

DIVISION 3. - MAINTENANCE AND REPAIR STANDARDS

Sec. 36-174. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Central business district means the properties abutting Main Street from the Park Lane intersection to 17th Avenue and the properties abutting 8th through 12th Avenues between 1st Street South and 1st Street North.

Current service means the removal from sidewalks accumulation of snow, ice, dirt and rubbish; cut or eliminate weed growth, grass or other rank vegetation.

Driveway apron means a driveway area providing access to the property of an owner or occupant extending from a public street to the boundary of the property of said owner or occupant.

(Code 1986, § 820.01)

Sec. 36-175. - Walks and weeds.

The owner or occupant of property adjacent to a public sidewalk, carriage walk, or driveway apron, shall maintain such areas in a clean and safe condition for pedestrians at all times and shall not allow snow, ice, dirt or rubbish to remain thereon longer than 12 hours after its deposit.

(Code 1986, § 820.03; Ord. No. 98-810)

Sec. 36-176. - Maintenance of vegetation.

(a) *Definitions.* The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Garden means a cultivated area dedicated to growing vegetables, fruits, flowers, ornamental grasses, groundcovers, shrubs and similar plants that were planted in a well-defined location.

Native plant landscape area means an area where native plants are being or have been planted in a designated area. A native plant landscape area does not include gardens.

Native plants are those grasses (including prairie grasses), sedges (solid, triangular-stemmed plants resembling grasses), forbs (flowering broadleaf plants), trees and shrubs that are plant species native to or naturalized to the state, excluding prohibited exotic species, as defined by M.S.A. ch. 84D. Native plants do not include weeds.

Natural area means an area that was purposely left to grow in a natural state and can maintain itself in a stable condition without human intervention and contains trees, shrubs, and native plants, excluding weeds and turfgrass areas that contain more than 50 percent turfgrass.

Ornamental grasses means grasses that are not indigenous to the state, that are intended to add beauty to a garden. Ornamental grasses do not include turfgrasses or weeds.

Turfgrass means commercially available cultured turfgrass varieties, including bluegrass, fescue and ryegrass blends, commonly used in regularly cut lawn areas.

Weeds means:

- (1) Noxious weeds as defined and designated pursuant to the Minnesota Noxious Weed Law, M.S.A. §§ 18.76—18.88, as amended from time to time; or

- (2) Any volunteer plants, such as but not limited to garlic mustard (*alliaria petiolata*), spotted knapweed (*centaurea maculosa*), or burdock (*arctium minus*). The city weed inspector shall maintain a current list of volunteer plants that are prohibited.
- (b) *Responsibility of property owner.* An owner or occupant of any lot or parcel of land in the city, or agent of any such owner or occupant, shall not allow any herbaceous vegetation growing upon such lot or parcel of land, or growing upon a city right-of-way which abuts the lot or parcel of land, including the area between any sidewalk or trail and the curb of the street to grow to a height greater than ten inches or allow such vegetation to encroach onto or inhibit use of any sidewalk, trail, alley or street or go to seed or spread via root growth.
- (c) *Exceptions.* The provisions of subsection (b) of this section shall not apply on private property:
- (1) To vegetation that is located:
- a. On slopes equal to or steeper than three feet horizontal to one foot vertical (3:1);
 - b. In natural areas;
 - c. Within 50 feet of a natural area;
 - d. In a scenic or conservation easement;
 - e. In a garden;
 - f. In city park lands;
 - g. In a floodplain area designated on the official zoning map; or
 - h. Within a drainage pond or ditch which stores or conveys stormwater.
- (2) To native plant landscape areas, provided that:
- a. They are set back no less than one foot from the property line. No setback is required if:
 1. There is a fully opaque fence at least five feet in height installed between the native plants and the side or rear lot lines or
 2. The native plants abut a neighboring native plant landscape area;
 - b. The native plant landscape area is cut at least once annually between April 15 and July 15 to a height no greater than ten inches;
 - c. Turfgrass is eliminated and the native plants, trees and shrubs are planted through transplanting or seed by human or mechanical means. Soil erosion should be controlled while the ground is bare of plant growth that is sufficient to inhibit erosion and is the sole responsibility of the owner or occupant.
- (d) *Sightlines.* The native plant landscape area, garden, or natural area shall not obscure, block or impede visual sight lines; regulatory, warning or street identification signs; or street light illumination required to ensure the safe and efficient movement of vehicles and pedestrians on streets, alleys, intersections, trails, pathways and sidewalks.
- (e) *City authority and responsibility.* The city may require the owner or occupant who has planted, or has allowed to be planted, native plants or other vegetation within a drainage or utility easement or a right-of-way of a city street to remove the native plants or other vegetation from the right-of-way or drainage and utility easement at no expense to the city. The city will not be responsible for damage to turfgrass or any landscaped areas resulting from public use, public works improvements or snow removal activities within rights-of-way or drainage and utility easements.

