

Noxious Weed Resolutions
November 2019
(changes in red)

Resolution One: Address Invasive Plant Species

WHEREAS, Northfield's high-quality natural lands, including its forest, grasslands, and wetlands, are among the community's most valuable assets; and

WHEREAS, the preservation and enhancement of Northfield's natural resources is a policy goal identified in the 2008 Comprehensive Plan; and

WHEREAS, the 2019 Climate Action Plan identifies "[p]roactively pursu[ing] increased canopy coverage to improve long-term resilience" as a key strategy in adapting to climate change; and

WHEREAS, invasive plant species threaten the health of the urban forest and other natural lands; and

WHEREAS, state and county governments may not act quickly enough to address the threat posed by invasive plant species to Northfield's natural lands; and

WHEREAS, Northfield property owners deserve to be informed of threats to the city's natural resources;

Therefore, the Environmental Quality Commission urges the Northfield City Council to:

1. Amend the City ordinance, Section 86.1: Noxious Weeds, as specified below, to clarify that invasive plant species may be classified as noxious weeds; and
2. Create a prohibited plant list, to be posted on the city website.

Chapter 86 VEGETATION

ARTICLE I. – IN GENERAL

Sec. 86-1. – Weeds and Invasive Species.

(a) The term "weeds," as used in this section means not only such noxious weeds as are enumerated in Minn. Stat. § 18.77 and acts amendatory thereto, but also such useless and troublesome plants as are commonly known as weeds to the general public. Weeds shall also be construed to mean all rank vegetable growth which exhales unpleasant or noxious odors, and also high and rank vegetable growth that may conceal filthy deposits.

(b) The term "invasive species" as used in this section are invasive species that are not native to Minnesota and cause economic or environmental harm or harm to human health as defined by the MN Executive Order 13112.

(c) The city shall maintain a list of prohibited invasive plant species, to be posted in a public place such as the city website. The list shall incorporate by reference any plants on the state list of invasive species established under Minn. Stat. sec. 84D.04. City staff and the Environmental Quality Commission may recommend to the City Council that other plant species be added to the list when they threaten environmental harm or harm to human health in the City of Northfield. Plants may be added to the invasive species list by a majority vote of City Council.

(d) Any plant on the City's list of prohibited invasive plant species growing on any lot or parcel of land is declared to be a nuisance and dangerous to the health, safety and good order of the city.

(e) Any weeds or grass upon any lot or parcel of land (including the lands between the curblineline of the street or alley and the property line of private properties) that are about to go to seed or have grown to height greater than one foot are declared to be a nuisance and dangerous to the health, safety and good order of the city. Exempted from this provision are any grasses or forage crops used for agricultural purposes or planned landscaping purposes, and/or areas officially designated as wildlife areas.

(f) When any conditions exist on any lot or parcel of land within the city limits that violates subsections (d) or (e) of this section, it shall be the duty of the public works director/city engineer to serve a notice on the owner or occupant of the lot or parcel of land, ordering such owner or agent to have such invasive species, weeds, or grass cut and removed or sprayed within ten days after the service thereof. The notice shall also state that in the case of noncompliance, the work will be done by the public works director/city engineer at the owner's expense. When such premises shall appear to be vacant and unoccupied or when the owner or occupant cannot be found, notice may be served by posting it upon the premises in a conspicuous place.

(g) Upon the failure of the owner, occupant or agent to comply with the provisions of the notice and after the expiration of ten days, the public works director/city engineer shall cut and remove or spray the invasive species, weeds or grass. Further, the public works director/city engineer shall determine the cost thereof and charge the owner of the premises therewith and shall report the costs thereof to the council at the next regular meeting thereof, at which time any person objecting shall be heard.

(h) If no objection is made or if the council shall find that the work was properly done, the amount of such cost shall be reported to the county auditor as for other special assessments, and the auditor shall cause the cost to be assessed, levied and collected in one payment, provided that within 30 days after the report of the public works director/city engineer is made to the council, the amount of such cost may be paid to the treasurer.

(Code 1986, §§ 1005:50—1005:70)

State Law reference—Control or Eradication of Noxious Weeds, Minn. Stat. § 18.77; Invasive Species, Minn. Stat. sec. 84D.04.

