



REQUEST FOR ACTION CITY COUNCIL

Agenda Date: 8/5/2024
Agenda Section: New Business

Department: Planning and Zoning

Agenda Item: Lawn Maintenance Continued Violation

Approval Required: Simple Majority Vote

BACKGROUND

A complaint came through regarding the number of tall weeds and no mowing of the yard at the address of 3544 Fox Lane in late May. The complaint also noted this neighbor doesn't mow and hasn't taken care of the yard for years. The Zoning Administrator drove to the house for confirmation of the code violation. On June 6, 2024, a violation letter was sent to the property giving them 10 days to mow the lawn and/or to make an appeal. The property owner sent in an appeal letter. This appeal letter was provided to the Planning Commission where after discussion it was unanimously decided that we have this in our code for a reason and the appeal was denied. On June 26, another violation letter was sent to the property letting them know of the denial and that the lawn would need to be mowed immediately or Administrative Citations of \$100/day would go into effect and if needed, the city would have the lawn mowed and assess any charges to the property owner.

Violation letters, photos taken by staff, the appeal letter, and pages from our code and website regarding this topic are attached to this report.

In talking with the Mayor on this topic, he requested before we go on one's property to mow their lawn, it goes to the Council for approval or denial.

FINANCIAL IMPLICATIONS

\$100 daily Administrative Citation fee for the homeowner.

\$\$ TBD for mowing the lawn. An invoice will be provided to the city by the company we use – which will then be invoiced to the homeowner, and if needed assessed to the property owner.

STAFF RECOMMENDATIONS

The Planning Commission denied the appeal at the June 24th Planning Commission meeting and stated they're to adhere to the code.

COUNCIL ACTION REQUESTED

Motion to approve the hiring of a company to mow the lawn at 3544 Fox Lane and invoice and/or assess the property owner as needed.



June 6, 2024

THIS IS THE ONLY NOTICE YOU WILL RECEIVE!

David Hallbeck
3544 Fox Lane
Pequot Lakes, MN 56472

**RE: ORDER TO CORRECT ADMINISTRATIVE VIOLATION
PIN: 29100608
3544 Fox Lane**

David Hallbeck:

The City of Pequot Lakes has embarked on a program of concentrated code enforcement. This program is a positive effort to improve property values and quality of life in our neighborhoods. It has been noted that a City Code violation has occurred on your above-captioned property.

Violation:	Lawn Maintenance/Exterior Maintenance/Visual Standards
City Code:	Section 17-7.4 and 17-7.6
Description:	Turf grass and lawns shall not grow to a height to allow such grasses to go to seed.

If you disagree with the violations noted, you can bring an appeal to the Board of Adjustments *before* their July 1, 2024 meeting.

Corrective action is required; ten (10) days are allowed from the date of this letter. Action must be taken on or before June 16, 2024 and continue to be maintained for the remainder of the growing season. Failure to mow this lawn by the date noted will result in an Administrative Citation in the amount of \$100. Failure to keep the lawn maintained on a regular basis will result in additional fines.

Please understand our seriousness and commitment to uphold the City Code for Pequot Lakes. We hope you will take this opportunity to work with us and resolve this matter without further action becoming necessary. Thank you for your attention to these matters.

Sincerely,

Traci Pederson
Zoning Administrator
218-568-2354

Lawn Violation, photos taken June 5, 2024

Violation letter sent: June 6, 2024 (has until 6/16/24 to mow, or fines begin)

Property owner: David Hallbeck, 3544 Fox Lane







Traci Pederson/Board of Adjustments

This is a request to exempt my property from ordinance section 17-7.4 and 17-7.6 for the following reasons:

- I am attempting to convert my property to a wildflower meadow.
- I am eliminating my need to use ground water for irrigation.
- I am eliminating my need to use poisonous fertilizer.
- I am eliminating the use of fossil fuels necessary to maintain a lawn.
- I am attempting to provide habitat for insects, bees and butterflies.

Perhaps you are familiar with the growing popularity of "No Mow Mowing" movement and the reasons why. A lesser movement to no mow lawns period is gaining in popularity and you will see growing requests by scientists in the future partly to combat global warming and loss of pollinators.

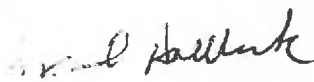
I have spent hundreds of dollars on perennial wildflower seeds which take time to develop (at least 2 to 3 years). I am watching native grasses grow. I have a Biology degree from St. John's University. I was a science teacher in Pequot lakes from 1973 to 1978.

Enclosed please find a partial article outlining the reasons I am doing this.

Due to my age (76 this November) and failing health I have no means nor money to maintain a lawn and I am opposed to doing so for the above reasons.

I thank you for your consideration.

