

ORDINANCE NO. 39, 4th SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, AMENDING CITY CODE TITLE IX ENTITLED "GENERAL REGULATIONS" BY REVOKING WEEDS SECTIONS 98.35 AND AMENDING/REPLACING SECTION 98.35 WEEDS WITH THE FOLLOWING; AND BY ADOPTING BY REFERENCE CITY CODE TITLE 1 AND SECTION 10.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY OF EAST GRAND FORKS ORDAINS:

Section 1. That Section 98.35 of the City Code is hereby REVOKED and amended to read as follows, to-wit:

CHAPTER 98. - PUBLIC NUISANCE

WEEDS/GRASS

98.35. - Definitions.

As used in this chapter, the following words, and terms, unless the context clearly requires otherwise, shall have the following meanings:

Garden shall mean a cultivated and maintained area, not located within a public right-of-way, berm, or boulevard, dedicated to growing vegetables, fruits, flowers, ornamental grass, shrubs, and similar plants that are planted in a well-defined location.

Managed natural landscape means a planned, intentional, and maintained planting of native or nonnative grasses, wildflowers, forbs, ferns, shrubs, or trees, including but not limited to rain gardens, meadow vegetation, and ornamental plants. Managed natural landscapes do not include turf-grass lawns left unattended for the purpose of returning to a natural state.

Meadow vegetation means grasses and flowering broad-leaf plants that are native to, or adapted to, the state of Minnesota, and that are commonly found in meadow and prairie plant communities, not including noxious weeds. "Noxious weed" has the meaning given in section 18.77, subdivision 8.

Ornamental plants mean grasses, perennials, annuals, and groundcovers purposely planted for aesthetic reasons. The term shall not include turf grass or weeds.

Rain garden means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of stormwater and accompanying pollutants from entering streams, lakes, and rivers.

Tall grass shall mean grass predominantly more than eight (8) inches in height. The term shall not include tall grass that exists as part of a cultivated and maintained managed natural landscape.

Turf-grass lawn means a lawn composed mostly of grasses commonly used in regularly cut lawns or play areas, including, but not limited to bluegrass, fescue, and ryegrass blends, intended to be maintained at a height of no more than eight inches.

Weeds shall mean volunteer plants that grow or reproduce aggressively or are invasive outside of its native habitat and which tend to overgrow or choke out more desirable plants, crop, or lawn. "Noxious weed" has the meaning given in section 18.77, subdivision 8. The term shall include "noxious weeds" as defined by the commissioner of the Minnesota Department of Agriculture and shall also include all plants classified or described as a weed by the United States Department of Agriculture. The term shall also include other plants capable of causing skin reactions upon contact, producing allergic respiratory reactions, or posing a fire danger.

98.36. - Purpose.

The city hereby finds that tall grass and weeds can have an adverse effect on neighborhoods by providing a refuge for vermin and insects; creating fire hazards; harborage of mosquitoes; production and transmission of spores, pollens and molds; transmission of weeds; retention of litter and debris; creating an appearance of abandoned property; adversely affecting property values; and impairing neighborhood and community aesthetics; among other adverse or blighting effects. The purpose of this article is to secure the public health, safety and general welfare of the city residents, property owners, and visitors by regulating tall grass and weeds.

98.37. - Declaration of public nuisance.

All tall grass and weeds exceeding eight (8) inches in height growing within the limits of the city are hereby declared to be a public nuisance, except as otherwise provided herein. It shall be the duty of every person owning, occupying, or in charge of any premises, lot or parcel of land in the city to keep that premise, parcel or lot, including the adjacent rights-of-way, berms and boulevards free from all tall grass and weeds by cutting or destroying them as required herein between April 1 and November 1 of each year. Medians separating street sections shall not be included in the requirements of this article. Tall grass that exists as part of a managed natural landscape shall not be included in the requirements of this article.

98.38. - Unlawful act.

(A) Except as part of a managed natural landscape as defined in this section, any weeds or tall grasses growing upon any lot or parcel of land in the city to a greater height than eight (8) inches or that have gone or are about to go to seed shall be considered to be a public nuisance for the purposes of this article and are prohibited.

(B) It shall be unlawful for the owner or occupant of any lot or parcel of land to which this chapter applies to allow or maintain upon any portion of any premise, parcel, lot, adjacent

right-of-way, berm, or boulevard, any tall grass or weeds in any managed natural landscape or landscaping display in a condition other than a substantially weed free condition.

