

**CITY OF LEXINGTON
COUNTY OF ANOKA
STATE OF MINNESOTA**

ORDINANCE NO. 23-02

AN ORDINANCE REGARDING NATIVE LANDSCAPE

WHEREAS, the first reading of this Ordinance occurred on February 2, 2023.

WHEREAS, the second reading of this Ordinance occurred on February 16, 2023.

THE CITY COUNCIL OF LEXINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Subdivision 1. Chapter 7 of the Lexington Code of Ordinances shall reflect the following changes.

Section 7.01 Definitions

MEADOW VEGETATION: Grasses and flowering broadleaf 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.

NOXIOUS WEEDS: Those plants so categorized by the state of Minnesota under Minnesota statutes 18.75 - 18.91 and listed on the "noxious weeds list" published by the Minnesota department of agriculture.

REGULARLY CUT: Mowing or otherwise cutting weeds or grass so that it does not exceed six inches (6") in length.

TURF GRASSES: Grasses commonly used in regularly cut lawn areas, such as bluegrass, fescue and rye grass blends, and nonwoody vegetation interspersed with them.

WEEDS: Shall be construed to mean and include all noxious weeds as defined by the statutes of the state of Minnesota to include, but not be limited to: buffalo bur, burdock, common cocklebur, crabgrass, dandelions, jimsonweed, quack grass, common and giant ragweed, field sandbur, velvetleaf, and wild sunflower, and all such useless and troublesome plants as are commonly known as weeds to the general public. Weeds also include anything that is horticulturally out of place. For example, a tree seedling is a weed in a vegetable garden.

SECTION 7.10. REGULATION OF GRASS, WEEDS, AND TREES.

Subdivision 3. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six inches it shall be prima facie evidence of a failure to comply with this Section. Every owner of property abutting on any street shall, subject to the provision herein requiring a permit therefore, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.

Subdivision 4. Weeds and grass. (A) All weeds or growing grass upon any lot, parcel of land, or adjacent right-of-way area in the city to a height greater than six inches, or which have gone or are about to go to seed, are hereby declared to be a nuisance and a detriment to the good order of the city with the following exceptions:

1. Meadow vegetation shown on an approved landscape plan as defined herein;
2. Natural wooded areas;
3. Wetlands, ponds or rain gardens; and
4. Areas where mowing is prohibited by easement or law.

(B) Landscape Plan: A property owner may establish that a plant or plants are not horticulturally out of place by providing a written landscape plan for the area in question, complete with a listing and locations of plant species. The plants specifically defined as noxious weeds may not be included within the landscape plan. Vegetation that does not comply with this plan are weeds.

An area may be established pursuant to a landscape plan if:

1. The prior vegetation is eliminated and the meadow vegetation is planted through transplanting or seed by human or mechanical means;
2. The area is cut at least once per year to a length of no more than six inches (6"), if weeds cover more than twenty five percent (25%) of the area;
3. The area is clearly defined by edging, fence, or similar material;
4. The area is set back not less than twenty feet from the front lot line.
For the purposes of this ordinance, corner lots shall be deemed to have two front yards;

5. The area is set back not less than five feet from the side and/or rear lot lines to provide a transition zone. No set back is required on the side or rear lot lines if:
 - a. 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
 - b. the native plants abut a neighboring Native Plant Landscape Area.
6. A sign is posted on the property in a location likely to be seen by the public, advising that a meadow or prairie is being established. This sign is required only if the meadow vegetation is in an area likely to be seen by the public. This sign must be in addition to any sign permitted by the Sign Ordinance but must be no smaller than ten inches (10") square, no larger than one square foot, and no higher than three feet (3') tall.

Subdivision 5. Zoning Permit: An approved landscape plan shall be incorporated into an biannual zoning permit. The City Administrator or his designee shall examine proposed landscape plans and issue a zoning permit when the elements of a plan meet the criteria set forth in this section. The zoning permit shall be subject to suspension or revocation if any vegetation grown on the lot, parcel of land, or adjacent right-of-way area does not conform to the approved landscape plan or otherwise violates law or regulation.

Subdivision 6. City May Order Work Done. The City may, in cases of failure to comply with this Section, perform such work with employees of the City, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

Subdivision 7. Assessment. If such maintenance work is performed by the City as set forth in the foregoing Subdivision, the Clerk shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The Clerk shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected.

Subdivision 2. Chapter 10 of the Lexington Code of Ordinances shall reflect the following changes.

SECTION 10.33. MAINTENANCE OF PRIVATE PROPERTY.

Subd. 1. Owner Responsibilities. It is the primary responsibility of any owner or occupant of any lot or parcel of land to maintain any weeds or grass

growing thereon at a height of not more than six (6) inches; to remove all public health or safety hazards there from; to install or repair water service lines thereon; and to treat or remove insect-infested or diseased trees thereon. *The maintenance requirements of this paragraph shall be consistent with the requirements contained in Section 7.10 of this Code of Ordinances.*

Subdivision 3. Chapter 15 of the Lexington Code of Ordinances shall reflect the following changes.

SECTION 15.103. GENERAL REQUIREMENTS.

Subd. 1. General Requirements. No person shall occupy as owner, occupant or let another for occupancy any dwelling or rooming unit for the purpose of living therein which does not comply with the following requirements.

- N. Maintenance of Grass, Weeds, Trees and Shrubs. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six-inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provision herein requiring a permit therefore, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street. The maintenance requirements of this paragraph shall be consistent with the requirements contained in Section 7.10 of this Code of Ordinances.

Subd. 6. Conditions of Components or Systems of Existing Residential Structures.

- O. Yard Cover. Exposed areas surrounding (or within) a principal or accessory structure, including street boulevards which are not devoted to parking, drives, sidewalks, patios or other such uses, must be landscaped with grass, shrubs, trees, or other ornamented landscape material. Such landscaping shall be maintained in good condition and free of noxious weeds. Weeds, including tall grass, may not exceed six inches in height. The maintenance requirements of this paragraph shall be consistent with the requirements contained in Section 7.10 of this Code of Ordinances.

Subdivision 4. This Ordinance shall be in full force and effect from and after its adoption and publication as required by law.

Subdivision 5. Summary Publication.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lexington, due to the lengthy nature of this Ordinance does direct that this title and summary be prepared for publication pursuant to Minn. Stat. 412.191, Subd. 4

The Council finds that the following text clearly informs the public of the intent and effect of Ordinance 23-02, and hereby approves the following summary text for publication:

“SUMMARY PUBLICATION OF ORDINANCE 23-02.

AN ORDINANCE REGARDING NATIVE LANDSCAPE, was approved by the Lexington City Council on February 16, 2023. This Ordinance revised property management requirements allowing for native vegetation.

NOTICE: the full text of Ordinance 23-02 and its attachments are available for public inspection at Lexington City Hall located at 9180 Lexington Avenue, Lexington, MN 55014, during regular office hours.”

PASSED by the City Council of the City of Lexington this 16th day of February, 2023.