

## **ORDINANCE #01-21**

### **AN ORDINANCE REGULATING WEEDS AND GRASSES WITHIN THE CITY OF DEXTER, AND PROVIDING FOR A PENALTY FOR THE VIOLATION THEREOF**

**The City Council of Dexter, Minnesota, ordains:**

**SECTION 1. FINDINGS.** The Council finds that the allowing of weeds and grasses exceeding 8 inches in height are a public nuisance and not only potential, but immediate, habitat for rodents, the spread of noxious weeds and other hazardous conditions of decay which are unsanitary, unhealthy, and an ecological blight.

**SECTION 2. DEFINITIONS.** The following terms, as used in this Ordinance shall have the meanings stated:

- A. The term "Current Service" shall mean one or more of the following: weed and grass elimination from street grass plots adjacent to sidewalks, from private properties, and vacant or non-occupied private or public lots.
- B. The term "Weeds and Grasses" shall mean any weeds, grass or plants, other than trees, bushes, flowers, or other ornamental plants, growing to a height exceeding 8 inches.
- C. The term "Public Nuisance" shall mean and include (1) maintaining or permitting a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of the public; (2) interfering with, obstructing or rendering dangerous for passage any street, public right-of-way or water used by the public; (3) any other act or omission declared by law to be a public nuisance.

**SECTION 3. OWNERS RESPONSIBILITY FOR TRIMMING, REMOVAL AND THE LIKE.** All property owners shall be responsible for the removal, cutting, or disposal and elimination of weeds, grasses or other uncontrolled plant growth on their property, not to exceed 8 inches in height.

**SECTION 4. DUTY OF CITY:** It shall be the duty of the City to make inspections as necessary to determine that public and private property within the city limits is being maintained and not in violation of this ordinance. If the city finds that any property is in violation of this ordinance, it shall cause a notice to be served upon the owner of the property. The notice shall provide that within seven regular business days after the mailing of the notice that the violation shall be removed by the property owner or person occupying the property. The notice will also state that if the owner fails to eliminate the violation, the City may employ the services of a city employee or outside contractor and remove the weeds and/or grasses to conform with the Ordinance by all lawful means and that a fee will be charged to the owner of the property, and that if unpaid, will be made a special assessment against the property. The amount of the fee will be included in the City of Dexter's Adopted Fee Schedule.

**SECTION 5. ABATEMENT BY CITY.** In the event that the property owner shall fail to comply within seven regular business days, the City Council may employ the services of city staff or outside contractors and remove the weeds to conform to this Ordinance by all lawful means.

**SECTION 6. LIABILITY.**

- A. The property owner is liable for all costs of removal, cutting or destruction weeds/grasses as defined by this Ordinance, not limited to court costs, attorney's fees and interest on any unpaid amounts incurred by the city.
- B. The City Clerk will determine the cost incurred by the city and shall prepare a bill and mail it to the property owner and thereupon the amount shall be immediately due and payable at the office of the City Clerk.
- C. All sums payable by the property owner may be collected as a special assessment as provided by M.S. §429.101, as to be amended from time to time.

**SECTION 7. PENALTIES:**

- A. First time violators of this Ordinance shall receive a letter from the City Clerk along with a copy of this Ordinance.
- B. Second time violators of this Ordinance shall be guilty of a misdemeanor. Each day on which a continuing violation exists may be prosecuted as a separate offense.

**SECTION 8. EFFECTIVE DATE:** This Ordinance shall be in effect from and after its passage and publication.

Passed and adopted by the Dexter City Council this 5<sup>th</sup> day of April, 2021 by a vote of 4 yeas and 0 nays.

  
\_\_\_\_\_  
Mayor

Attest:

  
\_\_\_\_\_  
Clerk-Treasurer