

ORDINANCE NO. ____

CITY OF MAPLE PLAIN

**AN ORDINANCE AMENDING MAPLE PLAIN CITY CODE REGARDING MANAGED
NATURAL LANDSCAPES**

THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN DOES ORDAIN:

SECTION 1. AMENDMENT. The Maple Plain City Code Chapter 5, Article 1 is hereby replaced in its entirety as follows:

ARTICLE 1. – IN GENERAL

Sec. 5-1. – Definitions.

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

Landscape buffer area means a 5-foot buffer from the back of any curb and a 3-foot buffer from any side or rear property lines.

Managed natural landscape means a planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, pollinator habitats, and ornamental plants. The term “managed natural landscape” does not include turf grass lawns left unattended for the purpose of returning to a natural state.

Meadow vegetation means grasses and flowering broad-leaf plants that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities. The term “meadow vegetation” does not include noxious weeds.

Native vegetation means those indigenous trees, shrubs, wildflowers, grasses and other plants that have naturally adapted themselves to the climate and soils of the area but require cultivation and maintenance to remain viable. The term “native vegetation” does not include noxious weeds or turf grass.

Natural habitat means a specially uncultivated valued and sensitive habitat whereupon native vegetation or rain gardens exists in a pristine state and provides habitat for a variety of species native to the area, which vegetation shall maintain itself in a stable condition with minimal human intervention.

Noxious weed means an annual, biennial, or perennial plant that the commissioner of agriculture designates to be injurious to public health, the environment, public roads, crops, livestock, or other property.

Ornamental plants means grasses, perennials, annuals, and groundcovers purposely planted for aesthetic reasons.

Pollinator habitat means a managed natural landscape that not only serves as a habitat and food source for pollinators, but also reduce chemical runoff into local waterways and produce food free of potentially harmful pesticides.

Rain garden means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes, and rivers.

Turf grass means grass that is commonly used in regularly cut lawns or play areas, including but not limited to bluegrass, fescue, and rye grass blends.

Sec. 5-2. – Tree diseases.

(a) *Trees constituting nuisance declared.* The following are public nuisances whenever they may be found within the City:

- (1) Any living or standing elm tree or part thereof infected to any degree with the Dutch Elm disease fungus *Ceratocystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hylurgopinus Rufipes* (Marsh);
- (2) Any dead elm tree or part thereof, including branches, stumps, firewood, or other elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide;
- (3) Any living or standing oak tree or part thereof infected to any degree with the Oak Wilt fungus *Ceratocystis fagacearum*;
- (4) Any dead oak tree or part thereof which in the opinion of the designated officer constitutes a hazard, including, but not limited to, logs, branches, stumps, roots, firewood, or other oak material which has not been stripped of its bark and burned or sprayed with an effective fungicide;
- (5) Any tree, stump, ash firewood or cut logs found to harbor the emerald ash borer; and
- (6) Any other tree with an epidemic disease or determined as dead or dying by a forestry specialist or designated officer.

- (b) *Abatement of nuisance.* It is unlawful for any person to permit any public nuisance as defined in subsection (a) of this section to remain on any premises the person owns or controls within the City. The nuisance may be abated as provided in this chapter.
- (c) *Record of costs.* The City Administrator shall keep a record of the costs of abatement done under this section for all work done for which assessments are to be made, stating and certifying the description of the land, lots, parcels involved, and the amount chargeable to each.
- (d) *Unpaid charges.* On or before September 1 of each year, the City Administrator shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this section. The City Council may then spread the charges or any portion thereof against the property involved as a special assessment as authorized by Minn. Stats. § 429.101, as it may be amended from time to time, and other pertinent statutes for certification to the County Auditor and collection the following year along with the current taxes

Sec. 5-3. – Managed natural landscapes.

