

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: DANGEROUS DOGS

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Dangerous and Potentially Dangerous Dogs

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DANGEROUS AND POTENTIALLY DANGEROUS DOGS

90.01 PURPOSE AND INTENT.

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It is the intent of the county to protect the public against the health and safety risks posed by dangerous and potentially dangerous dogs. By their very nature, dogs classified as *A*dangerous[®] or *A*potentially dangerous[®] pose a direct threat to the people and other animals that live in the same community or may otherwise come into contact with them. The intent of this subchapter is to govern and control dangerous and potentially dangerous dogs located within the county. This subchapter uses the same framework as M.S. ' ' 347.50 through 347.565, as they may be amended from time to time, which govern dangerous dogs. This subchapter does not regulate, govern or control dogs not considered dangerous or potentially dangerous, or otherwise impact the regulation and control of other animals, whether wild or domestic.

(Ord. 10-01, passed 1-19-2010)

' 90.02 TITLE.

This subchapter shall be known as, and may be cited and referenced as, the *A*Wright County Dangerous and Potentially Dangerous Dog Ordinance[®]; and, when referred to herein, it shall be referenced to as *A*this subchapter[®].

(Ord. 10-01, passed 1-19-2010)

' 90.03 JURISDICTION.

This subchapter shall apply to all areas of the county; except, this subchapter does not apply in any city or town which has a dangerous dog ordinance complying with state law and which has declared itself to be the Animal Control Authority within its jurisdiction. This subchapter also does not apply to any dog used by law enforcement officials for police work.

(Ord. 10-01, passed 1-19-2010)

' 90.04 INCORPORATION.

This subchapter expressly adopts and incorporates the provisions of M.S. ' ' 347.50 through 347.565. When the provisions of this subchapter impose greater restrictions than those of any other statute, ordinance, rule or regulation, the provisions of this subchapter shall be controlling. Where the provisions of any other statute, ordinance, rule or regulation impose greater restrictions than this subchapter, the provision of such statute, ordinance, rule or regulation shall be controlling.

(Ord. 10-01, passed 1-19-2010)

' 90.05 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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(A) **ANIMAL CONTROL AUTHORITY.** Wright County or any law enforcement agent or other public official acting under its direction and control. Additionally, **ANIMAL CONTROL AUTHORITY** shall mean any individual, organization, partnership or entity operating under contract to perform animal control operations pursuant to a written agreement authorized and approved by the County Board of Commissioners, or any city or town located within the county which has declared itself to be the **ANIMAL CONTROL AUTHORITY** within its jurisdiction.

(B) **BOARD.** The Wright County Board of Commissioners.

(C) **COUNTY.** The County of Wright, a political subdivision of the state.

(D) **DANGEROUS DOG.** Any dog that has:

(1) When unprovoked, inflicted death, great bodily harm, substantial bodily harm or permanent disfigurement to any person on public or private property;

(2) When unprovoked, engaged in any attack on any person under circumstances which indicated danger to personal safety;

(3) Killed a domestic animal while off the owner=s property;

(4) When unprovoked, has bitten one or more persons on two or more separate occasions;

(5) Been found to be potentially dangerous, and after the owner received notice or personal knowledge that the dog is potentially dangerous, the dog aggressively bites, attacks or endangers the safety of a human being or domestic animal; or

(6) Been or will be used, trained or encouraged to fight with another animal; or whose owner has in custody or possession any training apparatus, paraphernalia or drugs used to prepare such dog for fighting with another animal.

(E) **GREAT BODILY HARM.** The meaning given it under M.S. ' 609.02, subd. 8, as it may be amended from time to time.

(F) **HEARING.** A proceeding conducted by a hearing officer in accordance with the requirements of this subchapter.

(G) **HEARING OFFICER.** A licensed doctor of veterinary medicine, an animal control authority official or any otherwise qualified impartial hearing officer, appointed by the Board of Commissioners.

(H) **KILLED or KILLS.** A dog **KILLED** or **KILLS** a human being or domestic animal if there was a direct causal connection between the act of the attacking dog and the death of the person or other animal. For domestic animals which were euthanized following such an attack, **KILLED** or **KILLS** shall mean the death was the direct and inescapable consequence of the attack, extensive veterinarian assistance would be futile and that euthanasia merely hastened the inevitable death of the victim animal.

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(I) **OWNER.** Any person or persons, firm, corporation, association, organization or department possessing, harboring, keeping, having an interest in or having care, custody or control of a dog. Any person keeping or harboring a dog for five consecutive days shall, for the purposes of this subchapter, be deemed to be an **OWNER** thereof.

(J) **POTENTIALLY DANGEROUS DOG.** Any dog that has:

(1) When unprovoked, bitten a human or domestic animal on public or private property;

(2) When unprovoked, chased or approached a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than upon the dog owner's property, in an apparent attitude of attack; or

(3) A known history or propensity, tendency or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

(K) **PROPER ENCLOSURE.** Securely confined indoors, or in a securely enclosed and locked pen or structure outdoors, suitable to prevent the animal from escaping and providing the dog protection from the elements. A **PROPER ENCLOSURE** does not include a porch, patio or any part of a house, garage or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting. Such enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel, in order to qualify as a **PROPER ENCLOSURE**, shall meet the following minimum specifications:

(1) The overall floor size shall have a minimum area of 32 square feet;

(2) Sidewalls shall have a minimum height of five feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two inches, support posts shall be one and one-quarter-inch or larger steel pipe buried in the ground 18 inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of 18 inches into the ground;

(3) A cover over the entire pen or kennel shall be provided, constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two inches; and

(4) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

(L) **SUBSTANTIAL BODILY HARM.** The meaning given to it under M.S. ' 609.02, subd. 7a, as it may be amended from time to time.

(M) **UNPROVOKED.** The condition in which the animal is not purposely excited, stimulated,

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agitated or disturbed.

(Ord. 10-01, passed 1-19-2010)

90.06 DANGEROUS DOGS; DESIGNATION.

(A) *Designation.* The Animal Control Authority or Hearing Officer shall designate any dog as a dangerous dog upon receiving evidence that the dog meets any of the criteria of applicable state law or 90.05 of this chapter.

(B) *Notice.*

(1) Upon a designation that a dog is dangerous, the Animal Control Authority shall provide a written notice of dangerous dog to the owner of record or, if none, to any owner of such dog by personally serving the owner or a person of suitable age and discretion at the residence of such owner. Service upon any owner shall be effective as to all owners. The notice shall state the dates, times, places and facts of the incidents which form the basis for the determination, and include the following:

- (a) A description of the dog deemed to be dangerous;
- (b) The factual basis for that determination; and
- (c) The identity of the official who made the determination.

(2) The notice shall also set forth the registration requirements and other restrictions imposed upon a dangerous dog under this subchapter or M.S. Ch. 347, as it may be amended from time to time.

(3) The notice shall also advise the owner(s) that they have ten days to appeal the determination by requesting a hearing before the Hearing Officer, and shall include a preprinted form which the owner can use to request a hearing. The request for a hearing shall be made directly to the Animal Control Authority, and must be submitted in writing.

(4) If the owner does not request a hearing within the allotted ten days, the designation of dangerous dog as issued in the written notice of dangerous dog will stand, and the owner will be subject to all restrictions and requirements as set forth in the notice by the Animal Control Authority.

(C) *Hearing.*

(1) If an owner, within ten days of the date of the notice, requests a hearing for determination as to the dangerous nature of the dog, the hearing shall be held before a Hearing Officer within ten days after the Animal Control Authority is notified of the owner's request for a hearing. The Hearing Officer may allow the hearing date to be extended beyond the ten-day period for good cause. Any dog owner who requests such a hearing is liable to the county for all costs and expenses related to the hearing.

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(2) Pending the hearing, the dog may be seized and kept at Animal Control unless the owner shows proof that the dog is properly licensed, if required; has met the requirement for rabies vaccinations; keeps the dog only in a proper enclosure unless restrained on a leash with a muzzle; and otherwise demonstrates to the Animal Control Authority that the dog, under its present circumstances, does not present an unreasonable risk of harm to persons or other domestic animals.

(3) The records of the Animal Control Authority, any police reports relating to an attack or bite, medical records and all reliable hearsay shall be admissible for consideration by the Hearing Officer without further foundation.

(4) The Animal Control Authority shall be represented by the County Attorney's office. The owner may be represented by private legal counsel of the owner's choosing, although the owner does not have the right to an attorney at public expense.

(5) At the hearing, both the owner and the Animal Control Authority may present the testimony of live witnesses, cross-examine witnesses and present documentary evidence. The Animal Control Authority, and the dog's owner, may apply to the District Court for subpoenas for hearings.

(6) The burden of proof shall be upon the Animal Control Authority. The standard of proof shall be clear and convincing evidence if the Authority seeks to destroy the dog; in all other cases, it shall be by a preponderance of the evidence.

(7) After considering all evidence pertaining to the dog, the Hearing Officer shall make such order as he or she deems proper, including ordering the Animal Control Authority to take the dog into custody, if the dog is not currently in custody.

(8) Any person who fails or refuses to release a dog to the Animal Control Authority or law enforcement agent upon demand, or after it has been found by a Hearing Officer to be dangerous and ordered into custody, shall be guilty of a misdemeanor.

(9) Authority to order destruction. The Hearing Officer, upon finding that a dog is dangerous hereunder, is authorized to order, as part of the disposition of the case, that the dog be destroyed based on a written order containing findings of fact establishing that each of the following criteria are present:

(a) The dog is dangerous, as demonstrated by a vicious attack, an unprovoked attack, an attack without warning or multiple attacks;

(b) The owner of the dog has demonstrated an inability or unwillingness to sufficiently control the dog in order to prevent injury to persons or other animals; and

(c) The owner cannot, will not, does not or otherwise refuses to provide proof of the liability insurance for the dog as required by ' 90.07(C)(3) of this chapter.

(10) The decision of the Hearing Officer is a quasi-judicial determination that is subject to review by writ of certiorari to the state's Court of Appeals.

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(11) The owner or person claiming an interest in the dog is liable for all actual costs of care, keeping, and disposal of the dog, except to the extent that a court or Hearing Officer finds that the seizure or impoundment was not substantially justified by law. The costs must be paid in full, or a mutually satisfactory arrangement for payment must be made between the county and the person claiming an interest in the dog, before the dog is returned to the person.

(D) *Exemption.* A dog may not be declared dangerous if the threat, injury or damage was sustained by a person who:

(1) Was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) Was provoking, tormenting, abusing or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

(3) Was committing or attempting to commit a crime against the owner or the owner=s property.

(E) *Review of designation.* Beginning one year after a dog is declared a dangerous dog, an owner may request annually in writing that the Animal Control Authority or the Hearing Officer review the designation. The owner must provide evidence that the dog=s behavior has changed due to the dog=s age, sterilization, environment, completion of obedience training that includes modification of aggressive behavior or other factors. If the Animal Control Authority or Hearing Officer finds sufficient evidence that the dog=s behavior has changed, the Authority may rescind the dangerous dog designation. If a review of designation is conducted by the Hearing Officer, the burden of proof shall be upon the dog=s owner and the standard of proof is clear and convincing evidence.

(Ord. 10-01, passed 1-19-2010)

90.07 DANGEROUS DOGS; REGISTRATION.

(A) *Requirements.* For any dog determined or declared to be dangerous by operation of this subchapter, state statute, court order, ordinance or regulation from another jurisdiction, or valid declaration from an Animal Control Authority, the dog shall, at all times during the dog=s life, be registered as a dangerous dog pursuant to this subchapter or state law.

(B) *Registration.* No person may own or possess a dangerous dog in the county unless the dog is registered as provided in this subchapter or applicable state law. All dogs deemed dangerous by the Animal Control Authority or Hearing Officer, as applicable, shall be registered as a dangerous dog with the Animal Control Authority within 30 days after the date the dog was so deemed.

