

ORDINANCE NO. 2355-08

ORDINANCE AMENDING CHAPTER 34 OF
THE ST. LOUIS PARK CODE OF ORDINANCES
CONCERNING VEGETATION AND DISEASE CONTROL

THE CITY OF ST. LOUIS PARK DOES ORDAIN:

SECTION 1. Section 34-51 of the City Code is amended to read as follows:

Sec. 34-51. Declaration of policy.

The City Council has determined that the health of the trees within the municipal limits is threatened by tree diseases and pests. It is further determined that the loss of trees growing upon public and private property, the existence of hazardous trees, the failure to dispose of downed trees and the existence of limbs over streets and sidewalks substantially depreciate the value of property within the City and/or impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent these conditions, and this division is enacted for that purpose.

SECTION 2. Section 34-52 of the City Code is amended by adding the following subsection:

Sec. 34-52. Public nuisance declared.

- (7) Any living or standing tree or part thereof infected to any degree with any injurious pest (disease or insect) which can infect, in potential epidemic proportions, other trees, compromising health and welfare of tree and if left untreated will cause tree failure and death.

SECTION 3. Section 34-59 of the City Code is amended to read as follows:

Sec. 34-59. Reporting discovery of tree disease.

Any owner or occupier of land or any person engaged in tree trimming or removal who becomes aware of the existence of a tree disease or injurious pest as defined in Section 34-52, shall report the existence of such disease to the City.

SECTION 4. Section 34-82 of the City Code is amended to read as follows:

Sec. 34-82. Approved trees.

No trees shall be planted as street trees except by permission granted by the Director of Parks and Recreation.

SECTION 5. Section 34-85 of the City Code is amended to read as follows:

Sec. 34-85. Protection of trees.

No building material, machines or equipment of any description shall be piled near any street tree unless such tree is first sufficiently protected by a proper guard and/or tree protection fencing as described in Section 36-364 to prevent possible injury, and all instructions issued for that purpose by the Director must be promptly complied with by the owner or contractor.

SECTION 6. Section 34-111 of the City Code is amended to read as follows:

Sec. 34-111. Weeds declared a nuisance; duty of owner..

(a) Any weeds, whether noxious or not as defined by state law, or turf grass growing at a height greater than six inches upon any privately owned lot or tract of land in the city or upon any public boulevard or similar public property alongside the traveled portion of a street or alley abutting the private property are hereby declared to be a nuisance, except as authorized in Section 34-117. Turf grass is any type of vegetative grasses used for recreational or residential purposes.

SECTION 7. Chapter 34 of the Code of Ordinance is amended to add the following Article:

CHAPTER 34 VEGETATION

ARTICLE IV. VEGETATION MAINTENANCE

Sec. 34-114. Purpose. The purpose of this Article is to establish minimum standards for lawn maintenance while recognizing that a variety of landscapes within a community adds diversity and richness to the quality of life for all residents. Turf grass lawns continue to be recognized as the dominant feature in the landscape; however, alternatives to this traditional type of lawn are recognized as important parts of a diverse and successful landscape. A parcel with proposed Native Vegetation that exceeds 800 square feet or exceeds 25% of parcel surface area will require a Native Vegetation Permit.

Sec. 34-115. Definitions. The following terms when used in this Article shall have the following meanings:

- (a) "Maintenance Plan" – a document submitted with an application for a Native Vegetation Permit demonstrating a precise course of maintenance for numerous individual plants in a landscape over months and seasons.
- (b) "Native Vegetation" – 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.
- (c) "Native Vegetation Permit" – a permit issued by the City pursuant to this article allowing an owner or occupant to cultivate Native Vegetation upon his/her property. A Native Vegetation Permit exempts an owner or occupant from Section 34-116(c).
- (d) "Natural Habitat" – specially uncultivated, valued and sensitive habitat whereupon native vegetation exists in a pristine state and provides habitat for a variety of species native to the area. Such vegetation shall maintain itself in a stable condition with minimal human intervention.
- (e) "Noxious Weeds" – an annual, biennial, or perennial plant designated by state statute, the Minnesota Commissioner of Agriculture or the City Council as injurious to public health, the environment, public roads, crops, livestock, or other property.
- (f) "Rank Vegetation" – uncultivated vegetation growing at a rapid rate due to unplanned, unintentional, or accidental circumstances.
- (g) "Turf Grass" - cultivated vegetation consisting of a highly maintained surface of dense grass underlain by a thick root system.
- (h) "Weeds" – unsuitable, unwanted, or uncultivated vegetation, often causing injury to the desired vegetation type, excluding noxious weeds.

Sec. 34-116. Lawn Maintenance Requirements.

- (a) All lot areas not covered by buildings, designated parking areas, paths, driveways and impervious surface shall have planted Turf Grass, Native Vegetation, or combined ground cover of cultivated vegetation, garden, hedges, trees and shrubbery.
- (b) No owner or occupant of any lot shall allow any noxious weeds to grow on any part or portion of said lot.
- (c) No owner or occupant shall allow any Turf Grass, Weeds, Native Vegetation or Rank Vegetation to grow to a height greater than six (6) inches on any lot or parcel of land.

