



Application for Native & Naturalistic Vegetation

City of Brooklyn Center

Community Development Department

6301 Shingle Creek Pkwy, Brooklyn Center, MN 55430 | Phone: 763-569-3330

www.brooklyncentermn.gov

GOVERNMENT DATA PRACTICES ACT—TENNESSON WARNING:

The data you supply on this form will be used to process the registration you are applying for. You are not legally required to provide this data, but we will not be able to process the registration without it. The data will constitute a public record if and when the registration is granted.

The following information is required:

- Completed Application
- Site plan of proposed location

The undersigned hereby makes application to the City of Brooklyn Center, Hennepin County, Minnesota, for registration subject to the laws of the State of Minnesota and of the City of Brooklyn Center.

Address:

Property Owner:

Owner Mailing Address:

Owner Email Address:

Owner Phone Number:

I have received, read and understand city code Chapter [19-1551 through 19-1555](#) (the native and naturalistic vegetation ordinance) and will comply with all requirements of this ordinance.

Native & Naturalistic Vegetation Check List

- Must comply with setback regulations as required by Section 19-1554
- Property lines must be marked
- The area of the vegetation must be clearly defined by landscape edging or fencing
- For any areas viewable by the public, a sign shall be posted (provided by the City)

Applicant's Signature: _____ **Date:** _____



Native & Naturalistic Vegetation Site Plan

Please include:

- Street names
- Size of garden
- Setback requirements

NATIVE AND NATURALISTIC VEGETATION REGISTRATION AND REQUIREMENTS

Section 19-1551. INTENT. The City Council determines that a variety of properly maintained landscapes in the City add diversity and a richness to the quality of life. The City Council also supports the preservation, restoration, and maintenance of diverse and biologically stable natural plant communities. The City Council also supports environmentally-sound practices, including those to preserve residential pollinators, such as the Rusty Patched Bumble Bee. The City Council finds that the establishment of native and naturalistic vegetation is an acceptable landscape treatment in the City. However, as a protection for the larger community, such native and naturalistic vegetation must be properly planted, maintained, and the length of transition period must be minimized such that the property does not create a public nuisance.

Section 19-1552. DEFINITIONS. For the purposes of Sections 19-1551 through 19-1555, the following terms shall have the meaning given them in this section.

- a. “Native and naturalistic vegetation” means all native grasses and native plants that are native to, or adapted to, the State of Minnesota, and that are commonly found in meadow or prairie plant communities, with the exception of noxious weeds.
- b. “Native grasses” mean grasses that existed in the State of Minnesota prior to European settlement including, but not limited to, beach grass, wood chess grass, sand reed grass, wheat grass, bluestem grass, grama grass, brome grass, buffalo grass, switch grass, Indian grass, and wild rye, with the exception of turf grasses.
- c. “Native plants” mean plants that existed in the State of Minnesota prior to European settlement.
- d. “Landscape edging” means material or vegetation used to differentiate a planting bed from turf grasses or adjacent planting beds.
- e. “Meadow” or “prairie” means those plant communities dominated by a diversity of native perennial herbaceous plants and grasses.
- f. “Noxious weeds” mean grasses or plants so designated by the Commissioner of the Department of Agriculture, pursuant to Minnesota Statutes, Section 18.77, Subdivision 8, or plants so designated by Hennepin County or the United States Department of Agriculture. The term includes any grass or plant that exceeds the height limitations established in these Sections 19-1551

through 19-1555. The term shall not include *Taraxacum officinale* (commonly referred to as the “common dandelion”).

- g. “Registered owner” means a property owner that has applied for and has been registered by the City to establish or maintain native and naturalistic vegetation on their property.
- h. “Regularly cut” means mowing or otherwise cutting grasses or plants such that the dimension of the grasses or plants measured from the ground to the top of the grass or plant (as extended upright) does not exceed 12 inches in height.
- i. “Transition period” means the amount of time to change from one type of landscaping to another.
- j. “Turf grasses” mean bluegrass, fescue, ryegrass blends, or those other grasses commonly used in regularly cut lawns, including such grasses with non-woody vegetation interspersed within.

Section 19-1553. REGISTRATION REQUIRED; APPLICATION; CONDITIONS.

- a. City Registration Required. No person shall establish or maintain native and naturalistic vegetation without having first registered with the City.
- b. Registration Process.
 - 1. Any person desiring to register to establish or maintain native and naturalistic vegetation on their property shall submit to the City a registration application on the form provided by the City Manager or designee.
 - 2. No application shall be considered complete unless it contains all the information required on the form.
 - 3. The City Manager or designee shall review applications to determine if they are complete and whether the proposed vegetation complies with the City Code.
 - 4. The City Manager, or designee, may deny a registration application if they determine the proposed vegetation does not comply with the City Code.
 - 5. An applicant aggrieved by the application decision may appeal the decision as described in this Section.

