

## Ordinance No. 137

### Fourth Series an Ordinance of the City of North Mankato, Minnesota Amending Chapter 90 Grass and Weed Control and Adding City Code Section 90.115 Entitled Managed Natural Lawn Area

THE CITY COUNCIL OF THE CITY OF NORTH MANKATO, MINNESOTA ORDAINS:

**Section I.** North Mankato City Code, Title IX: General Regulations. Chapter 90: Management of Public and Private Property is hereby amended to read as follows:

1. Intent

- a. The City Council determines some residents' desire to use portions of lawns on residential parcels for the planting of native vegetation, which can grow to a height of greater than six (6) inches. The Council finds these types of plantings may preserve, restore, or maintain natural plants and may utilize environmentally sound practices. As guidance for the community, this change in vegetation and lawn use must be properly planned, managed, and maintained. The transition period must be minimized, or the property is likely to create a public nuisance and shall be abated.

2. Definitions

- a. Managed Natural Lawn Area – A planned, intentional, and maintained planting of native vegetation that is free from noxious weeds as defined by the Minnesota Department of Natural Resources and may exceed six (6) inches in length.
- b. Native Vegetation – Ferns, wildflowers, grasses, sedges, rushes, shrubs, vines, and forbs that are native to the State of Minnesota ecological section 222 (Minnesota and Northeast Iowa Morainal Section), subsection 251Ba (Minnesota River Prairie), and subsection 222Mb (Big Woods) as defined by the Minnesota Department of Natural Resources and that can be found in the Minnesota Department of Natural Resources Native Plant Encyclopedia.
- c. Turf Grasses – Bluegrass, fescue, and ryegrass blends with non-woody vegetation interspersed with them, commonly used in regularly cut lawns.

3. Applicability.

- a. Residential zoning districts.
- b. Managed Natural Lawn Area, as defined in 2a above, is a term used to describe a variety of lawn management practices that include but are not limited to natural lawns, natural landscapes, native lawns, pollinator gardens, rain gardens, meadow vegetation, native prairie, prairie gardens, monarch waystations, native plantings, native gardens, and butterfly habitat.

4. Requirements.

- a. Any owner of a residential lot in the City may transition an area of lawn on the lot to a Managed Natural Lawn Area not to exceed 30% of the pervious surface area within the defined setbacks of the lot, excluding natural wooded areas, bluffs, and ravines.
- b. A Managed Natural Lawn Area may include native vegetation more than six (6) inches in height, and which have gone to seed, but may not include any noxious weeds, must be maintained pursuant to the requirements of §90.115, and shall not create a public nuisance.
- c. A Managed Natural Lawn Area shall not include turfgrass lawns left unattended for the purpose of returning to a natural state.
- d. Any Managed Natural Lawn Area shall meet the following property-line setbacks. Corner lots shall have two Front setbacks:
  - i. Front-10 feet
  - ii. Sides- 5 feet
  - iii. Rear 10 feet
- e. A Managed Natural Lawn Area shall be cut at least once annually to a height no greater than twelve (12) inches. The Weed Inspector may grant an exemption to the cutting of native vegetation within the Managed Natural Lawn Area if consistent with standard practices for managing the plantings requested for exemption. The weed inspector will determine standard practices.
- f. When establishing a Managed Natural Lawn Area, turfgrass and/or other existing vegetation shall be eliminated, and native vegetation shall be planted through transplanting or seeding 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.

- g. Properties with a Managed Natural Lawn Area must be free of blight, and blighting factors, free of public nuisances, and other areas of the lawn must be properly maintained in accordance with the City Code.
  - h. Managed Natural Lawn Areas shall not be located within any drainage utility easement, public right-of-way, or immediately adjacent to any driveway.
  - i. Managed Natural Lawn Areas shall not be located within 20 feet of a road intersection unless the height of the plantings within 20 feet of an intersection does not exceed 12 inches in height.
  - j. At no time shall a Managed Natural Lawn Area interfere with motorists' views of the street or roadway.
5. Failure to Maintain.
- a. If a property owner chooses to install a Managed Natural Lawn Area, and it is determined by the weed inspector, the area fails to meet the definition and requirements of a Managed Natural Lawn Area as defined in §90.115 sections 2,3 and 4, it shall be considered prima facie evidence of the failure of the owner and occupant to comply with this section.
  - b. The City may then proceed as follows:
    - i. Concerning public rights-of-way, the weed inspector or his/her designee shall provide written notice to the property owner utilizing first-class mail, advising such owner or occupant that the Managed Natural Lawn Area must be removed within five (5) days. If the owner fails to remove the Managed Natural Lawn Area, then the City shall perform the necessary work to remove the Managed Natural Lawn Area, keeping an accurate account of the cost. The cost shall be assessed to the abutting private property in conformance with the provisions of this chapter.
    - ii. Concerning private property, the weed inspector or his/her designee shall provide written notice to the property owner, utilizing first-class mail, advising such owner that the Managed Natural Lawn Area must be brought into compliance with the requirements of §90.115 within 14 days of receipt of the letter. Such notice shall also advise the owner that the City shall perform such work, with the presumed consent of the owner, if the owner fails to bring the Managed Natural Lawn Area into compliance with the requirements of §90.115. If City employees are utilized to cut the Managed Natural Lawn Area, an accurate account of the time and charges shall be maintained. Such costs shall be assessed to the benefitted property in conformance with the provisions of this chapter.

**SECTION II.** After adoption, signing, and attestation, this Ordinance shall be published once in the official newspaper of the City of North Mankato and shall be in effect on or after the date following such publications.

**ADOPTED** by the City Council of the City of North Mankato this 13<sup>th</sup> day of Feb, 2021

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

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