

ORDINANCE NO. 1010

**AN ORDINANCE AMENDING NORTHFIELD CITY CODE, CHAPTER 86 –
VEGETATION, ARTICLE I. – IN GENERAL**

THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Northfield Code, Chapter 86 – Vegetation, Article I. – In General, Division 1. Weeds, is hereby amended to read as follows:

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 the Minnesota Noxious Weed Law, Minn. Stat. §§ 18.776 to 18.91 and applicable state rules, which are incorporated herein by reference as the same may be amended from time to time 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 Minn. Stat. § 84D.01, subd. 9a.
- (c) City staff shall post in a public place, such as the City website, the list of prohibited invasive plant species, enumerated in subsection (d). 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 prohibited invasive species list by a majority vote of City Council.
- (d) Prohibited invasive species include:
- (1) Those species listed in Minn. R. 6216.0250, which is incorporated herein by reference, as it may amended from time to time; and
- (2) Amur Cork Trees (Phellodendron amurense, Phellodendron lavallei, and Phellodendron sachalinense).
- (e) Any plant on the City's list of prohibited invasive plant species in subsection (d) 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.
- ~~(b)~~ (f) _____ Any weeds or grass growing upon any lot or parcel of land, ~~excluding grass or forage crops used for agricultural purposes, planned landscaping purposes, and/or areas officially designated as wildlife areas, but~~ including the lands between the curblin of the street or alley and the property line of private properties, that have grown to a greater-height greater than one foot or are about to go to seed 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, which are not prohibited invasive species.

~~(e)~~ (g) When any conditions exist on any lot or parcel of land within the city limits violative of subsection (e) or (b-f) of this section, it shall be the duty of the public works director/city engineer to serve a notice on the owner ~~or~~ and occupant of or agent responsible for the lot or parcel of land, ordering such owner and occupant or agent to have such invasive species, weeds, or grass cut and removed or the weeds sprayed within ten days after the date of service thereof or such other corrective actions as stated in the notice.

—The notice shall also state the following:

(1) that for noncompliance, the work will be done by the public works director/city engineer or their designated representative or contractor, at the owner's expense, and that such cost incurred by the city shall be paid by the property owner within 30 days of the date of city invoicing the owner for the same.

(2) that in the event that the city takes the corrective actions stated in the notice due to noncompliance, and the property owner subsequently fails to timely pay the invoiced cost, such amount shall, following council hearing, be considered for certification to the county auditor for assessment to taxes against the owner's subject property in accordance with Minn. Stat. § 429.101 and this Section. The owner shall be responsible for payment of the actual cost if it differs from any estimate contained in the notice.

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 subject premises in a conspicuous place.

~~(d)~~ (h) Upon the failure of the owner, occupant or agent to comply with the provisions of the notice and after the expiration of ~~the ten days~~ notice period provide therein, the public works director/city engineer or their designated representative or contractor, shall cut and remove ~~the weeds or grass~~ or spray the invasive species, weeds, or grass, or take such other corrective actions as stated in the notice, and shall determine the cost thereof and charge the owner of the subject 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. The city shall invoice the owner for the cost of the same, which amount shall be paid by the owner within 30 days of the date of the city invoice.~~

(i) In the event the owner does not timely pay the city invoice for any reason, the matter shall be submitted to the council for hearing and consideration of assessing the same to the owner's property taxes. The owner shall be provided notice of the assessment hearing. The notice shall contain the following:

(1) A description of the reason for the assessment hearing before the council and shall enclose therewith a copy of the prior notice and unpaid invoice.

(2) The amount to be assessed against the subject property due to non-payment of the invoice by the property owner.

(3) The date, time and location for the assessment hearing before the city council.

- (4) That at the assessment hearing, the owner or owner's representative shall have an opportunity to object and be heard by the council as to the amount of the assessment.
- (5) That adoption by the council of the proposed assessment may be taken at or following the hearing.
- (6) That the property owner has the right to prepay the entire assessment, the time in which prepayment must be made, and the person to whom prepayment must be made.
- (7) The rate of interest to be accrued if the assessment is not prepaid within the required time period.
- (9) That no appeal may be taken as to the amount of any assessment adopted pursuant to this Section, unless a written objection signed by the affected property owner is filed with city clerk, either prior to the noticed council assessment hearing on the same, or presented to the presiding officer at such assessment hearing.
- (10) That the owner may appeal the proposed assessment to district court pursuant to Minn. Stat. § 429.081 by serving notice of the appeal upon the mayor or clerk of the city within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the mayor or city clerk.

~~(e)~~ (j) If no objection is made at the assessment hearing, or if there is a timely objection that is made and passed upon by the council, or if the council otherwise shall find that the work was properly done and the amount to be assessed correct, following the close of the assessment hearing, the council shall adopt the assessment role, with any amendments deemed necessary by the council and 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~~city finance director.

(Code 1986, §§ 1005:50—1005:70)

State Law reference— Nuisance liability of agricultural operations, Minn. Stat. § 561.19; Control or Eradication of Noxious Weeds, Minn. Stat. §§ 18.76 – 18.91; Invasive Species, Minn. Stat. sec. 84D.04; Prohibited Invasive Species, Minn. R. 6216.0250.

SECTION 2: This Ordinance shall take effect thirty days after its publication.

Passed by the City Council of the City of Northfield, Minnesota, this ____ day of _____ 2020.

ATTEST:

City Clerk

Mayor

First Reading: _____

Second Reading: _____

Published: _____

VOTE: ___ POWNELL ___ DELONG ___ GRABAU ___ NAKASIAN
 ___ NESS ___ PETERSON WHITE ___ ZWEIFEL