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(C) *Registration requirements.* The Animal Control Authority shall issue a certificate of registration to the owner of a dangerous dog only if the owner presents sufficient evidence that all of the following are met:

- (1) The owner provides and maintains a proper enclosure for the dangerous dog, as defined in ' 90.05 of this chapter;
- (2) The owner posts clearly visible warning signs, understandable to children, that there is a dangerous dog on the property. These warning signs must be posted on the front and the rear of all buildings on the property and upon the proper enclosure for the dog. The warning signs must meet the requirements set forth in M.S. ' 347.51, as it may be amended from time to time, and ' 90.08 of this chapter;
- (3) The Owner provides, and annually shows proof of, public liability insurance pre-paid in full in the minimum amount of \$500,000 per person and \$1,000,000 per incident, payable to any person or persons injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in this state in the amount of at least \$500,000 per person and \$1,000,000 per incident insuring the owner for any personal injuries inflicted by the dangerous dog;
- (4) The owner pays the annual registration fee set by Board pursuant to division (E) below;
- (5) An identification microchip was implanted in the dog as required under M.S. ' 347.515, as it may be amended from time to time, and ' 90.11 of this chapter;
- (6) The dog must have a lifetime license, if required, and must be up to date on all vaccinations including rabies; and
- (7) The dog must be sterilized. If not done within 30 days, Animal Control Authority shall seize the dog and have it sterilized at the owner=s expense.

(D) *Release.* If a dangerous dog was impounded by the Animal Control Authority, or upon order of a Hearing Officer, the dog shall not be released until the owner demonstrates to the Animal Control Authority that all applicable requirements of this subchapter, including all registration requirements imposed by this section or applicable state law, have been complied with. The owner shall have a maximum of 30 days to comply with all requirements. The owner must pay the county for all costs incurred in the seizure and boarding of the dog prior to its return.

(E) *Fee.* The county will charge the owner of a dangerous dog an annual fee, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section. This annual fee will be set by the Board following a public hearing, in an amount not to exceed \$500.

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(F) *Revocation.*

(1) Any certificate of registration for a dangerous dog may be revoked, following hearing, if the owner fails to maintain compliance with any registration requirement, or fails to keep or maintain the dangerous dog as required by any provision of this subchapter or applicable state law. The provisions of ' ' 90.12 and 90.13 of this chapter, applicable to the seizure and disposition of dogs, shall apply.

(2) The Animal Control Authority shall serve upon the owner a written notice setting forth the alleged reasons why the dog is not being kept in conformance with this subchapter, and shall also notify the owner of the date, time and location of the hearing. Any hearing to revoke a certificate of registration shall be held before a Hearing Officer within 20 days of the date of the notice, and shall comply with all the requirements as set forth in division (C) above. The Hearing Officer may allow the hearing date to be extended beyond the 20-day period for good cause.

(3) If a dangerous dog certificate of registration is revoked following hearing, the Hearing Officer shall order the dog disposed of immediately or, in the alternative, permit the owner a reasonable time period, not to exceed 30 days, to obtain the dog if the owner is in compliance with all registration requirements.

(G) *Registration renewal.* An owner of a dangerous dog shall renew the registration of the dog annually until the dog is deceased.

(H) *Death or relocation of dangerous dog.* An owner of a dangerous dog shall notify the Animal Control Authority, in writing, of the death of the dog, or if the dog relocates or transfers out of the county to a new location or new jurisdiction, within 30 days of the death or relocation. An owner shall, if requested by the Animal Control Authority, execute an affidavit, under oath and penalty of perjury, setting forth either the circumstances of the dog=s death and disposition; or the complete name, address and telephone number of the person to whom the dog was transferred.

(I) *Sale or transfer of dangerous dogs.* A person who sells or otherwise transfers ownership or control of a dangerous dog must notify any potential purchaser or transferee, prior to the consummation of the transaction, that the dog was previously designated as dangerous. The seller must also notify the Animal Control Authority, in writing, of the sale and provide the Animal Control Authority with the new owner=s name, address and telephone number.

(Ord. 10-01, passed 1-19-2010) Penalty, see ' 90.99

' 90.08 **DANGEROUS DOGS; REQUIREMENTS.**

(A) *Requirements.* For any dog declared dangerous by operation of this subchapter, state statute, court order, an ordinance or regulation from another jurisdiction, or by operation of a declaration by an Animal Control Authority, the owner, in addition to complying with all the registration requirements set forth under ' 90.07 of this chapter, shall keep and maintain the dog pursuant to all requirements of this section, all other provisions of this subchapter and all requirements of any applicable state statute.

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(B) *Restraint.* An owner of a dangerous dog shall keep the dog, while on the owner=s property, in a proper enclosure, as defined by ' 90.05 of this chapter. The dog shall, at all times, be kept in such proper enclosure unless the dog is, at any and all times the dog is outside a proper enclosure, muzzled and restrained by a substantial chain or leash not to exceed six feet in length and under the physical restraint of a responsible person 18 years of age or older. The muzzle, chain and leash must all be of such a design, manufacture and maintained in a condition that will prevent the dog from biting any person or animal, but that will not cause injury to the dog or interfere with its vision or respiration.

(C) *Leased premises.* A person who owns a dangerous or potentially dangerous dog and who rents property from another where the dog will reside shall disclose to the property owner prior to when the dog begins to reside on the property, or prior to entering the lease agreement, and at the time of any lease renewal, that the person owns a dangerous or potentially dangerous dog that will reside at the property.

(D) *Warning symbol.* If the county issues a certificate of registration to the owner of a dangerous dog pursuant to this subchapter, the county must provide, for posting on the owner=s property, an adequate number of a warning symbol to inform all persons, including children, that there is a dangerous dog on the property. The design of the warning symbol must be uniform with any specifications for such a sign as issued by the state=s Commissioner of Public Safety, if any, and shall otherwise be obtained by the county from the Commissioner of Public Safety. The county will charge the owner a reasonable fee to cover its administrative costs and the cost of the warning symbol.

(E) *Tag.* A dangerous dog registered under this section shall have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol, as developed by the Commissioner of Public Safety or the Animal Control Authority, affixed to the dog=s collar at all times.

(F) *Property inspection.* The owner of a dangerous dog shall permit the Animal Control Authority and/or law enforcement to enter the property where a dangerous dog is kept or located, at all hours reasonable under the circumstances, without a warrant or other advance judicial process, to inspect the premises so as to ensure compliance with the provisions of this subchapter, applicable state statutes, order from a hearing officer or directive from the Animal Control Authority. The failure of an owner to permit such inspection is, by itself, a ground to immediately seize the dog pursuant to ' 90.12 of this chapter and revoke the dangerous dog registration pursuant to ' 90.07(F) of this chapter.

(G) *Review.* If, in reviewing the conditions for keeping a dangerous dog, there have been no ordinance violations for a period of two years, the Animal Control Authority or Hearing Officer may use discretion in determining whether the conditions set forth above are still required.

(Ord. 10-01, passed 1-19-2010)

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' 90.09 POTENTIALLY DANGEROUS DOGS; DESIGNATION.

(A) *Designation.* The Animal Control Authority or Hearing Officer shall designate any dog as a potentially dangerous dog upon receiving evidence that the animal meets any of the criteria in ' 90.05 of this chapter.

(B) *Notice.*

(1) Upon determination that a dog is potentially dangerous, the Animal Control Authority shall provide a written notice of potentially dangerous dog to the owner of record, or if none, any owner of such dog by personally serving the owner or a person of suitable age and discretion at the residence of such owner. Service upon any owner shall be effective as to all owners. The notice shall state the dates, times, places and facts of the incidents which form the basis for the determination, and shall include the following:

- (a) A description of the dog deemed to be potentially dangerous;
- (b) The factual basis for that determination; and
- (c) The identity of the official who made the determination.

(2) The notice shall also set forth the restrictions imposed upon a potentially dangerous dog under this subchapter.

(3) The notice shall also advise the owner(s) that they have ten days to appeal the determination by requesting a hearing before a Hearing Officer, and shall include a preprinted form the owner may use to request the hearing. The request for a hearing shall be made directly to the Animal Control Authority, and must be submitted in writing.

(4) If the owner does not request a hearing within the allotted ten days, the designation of potentially dangerous dog as issued in the written notice of potentially dangerous dog will stand, and the owner will be subject to all restrictions and requirements as set forth in the notice by the Animal Control Authority.

(C) *Hearing.*

(1) If an owner requests a hearing within ten days of the date of the notice for determination as to the potentially dangerous nature of the dog, the hearing shall be held before a Hearing Officer within ten days after the Animal Control Authority is notified of the owner=s request for a hearing. The Hearing Officer may allow the hearing date to be extended beyond the ten-day period for good cause. Any dog owner who requests such a hearing is liable to the county for all costs and expenses related to the hearing.

(2) The hearing shall be conducted pursuant to the requirements of ' 90.06(C) of this chapter.

(3) After considering all evidence pertaining to the dog, the Hearing Officer shall issue a

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written order which rejects or upholds the determination. If the Hearing Officer upholds the determination as potentially dangerous, the order may affirm or modify the conditions recommended by the Animal Control Authority. If, as a result of testimony or other evidence at the hearing, there are grounds for declaring the dog to be a dangerous dog pursuant to ' 90.06 of this chapter, the Hearing Officer may change the designation and issue the appropriate orders.

(4) The decision of the Hearing Officer is a quasi-judicial determination that is subject to review by writ of certiorari to the state=s Court of Appeals.

(D) *Exemption.* A dog may not be declared potentially dangerous if the threat, injury or damage was sustained by a person who:

(1) Was committing, at the time, a willful trespass or other tort upon the premises occupied by the owner of the dog;

(2) Was provoking, tormenting, abusing or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or

(3) Who was committing or attempting to commit a crime against the owner or the owner=s property.

(E) *Review of designation.* The Animal Control Authority, or Hearing Officer, may, upon the written request of the owner, review the status of a dog which has been determined to be potentially dangerous if a period of two years has passed without any further incidents or violations of this subchapter, and may use discretion in determining whether any conditions which have been ordered are still required. If the review is conducted by the Hearing Officer, the burden of proof shall be upon the dog=s owner and the standard of proof shall be by clear and convincing evidence.

(Ord. 10-01, passed 1-19-2010)

' 90.10 POTENTIALLY DANGEROUS DOGS; REQUIREMENTS.

(A) *Microchipping.* Any dog that has been determined to be potentially dangerous shall be microchipped in accordance with ' 90.11 of this chapter.

(B) *Other restrictions.* Any dog determined to be potentially dangerous may be subject to any or all of the following restrictions, as determined by the Animal Control Authority or the Hearing Officer.

(1) The owner of a dog may be required to complete an approved dog obedience class within a designated period of time, and provide proof of completion to the Animal Control Authority.

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(2) The dog may be required to be kept in a proper enclosure, or restrained by chain or leash not to exceed six feet in length, and/or muzzled, and under the control of a responsible person 18 years of age or older at all times it is outdoors and not inside a proper enclosure.

(3) The owner may be required to post the property where the dog resides with warning signs, readable to children, containing a written notice and warning that a potentially dangerous dog is present on the property. Such signs shall conform to the requirements set forth in ' 90.08(D) of this chapter.

(4) The owner may be required to show proof of up-to-date rabies vaccination and, if required, licensing.

(5) The dog may be required to wear, at all times, a tag or marker identifying it as a potentially dangerous dog.

(6) The dog may be required to be sterilized within 30 days of the owner receiving notice.
(Ord. 10-01, passed 1-19-2010)

' 90.11 MICROCHIP IDENTIFICATION.

It shall be the responsibility of each owner of any dog kept or harbored within the county and determined to be a dangerous or potentially dangerous dog under this subchapter, court order, state statute, designation from the Animal Control Authority or a substantially similar ordinance from another jurisdiction, to ensure that a microchip is implanted in the dog for identification. The name of the microchip manufacturer and identification number of the microchip must be provided to the Animal Control Authority. If the microchip is not implanted by the owner, it must be implanted by a qualified veterinarian or clinic or shelter staff under the direction and control of the Animal Control Authority. In either case, all costs related to purchase and implantation of the microchip must be borne by the dog's owner.

(Ord. 10-01, passed 1-19-2010)

' 90.12 CONFISCATION.

