

ORDINANCE # 2002-12

“AN ORDINANCE PROHIBITING PHOSPHOROUS CONTAINING FERTILIZERS”

The Town Board for the Town of Breitung ordains:

SECTION 1: PROHIBITION REGARDING PHOSPHOROUS CONTAINING FERTILIZERS.

Subdivision 1. Lake water quality may be maintained or improved if the Town regulates the amount of lawn fertilizer and other chemicals entering the lakes and streams as a result of storm water runoff or other causes. The purpose of this ordinance is to set forth regulations which will restrict the amount of fertilizers containing phosphorous which may be applied to the lawns in the Town.

Subdivision 2. DEFINITIONS: For the purpose of this section, certain terms and words are defined as follows:

- A. “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 in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products exempted by Rule by the Minnesota Commissioner of Agriculture.
- B. “Pesticide” means a substance or mixture of substances intended to prevent, destroy, repel, or mitigate a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.
- C. “Administrator” means the individual responsible for overseeing the requirements of the Township Code. For purposes of this section of the code, the administrator shall be the Working Maintenance Foreman or his/her designee.

Subdivision 3. GENERAL REGULATIONS:

- A. Time of Application. Neither commercial applicators nor noncommercial applicators may apply lawn fertilizer when the ground is frozen or when conditions exist which will promote or create runoffs.
- B. Sample Analysis Cost. The cost of analyzing fertilizer samples taken ^{by} commercial applicators shall be paid by the commercial applicators if the sample analysis indicated the phosphorous content exceeds the levels authorized herein.
- C. Prohibition Regarding Phosphorous Content. In fertilizers, no person shall apply any lawn fertilizer, liquid or granular, within the Town of Breitung which contains any amount of phosphorous or other compound containing phosphorous, such as phosphate, except:

1. The naturally occurring phosphorous in unadulterated natural or organic fertilizing products such as yard waste compost.
2. Or as otherwise provided in Subdivision 4 hereof.

- D. Impervious Surfaces and Drainage Ways. No person shall apply fertilizer to impervious surfaces, drainage ditches, or waterways.
- E. Buffer Zone. Fertilizers and pesticides shall not be applied below the Ordinary High Water Level of water bodies as established by the Minnesota Department of Natural Resources, or within fifteen (15) feet of any wetland or water resource.

Subdivision 4. EXEMPTION TO PHOSPHOROUS PROHIBITION: The prohibition against use of fertilizer containing any quantity of phosphorous under Subdivision 3 shall not apply to:

- A. Newly established turf and lawn areas during first growing season; or
- B. Turf and lawn areas which have been confirmed by soil testing to be below phosphorous levels established by the University of Minnesota Extension Services. The lawn fertilizer application shall not contain an amount of phosphorous in excess of that which is recommended in the soil test evaluation.
- C. Phosphorous applied as lawn fertilizer pursuant to the aforementioned exemptions shall be watered into the soil so that it is immobilized and protected from loss by runoff.

Subdivision 5. PENALTY: Any person violating this section shall be guilty of a petty misdemeanor.

SECTION 2. THIS ORDINANCE SHALL TAKE EFFECT FROM AND AFTER ITS PASSAGE AND SAID PUBLICATION AS REQUIRED BY LAW.

Introduced and given first reading on the 25th of June, 2002 by Supervisor Timothy Tomsich.

Given second reading on the 23rd of July, 2002, by Supervisor Tomsich
Motion by Sup. Tomsich supported by Sup. Rones
To adopt and publish said ordinance.

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TOWN OF BREITUNG

Timothy S. Tomsich, Chairman