

Relevant City Code and State Statute References

Maple Plain City Code Section 6-28 3A - Specific conditions and acts declared a nuisance.

(A) All noxious weeds, tall grasses, and other rank growths of vegetation which are in violation of state statutes which regulate and /or control growth of weeds and other vegetation and the following:

(1) It shall be the responsibility of all homeowners and landowners to cut grass in excess of the following height and to maintain real property within the city at or below this level of growth:

- (a) Residential, developed land – 8 inches of growth; and
- (b) Commercial/industrial, developed areas – 8 inches of growth.
- (c) (a) and (b) above shall not apply to plantings that are of a type and variety of grass or mixture of grass and flowers that promote insects for pollination or are native plantings; provided, however, that none of the plantings are noxious weeds. Native plantings shall be those plants that are plant species that were growing in Minnesota's biomes when European immigrants first arrived in MN.

Maple Plain City Code Section 6-31. - Enforcement.

(a) The City Administrator or the administrator's officer as designated by the City Council and all law enforcement officers employed or contracted by the City shall enforce the provisions of this article relating to nuisances. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

(b) Whenever, in the judgment of the Officer charged with enforcement, it is determined upon investigation that a public nuisance is being maintained or exists within the City, the Officer shall notify by issuing a compliance order to the person committing and maintaining the public nuisance and require said person to terminate and abate the nuisance and to remove the conditions or remedy the defects. The written notice shall be served on the person committing or maintaining the nuisance in person or by registered mail. If the premises are not occupied and the address of the owner is unknown, service on the owner may be had by posting the compliance order on the premises. The compliance order shall require the owner or occupant of the premises, or both, to take reasonable steps within a reasonable time to abate and remove the nuisance, the steps and time to be designated in the notice, but the maximum time for removal of the nuisance after service of the compliance order shall not in any event exceed 30 days. Service of notice may be proved by filing an affidavit of service in the office of the City Administrator setting forth the manner and time thereof. When a compliance order so given is not complied with, the

noncompliance shall be reported forthwith to the City Council for the action as may be necessary and deemed advisable in the name of the City to abate and enjoin the further continuation of the nuisance.

Maple Plain City Code Section 6-33. - Abatement of nuisance by City Council.

Without affecting any other penalty provision of this article, if, after the service of notice, the person served fails to abate the nuisance or make the necessary repairs, alterations, or changes in accordance with the directions of the compliance order within a reasonable time to be determined by the City Council, the nuisance may be abated at the expense of the City and the City shall recover the expenditure, including all reasonable costs incurred. The cost of the remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minn. Stats. ch. 429, as it may be amended from time to time, but the assessment shall be payable in a single installment.

Maple Plain City Code Section 6-34. - Immediate hazard abatement.

Without need for prior notice, if in the opinion of the official charged with the enforcement of this Code the nuisance complained of constitutes an immediate hazard, one that is a threat to the life, health, safety, or welfare of any person or property, the Officer shall, in addition to compliance with the other provisions of this Code, abate the hazardous conditions by whatever means said officer deems proper taking into consideration the nature and extent of the hazardous condition involved.

Minnesota Statutes § 18.83 CONTROL; ERADICATION; NOTICES; EXPENSES.

§ Subd. 6. Authorization for person hired to enter upon land.

The inspector or county-designated employee may hire a person to control or eradicate noxious weeds if the person who owns the land, the person who occupies the land, or the person responsible for the maintenance of public land has failed to comply with an individual notice or with the published general notice when an individual notice cannot be served. The person hired must have authorization, in writing, from the inspector or county-designated employee to enter upon the land.

Minnesota Statutes § 412.221

§ Subd. 23.Nuisances. The council shall have power by ordinance to define nuisances and provide for their prevention or abatement.

Minnesota Statutes § 412.925

§ Subd. 412.925 supports the right of property owners to install and maintain a managed natural landscape, which may exceed eight inches in height provided it is (1) planned, (2) intentional, and (3) maintained. This includes native and nonnative vegetation such as wildflowers and ornamental plants but excludes turf-grass lawns left unattended for the purpose of returning to a natural state. The law prohibits the presence of noxious weeds and requires consistent upkeep.

Minnesota Statutes § 429.101 UNPAID SPECIAL CHARGES MAY BE SPECIAL ASSESSMENTS.

§ Subd. 1. Ordinances. (a) In addition to any other method authorized by law or charter, the governing body of any municipality may provide for the collection of unpaid special charges as a special assessment against the property benefited for all or any part of the cost of:

(2) weed elimination from streets or private property;

Minnesota Statutes § 429.061 ASSESSMENT PROCEDURE.

§ Subd. 3. Transmitted to auditor, prepayment. After the adoption of the assessment, the clerk shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the county auditor of the county to be extended on the proper tax lists of the county; but in lieu of such certification, the council may in its discretion direct the clerk to file all assessment rolls in the clerk's office and to certify annually to the county auditor, on or before November 30 in each year, the total amount of installments of and interest on assessments on each parcel of land in the municipality which are to become due in the following year. If any installment and interest has not been so certified prior to the year when it is due, the clerk shall forthwith certify the same to the county auditor for collection in the then succeeding year; and if the municipality has issued improvement warrants to finance the improvement, it shall pay out of its general funds into the fund of the improvement interest on the then unpaid balance of the assessment for the year or years during which the collection of such installment is postponed. All assessments

and interest thereon shall be collected and paid over in the same manner as other municipal taxes. The owner of any property so assessed may, at any time prior to certification of the assessment or the first installment thereof to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the municipal treasurer, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption thereof; and, except as hereinafter provided, the owner may at any time prior to November 15 of any year, prepay to the treasurer of the municipality having levied said assessments, the whole assessment remaining due with interest accrued to December 31 of the year in which said prepayment is made. If the assessment roll is retained by the municipal clerk, the installment and interest in process of collection on the current tax list shall be paid to the county treasurer and the remaining principal balance of the assessment, if paid, shall be paid to the municipal treasurer. The council may by ordinance authorize the partial prepayment of assessments, in such manner as the ordinance may provide, prior to certification of the assessment or the first installment thereof to the county auditor.

§ Subd. 4. Collection, tax-exempt property. On the confirmation of any assessments the clerk shall mail to the county auditor a notice specifying the amount payable by any county, to the clerk or recorder of any other political subdivision a notice specifying the amount payable by the political subdivision and to the owner of any right-of-way, at its principal office in the state, a notice specifying the amount payable on account of any right-of-way. The amount payable on account of any right-of-way or public property shall be payable to the municipality's treasurer and shall be payable in like installments and with like interest and penalties as provided for in reference to the installments payable on account of assessable real property, except that interest accruing shall not begin to run until the notice provided in this subdivision has been properly given and 30 days thereafter have elapsed. The governing body of any such political subdivision shall provide for the payment of these amounts and shall take appropriate action to that end. If the assessment is not paid in a single installment, the municipal treasurer shall annually mail to the owner of any right-of-way and, as long as the property is publicly owned, to the owner of any public property a notice stating that an installment is due and should be paid to the municipal treasurer of the municipality which levied the special assessment. The municipality may collect the amount due on account of the right-of-way of any railroad or privately owned public utility by distress and sale of personal property in the manner provided by law in case of taxes levied upon personal property or by suit brought to enforce the collection of this indebtedness unless a different method of collecting such amounts is provided for by any contract between the owner of any right-of-way and the municipality.