

ORDINANCE NO. 92, FOURTH SERIES

**AN ORDINANCE AMENDING
THE REDWOOD FALLS CODE OF ORDINANCES § 10.35 AND § 11.15, SUBD. 4
PERTAINING TO GRASS, WEEDS, AND OTHER VEGETATION**

FINDINGS AND PURPOSE:

WHEREAS, on May 24, 2023, House File 1830/Senate File 1426, an omnibus state government finance bill, was signed into law. Article 3, section 9 created a new provision of law as Minnesota Statutes, § 412.925 relating to the installation and maintenance of managed natural landscapes; and

WHEREAS, the City Council finds it appropriate and necessary to amend Redwood Falls City Code of Ordinances § 10.35 and § 11.15, subd. 4, regulating grass, weeds, and other vegetation to make the City's Code of Ordinances consistent with the changes to Minnesota Statute, but to continue to regulate vegetation within the City in order to avoid the creation of public nuisances.

NOW THEREFORE, THE CITY OF REDWOOD FALLS DOES ORDAIN:

SECTION 1. That Redwood Falls City Code of Ordinances, Chapter 11, §11.15, Subd. 4, shall be amended to read as follows:

§ 11.15 EXTERIOR PROPERTY AREAS.

Subd. 4. ~~Weeds~~ *Weeds, Grass, and Other Vegetation.* It is unlawful for any owner, occupant or agent of any lot or parcel of land in the city to allow any noxious weeds as defined in Minnesota Statutes Sections 18.77 and 21.72 or grass growing upon any such lot or parcel of land to grow to a height greater than eight (8) inches. All premises and public or private exterior property shall be maintained free from weeds or plant growth in excess of six inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

- A. Notification. *Notwithstanding the requirements found in § 11.07*, if any owner, as shown by the records in the office of the County Auditor, or the taxpayer of record as shown by the records of the County Treasurer, fails to assume the primary responsibility described in this subdivision, the city may send notice of violation by *regular* mail advising the owner that compliance with Subd. 4. is required within ~~48 hours~~ *7 days* of receipt of the notice. The notice shall at a minimum advise the owner of the particular maintenance obligation not being performed, the time period in which the owner must perform the necessary maintenance, and that the failure to do so could result in the city causing the maintenance to be done with the expenses associated therewith becoming an assessment against the property. Upon failure of the owner to cut and destroy weeds *or grasses* after service of a notice of violation, they shall be subject to prosecution in accordance with City Code § 1.03, § 1.13, and § 11.06 of this code.

- B. Abatement. *Notwithstanding the requirements found in § 11.08, upon failure by the owner or agent to comply with the notice of violation within the ~~48-hour~~ 7-day period, the city may cause the work to be done upon expiration of the appropriate period and the expenses thus incurred shall be a lien upon the real estate. The City Administrator shall certify to the County Auditor a statement of the amount of the cost incurred by the city. The amount, together with interest, shall be entered as a special assessment against the lot or parcel of land and be collected in the same manner as real estate taxes. If the owner of the property is unknown, the owner and owner's address is deemed to be that of the property's taxpayer's name and address as that information is maintained by the County Auditor's address.*
- C. Repeat violations. *In the event that the city does remove the weeds or grasses because of the failure of the owner or tenant to do so, the city shall notify the owner or tenant that the city shall not give any further additional notices to the owner or tenant, but may thereafter remove the weeds or grasses after they have grown to a height in excess of ~~six~~ eight (8) inches or may remove without further notice and charge the owner or tenant back for the removal.*
- D. Exceptions. *Land that is enrolled in a conservation reserve program under 7 C.F.R. § 1410, as those regulations may be amended from time to time, or M.S. § 103F.515, as it may be amended from time to time, land that is subject to a conservation easement created pursuant to M.S. Chapter 84C, as it may be amended from time to time, or property that is zoned "A-O," Agricultural-Open Space, shall be exempt from the weed and grass height restrictions of this subdivision. However, a person owning or occupying any such land shall control or eradicate all noxious weeds on the land at a time and in a manner prescribed by applicable noxious weed control laws. The following areas and types of vegetation are exempted from this subdivision if managed in a manner so as not to become infested with weeds or to create a stagnant, foul-smelling condition:*
1. *Non-noxious weeds and grass vegetation in wetland areas;*
 2. *Non-noxious weeds, grasses and herbaceous vegetation within fifty (50) feet of designated storm water ponds or within fifty (50) feet of natural or altered creeks, rivers and stream corridors, including riparian buffer strips, that convey water, provided they are cut to less than ten (10) inches at least once per year if located within two-hundred (200) feet of an occupied residence or developed property;*
 3. *Non-noxious weed and grass vegetation growing on land that has been agriculturally zoned land as "A-O," or has a history of being used as agricultural land, including pastures, which are fenced and contain animals, provided that a buffer zone of 10 feet between the ag land and any turf grass area will be required;*
 4. *Temporary erosion control grasses;*
 5. ***Managed Natural Landscapes as defined in Minn. Stat. § 412.925, as it may be amended from time to time [emphasis added] that do not contain noxious weed growth and that include the cultivation of native grasses indigenous to Minnesota; subject to the following requirements:***