(Code 1986, § 820.04)

Sec. 36-177. - Public nuisance.

Failure of the owner and occupant to comply with the requirements of section 36-175 by allowing such accumulations or growth shall be deemed to be a public nuisance.

(Code 1986, § 820.05)

Sec. 36-178. - Notice.

Whenever the owner or occupant permits the continuance of a public nuisance as defined in section 36-177, the city shall serve notice upon said owner or occupant by registered mail or personal service ordering such maintenance or removal within 48 hours following receipt of the notice and further notice that noncompliance will be followed by such maintenance or removal by the city at the expense of the owner or occupant and if unpaid, shall be made a special assessment against the property concerned as hereinafter provided.

(Code 1986, § 820.07)

Sec. 36-179. - Central business district notice.

Whenever the owner or occupant of a central business district property fails to remove snow/ice accumulation from abutting sidewalks and therefor permits the continuance of a public nuisance as defined in section 36-177, the city shall serve notice upon said owner or occupant by registered mail or personal service ordering such maintenance or removal within 24 hours following receipt of the notice and further notice that noncompliance will be followed by such maintenance or removal by the city at the expense of the owner or occupant and if unpaid, shall be made a special assessment against the property concerned as hereinafter provided.

(Code 1986, § 820.08)

Sec. 36-180. - Assessment.

On or before September 1 of each year, the city shall list the total of all unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this section. The city may then spread the charges against the benefited property as a special assessment pursuant to M.S.A. § 429.101 and other pertinent statutes for certification to the county auditor and collection for the following year with current real estate taxes due on said lots or parcels.

(Code 1986, § 820.09)

Sec. 36-181. - Repair or replacement by city.

- (a) The city shall repair or replace carriage walks and driveway aprons when, in the opinion of the city engineer and subject to council approval, such facilities are found to be in a state of disrepair and pose a danger to the health and safety of the public. Costs incurred shall be assessed against benefited property as a special assessment pursuant to M.S.A. ch. 429.
- (b) Notwithstanding provisions in this article to the contrary, the city shall repair or replace public sidewalks at its own expense without cost to the owner or occupant of adjacent property.

(Code 1986, §§ 820.11, 820.15)

Sec. 36-182. - Unused or abandoned curb cuts and driveway aprons.

Unused or abandoned curb cuts and driveway aprons shall be removed by the city and street, curb, gutter and boulevard restored in the event of street reconstruction, development or redevelopment of real property adjacent to such curb cut and apron or upon determination by the city that such unused or abandoned curb cut and apron impose a hazard to the health and safety of the public. Costs incurred shall be assessed against the benefited property as a special assessment pursuant to M.S.A. ch. 429.

(Code 1986, § 820.13)

Sec. 36-183. - Violation.

Continuation of a public nuisance as defined in section 36-177 in violation of this article or to interfere with a city employee or other authorized person in the performance of any current service following due notice to the owner or occupant of such lots or parcels is a misdemeanor violation of this article.

(Code 1986, § 820.17)