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County
work

Office of County Clerk
County of Crow Wing, MN }

I hereby certify that the within instrument was filed
in this office for record on the 15 day of April
A.D. 2003 at 9 o'clock A.M.
and was duly recorded as Doc. No. 0634565

[Signature] County Recorder
By *Vicki Slange* Deputy

RETURN TO *Therese*
Auditors Office

RESOLUTION

Commissioner Sluss offered the following resolution and moved its adoption:

WHEREAS, in accordance with Minnesota Statute 375.51, public hearings were held on February 25 and March 25, 2003, to consider adoption of a Phosphorus Turf Fertilizer Use Restrictions Ordinance.

NOW, THEREFORE, BE IT RESOLVED the Board of Commissioners of Crow Wing County, Minnesota, adopts the following Phosphorus Turf Fertilizer Use Restrictions Ordinance, effective upon publication:

ORDINANCE NO. 0301

PHOSPHORUS TURF FERTILIZER USE RESTRICTIONS

Definitions:

"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 units 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.

Phosphorus Use Restrictions:

A person may not apply a fertilizer containing the plant nutrient phosphorus to turf in unincorporated areas of Crow Wing County except under the following conditions:

- 1) a tissue, soil, or other test by a laboratory or method approved by the Commissioner of Agriculture and performed within the last three years indicates that the level of available phosphorus in the soil is insufficient to support healthy turf growth;
- 2) the property owner or an agent of the property owner is first establishing turf via seed or sod procedures, and only during the first growing season;
- 3) the fertilizer containing the plant food phosphorus 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 Commissioner of Agriculture.

Applications of phosphorus fertilizer authorized under these conditions must not exceed rates recommended by the University of Minnesota and approved by the Commissioner of Agriculture.

Fertilizer Application to an Impervious Surface; Prohibition:

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.

Enforcement:

The above sections are enforced by local units of government under their existing authority. Violation of a provision in either of these sections is a petty misdemeanor.

Which resolution being seconded by Commissioner Larsen was duly adopted, all members voted "AYE".

Dewayne Tautges
DEWAYNE TAUTGES, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS
CROW WING COUNTY, MINNESOTA

ATTEST:

R. Luukkonen
ROY A. LUUKKONEN, COUNTY AUDITOR
CROW WING COUNTY, MINNESOTA

Dated at Brainerd, Minnesota, this 25th day of March 2003.

APPROVED AS TO FORM AND EXECUTION:

Donald F. Ryan
DONALD F. RYAN, COUNTY ATTORNEY
CROW WING COUNTY, MINNESOTA

DATED THIS 14TH DAY OF APRIL 2003.