Rationale: Invasive plants are a growing threat to ecological resilience of urban forests and other natural lands. Invasive plants can impair the ability of forests, grasslands, and wetlands to withstand climate change and provide important ecosystem services, such as sequestering carbon, reducing the heat island effect, and filtrate stormwater runoff.

Northfield is fortunate to have high-quality natural lands that contribute to its quality of life and economic vitality. However, the City Code does not clearly authorize the City to protect its natural lands by controlling invasive plant species. The only provision of the Code relating to invasive plants is the Noxious Weed Ordinance (Sec. 86.1). This ordinance is confusing and does not explicitly prohibit plants that threaten the ecological integrity of natural lands but do not “exhale unpleasant or noxious odors” or “conceal filthy deposits.” This ordinance might be interpreted to cover invasive plant species, but its ambiguity leaves property owners without clear notice that plants on their property may constitute a nuisance.

The State of Minnesota does maintain a list of prohibited invasive plants, and Rice County is also authorized to address invasive plants. However, neither the State nor the County is likely to give adequate attention to protecting Northfield’s unique and high-quality natural lands. The City should not have to wait until the State and County address invasive plants that pose a threat to its urban forest. The City has a duty to be proactive in addressing threats to its quality of life. It also has a duty to help landowners make ecologically responsible decisions by educating them about which plants are invasive in this region.

Resolution 2: Add Amur Cork Trees to list of prohibited plants

WHEREAS, the Amur Cork Trees (*Phellodendron amurense*, *Phellodendron lavallei*, and *Phellodendron sachalinense*) are known to be invasive trees that can seriously overrun forests; and

WHEREAS, because of its invasive nature, governmental units such as the state of Wisconsin, have prohibited sale of these trees; and

WHEREAS, at least three of these trees have been identified on public property within the City of Northfield; and

WHEREAS, the limited number of these trees currently in Northfield makes this the time to stop their spread here before the state requires it and the task becomes an expensive one;

Therefore, the Environmental Quality Commission urges the Northfield City Council to:

1. Add Amur Cork Trees (*Phellodendron amurense*, *Phellodendron lavallei*, and *Phellodendron sachalinense*) to the invasive plant list references in City Code, Section 86.1: Noxious Weeds;
2. Direct the city staff to identify and remove these trees from public locations in as timely a manner as feasible to prevent the propagation of more trees; and
3. Request staff to notify the Park and Recreation Advisory Board, educate the public, inform area nurseries, and develop public relations means to help those affected by loss of the trees understand why they need to be removed.

Rationale: Amur Cork Trees have been found to be an invasive species capable of taking over forest lands. Wisconsin and some eastern states have designated it as a prohibited tree (<https://dnr.wi.gov/topic/Invasives/fact/AmurCorkTree.html>). In the summer of 2018, Nancy Braker, Director of the Carleton Arboretum, Carleton, began to witness the invasion of Amur Cork Trees in Northfield. She alerted the Environmental Quality Commission to it being a serious danger to the City's urban forest and has acted to remove Amy Cork trees from Carleton College land.

Over a century ago, many of the Amur Cork Tree's features made it a welcome ornamental plant in the U.S. Its popularity on boulevards spread from eastern states to midwestern ones before scientists became aware of how easily its seeds propagate. A single tree normally produces thousands of seeds each year, and the plant can easily overtake forests.

A male-only tree without seeds may not be a menace, so are allowed in some states. However, sex is hard to determine in young trees and the tree appears to be able to alter its sex. Therefore, at the recommendation of Nancy Braker, we urge the City to prohibit the tree altogether.

Director Braker knows of two Amur Cork Trees in the boulevards along 4th and Oak (one of which may be an older male tree), and one in Central Park (likely an older male). There are likely more throughout the city. We urge the City to direct staff to check tree surveys and be on

the lookout for this tree. Older, male trees are a lower priority; the other examples should be removed as soon as feasible.

The City should work closely with people impacted by this. The EQC recommends: 1) providing sound, sympathetic information well in advance of removal about why a tree will be taken down; 2) making suggestions for replacing the tree; 3) letting them know what trees would be better ones (based on the city's urban forest goals and options serving residents' likely interests); 4) informing them how the size and good planting practices of a replacement tree matters; and 5) informing them what initial care is good for a replacement tree. Good communication might also include putting a notice about the removal of a tree in a park. This could include the reasons for it being cut down, information on how people can donate for a replacement, or at least information that the tree will be replaced.