(A) *Seizure.* The Animal Control Authority shall immediately seize any dangerous dog or potentially dangerous dog if:

(1) After 30 days after the owner has notice that the dog is dangerous or potentially dangerous, the dog is not validly registered under this subchapter or applicable state law;

(2) After 30 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under this subchapter;

(3) The dog is not maintained in a proper enclosure, as defined in ' 90.05 of this chapter;

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(4) The dog is outside the proper enclosure and not under the proper physical restraint of a responsible person as required under this subchapter or any applicable state law;

(5) The owner is served with written notice, by certified mail to the owner's last known address, that the owner is in violation of any of the requirements of this subchapter or any applicable state statute, or is in violation of any directive issued by the Animal Control Authority or order from a Hearing Officer; and, within 30 days of service of such written notice, has refused or failed to achieve satisfactory compliance;

(6) The Animal Control Authority has reason to believe the dog is a dangerous or potentially dangerous dog, and is kept or maintained under conditions or circumstances creating an unacceptable risk of harm to physical persons or other domesticated animals; or

(7) For any other reason authorized by law.

(B) *Additional dogs subject to seizure.*

(1) Any dog found to be in circumstances which to a reasonable person indicate that the dog has been or will be used, trained or encouraged to fight with another animal, or any animal whose owner has in custody or possession any training apparatus, paraphernalia or drugs used to prepare such dog to be fought with another animal, is hereby declared to be a public nuisance and shall be immediately seized and taken to the designated Animal Control center.

(2) Any dog may be seized and held to determine if rabid.

(3) Any dog may be seized and held if suspected of being feral.

(4) Any dog which meets the definitions found in ' 90.05 of this chapter may be seized and held at Animal Control pending a determination whether the animal is dangerous or potentially dangerous.

(C) *Reclaiming dogs.* A dog seized under this subchapter may be released to the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the Animal Control Authority that all requirements of this subchapter and state law have or will be met. A dog not reclaimed under this division (C) within 30 days may be disposed of as provided under M.S. ' 346.37, as it may be amended from time to time, and the owner is liable to the Animal Control Authority for costs incurred in confining and disposing of the dog.

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(D) *Subsequent offenses.* If a person has been convicted of a misdemeanor for violating a provision of this subchapter, and the person is charged with a subsequent violation relating to the same dog, the dog shall be seized by the Animal Control Authority. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the dog. If the person is not convicted of the crime for which the dog was seized, the owner may reclaim the dog upon payment to the Animal Control Authority of a fee for the care and boarding of the dog. If the dog is not reclaimed by the owner within 30 days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of as provided under M.S. ' 35.71, subd. 3, as it may be amended from time to time. The owner is liable to the Animal Control Authority for the costs incurred in confining, impounding and disposing of the dog. (Ord. 10-01, passed 1-19-2010)

' 90.13 DESTRUCTION OF DOGS IN CERTAIN CIRCUMSTANCES.

(A) *Upon infliction of death or bodily harm.* A dog that, when unprovoked, inflicted death or substantial or great bodily harm on a human being on public or private property or, when unprovoked, bit multiple human victims on public or private property in the same attack may be destroyed in a proper and humane manner by the Animal Control Authority. The Animal Control Authority may not destroy the dog until the dog owner is provided the opportunity for a hearing before a Hearing Officer, as set forth in this subchapter.

(B) *Suffering beyond cure.*

(1) Notwithstanding any other provision of this subchapter, any dog taken into custody may be immediately disposed of when the dog is suffering and is beyond cure through reasonable care and treatment, upon a proper determination by a licensed doctor of veterinary medicine.

(2) The county shall recover from the dog=s owner all costs incurred under this section.

(C) *Unclaimed dogs.* At the expiration of the time a dog is impounded as provided for in this subchapter, if the dog has not been reclaimed in accordance with the provisions hereof, it shall be the duty of the Animal Control Authority to cause such dog to be destroyed according to the most humane and approved methods, or otherwise disposed of.

(Ord. 10-01, passed 1-19-2010)

' 90.14 GENERAL RESTRICTIONS.

(A) *Dog ownership prohibited.* Except as provided in division (C) below, no person may own a dog if the person has:

(1) Been convicted of a third or subsequent violation of ' ' 90.07, 90.08 or 90.11 of this chapter;

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(2) Been convicted of a violation under M.S. ' 609.205, clause (4), as it may be amended from time to time;

(3) Been convicted of a gross misdemeanor under M.S. ' 609.226, subd. 1, as it may be amended from time to time;

(4) Been convicted of a violation under M.S. ' 609.226, subd. 2, as it may be amended from time to time; or

(5) Has a dog ordered destroyed under ' 90.13 of this chapter and been convicted of one or more violations of ' ' 90.07, 90.08 and 90.11 of this chapter or M.S. ' 609.226, subd. 2, as it may be amended from time to time.

(B) *Household members.* If any member of a household is prohibited from owning a dog in division (A) above, unless specifically approved with or without restriction by an Animal Control Authority, no person in the household is permitted to own a dog.

(C) *Dog ownership prohibition review.* Beginning three years after a conviction under division (A) above that prohibits a person from owning a dog, and annually thereafter, the person may request that the Animal Control Authority review the prohibition. The Animal Control Authority may consider such facts as the seriousness of the violation or violations that led to the prohibition, any criminal convictions or other facts that the Animal Control Authority deem appropriate. The Animal Control Authority may rescind the prohibition entirely or rescind it with limitations. The Animal Control Authority also may establish conditions a person must meet before the prohibition is rescinded, including, but not limited to, successfully completing dog training or dog handling courses. If the Animal Control Authority rescinds a person=s prohibition and the person subsequently fails to comply with any limitation imposed by the Animal Control Authority or the person is convicted of any animal violation involving unprovoked bites or dog attacks, the Animal Control Authority may permanently prohibit the person from owning a dog in the county.

(Ord. 10-01, passed 1-19-2010) Penalty, see ' 90.99

' 90.15 EFFECTIVE DATE.

This subchapter was in full force and effect from and after 3-1-2010.
(Ord. 10-01, passed 1-19-2010)

' 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99 of this code of ordinances.

Dangerous Dogs

(B) (1) Any person who violates any provision of ' ' 90.01 through 90.15 of this chapter is guilty of a misdemeanor.

(2) It is a misdemeanor to remove a microchip from a dangerous or potentially dangerous dog; to fail to renew the registration of a dangerous dog; to fail to account for a dangerous dog=s death, transfer of ownership or removal from the jurisdiction; to sign a false affidavit with respect to a dangerous dog=s death, transfer of ownership or removal from the jurisdiction; or to fail to disclose ownership of a dangerous or potentially dangerous dog to a property owner from whom the person rents property.
(Ord. 10-01, passed 1-19-2010)

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CHAPTER 91: LARGE ASSEMBLIES

Section

- 91.01 Purpose
- 91.02 Definitions
- 91.03 Permit required
- 91.04 Exemptions
- 91.05 Permit requirements
- 91.06 Application procedures; fees
- 91.07 Input from road authorities
- 91.08 Permit revocation or suspension
- 91.09 Effective date

- 91.99 Penalty

' 91.01 PURPOSE.

This chapter is determined necessary and is adopted by the County Board of Commissioners pursuant to the authority contained in M.S. ' 375.40, as it may be amended from time to time. Said chapter is intended to ensure that large gatherings or assemblies of people held for musical, racing, entertainment or other communal activities are conducted in accord with proper and acceptable sanitary, police, fire and other health and safety considerations so as to protect the health, safety and general welfare of the public and of the people attending or taking part in the assembly. This chapter does not apply to assemblies occurring entirely within the incorporated limits of any city within the county. (Res. 96-36, passed 7-9-1996)

' 91.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) **ASSEMBLY.** Any public gathering of 250 or more people at any location at any single time for the purpose of musical, racing, political, promotional, social, entertainment or other similar types of activities.

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(B) **ASSEMBLY AREA.** The area within which the assembly activities are to take place.

(C) **COUNTY.** The County of Wright in the State of Minnesota.

(D) **COUNTY BOARD.** The Wright County Board of Commissioners.

(E) **FAMILY.** Persons primarily related to each other by blood, marriage or adoption.

(F) **PERMIT.** A permit allowing a large assembly to be held in the county.

(G) **PERMITTED PREMISES.** The entire area to be used by the person to conduct an assembly, including, but not limited to, the assembly area, vehicle parking areas, camping areas and adjacent private and public roads.

(H) **PERSON.** Any individual, partnership, corporation, association, society or group seeking and/or receiving a large assembly permit from the county.
(Res. 96-36, passed 7-9-1996)

' 91.03 PERMIT REQUIRED.

No person, except those specifically exempted in accordance with ' 91.04 of this chapter, shall maintain, conduct, allow, promote, advertise, organize, manage or sell or give away tickets to an actual or reasonably anticipated assembly of 250 or more people, whether upon public or private property, without a permit duly approved by the County Board of Commissioners and issued by the County Auditor/Treasurer in accordance with this chapter. Receipt of a valid permit pursuant to this chapter does not waive the need for any other federal, state or local permits or approvals that may be required. County zoning approval may be required for events regularly held at the same location.
(Res. 96-36, passed 7-9-1996) Penalty, see ' 91.99

' 91.04 EXEMPTIONS.

This chapter shall not apply to the following public gatherings:

(A) Any regularly established and permanent place of worship, stadium, athletic field, arena, auditorium, colosseum or other similarly established place of assembly;

(B) Gatherings or activities permitted or licensed by other state laws or county ordinances, including the state=s parks system and the county parks system;

(C) Government sponsored fairs held on regularly established fairgrounds; and/or

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(D) Family gatherings taking place entirely upon the premises of a family member.
(Res. 96-36, passed 7-9-1996)

91.05 PERMIT REQUIREMENTS.

Before any permit under this chapter may be issued, the person applying shall supply information and demonstrate that the proposed assembly shall satisfy the following requirements.

(A) *Maximum number of people.* A permit shall only allow the assembly of people up to the maximum number of people stated in the permit. The County Board of Commissioners may impose restrictions on the maximum number people which may be assembled as deemed necessary to protect the health, safety and welfare of those people who shall be in attendance, the residents of the area in which the assembly will be held and other residents of the county. The permit holder shall not sell tickets to nor permit to assemble at the permitted premises, more than the maximum permissible number of people stated in the permit.

(B) *Fenced grounds.* A fence or barrier shall enclose assembly area, being of sufficient height and strength to prevent people from gaining unauthorized access to the assembly area, and having sufficient entrances and exits to allow for safe and easy movement into and out of the assembly area. Vehicle parking areas shall be exempted from inclusion within the fencing requirement, but shall be considered to be a part of the permitted premises.

(C) *Water.* Potable water must be provided, meeting all federal and state requirements for sanitary quality, in sufficient quantities to provide drinking water for the maximum number of people to be assembled at the rate of at least one gallon per person per day. If the assembly is to continue for more than 24 consecutive hours, water for bathing must be provided at the rate of at least ten gallons per person per day.

(D) *Food.* The preparation, sale and dispensing of any food on the permitted premises shall be by vendors licensed by the state's Department of Health.

(E) *Toilets.* Enclosed toilets allowing for separate use by males and females, sufficient in number to accommodate the maximum number of people to be assembled, shall be provided and shall be conveniently located throughout the permitted premises. Such facilities shall be provided in accordance with state regulations and the recommendations of the County Office of Planning and Zoning, Division of Environmental Health.

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(F) *Solid waste disposal.* The permitted premises shall be maintained in a neat and orderly manner and the permit holder shall provide a sanitary method of disposing of solid waste which is of sufficient size to dispose of the solid waste production of the maximum number of people to be assembled at the rate of at least two and one-half pounds of solid waste per person per day. The method of disposal shall also provide for collection and removal from the permitted premises of all solid waste at least once each day of the assembly. The handling and disposal of solid waste shall also be accomplished in compliance with all county and state regulations regarding solid waste.

(G) *Noise.* All necessary precautions shall be taken to ensure that the sound of the assembly shall not carry unreasonably beyond the permitted premises.