- c. Conditions of Registration. The registered owner shall comply with all of the following with respect the native and naturalistic vegetation on their property.
 - 1. Comply with the setback regulations as required by Section 19-1554.
 - 2. Comply with the maintenance regulations as required by Section 19-1555.
- d. Suspension or Revocation of Registration. The City Manager or their designee may suspend or revoke a registration if the registered owner fails to comply with the requirements of these 19-1551 through 19-1555. The City shall provide the registered owner written notice of the suspension or revocation that states the reasons for the decision. The notice shall also inform the registered owner of their right to appeal the decision to the City Council and the deadline for filing such an appeal.
- e. Appeal. An applicant or registered owner aggrieved by any registration denial, suspension, or revocation decision of the City Manager or designee may appeal the decision to the City Council. Written notice of the appeal must be given to the City Clerk within 10 days of the written decision, as indicated in the notice of decision, and must summarize the person's reasons for appealing. The City Council shall consider the appeal at the next regularly scheduled City Council meeting on or after 10 days from the filing of the notice of appeal to the City Manager.

Section 19-1554. SETBACK REQUIREMENTS, EXEMPTIONS.

- a. Setback Regulations, Generally. Native and naturalistic vegetation shall be set back at least five feet from the side and rear lot lines, unless exempted by this Section.
- b. Exemptions to Setback Regulations. No setback shall be required on the side or rear lot lines if:
 - 1. A fully opaque fence at least five feet in height is installed between the native and naturalistic vegetation and the side and rear lot lines, as applicable; or

2. The native and naturalistic vegetation abut native and naturalistic vegetation on an adjacent lot.

Section 19-1555. GENERAL MAINTENANCE REQUIREMENTS.

- a. Native and naturalistic vegetation shall be maintained in such a manner that it does not contain noxious weeds.
- b. Native and naturalistic vegetation shall be maintained at least once per year through mowing or, if appropriate permits are obtained from the City Fire Chief, through burning.
- c. The area in which native and naturalistic vegetation is planted shall be clearly defined by landscape edging or fencing. Native and naturalistic vegetation that directly abuts at least five feet width of mowed and maintained turf grass shall be considered to have adequate landscape edging.
- d. The area in which native and naturalistic vegetation is planted shall not extend into public rights-of-way.
- e. For any area in which native and naturalistic vegetation is likely to be seen by the public, a sign shall be posted on the property in a location likely to be seen by the public advising that native and naturalistic vegetation, a meadow, or prairie is being established. The sign shall be in addition to any sign permitted by the sign ordinance, but shall be no smaller than 10 inches square, no larger than one square foot, and no higher than 3 feet tall.
- f. The maintenance of the area to a height of 8 inches or less if weeds cover more than 25% of the landscaped area equaling in excess of 144 square feet.
- g. Any native and naturalistic vegetation within 18 inches of any public street, walk, bikeway or alley shall be maintained to a height of 12 inches or less.

- h. The duration of any transition period to native and naturalistic vegetation shall not extend more than three growing seasons for any specific area.
- i. Except to the extent expressly allowed by these Sections 19-1551 through 19-1555, registered owners shall maintain native and naturalistic vegetation in accordance with all other requirements of the City Code.

PROVIDING FOR THE CONTROL OF NOXIOUS WEEDS

Section 19-1601. CONTROL OF NOXIOUS WEEDS. It shall be the duty of every occupant of land or, if the land is unoccupied, the owner thereof, or his agent, or the public official in charge thereof, to cut down, otherwise destroy, or eradicate all noxious weeds as hereinafter defined, standing, being, or growing upon such land, except for areas within natural preserves, in such manner and at such times as may be directed or ordered by the Brooklyn Center Weed Inspector.

Natural preserves shall be publicly owned lands designated as park or open space or private properties approved by the City.

Section 19-1602. ADOPTION OF STATUTES BY REFERENCE. The regulatory provisions of Minnesota Statutes Sections 18.76 to 18.88 *Minnesota Noxious Weed Law* are hereby adopted for the control of noxious weeds within the City of Brooklyn Center. Said State regulations are incorporated in and made a part of this ordinance as completely as if set out here in full.

Section 19-1603. NOXIOUS WEEDS DEFINED.

- a. For purposes of this ordinance, "noxious weeds" means any plant which is identified by the Minnesota Commissioner of Agriculture as a noxious weed or secondary noxious weed pursuant to Minnesota Statutes Section 18.77, Subdivision 8.
- b. Any weeds or grass growing to a height greater than eight (8) inches or which have gone or about to go to seed.

Section 19-1604. PENALTIES. Any person, firm or corporation violating provisions of this ordinance by failing, neglecting, or refusing to comply with the provisions thereof, shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000) or imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution.