.** If the person upon whom the notice is served fails to remove the weeds, grass, brush or other vegetation within five (5) days from the date such notice is postmarked or delivered, then the city shall cause the weeds, grass, brush and other vegetation of such lot or land to be cut and removed.
- (B) **Unoccupied lots/land.** If the person upon whom the notice is served fails to remove the weeds, grass, brush or other vegetation within two (2) days from the date the door hanger is left, then the city shall cause the weeds, grass, brush and other vegetation of such lot or land to be cut and removed.

### **Section 5: Cost Assessed:**

The actual cost of cutting and removal, plus such sums as determined by the city council to reimburse the city for its costs of inspection, shall be certified by the city administrator and shall thereupon become a lien upon the lot or land on which such weeds, grass,

brush, and other vegetation were located and shall be added to and become and form a part of the taxes next to be assessed and levied upon such lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced in the same manner as real estate taxes; provided, however, the owner, lessee or occupant or any person having control of the lot or land may pay to the city, in full, the actual costs incurred for cutting and removal, plus the inspection fee, by September 15 of the same calendar year in which the cutting and removal occurred in order to avoid having such costs levied upon the lot or land.

**Section 6: Penalty:**

Violation of any provision of this Ordinance shall be a misdemeanor. Each day on which such violation continues shall constitute a separate offense.

**Section 7: Severability**

In any case any Section of this Ordinance is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the Section affected, and other Sections of the Ordinance shall continue in full force.

Passed by the council this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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B.J. Kroll, Mayor

ATTEST:

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William R. McCabe, City Clerk