(H) *Parking.* The permit holder shall, at a minimum, provide a parking area of sufficient size to provide parking space for the maximum number of people to be assembled, based upon a calculated rate of at least one parking space for every three people. All parking must be off of public roadways.

(I) *Public telephones.* Public telephones shall be provided so as to provide service to the maximum number of people to be assembled at the rate of at least one separate line and receiver for each 500 persons or any incremental portion in excess thereof.

(J) *Administrative control center.* An Administrative Control Center shall be provided by the permit holder which shall be equipped with a telephone by which local authorities may contact the permit holder, law enforcement personnel or other people in attendance at the assembly.

(K) *Lighting.* For Assemblies continuing during hours of darkness, the permit holder shall provide sufficient illumination to safely light the entire permitted premises, but such illumination shall not unreasonably extend beyond the boundaries of the permitted premises.

(L) *Medical facilities.* The permit holder shall ensure the availability of appropriate medical facilities. For assemblies in excess of 500 people, the permit holder shall provide an emergency ambulance on the site of the assembly staffed by at least two licensed emergency attendants. The necessity of additional medical facilities and personnel shall be determined by the emergency medical providers for the assembly.

(M) *Security.* The Permit holder shall prepare and implement a security, traffic, weather emergency and alcohol and drug control plan which shall meet the requirements of local authorities, including the County Sheriff. The permit holder may be required to provide for the presence of law enforcement personnel in such numbers as determined and deemed appropriate by the County Sheriff.

(N) *Fire protection.* The permit holder shall submit a plan for fire protection, as approved by the Fire Chief of the Fire Department serving the location of the assembly.

(O) *Camping facilities.* If the assembly is to continue overnight, camping facilities shall be provided which are sufficient to provide accommodations for the maximum number of persons reasonably anticipated to remain overnight.

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(P) *Insurance.* Prior to the issuance of a permit, the person shall file with the County Auditor/Treasurer a certificate of insurance demonstrating that the person has obtained a policy of insurance in the amount of not less than \$1,000,000 coverage for bodily injury, death or property damage arising out of the assembly.

(Q) *Bond.* Prior to the issuance of a permit, the person shall file with the County Auditor/Treasurer a bond, either in cash, or underwritten by a surety company licensed to do business in the state, or an irrevocable letter of credit in an amount to be determined by the County Board of Commissioners, which bond shall indemnify and hold harmless the county or any of its agents, officials or employees from any liability, claims or causes of action which might arise by reason of granting this permit. Said bond shall also cover the payment for services provided to the permit holder by the county and for payment of any cost incurred in cleaning up, removing and disposing of any solid waste left by the assembly. No portion of the bond shall be released to the permit holder until all provisions of the permit have been satisfied, as determined by the County Board of Commissioners.

(R) *Variances.* The County Board of Commissioners may consider requests for variances from any of the above permit requirements when a person can show that strict compliance with this chapter would cause undue hardship by reason of the special nature of the proposed assembly, the proposed duration of the assembly or by reason of the circumstances surrounding the proposed assembly which would make certain requirements of this section unnecessary. The County Board of Commissioners may only grant a variance when it may be done without detriment to the public health, safety or welfare and where granting the variance will not otherwise impair the intent and purpose of this chapter.

(Res. 96-36, passed 7-9-1996) Penalty, see ' 91.99

' 91.06 APPLICATION PROCEDURES; FEES.

(A) *Application.* A completed application for a large assembly permit shall be made in writing on a form provided by the County Auditor/Treasurer. Said application shall be submitted to the County Auditor/Treasurer at least 60 days in advance of the proposed assembly.

(B) *Verification.* The application shall be signed and verified by the person seeking the permit. In the case of a corporation, the application shall be signed by the president or other authorized representative. In the case of any other association, society or group, the application shall be signed by the appropriate officers or, if there are no officers, by all members. In the event that the proposed assembly is to occur on property owned by a party other than the person applying, the application shall also be signed by the property owner.

(C) *Fee.* The application and permit fee for each permit issued under this chapter shall be in accordance with the fee schedule as adopted by resolution of the County Board of Commissioners. The non-refundable application fee shall be paid at the time of submitting a completed application.

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(D) *Contents.* The person seeking a permit shall supply all information requested on the application form, including the following:

(1) The name, date of birth, residence and mailing address of the person applying and of each individual required by division (B) above to sign the application;

(2) The address and legal description of the proposed permitted premises, together with the name, residence and mailing address of the record owner(s) of all such property;

(3) The nature or purpose of the proposed assembly;

(4) The dates and times during which the proposed assembly will be held; and

(5) Detailed information as to how the person applying will ensure that the assembly will comply with the requirements of ' 91.05 of this chapter.

(Res. 96-36, passed 7-9-1996)

' 91.07 INPUT FROM ROAD AUTHORITIES.

Within 30 days of submitting the completed application under this chapter, the person applying shall secure the approval of the appropriate road authorities for the traffic control plan and points of access onto established public road systems for purposes of the assembly.

(Res. 96-36, passed 7-9-1996)

' 91.08 PERMIT REVOCATION OR SUSPENSION.

Any permit issued under this chapter may be revoked by the County Board of Commissioners for violation of any of the provisions of this chapter or for failure to comply with any of the conditions contained within the permit. The County Sheriff may suspend operation of and close any assembly prior to the expiration of the permit granted under the provisions of this chapter in the event of a riot, major disorder or serious breach of the peace, as necessary to prevent injury to people and/or damage to property.

(Res. 96-36, passed 7-9-1996)

' 91.09 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage and publication according to law.

(Res. 96-36, passed 7-9-1996)

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' 91.99 PENALTY.

(A) *General.* Any person violating any of the provisions of this chapter or who makes any false statement on the application required by ' 91.06 of this chapter shall be guilty of a misdemeanor.

(B) *Injunctive relief.* In addition to other remedies, the County Board of Commissioners may authorize the County Attorney to institute appropriate actions or proceedings to prevent, restrain, correct or abate violations of this chapter.

(Res. 96-36, passed 7-9-1996)

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CHAPTER 92: PARKS AND RECREATION

Section

- 92.01 Purpose
- 92.02 Definitions
- 92.03 General conduct
- 92.04 Protection of natural resources and wildlife
- 92.05 Recreational activities
- 92.06 Vehicle regulations
- 92.07 Park operation
- 92.08 Bertram Chain of Lakes
- 92.09 Enforcement
- 92.10 Effective date

- 92.99 Penalty

‘ 92.01 PURPOSE.

The purpose of this chapter, which is enacted pursuant to state statutes, is to secure the quiet, orderly and suitable use and enjoyment of public park reserves, county recreation areas, county-wide trail systems, wildlife sanctuaries, forest, historical sites, waysides and public access to lakes, rivers and streams in parks established by the county and to further the safety, health, comfort and welfare of all persons in the use thereof.

(Ord. 14-02, passed 5-13-2014)

‘ 92.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) **ALCOHOLIC BEVERAGE.** Any intoxicating beverage, as defined by state statutes and includes, but is not limited to, intoxicating liquor, strong beer, 3.2% beer and wine.

(B) **ASSISTED MOBILITY DEVICE.** Any permitted single passenger, electric powered device, which provides access for a person in need of assistance due to a medical condition.

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(C) **CONTROLLED SUBSTANCE.** Any substance defined as a controlled substance by M.S. Ch. 152, as it may be amended from time to time, or by other statutes or federal law or regulations.

(D) **MOTORIZED RECREATION VEHICLES.** Any self-propelled, off-the-road or all terrain conveyance, including but, not limited to, a snowmobile, mini-bike, amphibious vehicle, motorcycle, go-cart, trail bike or dune buggy.

(E) **PARK.** Any land or water area, and all facilities thereon, established as a park by the county pursuant to state statutes.

(F) **PARK ADMINISTRATOR.** The person appointed by the County Board of Commissioners to serve as the chief administrative officer of the county park system.

(G) **PARK MANAGER.** The person designated by the County Board of Commissioners with the responsibility for the operation and management of a particular park or parks.

(H) **PARK VISITOR.** Any person, firm, partnership, association, corporation, governmental unit, company or organization of any kind within a park.

(I) **PERMIT/SPECIAL USE PERMIT.** Written permission obtained from the Park Administrator or the County Parks Commission to carry out certain activities.

(J) **VEHICLE.** Any motorized, self-propelled, animal-drawn or human powered conveyance.

(K) **WEAPON.** Any device including, but not limited to, firearms, bows and arrows, slings and spring guns, pellet or BB guns, and electronic weapons, from which a shot or projectile of any type is discharged or propelled by means of an explosive, gas, compressed air or other means. An **ELECTRONIC WEAPON** means a portable device which is designed, used or intended to be used, offensively or defensively, to immobilize or incapacitate persons by the use of an electric current.

(L) **WILDLIFE.** All living creatures, not human, wild by nature, endowed with sensation and power or voluntary motion, including quadrupeds, mammals, birds, fish, amphibians, reptiles, crustaceans and mollusks.

(Ord. 14-02, passed 5-13-2014)

92.03 GENERAL CONDUCT.

(A) *Possession and use of alcohol and controlled substances.* It shall be unlawful for any person to:

(1) Serve, possess or consume any alcoholic beverage or controlled substance within a park;
and/or

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(2) Exhibit any offensive behavior while under the influence of any alcoholic beverage or controlled substance.

(B) *Public nuisance; breach of peace.* It shall be unlawful for any person to:

(1) Use threatening, abusive, insulting, obscene or indecent language, or to act in an indecent manner, or to do any act which constitutes a breach of the public peace in a park;

(2) Disturb, harass or interfere with any park visitor or a park visitor's property;

(3) Gamble in a park; and/or

(4) Use loudspeakers or other amplifying systems in a park, except with written permission from the Park Administrator.

(C) *Littering; release of foreign substance.* It shall be unlawful for any person to:

(1) Deposit, scatter, drop or abandon in a park any bottles, cans, broken glass, sewage, waste or other material, except in receptacles provided for such purposes. Said waste receptacles are to be used only by park visitors for such wastes as are created during use of the park for recreational activities. Other use of said waste receptacles is a violation of this chapter; and/or

(2) Throw, discharge or place in any park or upon any lake, stream, creek, pond or other body of water in or adjacent to any park, or upon any tributary, stream, storm sewer or other drain flowing into such waters, any foreign substance, liquid, solid or gas.

(D) *Fires.* It shall be unlawful for any person to:

(1) Start a fire in a park, except in a designated area, such as a fireplace or fire ring, or as otherwise allowed by a permit;

(2) Leave a fire unattended or fail to fully extinguish a fire; and/or

(3) Drop, throw, or otherwise leave unattended in a park, lighted matches, burning cigars, cigarettes, tobacco, paper or other combustible material.

(E) *Destruction of park property.* It shall be unlawful for any person to intentionally deface, vandalize or otherwise cause destruction to park property.

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(F) *Possession and use of weapons.* It shall be unlawful for any person to possess, hold, store, keep or carry within any park land, facility or buildings, fire or discharge, or cause to be fired or discharged across, in or into any portion of the any park land, facility or building and pistol, BB gun, rifle or other firearm, spear, bow and arrow, crossbow, slingshot, air or gas weapon, paintball gun or any other dangerous weapon or projectile, except for purposes designated by the Parks Administrator in areas and at times designated by the Parks Administrator. Persons who possess a valid state permit, or a valid permit from another state which is recognized in the state may carry, hold, keep, store or possess a pistol within any park land, facility or building to the extent permitted by state law. Licensed peace officers are exempt from the provisions of this division (F).

(G) *Commercial use; public meetings and assemblies.* It shall be unlawful for any person to:

(1) Sell, solicit or carry on any business or commercial enterprise or service in a park without a permit; and/or

(2) Conduct public meetings, assemblies, entertainment, parades or demonstrations, within a park, without first obtaining a permit, and then only in areas designated by the permit.

(H) *Pets.* It shall be unlawful for any person to:

(1) Bring a dog, cat or other pet into a park unless caged or kept on a non-retractable leash not more than six feet in length, or to tether any animal to a tree or other plant;

(2) Permit any dog, cat or other pet to enter a beach area, nature center area, refuge area, picnic area, park building or other unauthorized area within a park or into any park where their presence is prohibited by the Park Administrator; and/or

(3) Permit a dog, cat or other pet to disturb, harass, or interfere with any park visitor or a park visitor's property.