Respectfully yours,


David R. Hallbeck



June 26, 2024

David Hallbeck
3544 Fox Lane
Pequot Lakes, MN 56472

RE: ORDER TO CORRECT ADMINISTRATIVE VIOLATION
PIN: 29100608
3544 Fox Lane

David Hallbeck:

This is a reply to your appeal letter you sent to the City of Pequot Lakes BOA and me regarding the lawn violation letter we sent you on June 6, 2024. The Planning Commission read through your BOA letter on June 24, 2024 during the regularly scheduled Planning Commission monthly meeting, which you were not in attendance for. After discussion and viewing photos of the property, it was voted unanimously that you are to mow your lawn and keep it maintained for the remainder of the growing season. Your appeal has been denied.

Violation:	Lawn Maintenance/Exterior Maintenance/Visual Standards
City Code:	Section 17-7.4 and 17-7.6
Description:	Turf grass and lawns shall not grow to a height to allow such grasses to go to seed.

Corrective action is required; lawn must be mowed immediately upon receiving this letter. Action must be taken immediately and continue to be maintained for the remainder of the growing season.

Failure to mow this lawn by the date noted will result in an Administrative Citation in the amount of \$100. Failure to keep the lawn maintained on a regular basis will result in additional fines. For uncorrected or continued violation, the City will have the lawn mowed and assess the charges to the property owner for doing so.

Please understand our seriousness and commitment to uphold the City Code for Pequot Lakes. We hope you will take this opportunity to work with us and resolve this matter without further action becoming necessary. Thank you for your attention to these matters.

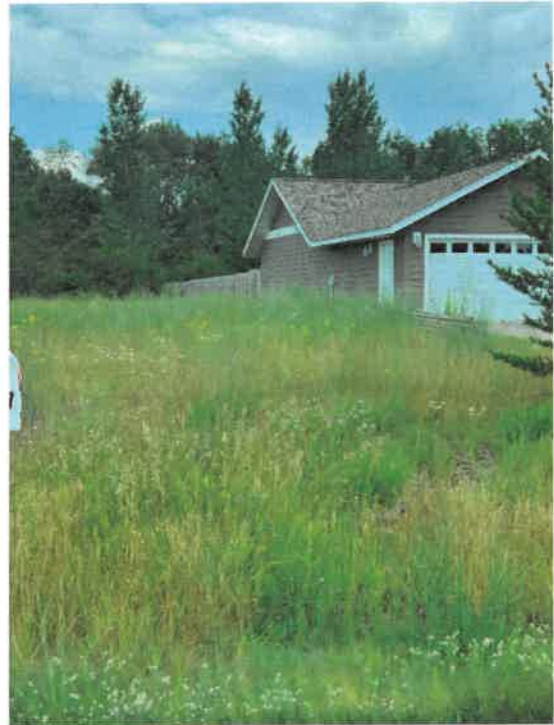
Sincerely,

Traci Pederson
Zoning Administrator
218-568-2354

Photos from 7/10/2024

3544 Fox Lane
David Hallbeck

He appealed his 1st violation letter, and on 6/24/24 the PC denied his appeal. Another letter was mailed out on 6/26/24 letting him know of the denial and that the lawn needed to be mowed immediately. Over a week later, nothing had happened:









This is on our website:

17-7.4 = ext maint.

17-7.6 = visual standards

Planning & Zoning

The City of Pequot Lakes adopted Ordinance #195, which regulates building and zoning. Residents and property owners are strongly encouraged to contact the planning & zoning office before building or making alterations to their property.

Lawn Maintenance

The City of Pequot Lakes has embarked on a program of concentrated code enforcement as it relates to mowing lawns. The program is a positive effort to improve property values and quality of life in our neighborhoods.

The City Code states in Chapter 17-7.4 EXTERIOR MAINTENANCE that "Turf grass and lawns shall not grow to a height to allow such grasses to go to seed."

Our new enforcement policy is meant to streamline the process to resolve un-mowed lawns. The City will mail one (1) letter to the property owner notifying them of the violation; only one (1) letter. The letter will state the lawn will need to be mowed within ten (10) days and continue to be maintained for the remainder of the season. If the property owner fails to mow the lawn by the date indicated the City will issue an Administrative Citation in the amount of \$100.00. Failure by the property owner to keep the lawn maintained on a regular basis will result in additional Administrative Citations. For uncorrected or continued violations, the City will have the lawn mowed and assess the charges to the property owner for doing so.

If anyone has questions regarding this policy, please contact City Hall at 218-568-5222.

