

ORDINANCE NO. 843

**AN ORDINANCE OF THE CITY OF BAYPORT, WASHINGTON COUNTY, MINNESOTA
AMENDING CHAPTER 62 - VEGETATION OF THE BAYPORT CITY CODE**

THE CITY COUNCIL OF THE CITY OF BAYPORT DOES HEREBY ORDAIN:

Section 1. Chapter 62 – Vegetation of the Bayport City Code is hereby deleted in its entirety and the following shall be substituted therefore:

ARTICLE I. IN GENERAL

62-1. 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:

Inspector: any licensed forester, arborist, or other person designated by the city to carry out activities authorized in this section.

Vegetation: soil retention cover consisting of living trees, shrubs, plantings, grasses, weeds, turf, or similar material.

Yard waste: materials that are considered to be dead or decaying waste from plants or vegetation and include tree branches and limbs, leaves, brush, grass clippings, wood chips, and mulch that shall be stored and disposed of in accordance with Chapter 46 – Solid Waste of the city's code.

62-2. Vegetation maintenance and height.

Vegetation shall be reasonably maintained so as to avoid health and safety hazards and prevent degradation in the value of adjacent property, as follows:

- (1) Turf grass and weeds shall be maintained on all properties to a maximum height of 6 inches.
- (2) On corner lots, trees, shrubs, and plantings shall be maintained to a maximum height of 2.5 feet within 15 feet of intersecting street right-of-way lines, with the exception of trees less than 6 inches in diameter, which have been determined not to impede visibility, and have a canopy that is maintained at minimum height of 10 feet above grade.
- (3) Limbs of trees and other vegetation shall be maintained at a minimum height of 8 feet above the surface of a public sidewalk and 15 feet above the surface of a street, alley, or other public right-of-way.

62-3. Vegetation on boulevards and rights-of-way.

Public boulevards and rights-of-way may only consist of turf grass and/or trees, unless otherwise approved by the city. It is the responsibility of a private property owner to provide reasonable maintenance of turf grass within or abutting a public boulevard or right-of-way, with the exception of tree planting and trimming, which shall be the responsibility of the city.

Sec. 62-4-62-25. Reserved.

ARTICLE II. PUBLIC NUISANCES

Sec. 62-26. Declaration of public nuisance.

The following are declared to be a public nuisance affecting health and/or public safety:

- (1) All noxious weeds, hazardous or diseased trees, accumulations of yard waste, and other rank growths of vegetation on public or private property.
- (2) Bark-bearing elm and/or ash wood logs or firewood, whether in the open or within a building or other enclosure, stored on public or private property between April 1 and September 15.
- (3) Any dead, hazardous or diseased tree, vegetation or part thereof, including logs, branches, or stumps, in jeopardy of falling on a structure or on the property of another.

Sec. 62-27. Inspection.

The city shall appoint an inspector to coordinate and enforce all activities relating to this chapter of the Bayport City Code of Ordinances. The inspector will inspect all properties within the city as necessary, and recommend the details of any program for the declaration, control and prevention of nuisances. The inspector is authorized to enforce or cause to be enforced the tasks incident to such a program adopted by the city. If an inspection by a licensed forester or arborist is requested and/or necessary for a particular property, the consulting costs are to be shared equally by the city and the requesting party/property owner.

Sec. 62-28. Abatement on public and private property.

If the public works department, upon inspection and examination by a city inspector, licensed forester or arborist, determines that any public nuisance as herein defined exists in or upon any public street, alley, park or other public place within the city and that the danger to other vegetation within the city is imminent, the public works department shall immediately cause the public nuisance to be removed.

If the public works department, upon inspection and examination by a city inspector, licensed forester or arborist, determines with reasonable certainty that any public nuisance as herein defined exists in or upon private premises, the public works department shall serve upon the owner of such property, if the owner can be found, or upon the occupant thereof, a written notice to abate such nuisance. Turf grass and/or weeds shall be abated within 7 days of the service of such notice. Other public nuisances described within this chapter shall be abated within 20 days of the service of such notice. If such owner or occupant does not remove such nuisance within the time limit, the public works department shall cause the same to be removed. No damage shall be awarded to the owner for destruction of any vegetation pursuant to this section.

Sec. 62-29. Assessment of costs.

The entire cost of abating any public nuisance as herein defined shall be chargeable to and assessed against the parcel or lot upon or in which such public nuisance is located, as allowed by Minnesota Statutes, Chapter 429, as amended. The cost of abating any such nuisance which is located in or upon any park, parkway, street, alley, boulevard or city-owned grounds shall be borne by the city.

The public works department shall record the costs of abatement work done under this section and shall report monthly to the finance officer all work done for which assessments are to be made, stating and certifying the description of the land, lots, parts of lots or parcels of land and the amounts chargeable to each. The finance officer shall include in the report to the city council the aggregate amounts chargeable

to each lot of parcel so reported and such amounts shall be levied and assessed against such parcels or lots in the same manner as other special taxes.

Sec. 62-30. Violations and penalties.

(a) The violation of any section of this article shall be subject to a misdemeanor citation, an administrative citation or a civil penalty as defined in Chapter 25 – Prohibited Acts and Penalties of the Bayport City Code of Ordinances.

(b) The city may bring an action to restrain, enjoin or abate violations of this article.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication according to law. Passed by the City Council for the City of Bayport this 9th day of June, 2014.

Susan St. Ores, Mayor

Attest:

Logan Martin, City Administrator