(Ord. 14-02, passed 5-13-2014) Penalty, see ' 92.99

' 92.04 PROTECTION OF NATURAL RESOURCES AND WILDLIFE.

(A) It shall be unlawful for any person to:

(1) Injure, destroy or remove any tree, flower, shrub, plant, rock, soil or mineral in a park;

(2) Kill, trap, hunt, pursue or in any manner disturb or cause to be disturbed, any species of wildlife within a park; except that, fishing may be permitted in designated areas;

(3) Remove any wildlife, living or dead, from a park, and any wildlife so removed or taken contrary to the provisions of this chapter or any laws of the state shall be considered contraband and subject to seizure and confiscation; and/or

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(4) Release within a park any plant, chemical or other agent intentionally harmful to the vegetation or wildlife of the park.

(B) The county sponsored hunting events for veterans of the United States Armed Forces are exempt from the provisions of divisions (A)(2) and (A)(3) above.

(Ord. 14-02, passed 5-13-2014) Penalty, see ' 92.99

' 92.05 RECREATIONAL ACTIVITIES.

(A) *Camping*. It shall be unlawful for any person to:

- (1) Camp in a park, except in areas provided and designated for that purpose;
- (2) Camp in a park without a permit;
- (3) Cause, create or make any noise which disturbs the peace, quiet and tranquility of the camping area;
- (4) Discharge water or any other waste in a park, except into designated containers, drains or dumping stations;
- (5) Dig trenches or make any other excavations in a park; and/or
- (6) Occupy camp sites in a park contrary to a permit, or violate any provision of a permit.

(B) *Swimming*. It shall be unlawful for any person to:

- (1) Wade or swim within a park, except at beaches designated for that purpose, and then only between sunrise and sunset, or such hours as may be designated by the Park Administrator, and park visitors shall swim or wade at their own risk when lifeguards are not on duty;
- (2) Wade, swim or use any beach in a park without proper bathing attire;
- (3) Take cans, bottles or glass of any kind, except eye glasses, into a designated beach area; and/or
- (4) Use air mattresses, inner tubes or other inflatable devices, except in designated beach areas.

(C) *Boating*. It shall be unlawful for any person to:

- (1) Launch or land any boat, yacht, canoe, raft or other watercraft upon any water, lagoon, lake, pond or slough within a park, except at locations and times designated for that purpose;
- (2) Leave unattended any boat or other watercraft, except in areas designated for that purpose;

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(3) Operate any watercraft in a designated swimming area or other prohibited area; and/or

(4) Operate any watercraft in a park in violation of M.S. Ch. 86B, Water Safety, Watercraft and Watercraft Titling, as it may be amended from time to time.

(D) *Fishing*. It shall be unlawful for any person to:

(1) Fish in a park in violation of any provision of M.S. Ch. 97C, as it may be amended from time to time;

(2) Fish in a park area designated as a no fishing area;

(3) Leave any structure or shelter on a frozen body of water in any park for more than 72 hours; and/or

(4) Leave, store, abandon or otherwise cause to remain on any park property or access site, any fish house, dark house, portable shelter or other structure. Any such structure left on park property for more than 72 hours will be confiscated and/or destroyed.

(E) *Horseback riding*. It shall be unlawful for any person to:

(1) Ride, lead or permit a horse to be within a park, except in designated riding areas and at designated hours; and/or

(2) Ride a horse in a reckless manner or in a manner to create a nuisance or to likely endanger the safety or property of any park visitor.

(F) *Bicycling*. It shall be unlawful for any person to:

(1) Operate a bicycle except on park designated bikeways and roadways, and except as close to the right-hand side thereof as conditions will permit;

(2) Operate a mountain bike or similar cycle, except on bike trails and roadways as permitted by the Park Administrator; and/or

(3) Ride or operate a bicycle in a less than prudent and careful manner, or at speed faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

(G) *Roller skating/rollerblading*. It shall be unlawful for any person to:

(1) Roller skate or rollerblade in a park, except on paved bike trails unless posted otherwise; and/or

(2) Roller skate or rollerblade in a park in a less than prudent and careful manner, or at a speed

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faster than is reasonable and safe with regard to the safety of the operator and other persons in the immediate area.

(H) *Winter activities.* It shall be unlawful for any person to:

(1) Skate, sled, coast, snowshoe or ski in a park, except at such times and at such paces as may be designated therefore; and/or

(2) Cross-country ski in a park in violation of M.S. Ch. 85, as it may be amended from time to time (without the required license).

(I) *Snowmobiling.* It shall be unlawful for any person to:

(1) Operate a snowmobile in a park, except at such times and at such places as may be designated therefore; and/or

(2) Operate a snowmobile in a park in excess of the posted speed limits, at a rate of speed greater than reasonable or proper under current conditions, or in a careless, reckless or negligent manner so as to endanger the person or property of another, or to cause injury or damage thereto.

(J) *Use of motorized recreation vehicles.* It shall be unlawful for any person to operate a motorized recreation vehicle within a park, except at such times and in such areas as designated by the Park Administrator.

(K) *Use of aircraft.* It shall be unlawful for any person to:

(1) Use any land or body of water within a park for a starting or landing field for aircraft, hot air balloons or parachutes, without a permit from the Park Administrator; and/or

(2) Start, fly or use any fuel powered model aircraft, model rocket or like-powered toy or model, in a park without a permit.

(Ord. 14-02, passed 5-13-2014) Penalty, see ' 92.99

' 92.06 VEHICLE REGULATIONS.

(A) *Operation.* It shall be unlawful for any person to:

(1) Operate any vehicle within a park, except upon roadways, parking areas or other designated locations therefor;

(2) Operate a motorized recreational vehicle within a park except in such areas and at such times as designated by the Park Administrator or the County Board of Commissioners, or permitted to the extent necessary to accommodate reasonable and safe use of a trail by persons with disabilities dependent upon motorized transport;

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(3) Operate a vehicle in a park at a speed in excess of posted speed limits;

(4) Operate a vehicle in a park in a reckless or careless manner; and/or

(5) Operate a vehicle which emits excessive or unusual noise, noxious fumes, dense smoke or other polluting matter in a park.

(B) *Parking.* It shall be unlawful for any person to:

(1) Park or leave a vehicle standing within a park, except in a designated parking area; and/or

(2) Park or leave a vehicle standing after posted closing hours without a valid camping permit or other special use permit.

(C) *Wash and repair.* It shall be unlawful for any person to wash, polish, grease, change oil or repair any vehicle in a park.

(Ord. 14-02, passed 5-13-2014) Penalty, see ' 92.99

' 92.07 PARK OPERATION.

(A) *Hours of operation.*

(1) Parks shall be open to the public daily from 6:00 a.m. until one-half hour after sunset, unless otherwise posted. It shall be unlawful for a person to enter or remain in a park at any other time, except for campers in a designated camping area.

(2) Any park or portion thereof may be declared closed to the public by the Park Administrator, by the County Board of Commissioners or by the County Sheriff, at any time, and for any interval of time, for the protection of park property, for the protection of the public health, safety or welfare, or as the Park Administrator, the County Board of Commissioners or the County Sheriff shall find reasonably necessary.

(B) *Permits.*

(1) A person may be granted a permit by the Park Administrator or his or her authorized representative for special uses or activities within a park, or for temporary exclusive use of a reserved space within a park.

(2) Permits shall be required for any entertainment, tournament, exhibition or any other special use of gathering which can reasonably be expected to involve 50 or more persons.

(3) The Park Administrator or his or her authorized representative may impose conditions upon use in connection with the granting of a permit. Any person, whether the permit applicant or not, who is

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using a park in accordance with a permit that has been granted, shall comply with the conditions of said permit.

(4) It shall be unlawful for a person to violate any conditions of a permit.

(5) Any permit granted pursuant to this section may be revoked by the Park Administrator or his or her authorized representative upon the violation by the permit holder of any portion of this chapter or any provision of state statutes.

(C) *Park fees.* It shall be unlawful for any person to use any facility or area for which a fee or charge has been established by the county parks without payment of such fee or charge.

(D) *Liability.* The county and county parks shall not be liable for any loss, damage or injury to property or persons sustained by any park visitor.

(Ord. 14-02, passed 5-13-2014) Penalty, see ' 92.99

' 92.08 BERTRAM CHAIN OF LAKES.

(A) This section shall apply to the operation and use of all grounds and waters within the boundaries of the Bertram Chain of Lakes and are supplementary to the any other general park ordinance.

(B) Whoever does any of the following, without a permit, is guilty of a crime: violates any of the restrictions as provided by ' 131.04(A) of this code of ordinances.

(C) Licensed peace officers and employees of the County Parks Department, in the official pursuit of their duties, are exempt from the provisions of this section.

(Ord. 14-02, passed 5-13-2014) Penalty, see ' 92.99

' 92.09 ENFORCEMENT.

(A) The Park Administrator and the County Board of Commissioners shall have the right to issue administrative rules and regulations for the purpose of clarifying and administering this chapter.

(B) The County Sheriff=s office, other peace officers, DNR Conservation Officers and designated county parks employees shall have the authority to enforce the provisions of this chapter and may eject from a park any persons acting in violation of this chapter.

(C) Nothing in this chapter shall prevent county parks employees from performing their assigned duties.

(D) No person shall impersonate any county parks employee, nor shall they interfere with, harass or hinder any county parks employee in the discharge of his or her duties.

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(Ord. 14-02, passed 5-13-2014) Penalty, see ' 92.99

' 92.10 EFFECTIVE DATE.

This chapter shall be effective upon passage and publication according to state statutes.
(Ord. 14-02, passed 5-13-2014)

' 92.99 PENALTY.

(A) A person guilty of violating any provision of this chapter shall be guilty of a misdemeanor. All fines collected under this chapter shall be deposited in the County Park Fund.

(B) The Park Administrator shall have the authority to revoke for good cause any permit or reservation issued under this chapter.
(Ord. 14-02, passed 5-13-2014)

CHAPTER 93: PUBLIC HEALTH; NUISANCES

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GENERAL PROVISIONS

‘ 93.01 PURPOSE.

This chapter is enacted to protect the health, safety and general welfare of the people of the county pursuant to powers granted under M.S. Ch. 145A and 375, as they may be amended from time to time, and M.S. ‘ 152.0275, as it may be amended from time to time, and subsequent recodifications and/or amendments, and other applicable legislation, as may be adopted from time to time.
(Ord. 11-06, passed 11-29-2011)

‘ 93.02 OBJECTIVES.

The principal objectives of this chapter are:

(A) To prevent injury and illness to occupants of the property and the public, especially children and vulnerable adults;

(B) To provide countywide standards for the abatement of public health nuisances including, but not limited to, clandestine lab sites;

(C) To establish responsibility of involved parties and assure that people are not unnecessarily exposed to dangers of public health nuisances; and

(D) To ensure proper actions are taken to remediate or abate public health nuisances.
(Ord. 11-06, passed 11-29-2011)

‘ 93.03 DEFINITIONS.

Definitions of words, phrases and terms used in this chapter shall be those set forth in M.S. ‘ ‘ 145A.02 and 152.0275, as they may be amended from time to time, and this section. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(A) **ABATEMENT.** The proper removal and/or containment of substances or materials hazardous to humans and/or the environment. **ABATEMENT** is part of remediation.

(B) **CHILD.** Any person less than 18 years of age.

(C) **CLANDESTINE LAB SITE.** Any structure or conveyance or outdoor location occupied or affected by the conditions or chemicals typically associated with the manufacturing of methamphetamine or other unlawful manufacture of a controlled substance.

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(D) **CONTROLLED SUBSTANCE.** A drug, substance or immediate precursor as defined in M.S. ' 152.01, subd. 4, as it may be amended from time to time. The term shall not include distilled spirits, wine, malt beverages, intoxicating liquors or tobacco.

(E) **COUNTY.** Wright County.

