

## **SECTION 7.10. URBAN LANDSCAPE REGULATIONS.**

**Subd. 1.** For the purposes of this Section, the following listed specific words and terms are defined as follows:

- (1) **Compost:** A mixture of decomposing vegetable or plant refuse that is free from obnoxious odors.
- (2) **Garden:** A plot of land used for cultivation of flowers, vegetables, fruit, herbs, ornamental shrubs or trees used for recreation and display.
- (3) **Lawn Sprinkler:** A device with perforations through which water issues into the air from a hose or underground pipe to irrigate a lawn.
- (4) **Natural Landscape:** Incorporates native plants and natural processes that require less time, money and energy for upkeep than other primarily ornamental species. These landscapes become functioning ecosystems capable of providing food and shelter for animals and insects while perpetuating native species whose habitats are being reduced through developments. A partial list of these plants can be found at the University of Minnesota Extension Office.
- (5) **Prairie:** An open treeless plant community consisting of a diverse mix of sun-loving flowers, grass and sedge species.
- (6) **Rain Garden:** A created swale planted with native vegetation that captures and filters storm water before it reaches wetlands, rivers and lakes.
- (7) **Savanna:** A transitional plant community comprised of scattered mature trees with an understory of prairie vegetation.
- (8) **Traditional Lawn:** A fine-textured expanse of grass that is kept tended or mowed.
- (9) **Noxious Weeds:** The plant species of weeds as determined by Minnesota Statute, section 18.78 under the following headings: "State Prohibited Noxious Weed List," "Restricted Noxious Weeds," and "Secondary Noxious Weeds."
- (10) **Woodland:** A tree community covered by a tree canopy of at least 50% with an understory of shade-tolerant plants.

(11) Low Maintenance: Perennial rye, creeping red, chewings and hard fescues, clover and small wildflowers (wild ginger, blue violets and others similar). Also cover crops like oats or buckwheat. All require sun.

(12) Native grasses: Big and little bluestem, Indian grass, side oats grama and others similar. These also require mostly sun.

**Subd. 2.** City to Control Tree Planting (Standards). The City shall have control and supervision of planting shrubs and trees upon, or overhanging, all the streets or other public property. The City may establish and enforce uniform standards relating to the kinds and types of trees to be planted and the placement thereof. Such standards shall be kept on file in the office of the Public Works Director and may be revised from time to time by action of the Council upon the recommendation of the Public Works Director.

**Subd. 3.** Permit Required. It is a misdemeanor for any person to plant, spray, trim or remove trees or other plants which are upon City property, including rights-of-way, without first procuring from the City a right-of-way permit in writing to do so. Permits required by this subdivision shall be issued in accordance with Chapter 14.

**Subd. 4.** Duty of property owners to cut grass and noxious weeds and maintain shrubs.

A. Duty of City to Enforce: It is the duty of Director of Public Works, through his/her designee to inspect, document, control and enforce the maintenance and appearance of all property within the City as it relates to grass, noxious weeds, trees and shrubs. This person should be trained in the basics of sustainable urban landscaping and should utilize all resources associated with sustainable landscape practices as available at both the state and local levels.

B. Duty of Owners to Cut Grass and Noxious Weeds, Maintain Trees and Shrubs: Traditional lawn grass and noxious weed height shall be set at no higher than 6 inches for residential and commercial nonexempt parcels to discourage grasses and noxious weeds from going to seed and proliferating in unwanted areas. If any owner or occupant fails to assume the responsibility of this Section and, after notice given by the Public Works Director, has not within seven days of such notice complied, the City may cause such work to be done and the expenses thus incurred shall be a lien upon the property. Noncompliance after the initial citing shall be cause for immediate action without notice to bring property into compliance. The City Clerk shall certify to the Goodhue County Auditor a statement of the amount of the cost incurred by the City. Such amount together with interest and the initial Citation penalty shall be entered as a special assessment against

such lot or parcel of land and be collected in the same manner as real estate taxes.