Sec. 34-117. Exemptions. The following land is exempt from the requirement of Section 34-116(c):

- (a) Vacant and unoccupied land consisting of a contiguous tract of one (1) acre, provided that Weeds, Turf Grass, Native Vegetation, and Rank Vegetation thereon are cut twice annually. The first cutting shall not be later than June 1, and the second cutting shall be made between July 15 and September 15.
- (b) Private lands designated by the City Council as Natural Habitat.
- (c) Public lands designated in the City's Comprehensive Plan as Natural Habitat.
- (d) Native Vegetation, with a Native Vegetation Permit in accordance with Section 34-118.

Sec. 34-118. Native Vegetation Permit.

- (a) Permit. Upon satisfaction and completion of all the requirements of this section, the City Manager or designee shall issue a Native Vegetation Permit. A Native Vegetation Permit permits the permittee to cultivate Native Vegetation and exempts the property from Section 34-116(c). A Native Vegetation Permit shall be valid for five (5) years from the date of approval. The City Manager or designee shall not approve a Native Vegetation Permit for property with unresolved Code of Ordinance violations or administrative citations.
- (b) Application. The Application for a Native Vegetation Permit which shall be provided by the City Manager or designee shall contain the following:
 - (1) Statement of intent and purpose in cultivating Native Vegetation.
 - (2) Site plan showing lot lines, buildings, location of proposed Native Vegetation, the property's legal description, and corner visibility requirements as defined by Section 24-47 of the City Code.
 - (3) Latin and common names of the species the property owner or occupant plans to cultivate.
 - (4) Maintenance requirements for said species.

- (5) Name and address of a professional landscaping company which has been hired to perform maintenance on the Native Vegetation; or the name, address, and qualifications of the person(s) who will be responsible for maintenance of the Native Vegetation.
- (6) A Maintenance Plan, which shall contain the following:
 - a) Planting diagram showing the location and mature height of all specimens of Native Vegetation;
 - b) Detailed information on the upkeep of the plantings; and
 - c) Details of any long-term maintenance required for the Native Vegetation.
- (c) Revocation. The City Manager or designee may regularly inspect any property holding a Native Vegetation Permit for compliance with the Maintenance Plan on file with the City for the property. If any property is not in compliance with the Maintenance Plan, the permittee may be notified and ordered to bring the property into compliance with the approved permit within thirty (30) days. If the permittee falls to comply with the order, the City Manager or designee may:
 - (1) Revoke the Native Vegetation Permit;
 - (2) Remove all improperly maintained Native Vegetation;
 - (3) Declare the property ineligible for a Native Vegetation Permit, unless sold, for a period of two (2) years; and
 - (4) Assess the property for all costs associated with inspection of the property and any removal of improperly maintained Native Vegetation in accordance with Minnesota Statutes § 429.101.

Sec. 34-119. Penalty.

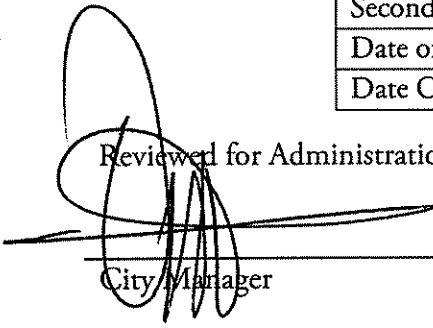
The violation of any provision of this Article is a misdemeanor and the violator shall be fined or penalized not more than the maximum levels established by the State of Minnesota for misdemeanor offenses. Each day on which the violation continues is a separate offense.

SECTION 8. This ordinance shall be deemed adopted and take effect fifteen days after its publication.

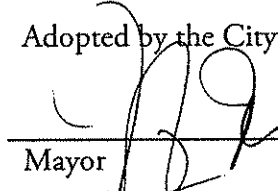
First Reading	May 5, 2008
Second Reading	May 19, 2008
Date of Publication	May 29, 2008
Date Ordinance takes effect	June 13, 2008

Reviewed for Administration:

Adopted by the City Council May 19, 2008



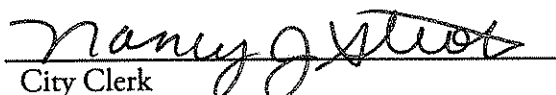
 City Manager



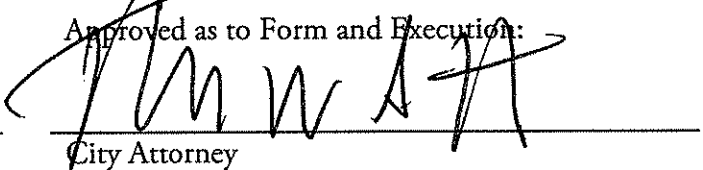
 Mayor

Attest:

Approved as to Form and Execution:



 City Clerk



 City Attorney