

Chapter 17.09

Restricting the Use of Phosphorous Fertilizer

Section 1. Authority. Based on the authority granted to local units of government in Minnesota Statutes Section 18C.60 subdivision 2(b), the City of Howard Lake elects to adopt the restrictions on the use of phosphorous fertilizer on turf as set forth in Minnesota Statutes Section 18C.60 subdivision 2(a) as may be amended from time to time.

Section 2. Definitions. For the purpose of this Ordinance certain terms and words are defined as follows:

Fertilizer means a substance containing one or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value for promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other produces exempted by rule by the Minnesota Commissioner of Agriculture.

Manipulated means fertilizers that are manufactured, blended, or mixed, or animal or vegetable manures that have been treated in any manner, including mechanical drying, grinding, pelleting, and any other means, or by adding other chemicals or substances.

Turf means noncrop land planted in closely mowed, managed grasses including, but not limited to, residential and commercial residential property, private golf courses, and property owned by federal, state, or local unit of government, including parks, recreation areas, and public golf courses. Turf does not mean pasture, hayland, hay, turf grown on turf farms, or any other form of agricultural production.

Impervious Surface means a highway, street, sidewalk, parking lot, driveway, or other material that prevents infiltration of water into the soil.

Section 3. Phosphorous Use Restrictions. A person may not apply a fertilizer containing the plant nutrient phosphorous to turf located within the City limits of the City of Howard Lake except as provided for in Section 4 of this ordinance.

Section 4. Exceptions. The prohibition on the use of fertilizer containing the plant nutrient phosphorous as set forth in Section 3 of this ordinance does not apply when:

- A. A tissue, soil, or other test by a laboratory or method approved by the Minnesota Commissioner of Agriculture and performed within the last three years indicates that the levels of available phosphorous in the soil are insufficient to support healthy turn growth;
- B. The property owner or agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season;
or

- C. The fertilizer containing the plant food phosphorous is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the Minnesota Commissioner of Agriculture.

The application of fertilizer authorized under paragraphs A and B of this section, must not exceed rates recommended by the University of Minnesota and approved by the Minnesota Commissioner of Agriculture.

Section 5. Impervious Surfaces. A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or any other legal site, or returned to the original or other appropriate container.

Section 6. Penalties.

- A. Any person found to be violating any provisions of this ordinance shall be guilty of a petty misdemeanor, and shall be punished pursuant to the applicable State statute regarding petty misdemeanor penalties as may be amended from time to time, plus the cost of prosecution. Each violation shall be deemed a separate offense.
- B. The City may, in its discretion, seek any civil remedies available to it as well, including injunctive relief or abatement. Each violator will be liable to the City for costs and disbursements including administrative costs and attorney fees incurred by the City in enforcing this ordinance.
- C. Each right or remedy accruing to the City under this ordinance or at law is separate and distinct, and may, in the City's discretion, be exercised independently or simultaneously with any other right or remedy.