(F) **EMERGENCY RESPONSE.** Includes, but is not limited to, removing and collecting evidence; securing the site; and removal, remediation and hazardous chemical assessment or inspection of the site where the relevant offense or offenses took place, regardless of whether these actions are performed by the public entities themselves or by private contractors paid by the public entities or the property owner.

(G) **GARBAGE.** Any discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

(H) **HEALTH AUTHORITY.** The County Human Services Board and its designated employees, agents or contractors, as the County Board of Commissioners may designate.

(I) **OCCUPANT.** Any person who occupies real property, whether with or without any right, title or interest in the property, and any person in possession or charge of such property, in the event the owner resides or is located elsewhere.

(J) **OWNER.** Any person, persons, organization or corporation that owns, in whole or in part, the land, structure or other property or is the purchaser of the property under contract for deed.

(K) **PERSONAL PROPERTY.** All property other than that defined in definitions for Aproperty@ and Astructure@ herein that is subject to ownership.

(L) **PROPERTY.** Publicly- or privately-owned real property, including buildings and other structures, motor vehicles as defined in M.S. ' 609.487, subd. 2a, as it may be amended from time to time, public waters and public rights-of-way.

(M)**PROPERTY AGENT.** A person authorized by a property owner to act in transacting business matters or in managing the affairs of the property.

(N) **PROFESSIONAL REMEDIATION FIRM.** A firm that has provided written assurance to the Health Authority that they have appropriate equipment, procedures and personnel to accomplish remediation and that they are an experienced HAZMAT contractor.

(O) **PUBLIC HEALTH NUISANCE.** Any activity or failure to act that adversely affects the public health and shall include, but is not limited to, any condition which poses an immediate and direct hazard to human health if left unremedied due to the existence of the condition itself or due to the immediate threat of transmission of disease through insects, animals or other means of transmission or infections and includes, but is not limited to, a clandestine lab site and other public health hazards.

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(P) **REMEDIATION.** Proper cleanup, treatment or containment of hazardous substances or methamphetamine, in accordance with local, state or federal regulations, at or in a clandestine lab site or public health nuisance, and may include demolition or disposal of structures or other property when an assessment so indicates.

(Q) **RUBBISH.** Any non-putrescible solid wastes including, but not limited to, ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, furniture, appliances, concrete, asphalt, tires, plastic, metal or fiberglass.

(R) **STRUCTURE.** A dwelling, building, motor vehicle, trailer, boat, appliance or any other area or location, either fixed or temporary.

(S) **VULNERABLE ADULT.** The meaning as defined in M.S. Ch. 609.232, subd. 11, as it may be amended from time to time.

(T) **WASTE.** Material that, in the opinion of the Health Authority, is no longer of any value for its original purpose and has been or should be discarded.
(Ord. 11-06, passed 11-29-2011)

93.04 GENERAL PROHIBITIONS.

(A) *General.* The creation or maintenance of a public health nuisance is prohibited. The following are hereby expressly declared to be public health nuisances without limitation by reason of such enumeration:

- (1) A clandestine lab site;
- (2) Improper sewage disposal to such degree that sewage or effluent is discharging onto the surface of the ground, backing up into a structure or discharging into a body of water;
- (3) An unsecured hole or opening caused by improperly abandoned cistern, well pit, sewage treatment system, unused or non-maintained swimming pool, mine shaft or tunnel;
- (4) Failure to keep waste, refuse or garbage in an enclosed building or properly contained in a closed, insect- and rodent-proof, container designed or reasonably adapted for such purpose, except for the immediate time preceding pick-up by a refuse hauler;
- (5) Accumulation of carcasses of animals, birds or fish by failing to bury or otherwise dispose of in a sanitary manner within 24 hours after death. This provision shall not apply if the animals, birds or fish are intended for human consumption;

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(6) Accumulation of decaying animal or vegetable matter, animal or human feces, trash, rubbish, garbage, rotting lumber, packing material, scrap metal, tires or any other substances which can harbor flies, mosquitoes, other disease carrying insects, rodents or other vermin; this definition does not include compost bins or compost sites which are being managed in accordance with acceptable standards;

(7) Accumulations of waste, refuse, garbage, rubbish or junk as to become dangerous or injurious to the health and safety of any individual or to the public;

(8) Any structure that has become dangerous for further occupancy because of sanitary defects;

(9) Infestations of flies, fleas, cockroaches, lice, rats, mice, fly larvae or hookworm larvae; and

(10) Unnatural breeding grounds which support mosquito larvae and mosquitoes capable of carrying West Nile Virus, La Crosse Encephalitis Virus or any other disease causing microorganism.

(B) *Jurisdiction.*

(1) This chapter shall be applicable in all incorporated and unincorporated municipalities (city or township) within the boundaries of the county under the jurisdiction of the County Human Services Board.

(2) This chapter does not preempt any ordinances adopted by a city or township related to clandestine lab sites or related to buildings and housing.
(Ord. 11-06, passed 11-29-2011)

' 93.05 DISCLAIMER OF LIABILITY.

Liability on the part of, or a cause of action against, the county or any officer, employee or agent thereof for any damages that may result from administration and enforcement of this chapter shall be limited as provided by M.S. ' 466.02, as it may be amended from time to time.
(Ord. 11-06, passed 11-29-2011)

' 93.06 FEES.

Fees for the Health Authority complaint investigation, verification, administration and enforcement of violations of this chapter shall be those established by resolution, as amended from time to time, of the County Board of Commissioners.
(Ord. 11-06, passed 11-29-2011)

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' 93.07 EFFECTIVE DATE.

After passage by the County Board of Commissioners, this chapter took effect on 11-29-2011.
(Ord. 11-06, passed 11-29-2011)

ADMINISTRATION

' 93.20 STANDARDS ADOPTED.

This chapter incorporates by reference the provisions of M.S. Ch. 145A, as it may be amended from time to time, unless clearly inapplicable, and M.S. ' 152.0275, as it may be amended from time to time, and all subsequent recodifications and amendments.
(Ord. 11-06, passed 11-29-2011)

' 93.21 DECLARATION AS PUBLIC HEALTH NUISANCE.

(A) It shall be the duty of the Health Authority to determine whether or not a public health nuisance exists.

(B) For purposes of emergency response and notification to applicable authorities and posting for the public, a peace officer may determine that a structure, property or portion of a property constitutes a public health nuisance, including, but not limited to, the determination that the site constitutes a clandestine lab site.
(Ord. 11-06, passed 11-29-2011)

' 93.22 MODIFICATIONS TO OR DISMISSAL OF THE DECLARATION.

(A) The Health Authority may modify conditions of the declaration or dismiss the declaration of a public health nuisance.

(B) Such modifications or dismissal shall occur only after the Health Authority has confirmed that the levels of contamination are sufficiently reduced through abatement, remediation or other evidence discovered.

(C) The Health Authority will base its criteria for determining levels of contamination on the best health and safety information available at the time of the remediation and cannot be held liable for future discoveries.

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(D) For good cause shown, the owner or occupant may request authorization from the Health Authority for an extension of time to complete abatement activities. The Health Authority may grant such extension if the extension does not increase the risk to public health or safety and is deemed appropriate by the Health Authority.

(Ord. 11-06, passed 11-29-2011)

' 93.23 ACCESS TO PREMISES AND RECORDS.

The owner or other parties shall, upon the request of the Health Authority and after proper identification, permit access to all parts of the site or structure as often as necessary, and at any reasonable time for the purposes of inspection, remediation and abatement, and shall exhibit and allow copying of any and all records necessary to ascertain compliance with this chapter.

(Ord. 11-06, passed 11-29-2011) Penalty, see ' 93.99

' 93.24 INTERFERENCE WITH HEALTH AUTHORITY.

No person shall, in any way, interfere with or hinder the Health Authority in the performance of duties, or refuse the Health Authority access to gather information necessary to ascertain compliance with this chapter.

(Ord. 11-06, passed 11-29-2011) Penalty, see ' 93.99

' 93.25 INVESTIGATION AND RESPONSE TO PUBLIC HEALTH NUISANCE.

(A) *Health Authority owner notification.* Upon declaration of a public health nuisance, the Health Authority shall give written notice of its determination and orders to abate the nuisance to the owner, occupant and property agent, if applicable. This notice shall be served in person, by certified mail or by an officer authorized to serve a warrant and contain the following:

(1) Property location by street address, property identification number or other property description;

(2) Information identifying the nature of the public health nuisance at the property;

(3) A summary of the owner=s and occupant=s responsibilities under this chapter;

(4) Specific orders for abatement or remediation of the public health nuisance;

(5) A date for completion of the abatement not to exceed ten county business days following the receipt of the notice unless a shorter time is required due to the Health Authority=s further determination that the immediate abatement is necessary to protect the public=s health and safety. In such cases, the reason for a shortened abatement period shall be specified; and

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(6) Information regarding a right of appeal as provided in ' 93.27 of this chapter and that, unless the threat to public health is abated or removed in accordance with the terms of the notice, the Health Authority will have the public health nuisance abated or removed at the expense of the owner under the provisions of M.S. ' 145A.08, as it may be amended from time to time, this chapter or other applicable state or local law.

(B) *Unknown or absent property owner.* In the event the owner of the property is unknown or absent and has no known representative upon whom the notice can be served, the Health Authority shall post a written or printed notice on the property stating that, unless the threat to the public health is abated or removed within the ten county business days, the Health Authority will have the public health nuisance abated or removed at the expense of the owner under the provisions of M.S. ' 145A.08, as it may be amended from time to time, this chapter or other applicable state or local law.

(C) *Public notification.* The Health Authority shall provide information in writing about the public health nuisance declaration and potential hazard(s) to the following persons as applicable and appropriate:

- (1) Child protection unit in situations of potential child maltreatment or endangerment;
- (2) Adult protection unit in situations of potential vulnerable adult maltreatment or endangerment;
- (3) Neighbors in close proximity likely to be affected by the conditions found at the site;
- (4) The local municipal clerk, city administrator or other city official;
- (5) Local law enforcement officials; or
- (6) Other state and local authorities that may have public safety or environmental protection responsibilities.

(D) *Warning sign.* The Health Authority shall post a warning sign when deemed necessary to further protect the public health and safety. The warning sign shall be posted on the entrance(s) of the structure or property and contain information sufficient to alert visitors or returning occupants to the site that it may be dangerous to enter and that entry is prohibited unless authorized by the Health Authority or the law enforcement department posting the sign. Any person other than the Health Authority or its designated agent that removes a warning sign shall be in violation of this chapter.

(E) *Health Authority abates nuisance.* If the owner, property agent or occupant, fails or neglects to comply with the requirements in the notice provided under division (A) above, then the Health Authority shall abate or remediate the public health nuisance described in the notice. The Health Authority will recoup such costs as necessary to abate the public health nuisance as provided in ' 93.26 of this chapter and M.S. ' 145A.08, as it may be amended from time to time.

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(F) *Vacating the public health nuisance order.* Upon Health Authority verification of proper abatement, remediation or removal at the site, the Health Authority shall issue written notice to those persons served notice under division (A) above that the public health nuisance order is vacated. Notice shall also be provided, as applicable and appropriate, to those persons provided information under division (C) above.

(Ord. 11-06, passed 11-29-2011)

§ 93.26 COSTS AND REIMBURSEMENTS.

(A) *Recovery of costs.*

(1) If the Health Authority is required to remove, abate or remediate a public health nuisance, the county may recover costs incurred in investigation, removal, abatement or remediation in a civil action or, at the discretion of the County Board of Commissioners. The cost of enforcement action under this chapter may be assessed and charged against the real property on which the public health nuisance was located, pursuant to M.S. § 145A.08, as it may be amended from time to time. The county shall extend the cost as assessed and charged on the tax roll against said real property.

(2) When the estimated cost of abatement and remediation exceeds 75% of the County Assessor's market value of the structure, the County Administrator or designee, is authorized to notify the property owner of the county's intent to remove and dispose of the affected property instead of proceeding with abatement and remediation. For motor vehicles, the county will use the Kelley Blue Book value or equivalent in determining market value.

