

ORDINANCE NO. 195

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

AN ORDINANCE TO CONTROL AND ERADICATE THE GROWTH OF NOXIOUS WEEDS AND TO REGULATE EXCESSIVE GROWTH OF OTHER WEEDS AND NONAGRICULTURAL GRASSES WITHIN THE CITY OF ARLINGTON AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS.

1.01. Purpose. The purpose of this ordinance is to control and eradicate the growth of Noxious Weeds and regulate the Excessive Growth of other Weeds and Nonagricultural Grasses within the City of Arlington.

1.02. Definitions. For purposes of this ordinance the following terms have the meanings given.

Subd. 1. “Control” means to destroy the aboveground growth of noxious weeds by a lawful method that prevents the maturation and spread of noxious weed propagating parts from one area to another.(Minnesota Statutes Chapter 18.77, Subdivision 3)

Subd. 2. “Eradicate” means to destroy the aboveground growth and the roots of noxious weeds by a lawful method that prevents the maturation and spread of noxious weed propagating parts from one area to another.(Minnesota Statutes Chapter 18.77, Subdivision 4)

Subd. 3. “Excessive Growth” means the growth of weeds or nonagricultural grass measured 12 inches or more in height.

Subd. 4. “Nonagricultural grass” means grasses that are not used or intended to be an agricultural commodity.

Subd. 5. “Noxious Weed” means an annual, biennial, or perennial plant that the commissioner designates to be injurious to public health, the environment, public roads, crops, livestock, or other property.(Minnesota Statutes Chapter 18.77, Subdivision 8)

Subd. 6. “Weed” means any unwanted or unsightly plant that hinders the growth of cultivated plants.

1.03. Public Nuisance. Any Noxious Weed or excessive growth of weeds and nonagricultural grasses measuring 12 inches or more in height is hereby declared to be a public nuisance affecting public health, safety and welfare in the City of Arlington.

1.04. Enforcement. When any condition exists on any parcel of land, both public and private within the City of Arlington, as described in Section 1.03, it shall be the duty of the Code Enforcement Officer of the City to serve a notice to the owner, occupant and/or agent of said parcel, ordering said owner, occupant and/or agent to cut and remove said weeds or grasses on the parcel within ten (10) days upon service of the notice. Noxious weeds must be controlled or eradicated within ten (10) days upon service of notice.

1.05. Abatement. Upon failure of the owner, occupant and/or agent of said parcel to comply with said notice, the city shall cut and remove said weeds and grass and bill the owner of the parcel for all costs associated with such abatement, plus an additional 25% to apply to the City's costs for administration. In addition to any other legal remedy, the City may recover costs by civil action against the owner of the parcel or by assessing such costs as a special assessment against the property pursuant to Minnesota Statutes Section 429.101.

1.06. Penalties. Any person violating any provision of this Ordinance is guilty of a misdemeanor and upon conviction shall be subject to the misdemeanor penalties set forth in Minnesota Statute Section 609.02, Subdivision 3, or any laws amending or replacing such law.

1.07. Severability. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.

1.08. Repeal. The City of Arlington Ordinance No. 123 is hereby repealed.

This Ordinance shall become effective immediately upon publication.

For City of Arlington

/s/ David Czech

By David Czech

It's Mayor

/s/ David L. Krueger

By David L. Krueger

It's City Administrator

First Reading: April 17, 2006

Second Reading: May 1, 2006

Adopted: May 1, 2006

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