

Section 1145 – Weed Elimination

Section 1145:00      Definitions.

Subd. 1.      “Weeds” shall mean and include all noxious weeds and prohibited noxious weeds as defined in Minnesota Statutes 18.77 and 21.81, as amended, and also all useless and troublesome plants as are commonly known as weeds to the general public.

Subd. 2.      “Owner” shall mean any and all owners of the fee interest in the property or the person or entity to whom the tax statements are mailed in accord with the Benton County Auditor’s records.

Subd. 3.      “City” shall mean the City of Foley, Minnesota.

Subd. 4.      “Notice” means written notice indicating the address or approximate location of the property in question, delivered personally to the owner of the property or sent by certified and regular mail to the address shown on the property tax statement for the property (and to the property address if applicable). If an address is not available on the property tax statements the notice may be made by posting on the property.

Section 1145:01      Weed Growth and Poisonous Plants Determined Nuisance.

The City has determined that allowing the growth of weeds, grasses and other rank to levels above ten (10) inches in height as well as the permitting of poisonous plants, ragweed and other plants detrimental to health are a nuisance to the owners and occupants of adjacent property and the citizens of the City.

Section 1145:02      Weed Growth Prohibited.

It is unlawful for any owner of property located within the City, whether or not such property is occupied, to permit or maintain the growth of weeds, grasses or rank vegetation to a height of greater than ten (10) inches or any accumulation of dead weeds or grass (with the exception of compost piles) on said property or upon right-of-way adjacent to said property between the property line and the curb (if no curb exists the edge of surface of the roadway) or on or along any alley adjacent to said property from the property line to the center of the alley.

Section 1145:03      Limitations on Poisonous Plants and Ragweed.

It shall be unlawful for any owner to permit or allow poison ivy, ragweed, or other plants which are poisonous or detrimental to health to grow on any property within the City in such a manner that any part of said weeds or plants extend upon, overhang or border any public property, or in such a manner which will allow said weeds or plants to seed or to emit pollen or other poisonous particles into the atmosphere that such seeds, pollen or particles may be carried to public or other privately owned property within the City.

Section 1145:04      Duty of Property Owner.

It shall be the duty of the property owner to cause the removal of all weeds, grasses or other rank, and poisonous and harmful vegetation in accord with Section 4 above. A property owner's duty to cut and remove such weeds and other items shall extend to boulevards and unimproved alleyways adjacent to said owner's property.

Section 1145:05      Agricultural Exemption.

Agricultural operations conducted in accord with the City's zoning and other ordinances shall not be subject to the provisions of this Ordinance to the extent this Ordinance would prohibit the growing and harvesting of crops, trees or other plants for sale or other use.

Section 1145:06      Notice of Violation.

When a property owner permits or allows weeds, grasses, or other vegetation to exist in violation of this Ordinance, the Weed Inspector, the Chief of Police, or the community service officer may serve notice upon said owner ordering the owner to have the weeds, grasses or other applicable vegetation cut and removed within 5 days of the date of the notice. The notice shall state that in case of noncompliance the work may be completed by the City at the expense of the owner and that if unpaid, the charge for such work will be made a special assessment against the property concerned. The notice shall also inform the property owner that the order may be appealed by filing a written notice of appeal with the City Clerk within the 5 days of the date of notice.

Section 1145:07      Appeal.

If an owner who received an order to cut and remove weeds, grasses or other vegetation as provided for by this Ordinance believes that the order has been wrongly issued, said owner may appeal the order by filing with the City Clerk a written notice of appeal within 5 days of the date of the notice. Upon receipt of notice of an appeal the City Clerk shall place the matter on the next regular Council Agenda, when the matter will be heard by the City Council. The owner may present testimony and information to the Council, as may the Weed Inspector, the Police Chief, City staff, and other concerned citizens. After due consideration, the City Council shall decide whether the order will stand. In the event the Council determines that the order is appropriate, the owner shall have 3 days from the date of the Council's decision to comply with the order.

Section 1145:08      Failure to Comply.

If an owner who has received an order under this Ordinance fails to comply within the applicable time frame, the City may, through its Superintendent of Public Works or the Superintendent's duly authorized employees or agents, cut and remove such weeds, grasses or other vegetation growing in violation of this ordinance. The Superintendent of Public Works shall keep a record showing the cost of such work attributable to each separate parcel and shall deliver such information to the Clerk for billing purposes.

Section 1145:09      Owner Responsible for Payment.

In the event the City is required to take action to bring any property in compliance with this Ordinance, the owner of the property shall be responsible to pay all such costs and expenses incurred by the City (including costs and expenses associated with City Staff time). Upon determining such costs and expenses of the City, the owner of the property will be sent an invoice by regular mail (sent to the address shown on the property tax statement for the property). In the event the invoice is not paid in full within 30 days of the date of mailing, the City Clerk may certify said expenses to the City Council for assessment against the property. Thereupon, said costs and expenses shall become a levied special assessment against the property to be paid in the following year together with the property taxes.

Section 1145:00 of the 1974 Code of Ordinances was repealed and replaced in its entirety by Ordinance Number 304, passed and adopted September 5, 2000.  
Section 1145:06 of the 1974 Code of Ordinances was amended by Ordinance Number 396, passed and adopted January 3, 2012.