(3) Nothing herein precludes or limits the county from seeking recovery of costs through other methods allowed by federal or state law.

(B) *Subrogation rights.* Nothing in this chapter is intended to limit the subrogation rights of any party and the owner occupants. The county shall maintain the right to recover costs, referenced in this section, from persons contributing to the damage, such as those convicted of manufacturing methamphetamine or other controlled substances.

(Ord. 11-06, passed 11-29-2011)

§ 93.27 APPEALS.

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(A) *Right of appeal.* When a public health nuisance is declared, an owner and/or an occupant of the affected property may appeal the declaration, including an order for abatement or remediation from the Health Authority, by filing a written request with the Health Authority for an administrative hearing within ten calendar days of the date of service, exclusive of the day of service, of notice under ' ' 93.25(A) or 93.44 of this chapter, exclusive of the day of service. In the event of an unknown or absent property owner, the appeal must be requested within ten calendar days of the day of posting of the notice under ' ' 93.25(B) of this chapter.

(B) *Administrative hearing.* If any owner or occupant makes a written request to the Health Authority for an administrative hearing, such hearing shall be held before the Health Authority Division Manager or his or her designee.

(C) *Schedule.* The hearing shall be held no later than 15 calendar days after the date of service of the request for a hearing was received unless the appellant requests an extension of time. If an extension is requested, the hearing shall be held no later than 30 calendar days after the date of service of the request for a hearing.

(D) *Notice.* The Health Authority shall mail a notice of the time and place of the hearing at least ten calendar days prior to the hearing.

(E) *Witnesses and evidence.* All parties shall have full opportunity to respond to and present evidence and witnesses.

(F) *Standard of proof.* The appellant shall have the burden of proving its position by clear and convincing evidence.

(G) *Rules of evidence.* Hearings shall be informal and the rules of evidence as applied in the courts shall not apply. Irrelevant, immaterial and repetitious evidence shall be excluded.

(H) *Record of hearing.* The hearing shall be taped or videotaped.

(I) *Notice of decision.* The decision of the Health Authority Division Manager shall be issued within ten calendar days following the administrative hearing. Unless otherwise provided by law, the decision of the Health Authority shall constitute the final decision unless the County Board of Commissioners modifies or rejects it as provided in division (J) below.

(J) *Human Services Board review.* Each party adversely affected may submit written exceptions and arguments to the Human Services Board within ten calendar days of the service of the decision Health Authority Director. The Human Services Board shall consider the decision of the Health Authority at the next possible Board meeting and may adopt or modify the decision, reject the decision or remand for further hearing.

(K) *Further appellate rights.* Any party aggrieved by a final decision is entitled to judicial review of the decision. A petition for a writ of certiorari by the party must be filed with the Court of Appeals not more than 30 calendar days after the party receives the final decision from the County Board of

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Commissioners.
(Ord. 11-06, passed 11-29-2011)

CLANDESTINE LAB SITES

' 93.40 PEACE OFFICER NOTIFICATION.

A peace officer who identifies a clandestine lab site shall notify the Health Authority of the location and of any arrests made at the site. If a child, or a vulnerable adult is present, the peace officer shall also notify the child protection unit or the adult protection unit.
(Ord. 11-06, passed 11-29-2011)

' 93.41 HANDLING HAZARDOUS WASTES AND MATERIALS.

A peace officer or designated agent shall attempt to secure, store, transport or dispose of suspected hazardous waste and hazardous materials found at the site in a manner consistent with all applicable laws, ordinances, regulations and rules.
(Ord. 11-06, passed 11-29-2011)

' 93.42 POSTING OF SITE.

Upon identification of a clandestine lab site, a peace officer shall post a warning sign at the entrance(s) on the property as a public health nuisance in a form approved by the Health Authority. The sign must state that no person(s) shall enter, occupy or remove any personal property from the site without authorization of the Health Authority or the law enforcement department that posted the property as a public health nuisance. Persons who enter a property without authorization or remove the sign will be in violation of this chapter.
(Ord. 11-06, passed 11-29-2011)

' 93.43 ACTIONS TO SECURE SITE.

(A) The law enforcement department posting the property as a public health nuisance shall have the authority to secure all structures on the site that may pose a threat to public safety.

(B) These methods may include, but are not limited to:

- (1) Removing all persons occupying the site;
- (2) Overseeing the initial removal of all chemical materials in accordance with ' 93.41 of this

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chapter;

- (3) Boarding up and locking buildings;
- (4) Towing any vehicles involved to places of safe storage; and
- (5) Removing all domesticated animals from the site.

(Ord. 11-06, passed 11-29-2011)

' 93.44 HEALTH AUTHORITY NOTICE TO OWNER OF SITE.

(A) Upon receipt of the peace officer=s notice of a clandestine lab site, the Health Authority shall give written notice of the determination and orders to remediate the site to the owner, occupant and property agent, if applicable. This notice shall be served in person, by certified mail, or by an officer authorized to serve a warrant. If the owner is unknown, the Health Authority will follow the provisions of ' 93.25(B) of this chapter.

(B) The notice will contain the following:

(1) Property location by street address, property identification number or other property description;

(2) The determination that the property constitutes a clandestine lab site and therefore a public health nuisance requiring a remediation plan;

(3) The requirements of the remediation plan in ' 93.45 of this chapter;

(4) The remediation plan must be received by the Health Authority within ten county business days following the receipt of the notice; and

(5) The property owner, occupant or property agent must receive Health Authority approval prior to implementing the remediation plan. The notice of the action shall state the right of appeal as provided in ' 93.27 of this chapter and that, unless the threat to public health is abated or removed in accordance with the terms of the notice, the Health Authority will have the public health nuisance abated or removed at the expense of the owner under the provisions of M.S. ' ' 145A.08 and 152.0275, as they may be amended from time to time, this chapter or other applicable state or local law.

(Ord. 11-06, passed 11-29-2011)

' 93.45 REMEDIATION PLAN.

(A) The written remediation plan shall be completed by a professional remediation firm on forms approved by the Health Authority.

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(B) The plan shall provide information on the following activities the professional remediation firm will complete within 30 calendar days following the Health Authority=s approval of the remediation plan:

(1) A detailed on-site assessment of the extent of contamination at the site and the contamination of the personal property therein;

(2) A detailed remediation schedule of activities;

(3) A complete abatement of the site, including if appropriate the removal and destruction (to prevent salvaging) of all contaminated personal property on the site;

(4) A complete cleanup of all property in proximity to the site that is found to have been affected by the conditions found at the site; and

(5) Remediation testing and follow-up testing to determine that health risks are sufficiently reduced, according to the state=s Department of Health=s Clandestine Drug Lab General Cleanup Guidelines and best practices at the time of abatement, to allow safe human occupancy and use of the site and/or use of the personal property therein.

(Ord. 11-06, passed 11-29-2011)

' 93.46 HEALTH AUTHORITY ABATES NUISANCE.

If the owner, occupant or agent fails or neglects to comply with the requirements of the notice provided under ' 93.44 of this chapter, the Health Authority shall remove or abate the nuisance as provided in ' 93.25 of this chapter.

(Ord. 11-06, passed 11-29-2011)

' 93.47 VACATING THE PUBLIC HEALTH NUISANCE ORDER.

Upon proper removal and remediation of the site, the professional remediation firm shall verify to the property owner and the Health Authority that the work was completed according to the state=s Department of Health=s Clandestine Drug Lab General Cleanup Guidelines and best practices. The professional remediation firm shall provide written verification to the property owner and the Health Authority within five county business days from the completion of the remediation. Following the Health Authority=s review and approval of the contractor=s verification, the Health Authority shall vacate the public health nuisance order.

(Ord. 11-06, passed 11-29-2011)

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§ 93.48 PROPERTY DISCLOSURE.

According to the requirements set forth in M.S. § 152.0275, subd. 2, as it may be amended from time to time, and subsequent amendments, the following steps shall be taken to disclose a property's contamination status associated with a clandestine lab site to interested persons.

(A) The Health Authority shall notify the Registrar of Motor Vehicles of a vehicle's contamination associated with a clandestine lab site following the issuance of orders under § 93.44 of this chapter. The Health Authority will provide a subsequent notice when the motor vehicle remediation is completed according to § 93.45 of this chapter.

(B) The Health Authority shall record an affidavit with the County Recorder of a property's contamination associated with a clandestine lab site following the issuance of orders under § 93.44 of this chapter. The Health Authority will record a subsequent affidavit when the property remediation is completed according to § 93.45 of this chapter.

(C) The County Recorder must record all affidavits presented under division (B) above in a manner that assures their disclosure in the ordinary course of a title search of the subject property.

(D) The Health Authority shall maintain a list, available to the public upon request, of properties receiving notices under § 93.44 of this chapter and their status under § 93.45 of this chapter.

(E) Prior to signing an agreement to sell or transfer real property, the seller or transferor must disclose in writing to the buyer or transferee if, to the seller's or transferor's knowledge, methamphetamine production has occurred on the property.

(F) Prior to signing a lease or rental agreement, the owner or owner's representative, must disclose in writing to the renter or tenant if, to the owner or owner's representative's knowledge, methamphetamine production has occurred on the property.
(Ord. 11-06, passed 11-29-2011)

§ 93.99 PENALTY.

(A) *Misdemeanor.* Any person who violates this chapter, or who permits a violation to exist on the premises under his or her control, or fails to take action to abate the existence of the violation(s) within a specified time period, when ordered or notified to do so by the Health Authority, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided by law. Each day that a violation continues shall constitute a separate offense.

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(B) *Civil remedies.* In the event of a violation or threat of violation of this chapter, the County Attorney may take appropriate action to enforce this chapter, including application for injunctive relief, action to compel performance or other appropriate action in court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations. The County Attorney enforcing provisions of this chapter may seek costs and disbursements, including staff time and attorneys' fees.
(Ord. 11-06, passed 11-29-2011)

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CHAPTER 94: EXPLOSIVES

Section

- 94.01 License required
- 94.02 Licensing procedure
- 94.03 Criteria for granting license
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' 94.01 LICENSE REQUIRED.

No activities involving the storage, utilization or manufacture of explosives including materials or products such as TNT or dynamite, which could decompose by detonation, shall be permitted, except as are specifically licensed by the County Board of Commissioners.

(Ord. 85-3, passed 2-12-1985) Penalty, see ' 94.99

' 94.02 LICENSING PROCEDURE.

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(A) **EXPLOSIVE** means any compound or mixture, the primary or common purpose of which is to function by explosion; that is, with substantially instantaneous release of gas and heat; but shall not mean or include the components for hand-loading rifle, pistol and shotgun ammunition, and/or rifle, pistol and shotgun ammunition, black powder, primers and fuses when used for ammunition and components for antique or replica muzzle-loading rifles, pistols, muskets, shotguns and cannons, or fireworks, as defined in M.S. ' 624.20, as it may be amended from time to time, nor shall it include any fertilizer product possessed, used or sold solely for a legitimate agricultural forestry, conservation or horticultural purpose.

(B) The person applying for an explosives storage license shall fill out and submit to the County Board of Commissioners an explosives storage license application form.

(C) The County Board of Commissioners shall hold a public hearing on the proposal. Notice of the public hearing shall be published in the official newspaper designated by the County Board of Commissioners at least ten days prior to the hearing. Notice of the hearing shall also be submitted to the governing bodies of all towns and municipalities within two miles of the property under consideration. In unincorporated areas of the county, property owners of record within one-quarter miles of the affected property or the ten properties nearest to the affected property, whichever is the greatest number of property owners, shall be notified in writing of the public hearing on the request for an explosives storage license.

(D) The petitioner or his or her representative shall appear before the County Board of Commissioners in order to answer questions concerning the proposed explosives storage license.

(E) An amended explosives storage license application shall be administered in a manner similar to that required for a new explosives license. Amended explosives storage licenses shall include requests for changes in conditions.

(F) No application for an explosives storage license shall be resubmitted for a period of six months from the date of an order of denial. Explosives storage licenses shall be valid for 12 months unless specified otherwise. Application for renewal of the explosives storage license shall be made annually to the County Board of Commissioners. The County Board of Commissioners may require a public hearing as a condition of an explosives storage license renewal. All conditions in an explosives storage license shall be commenced within six months and shall be complied with within one year unless otherwise specified.