- C. **Undeveloped Residential Lots and Outlots:** Open lots and outlots in residential areas. Where any undeveloped residential lot or outlot abuts an improved public street or highway, this lot or outlot shall be maintained to provide a 10-foot buffer zone measured from the street pavement or curb along the entire frontage of the lot or outlot. The buffer-zone grass shall be subject to the maximum length of 6 inches as designated in Section B of this section. Where any undeveloped lot or outlot abuts a property with a home or business, this lot shall also be maintained to provide a 10-foot buffer zone from both the adjoining private property as well as the street right-of-way. The buffer-zone grass shall be subject to the maximum length of 6 inches as designated in Section B of this subdivision. These lots shall be kept reasonably free of noxious weeds that have gone or are about to go to seed. The remainder of the lot shall be mowed twice annually, once between June 1 and June 15; and once between September 1 and September 15. These lots shall be seeded with low-maintenance, low-water grasses or native grasses to minimize maintenance and discourage growth of invasive species. At such time two-thirds of all lots are developed on any block, the remaining lots must be maintained to the same standard as in Section B of this subdivision.
- D. **Undeveloped Commercial Lots and Outlots:** Open lots and outlots in commercial areas. Where any undeveloped commercial lot or outlot abuts an improved public street or highway, this lot or outlot shall be maintained to provide a 10-foot buffer zone measured from the street pavement or curb along the entire frontage of the lot or outlot. The buffer-zone grass shall be subject to the maximum length of 6 inches as designated in Section B of this section. Where any undeveloped lot or outlot abuts a property with a business, this lot shall also be maintained to provide a 10-foot buffer zone from both the adjoining private property as well as the street right-of-way. The buffer-zone grass shall be subject to the maximum length of 6 inches as designated in Section B of this subdivision. These lots shall be kept reasonably free of noxious weeds that have gone or are about to go to seed.
- E. **Watering:** Watering of traditional residential lawns by lawn sprinkler (see definition) between the hours of 11:00 a.m. and 5:00 p.m. and also between 9:00 p.m. and 4:00 a.m. is discouraged in order to conserve water and

prevent turf disease. Exceptions may be made for newly-sodded/seeded lawns. In addition, the City retains the right to restrict public water usage as deemed necessary.

F. Exempted Parcels/Areas: Within the corporate limits of the City, certain areas may be exempted from maintenance regulations as set forth in Sections B, C, and D above provided their existence does not present potential safety hazards or violate other sections of this code. These areas include:

- Designated floodplains or wetlands
- Permitted or naturally occurring Prairie, Savanna, Woodland or Natural Landscapes
- Natural Landscape and Garden areas within traditional lawns
- Rain Gardens
- Golf Courses
- Public Schools
- Parks and Playing Fields
- Cemeteries
- Outlots that do not abut an improved public street or other ROW
- Agricultural Zoned Property

G. Permitting of Natural Landscapes/Prairie Restorations: Any owner of a lot or parcel of less than five acres desiring to develop natural landscape (on more than 50% of the parcel) may do so provided such plantings meet the requirements of the definitions in this ordinance and of Subd. 4B. Such parcels shall be subject to investigation and compliance by the Director of Public Works whose findings shall be valid for a period not to exceed one year at which time a new investigation can occur at the request of the landowner or of adjacent property owners.

H. Steep Slopes, Hillsides and Ditches: Require any grass replanting or soddings on steep slopes, hillsides, ditches and culverts to be low-water, low-grow grasses, native grasses or native wildflower species for the purpose of erosion control, water conservation and low maintenance.

**Subd. 5.** City May Order Work Done. Director of Public Works may, in cases of failure to comply with this section, perform such work, keeping an accurate account of the cost thereof for each lot, piece or parcel of land.

**Subd. 6.** Dumping: Placement of plant material, clippings, animal waste and other debris on these parcels shall be governed by Chapter 10 of the City Code.

**Subd. 7.** Establishment of Fee. The City shall set a fee for each out-of-compliance parcel by Ordinance, and said fee shall cover administrative costs in addition to any costs incurred in the cleanup and maintenance work that the City completes or causes to be completed.

Source: Ordinance No. 2, Fourth Series  
Effective Date: 04-16-2011