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1. Safety Hazards. Fences shall not be erected where they create a visual safety hazard in the opinion of the Zoning Administrator. Fences shall not be electrified or contain barbed wire except in areas where contact with the general public is not anticipated.
2. Location and Orientation. All boundary line fences shall be entirely located upon the property of the person constructing such fence unless the owner of the property adjoining agrees, in writing, that such fence may be erected on the division line of the respective properties. Fences on property lines will require a survey to determine location. Fences may not be placed within a shore or bluff impact zone. No fence or planting in excess of thirty (30) inches above the street center line grade shall be erected on a corner lot within a triangular area defined as follows: Beginning at the intersection of the projected property lines of two intersecting streets, twenty (20) feet along one property line and diagonally to a point twenty (20) feet from the point of beginning on the other property line.
3. Construction. The “good side” of the fence shall face abutting properties, meaning that the posts shall face in toward the property on which the fence sits and the finished face of the fence shall face abutting properties.
4. Height. Height is regulated for each district in Article 5.
5. Maintenance. Fences shall be maintained to retain their aesthetic quality, screening abilities, and function. Missing boards, rusting wire and posts, and peeling paint shall be taken care of at the owner’s expense as they occur. If the fence is within two feet of a property line, the adjoining property owner abutting the fence is allowed to finish the side of the fence facing their property.

Section 17-7.4 EXTERIOR MAINTENANCE

All structures shall be properly maintained in a clean and acceptable manner so as not to constitute a menace to the public health, safety, convenience, general welfare, property values, and aesthetics. All landscaping shall be properly maintained so as to preserve planting in a live state and free of noxious weeds.

1. Declaration of nuisance. Buildings, fences, and other structures that have been so poorly maintained that their physical condition and appearance detract from the surrounding neighborhood are declared to be public nuisances because they are unsightly, decrease adjoining landowners' and occupants' enjoyment of their property and neighborhood, and adversely affect property values and neighborhood patterns.
2. Standards. A building, fence, or other structure is a public nuisance if it does not comply with any of the following requirements.
 - A. Structures with rotten, deteriorated or damaged components or peeling paint shall be repaired, replaced, removed or repainted.

- B. All landscaping shall be properly maintained so as to preserve planting in a live state and shall be kept free of noxious weeds and debris.
- C. Turf grass and lawns shall not grow to a height to allow such grasses to go to seed.
- D. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained so as to be free of cracking, crumbling, dilapidation or deterioration,
- E. Rotten, deteriorated or damaged landscape elements shall be repaired, replaced, or removed.

Section 17-7.5 EXTERIOR STORAGE

- 1. Declaration of Nuisance. Excess outdoor storage of materials, equipment and other objects is declared to be a public nuisance because it is unsightly, decreases adjoining landowners' and occupants' enjoyment of their property and neighborhood, adversely affects property values and neighborhood patterns and poses a threat to the public health and safety when such objects are visible and accessible to passersby.
- 2. Standards. Objects stored outside that are visible from public rights of way or neighboring properties are a public nuisance if they are not stored in compliance with the following requirements.
 - A. There shall be no exterior storage allowed on lots that do not contain a principle or accessory structure.
 - B. Where there is a principle or accessory structure, all materials, equipment and other objects shall be stored within a building or fully screened so as not to be visible from adjoining properties, except for the following: laundry drying, recreational equipment, construction landscaping materials and equipment currently being used for construction of the premises, woodpiles, agricultural equipment and materials if these are used or intended for use on the premises, off-street parking except as otherwise regulated herein.
 - C. No more than two fish houses are permissible. Fish houses must be stored at least 10 feet distance from a rear property line and outside of the OHW setback.
 - D. Exterior storage shall be allowed as follows:

- G. Abandoned motor vehicles shall be stored within a structure or completely screened from view from adjacent properties and right-of-way. See Chapter 3, Article 8.

3. Bulk Storage.

- A. All uses associated with the bulk storage of oil, gasoline, liquid propane, liquid fertilizer, chemicals and similar liquids shall comply with the requirements of the Minnesota State Fire Marshall, the Minnesota Pollution Control Agency and Minnesota Department of Agriculture. When in excess of normal domestic allowances, the property owner shall have documents from those offices stating that the use is in compliance. No storage facility shall be constructed or placed where spillage from the facility would drain to a drainageway or public waters without providing complete containment.

Section 17-7.6 VISUAL STANDARDS – SCREENING

- 1. General. No use shall create, maintain or continue any activity or structure which has a strong negative visual impact or offends the morals or violates the standards of the City.
- 2. Standards. Screening requirements for each district are contained in Article 5.

Section 17-7.7 SANITATION STANDARDS

- 1. Solid Waste. All solid waste shall be disposed of in accordance with the standards of Crow Wing County.
- 2. Domestic Sewage. SSTS shall conform to the requirements of Chapter 15, Article 3 of the City Code.
- 3. Agriculture or Animal Wastes. Within the shoreland area, 1,000 feet from a lake or 300 feet from a watercourse, no waste products from agriculture or animal husbandry operations shall be deposited by man at any greater rate than the plant and soil system can absorb the nutrients; nor shall any wastes be allowed to accumulate where surface waters flow directly to public waters or watercourses. No livestock shall be allowed to water directly in a stream or public water.
- 4. Water Supply.
 - A. All potable water systems shall be connected to a municipal water supply, if made available.
 - B. All domestic and agricultural wells shall conform to the Minnesota Department of Health Standards for wells.
 - C. All water systems shall meet the requirements of the Minnesota