- a) *They are set back not less than twenty feet from the front lot line. For the purposes of this ordinance, corner lots shall be deemed to have two front yards;*
 - b) *They are set back not less than five feet from the side and/or rear lot lines to provide a transition zone. No set back is required on the side or rear lot lines if (1) there is a fully opaque fence at least five feet in height installed between the native plants and the side or rear lot lines or (2) the native plants abut a neighboring managed natural landscape;*
 - c) *The native plan landscape is cut at least once annually between April 15 and July 15 to a height no greater than ten (10) inches;*
 - d) *Turf grass is eliminated, and the native plants, trees and shrubs are planted through transplanting or seed by human or mechanical means. Soil erosion should be controlled while the ground is bare of plant growth that is sufficient to inhibit erosion and is the sole responsibility of the owner or occupant; and*
 - e) *Written authorization from the City Administrator or his/her designee is obtained for work within conservation or scenic easement areas, including planting, mowing or cutting.*
6. *Grass and non-noxious weed vegetation in publicly owned parks designated as natural preserves or private property so designated by the City Council or natural undisturbed areas where the land and vegetation appear not to have been graded, landscaped or otherwise disturbed by human or mechanical means in recent time;*
 7. *Grass and non-noxious weed vegetation on natural or altered slopes steeper than 2:1;*
 8. *Ornamental grasses;*
 9. *Natural wooded lots;*
 10. *Land that is enrolled in a conservation reserve program under 7 C.F.R. § 1410, as those regulations may be amended from time to time, or M.S. § 103F.515, as it may be amended from time to time;*
 11. *Land that is subject to a conservation easement created pursuant to M.S. Chapter 84C, as it may be amended from time to time; and/or*
 12. *Land that is subject to overlay districts of Floodplain, Wetland, Airport and Shoreland as established by the Redwood Falls Unified Development Ordinance, Chapter 14 of City Code, as it may be amended from time to time.*

SECTION 2. That Redwood Falls City Code of Ordinances §10.35 shall be amended by amending and inserting the following provisions, in their entirety, in lieu thereof:

~~§ 10.35 WEEDS, GRASS AND OTHER VEGETATION.~~

~~—Subd. 1. Unlawful Act. It is unlawful for any owner, as shown by the records in the office of the County Auditor, or the taxpayer of record as shown by the records of the County Treasurer, of private or public premises, to maintain any weeds or grass growing thereon at a height of more than six inches or to permit such shrubbery or other vegetation to be overgrown.~~

~~—Subd. 2. Notice and Abatement.~~

~~—A. If any such owner or tenant fails to assume the primary responsibility described in Subd. 1. of this section, the city may send notice by mail advising the owner or tenant that compliance with Subd. 1. is required within 48 hours of receipt of the notice. The notice shall at a minimum advise the owner or tenant of the particular maintenance obligation not being performed, the time period in which the owner or tenant must perform the necessary maintenance, and that the failure to do so could result in the city causing the maintenance to be done with the expenses associated therewith becoming a lien upon the property. If the owner or tenant fails to do so within the 48 hour period the city may cause the work to be done upon expiration of the appropriate time period and the expenses thus incurred shall be a lien upon the real estate. The City Administrator shall certify to the County Auditor a statement of the amount of the cost incurred by the city. The amount, together with interest, shall be entered as a special assessment against the lot or parcel of land and be collected in the same manner as real estate taxes. If the owner of the property is unknown, the owner and owner's address is deemed to be that of the property's taxpayer's name and address as that information is maintained by the County Auditor's address.~~

~~—B. In the event that the city does remove the weeds or grass because of the failure of the owner or tenant to do so, the city shall notify the owner or tenant that the city shall not give any further additional notices to the owner or tenant, but may thereafter remove the weeds or grass after they have grown to a height in excess of six inches or may remove without further notice and charge the owner or tenant back for the removal.~~

~~—Subd. 3. Exception. Land that is enrolled in a conservation reserve program under 7 C.F.R. § 1410, as those regulations may be amended from time to time, or M.S. § 103F.515, as it may be amended from time to time, land that is subject to a conservation easement created pursuant to M.S. Ch. 84C, as it may be amended from time to time, or property that is zoned "A-O," Agricultural Open Space, shall be exempt from the weed and grass height restrictions or Subd. 1. However, a person owning or occupying any such land shall control or eradicate all noxious weeds on the land at a time and in a manner prescribed by applicable noxious weed control laws.~~

§ 10.35 [RESERVED]

SECTION 3. Effective Date. This Ordinance becomes effective from and after its passage.

PASSED AND ADOPTED by the City Council of the City of Redwood Falls, Minnesota this 20th day of August, 2024

ATTEST:



Keith Muetzel
City Administrator



Tom Quackenbush
Mayor

(City Seal)

Subscribed and sworn to before me this
20th day of August 2024.


Notary Public

Introduction: 08/06/2024
Posting: 08/09/2024
Adopted: 08/20/2024
Approval Published: 08/29/2024

