

City of Prior Lake

Cutting and Removing Weeds

The City of Prior Lake has ordinances regarding the cutting and removal of grass and weeds. Please take a few minutes to read the following information and thank you for doing your part.



605.200: The following conditions are public nuisances whenever they may be found within the City:

1) Any weeds, dirt or rubbish, or any will, offal, garbage (except in authorized containers), ash, manure, yard cleanings, dead animals, or any other foul or unhealthy material;



2) Fallen trees, fallen tree limbs, dead trees and dead tree limbs which in the opinion of authorized enforcement officers constitute a health, safety or fire hazard or threaten the public welfare.

601.800: No person shall wilfully burn or set fire to any grass, weeds or other natural ground cover or any building...unless a permit therefor had been secured from the Fire Chief.



609.701: It shall be unlawful...to permit...any growth of plants, grass, brush or other weeds or vegetation which is horticulturally out of place to a height greater than 12 inches.

For more information or questions, please contact code enforcement officer Dale Stefanisko at (952) 447-9811, or dstefanisko@cityofpriorlake.com.

SECTION 609
PROPERTY MAINTENANCE

SUBSECTIONS:

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609.100: **FINDINGS AND PURPOSE:** The purpose of this Section is to establish standards that define the obligations of property owners to maintain the condition of their property, dwellings and structures on the property and personal property located on the property. The City Council finds that property and structures that are not maintained are harmful to the general welfare of the residents in the area and are not conducive to the City's goals as set out in its 2030 Vision and Strategic Plan. The City Council believes it is necessary to establish Property Maintenance criteria and standards in order to:

- (1) Preserve the value of commercial and residential property within the City;
- (2) Protect the character and stability of neighborhoods within the City;
- (3) Provide for minimum standards of maintenance for commercial and residential property within the City and ensure compliance;
- (4) Establish a mechanism to cause correction to conditions on properties that do not comply with the standards of maintenance established herein.
- (5) Assist in the identification and correction of dangerous or life threatening conditions that may be identified within the City.
- (6) Provide a mechanism to mitigate potential public health issues identified within the City.

609.200: **DEFINITIONS:** For the purpose of this ordinance, the following definitions shall apply.

Accessory Structure means a use or a structure subordinate to the principal use or structure on the same land and customarily incidental thereto. Accessory buildings or structures shall include, but are not limited to: decks, porches, detached garages, and sheds.

Building means any structure having a roof which may provide shelter or enclosure of persons, animals or chattel. Buildings shall include, but are not limited to: dwellings, offices, warehouses, and stores.

Firewood means split wood or unsplit wood logs cut into lengths not exceeding three (3) feet for the purpose of burning in a fireplace or as a recreational fire on the property.

Property means a legally described parcel of land, including but not limited to structures, parking lots, landscaping, lighting, signs and all other physical elements on the site and the use, operation and functioning of these elements. Property shall include any developed or undeveloped land, parcel or platted lot, including any buildings, structures, and accessory structures thereon.

Structure means anything constructed or erected, the use of which requires a location on the ground. Structures include, but are not limited to advertising signs, billboards, towers and fences greater than 6 feet in height, pavilions, gazebos, pergolas, trellises, retaining walls greater than 4 feet in height, and swimming pools.

609.300 BUILDING AND STRUCTURE APPEARANCE AND MAINTENANCE

REQUIREMENTS: Any property, building or structure, including an accessory structure, is a violation of this ordinance and a public nuisance if its exterior does not comply with the following requirements:

- 609.301: The exterior of all buildings and structures shall be maintained in good repair, structurally sound and in a sanitary condition so as not to pose a threat to the public health, safety or welfare of other property owners in the vicinity.
- 609.302: All buildings shall have complete siding. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, or falling or loose stucco or brick with an area of one (1) square foot to prevent vermin, mold, rot, deterioration and other structural damage, and to protect the value of properties in the vicinity.
- 609.303: **Graffiti:** It shall be the responsibility of the owner to restore any exterior surface of any structure or building surface damaged, mutilated or defaced by any marking, carving or graffiti by removing such exterior markings. Such repair shall be completed within ten (10) days after said defacement.
- 609.304: All doors, windows, and gutters shall be operable and maintained in good repair, shall fit within their frames and shall be free of open breaks or holes in order to prevent vermin, mold, rot, deterioration and other structural damage, to maintain energy conservation, and to protect the value of properties in the vicinity.
- 609.305: In all districts, fences, retaining walls and landscaping shall be maintained so as to prevent health hazards, or unsafe conditions. Fences, retaining walls and landscaping shall be free of open breaks or holes.

609.400 COMPLETION OF EXTERIOR WORK AND DEMOLITION WORK

609.401 **Completion of Exterior Work.** In accordance with Minnesota Rules 1300.0120, subp. 11, every permit issued shall become invalid unless the work authorized by the permit is commenced within 180 days after its issuance, or if the work authorized by the permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official may grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing, before the expiration date of the permit. The request for an extension shall include the reasons the permit holder was not able to meet the timelines in the permit. In order to grant an extension the building official must find that an extension of the permit is justified due to circumstances beyond the control of the permit holder.

609.402 **Demolition Projects.** All demolition projects that are not part of a new construction project shall be completed within ninety (90) days of issuance of the demolition permit. Completion of work requires site clean-up, disposal of all material, and final grading and turf establishments. Prior to the expiration of the initial demolition permit, the permit holder may request in writing an extension to allow completion of the demolition work. The Building Official may authorize an extension beyond the initial ninety (90) day period, upon a showing by the permit holder that the failure to complete the demotion project was due to circumstance beyond the control of the permit holder. The maximum extension may not exceed thirty (30) days.