(C) It shall be unlawful for the owner or occupant of any lot or parcel of land to which this chapter applies to allow or maintain a garden or managed natural landscape upon any public right-of-way, berm, or boulevard without specific authorization from the city. This prohibition shall not, however, apply to gardens or managed natural landscape planted or maintained by the city or the East Grand Forks Park and Recreation Department.

98.39. - Exemptions.

Property may be exempt from the cutting or mowing requirements listed in this chapter if approved by the community development director, or his or her designee, upon a finding that the exemption is warranted due to safety concerns, environmental concerns, and/or esthetic benefits which do not unreasonably jeopardize the public health, safety and general welfare of the city residents, property owners and visitors. Conditions or situations in which such an exemption may be granted shall include but not be limited to property that:

- (1) Cannot be safely mowed;
- (2) Is highly erodible;
- (3) Is undevelopable;
- (4) Is located in an undisturbed natural area;
- (5) Is densely wooded;
- (6) Is too wet to mow such as a marsh, wetland, stormwater drainage pond, riverbank, or coulee, either natural or manmade;
- (7) Is zoned agricultural and is legally used for bona fide agricultural purposes;
- (8) Is part of the greenway;
- (9) Any lot, parcel, or portion thereof upon which construction is occurring; or
- (10) Is a part of the flood control system.

98.40. - Notice to abate.

Notice to abate a violation of this chapter shall be given in writing to the property owner or occupant and shall state a specified period of time for abatement by the property owner or occupant. Where the property owner or occupant cannot be found or otherwise given notice by mail, notice to abate a violation of this article may be given by posting a sign in a conspicuous place on the premises.

98.41 Appeals

(A) The property owner may appeal by filing written notice of objections with the City Council within 48 hours of the notice, excluding weekends and holidays, 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 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.

98.42. - Abatement.

Whenever any person, firm or corporation owning, occupying or in charge of any premise, lot or parcel of land within the city limits, shall fail, neglect or refuse to mow or cut the tall grass and weeds in accordance with the provisions of this article or shall fail to eradicate, cut or control weeds or tall grass within ten (10) days of mailing of notice by the community development department, the community development department shall order the nuisance to be abated by eradicating, cutting or controlling the weeds or tall grass in a manner specified by the department.

98.43. - Right of entry.

The community development department and its authorized agents are hereby empowered and authorized to enter upon any premises or land within the city for purposes of inspecting, eradicating, cutting, removing, destroying, or controlling tall grass and weeds prohibited under this article. No person shall molest or interfere with such person or persons while they are engaged in carrying out the provisions of this article.

98.44. – Community Development Department to cut or destroy; special assessment of costs.

Whenever any individual, firm, or corporation owning, occupying, or in charge of any premises, lot, or parcel of land within the limits of the city, shall neglect or refuse to comply with the provisions of this article, then it shall be the duty of the community development department to proceed forthwith to cause such nuisance to be abated by eradicating, cutting, removing, destroying or controlling said tall grass and weeds. The property owner is liable for all costs of removal, cutting or destructions of the nuisance and if the sums are not paid by the property owner, the city council may proceed to assess and collect the expenses of the abatement of such public nuisance upon the premises, lot or parcel of land upon which the same may be found. The City shall report the amount of abatement expenses charged to various property, including a description of the premises, lot, or parcel of land chargeable therewith, and the name of the owner. Such charges shall include all costs, fees and charges authorized by the city council. The city council may certify to the county auditor as a special assessment against the property affected, all such costs, charges, and fees. The amounts charged for cutting or other abatement of tall grass and weeds shall be determined by action of the city council.

98.45. - Publication of public notice.

The City shall publish in the official newspaper a public notice of the prohibition of the existence of a public nuisance in the form of tall grass and weeds as prohibited by this chapter. Such notice shall be published once a month during the months of May, June, July, and August of each year.

Section 3. City Code Chapter 10 entitled "General Provisions" and Section 10.99 are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 4. This ordinance shall take effect and be in force from and after its passage and publication and be given the Number 39, 4th Series.

Voting Aye: Larson, Peterson, Vetter, Pokrzywinski, Riopelle, Helms, and Olstad.

Voting Nay: None.

Absent: None.

ATTEST:

PASSED: September 5, 2023

City Administrator

President of Council

I hereby approve the foregoing Ordinance this 5th day of September, 2023.

Mayor