

**CITY OF WAVERLY
WRIGHT COUNTY, MINNESOTA**

Ordinance 17-02

**AN ORDINANCE AMENDING SECTIONS 90.38-90.43 OF THE
WAVERLY CITY CODE OF ORDINANCES RELATING TO WEED
ELIMINATION**

The Waverly City Council does hereby ordain:

Section 1. Sections 90.38, 90.39, 90.40, 90.41, 90.42, and 90.43 are amended to read as follows:

§ 90.38 OWNERS RESPONSIBLE FOR TRIMMING, REMOVAL AND THE LIKE.

All property owners shall be responsible for the removal, cutting or disposal and elimination of weeds, grasses and rank vegetation or other uncontrolled plant growth on their property which is in excess of eight inches in height. Haying of grass/weeds is prohibited.

§ 90.39 FILING COMPLAINT.

Any person, including the city, who believes there is property located within the corporate limits of the city which has growing plant matter in violation of this subchapter shall make a written complaint signed, dated and filed with the City Clerk/Treasurer. If the city makes the complaint, an employee, officer or Council member of the city shall file the complaint in all respects as set out above.

§ 90.40 NOTICE OF VIOLATIONS.

(A) Upon receiving notice of the probable existence of weeds or long grass in violation of this subchapter, the City shall cause the property to be inspected. If a violation is found, a notice shall be sent to the property owner as that information is contained within the records of the City Clerk/Treasurer. The notice shall be served in writing via regular mail and shall describe the violation and provide that unless the violation is corrected within 10 days from the date of mailing, the City shall cause the violation(s) to be corrected and shall assess its costs to the property owner. The notice shall also provide that the property owner may appeal the violation order by contacting the City Clerk in writing no later than 5 days from the date of mailing. Only one notice shall be sent during each spring/summer season. If violations continue during the same calendar year, the City shall continue to cause the violation(s) to be corrected without further notice to the property owner. Upon initial notice of a violation, it shall be the property owner's responsibility to ensure that the property does not continue to violate this subchapter during the same spring/summer season.

(B) (1) All notices are to be in writing and all filings are to be with the City Clerk/Treasurer.

(2) Certified mailing to the City Clerk/Treasurer or others is deemed filed on the date of posting to the United States Postal Service.

§ 90.41 APPEALS.

(A) The property owner may appeal by filing written notice of objections with the City Council no later than 5 days from the date of mailing if the property owner contests the finding of the City Council. It is the property owner's responsibility to demonstrate that the matter in question is shrubs, trees, cultivated plants or crops or is not otherwise in violation of this subchapter, and should not be subject to destruction under the Subchapter.

(B) An appeal by the property owner shall be brought before the City Council and shall be decided by a majority vote of the Council members in attendance and being at a regularly scheduled or special meeting of the City Council.

§ 90.42 ABATEMENT BY CITY.

Unless a notice of appeal has been properly filed and is pending, if the property owner has failed to comply with the violation notice within 10 days from the date of mailing, the City shall cause the violation to be corrected and may utilize the services of city employees or outside contractors and remove the grass/weeds to conform to this subchapter by all lawful means.

§ 90.43 LIABILITY.

(A) The property owner is liable for all costs associated with the violation including but not limited to removal, cutting or destruction of weeds, as defined by this subchapter.

(B) The property owner is responsible for all collection costs associated with weed destruction, including but not limited to court costs, attorney's fees and interest on any unpaid amounts incurred by the city. If the city uses municipal employees, it shall set and assign an appropriate per hour rate for employees, equipment, supplies and chemicals which may be used.

(C) All sums payable by the property owner are to be paid to the City Clerk/Treasurer and to be deposited in a general fund as compensation for expenses and costs incurred by the city.

(D) All sums payable by the property owner may be collected as a special assessment, as provided by M.S. § 429.101, as it may be amended from time to time.

Section 2. Effective Date. This ordinance is effective upon passage and publication according to law.

Passed by the Waverly City Council on the 11th day of April, 2017.

Constance Holmes, Mayor

ATTEST:

Deborah Ryks, Clerk