609.500 FIREWOOD AND CONSTRUCTION MATERIAL STORAGE:

609.501: No wood or wood product, with the exception of firewood and construction materials shall be kept or stored on property in a Residential Use districts, except as provided for herein.

Construction materials for on site work may be stored on the residential property, if the property owner has a building permit for the on-site work. Construction and landscaping material, which shall be consumed or used on the property within the next thirty (30) days and kept in a neat, workman like fashion.

Firewood may be stored in Residential Use districts solely for use on the premises and not for resale.

609.502: All firewood located on a residential lot shall be stored as follows:

609.503: Firewood shall be stored or kept in a neat and secure stack (maximum of two cords, defined as 128 cubic feet per cord), which shall be no higher than five feet.

609.504: No firewood shall be stored in the front yard. No firewood shall be stored within five (5) feet of any rear or side property line unless the wood is stored in an accessory structure meeting all required structure setbacks.

609.505: The firewood stacks shall not be allowed to become infested with rats, rodents, or vermin, or stacked in a manner that presents a hazard by virtue of collapse.

609.506: Tree limbs, roots, and other brush shall be promptly removed from the property.

609.600 OTHER OUTDOOR STORAGE: Except as provided for in Sections 609.601 through 609.603 or as specifically allowed within a Use district established by the Zoning Code, all materials and equipment shall be stored within a structure.

609.601: Clothesline poles and lines, play equipment, garden equipment, patio furniture, and trampolines shall not be considered outdoor storage.

609.602: Temporary storage pods used to store items during house remodeling may be kept on the driveway for a period not to exceed ninety (90) days except by CUP application for major remodeling.

609.603: No pallets shall be stored on the property seven days after they are no longer used.

609.700 WEEDS

609.701: **Cutting and Removal of Grass and Weeds:**

- 1) It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of any such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the City to permit or maintain on any such lot or property or along the sidewalk, street or alley adjacent to the same, any growth of plants, grass, brush, or other weeds or vegetation which is horticulturally out of place to a height greater than twelve inches (12"). This requirement does not apply to the following:
 - Slopes greater than three feet horizontal to one foot vertical (3:1);
 - A wetland, wetland buffer or flood plain designated on the official Zoning Map;
 - A drainage pond, raingarden or ditch which stores or conveys storm water;
 - Maintained and weeded gardens, trees and shrub plantings;
 - Property being used for agricultural purposes; and
 - An area designated as a "natural preserve" by the City Council.

- 2) The determination of what constitutes a "natural preserve" shall be made by the City Council in its sole discretion. The City Council shall consider the following factors in making its determination:
 - Whether there are compelling reasons to preserve the property in its natural state;
 - The zoning district of the City within which the property is located; and
 - Whether any public safety or health problems may result if the area is designated a "natural preserve".

609.702: **Duty of Owner, Lessee or Occupant to Remove.** It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed all such weeds, grass, brush or other poisonous or harmful vegetation as often as may be necessary to comply with the provisions of subsection 609.100. This ordinance shall be enforced at all times between the established growing season of April 1 to November 1.

609.703: **Undeveloped Property:**

- 1) All undeveloped lots shall maintain a fifteen foot (15') strip of trimmed vegetation to a height of not over twelve inches (12") along any adjacent developed lots and any bordering city street.
- 2) Following the initial grading and seeding of an undeveloped lot, vegetation will be allowed to grow to the height necessary to establish a proper root system.

Exceptions:

- In Residential Use Districts, this ordinance will not apply to undeveloped property; provided the undeveloped property does not abut a developed lot containing a building or provided the undeveloped property is greater than one acre in size, and provided the lot is in compliance with the provisions of Section 609.301.
- In Commercial and Industrial Use Districts, this ordinance will not apply to undeveloped lots which are greater than one (1) acre in size provided the lot is in compliance with the provisions of Section 609.301. The city code enforcement officer may determine and require a wider strip of trimmed vegetation; depending on any unique conditions of the lot.

609.704: **Work done by City:** If the provisions of the foregoing subsections are not complied with the City shall provide written notice of the violation and the actions required to remedy the violation. The City shall mail the notice to the owner of record of the property, as determined by the records of the Scott County Auditor, and shall post the notice on the door of the property (or if the property is vacant at another visible location on the property). If the violation is not remedied within the time provided by the notice, the City may enter upon the property and remedy the violation. The City may invoice the owner of record of the property for all of the costs of remedying the violation, including but not limited to inspection costs, administration costs, and abatement costs. If the owner of record of the property fails to pay the costs as required by the invoice the City may specially assess the costs against the property as provided for in Minnesota Statutes Section 429.101 or any other applicable authority. The assessment shall accrue interest at the rate of the bonding rate for the calendar year in which the assessment is adopted plus 2% beginning from the date of the adoption of the assessment except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption thereof. The assessment and interest thereon shall be a lien against the

property shall be collected and paid in the same manner as other municipal taxes.
(Amd. Ord. 116-17, publ. 09/17/2016)

609.800: **PENALTY:** Any person violating the terms of this Section shall, upon conviction thereof, be found guilty of a misdemeanor and shall be punished in accordance with the penalties established by Minnesota Statutes. Each day the offending condition exists or is maintained upon the property shall constitute a separate offense.

(Amd. Ord. 109-12, publ. 09/19/2009)