- (a) *Registration required.* It is a public nuisance for any person to install, permit to be installed, or maintain vegetation constituting a managed natural landscape, except pursuant to a valid managed natural landscape registration with the City under this section. A managed natural landscape registration shall be valid for three years from the date of issuance.
- (b) *Registration application.* An application for registration hereunder shall be filed with the City Administrator upon an application form furnished by the City Administrator or designee and shall contain:
 - (1) A statement of intent and purpose in cultivating native vegetation;
 - (2) A site plan showing lot lines, buildings, location of proposed native vegetation, the property's legal description, corner visibility requirements, and right-of-way requirements;
 - (3) Latin and common names of the species to be cultivated;
 - (4) Maintenance requirements for the species to be cultivated; and
 - (5) A maintenance plan containing the following:
 - a. The location and mature height of all species;
 - b. Detailed information on the upkeep of each species;

- c. Details of any long-term maintenance required for the native vegetation;
and
 - d. Details for the elimination of any non-native or invasive vegetation in the managed natural landscape.
- (c) *Buffer required.* No managed natural landscape or vegetation permitted as part of a managed natural landscape shall be placed or encroach upon a landscape buffer area.
- (d) *Registration approval.* The City Administrator or designee shall determine the completeness of the application and shall approve a managed natural landscape registration unless:
- (1) The maintenance plan is incomplete or inconsistent the application requirements;
 - (2) The managed natural landscape contains a plant classified as a noxious weed;
 - (3) The managed natural landscape encroaches upon any public right-of-way or boulevard;
 - (4) The applicant has unresolved City Code violations or administrative citations;
or
 - (5) The application is inconsistent with any provision of this section.
- (e) *Maintenance plan.* The holder of a managed natural landscape registration issued pursuant to this section shall be responsible for maintaining the vegetation in accordance with the maintenance plan submitted with the permit.
- (f) *Inspection.* The City Administrator or designee may regularly inspect any property holding a managed natural landscape registration for compliance with the maintenance plan on file with the City. For any property not in compliance with the approved maintenance plan, the City Administrator or designee shall give notice to the managed natural landscape registration holder by U.S. mail stating that the property must be brought into compliance with the maintenance plan within 30 days. If the managed natural landscape registration holder fails to bring the property into compliance with the maintenance plan, the City Administrator or designee may:
- (1) Revoke the issued managed natural landscape registration;
 - (2) Declare the property a nuisance;
 - (3) Order the removal of all improperly or unmaintained vegetation;

- (4) Declare the property ineligible for a managed natural landscape registration, unless the property is sold, for a period of one year; or
- (5) Assess the property for all fees and costs associated with inspection and removal of improperly maintained vegetation in accordance with City Code Section 6-33.

SECTION 2. AMENDMENT. The Maple Plain City Code Section 6-28 is hereby amended as set forth below to delete the text in ~~strike through~~ and to add the underlined language as follows:

Sec. 6-28. – Specific conditions and acts declared a nuisance.

- (3) 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:

- a. It shall be the responsibility of all homeowners and landowners to cut grass in excess of eight inches ~~the following height~~ and to maintain real property within the City at or below eight inches of growth. ~~this level of growth:~~

~~1. Residential, developed land: eight inches of growth.~~

~~2. Commercial/industrial, developed areas: eight inches of growth.~~

~~Subsections (3)a.1 and 2 of this section 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 the state's biomes when European immigrants first arrived in the state.~~

- b.
 - 1. Should the owner fail to cause removal of the weeds, tall grasses, or other rank growths, the City may cause and shall assess the cost of the removal to the property, collectible with taxes through the county.
 - 2. Because weeds, tall grasses and other rank growths create an immediate and increasing nuisance, the City is authorized to cause their removal after seven days written notice to the property owner or occupant. If the property is unoccupied, the notice shall be posted at the property for the same period of time.

- c. This subsection shall not apply to a managed natural landscape with a valid managed natural landscape registration issued in accordance with City Code Chapter 5, Article 1.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publications as required by law.

Adopted by the City Council of the City of Maple Plain this ____ day of _____, 2025.

Julie Maas-Kusske, Mayor

ATTEST:

Jacob Schillander, City Administrator

Published in the _____ on _____, 2025.