(G) If a time limit or periodic review is included as a condition by which an explosives storage license is granted, the explosives storage license may be reviewed at a public hearing with notice of said hearing published at least ten days prior to the review.

(H) In the event that the applicant violates any of the conditions set forth in this license, the County Board of Commissioners shall have the authority to revoke the explosives storage license.

(I) A certified copy of any explosives storage license shall be filed with the County Recorder. The explosives storage license shall include the legal description of the property involved.

(Ord. 85-3, passed 2-12-1985)

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' 94.03 CRITERIA FOR GRANTING LICENSE.

(A) In granting an explosives storage license, the County Board of Commissioners shall consider the effect of the proposed use upon the health, safety, morals and general welfare of occupants of surrounding lands.

(B) Among other things, the County Board of Commissioners shall make the following findings, where applicable:

(1) The explosive storage will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the immediate vicinity;

(2) The establishment of the explosive storage will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in the area;

(3) Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided;

(4) Adequate measures have been or will be taken to provide sufficient off-street parking and loading space to serve the proposed use;

(5) The use is not in conflict with the policies plan of the county; and

(6) Adequate measures have been taken or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration, so that none of these will constitute a nuisance, and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

(Ord. 85-3, passed 2-12-1985)

' 94.04 MANDATORY CONDITIONS.

The proposed licensee shall comply with the following conditions prior to the granting of an explosives storage license by the County Board of Commissioners standards.

(A) All federal, state and local laws, statutes, rules, codes, regulations and ordinances regarding the manufacture, handling, storage and use of explosives shall be fully complied with.

(B) The proposed licensee shall provide to the County Board of Commissioners certificates from qualified federal and state authorities that the proposed facility or use fully complies with all federal, state regarding the manufacture, handling, storage and use of explosives prior to the granting of an explosives storage license by the County Board of Commissioners.

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(C) Certificates required by division (B) above shall be provided to the County Board of Commissioners annually after the explosive storage license is granted.

(D) The proposed licensee shall provide the following information in addition to any other information the County Board of Commissioners shall require:

- (1) The quantity of explosives handled, used, manufactured and stored;
- (2) The type of explosives handled, used, manufactured and stored;
- (3) Distances of explosives facilities from neighboring property;
- (4) Building site plans of the explosives facility itself;
- (5) Past safety record of proposed licensee as shown in federal and state records, and local laws, regulations and ordinances;
- (6) The type and density of neighboring property use;
- (7) A certificate of the local fire chief indicating local ability to deal with any emergency at the explosives facility; and
- (8) The road conditions around the explosives facility providing access to the explosives facility and the routes to be traveled.

(E) As a condition of receiving an explosives storage license, the proposed licensee shall agree that should action be required by the county against the proposed licensee to enforce this chapter or any provisions of the explosives storage license granted to the proposed licensee, then the proposed licensee shall pay all reasonable costs associated with the enforcement action including attorneys' fees as the court may adjudge reasonable.

(Ord. 85-3, passed 2-12-1985) Penalty, see ' 94.99

' 94.05 ADDITIONAL CONDITIONS.

(A) In granting an explosives storage license or the alteration of an existing explosives storage license, the County Board of Commissioners may impose, in addition to these standards and requirements expressly specified by this chapter, additional conditions which the County Board of Commissioners considers necessary to protect the best interest of the surrounding area or the community as a whole.

(B) These conditions may include, but are not limited to, the following:

- (1) Increasing the required lot size or yard dimension;
- (2) Limiting the height, size or location of buildings;

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- (3) Controlling the location and number of vehicle access points;
 - (4) Increasing the street width;
 - (5) Increasing the number of required off-street parking spaces;
 - (6) Limiting the number, size, location or lighting of signs;
 - (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property; and
 - (8) Designating sites for open space.
- (Ord. 85-3, passed 2-12-1985)

‘ 94.06 REVOCATION OF LICENSE.

(A) The County Board of Commissioners may revoke the explosives storage license if any of the conditions of this chapter or the license are not complied with.

(B) The County Board of Commissioners may revoke explosives storage license if a public nuisance develops at the explosives facility from odor, fumes, dust, noise, accidental explosions, poor safety procedures or any other circumstances indicating a public nuisance.

(Ord. 85-3, passed 2-12-1985)

‘ 94.07 FINANCIAL RESPONSIBILITY.

(A) As a condition of obtaining an explosives storage license, the proposed licensee shall demonstrate financial responsibility to pay claims of liability for personal injury, economic loss, response costs and natural resources damage that the proposed licensee may incur as a result of explosion or any other harm resulting from use of the explosive storage license. The amount of the operator=s financial responsibility must be at least \$1,000,000.

(B) (1) The County Board of Commissioners may require a higher level of financial responsibility as a condition of an explosive storage license depending upon the size of the facility, the location of the facility, the types of explosives that will be accepted at the facility, the other factors affecting the risk of an explosion and potential liability.

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(2) The proposed licensee may demonstrate financial responsibility by either an approved bond or an approved insurance policy. The licensee shall maintain financial responsibility as provided in this section during the storage of explosives or other use of the explosives storage licensee.

(Ord. 85-3, passed 2-12-1985)

' 94.08 EXPLOSIVES QUANTITY; DISTANCE CRITERIA.

(A) No explosives may be stored unless the distance from the storage facility to the nearest inhabited building is at least 150% of the distance required by Ch. 5 of the Department of Defense Ammunition and Explosives Safety Standards, as same may be amended.

(B) No explosives storage license shall be granted if the proposed explosives storage activity will be located within 1,000 feet of any public road.

(Ord. 85-3, passed 2-12-1985) Penalty, see ' 94.99

' 94.09 NON-CONFORMING STORAGE.

(A) A non-conforming explosive storage facility existing at the time of adoption of this chapter may be continued if all federal and state laws, statutes, standards, rules, codes and regulations regarding the manufacture, handling, storage and use of explosives are fully complied with at the non-conforming explosive storage facility.

(B) A non-conforming explosive storage facility existing at the time of the adoption of this chapter may be continued; provided that, such non-conforming explosive storage facility shall not be expanded.

(C) No non-conforming explosive storage facility which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than 50% of its value shall be restored, except in the conformity with the regulations of this chapter.

(D) In the event that a non-conforming explosives storage facility is discontinued or its normal operation stopped for a period of six months, the non-conforming explosives storage facility shall thereafter conform to the regulations of this chapter.

(Ord. 85-3, passed 2-12-1985) Penalty, see ' 94.99

' 94.10 TRANSFER OF LICENSE PROHIBITED.

Transfer of the explosives storage license to other firms, companies, corporations, persons or other entities is prohibited.

(Ord. 85-3, passed 2-12-1985) Penalty, see ' 94.99

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' 94.11 EXPANSION PROHIBITED.

Expansion of the explosives storage facility beyond the conditions of the explosives storage license is prohibited.

(Ord. 85-3, passed 2-12-1985) Penalty, see ' 94.99

' 94.12 FEE.

The County Board of Commissioners shall establish a fee for the explosives storage license by a resolution of the County Board of Commissioners.

(Ord. 85-3, passed 2-12-1985)

' 94.13 EFFECTIVE DATE.

This chapter was in full force and effect from and after its passage and publication according to law.

(Ord. 85-3, passed 2-12-1985)

' 94.99 PENALTY.

(A) Any person, firm, corporation or other entity violating any provision of this chapter or any provisions of an explosives storage license shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed \$1,000, or imprisonment in the county jail not to exceed 90 days, and each day that the violation continues to exist shall constitute a separate offense.

(B) In the event of a violation or a threatened violation of this chapter, a provision of an explosives storage license, or other official control adopted hereunder, the Board, or any member thereof, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations and it is the duty of the County Attorney to institute such action.

(C) In the event that any action is instituted by the county against the explosives storage licensee to enforce this chapter or any provisions of an explosives storage license, the licensee shall pay all reasonable costs associated with the enforcement action including attorneys' fees as the court may adjudge reasonable.

(Ord. 85-3, passed 2-12-1985)

Wright County - General Regulations

CHAPTER 95: ZERO PHOSPHORUS

Section

95.01	Title
95.02	Statutory authority
95.03	Intent and purpose
95.04	Jurisdiction
95.05	Application
95.06	Definitions
95.07	Phosphorus use restrictions
95.08	Fertilizer use on impervious surface
95.09	Effective date
95.99	Penalty

ZERO PHOSPHORUS

95.01 TITLE.

This subchapter shall be known, cited and referred to as the Wright County Zero Phosphorus Ordinance@.
(Ord. 04-01, passed 1-20-2004)

95.02 STATUTORY AUTHORITY.

This subchapter is adopted pursuant to the authorization and policies contained in M.S. ' ' 103B.301 through 103B.3355, as they may be amended from time to time, and M.S. ' ' 18C.60 through 18C.62, as they may be amended from time to time.
(Ord. 04-01, passed 1-20-2004)

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' 95.03 INTENT AND PURPOSE.

The purpose of this subchapter is to regulate and restrict the application of turf fertilizer containing phosphorus to land in the county in order to protect the general health, safety and welfare of its citizens. The county has a wealth of surface water and ground water resources and the quality of these waters may be maintained and improved if the county is able to limit the amount of phosphorus laden turf fertilizer entering surface waters as a result of storm water runoff and other causes.

(Ord. 04-01, passed 1-20-2004)

' 95.04 JURISDICTION.

The jurisdiction of this subchapter shall apply to all of the county, although cities and towns may choose to have their own ordinances governing these activities. Any such local ordinances must not conflict with this subchapter.

(Ord. 04-01, passed 1-20-2004)

' 95.05 APPLICATION.

(A) In their interpretation and application, the provisions of this subchapter shall be held to be the minimum requirements for the protection of the public health, safety and welfare.

(B) Where the conditions imposed by any provision of this subchapter are either more restrictive or less restrictive than comparable conditions imposed by any other applicable law, ordinance, statute, resolution or regulation of any kind, the regulations which are more restrictive or impose higher standards shall prevail.

(Ord. 04-01, passed 1-20-2004)

' 95.06 DEFINITIONS.

(A) The word "shall" is mandatory, and not discretionary; the word "may" is permissive; the word "person" shall include, but not be limited to, individuals, businesses and corporations.

(B) Words used in the present tense shall include the future; and words used in the singular shall include the plural, and the plural the singular.

(C) Words shall be given their common usage if not defined.

(D) The masculine gender shall include the feminine and the neuter and vice-versa.

Zero Phosphorous

(E) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **BOARD.** Includes the **COUNTY COMMISSIONERS**, the **BOARD OF COUNTY COMMISSIONERS** or any other word or words meaning the Wright County Board of Commissioners.

(2) **TURF.** Non-crop land planted in closely mowed, managed grasses including, but not limited to, residential and multi-family residential property, commercial and industrial 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.

(Ord. 04-01, passed 1-20-2004)

95.07 PHOSPHORUS USE RESTRICTIONS.

(A) A person may not apply a fertilizer containing the plant nutrient phosphorus to turf in the county, except under conditions listed in division (B) below.

(B) Division (A) above does not apply when:

(1) A tissue, soil, or other test by a laboratory or method approved by the state=s Department 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; or

(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 on-going training program approved by the state=s Department of Agriculture.

(C) Applications of phosphorous fertilizer authorized under division (B) above must not exceed rates recommended by the University of Minnesota and approved by the state=s Department of Agriculture.

(Ord. 04-01, passed 1-20-2004)

95.08 FERTILIZER USE ON IMPERVIOUS SURFACE.

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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. For the purposes of this section, **IMPERVIOUS SURFACE** means a highway, street, sidewalk, parking lot, driveway or other material that prevents infiltration of water into the soil.

(Ord. 04-01, passed 1-20-2004)

‘ 95.09 EFFECTIVE DATE.

This subchapter was in full force and effect on 8-1-2004.

(Ord. 04-01, passed 1-20-2004)

‘ 95.99 PENALTY.

(A) Violation of any provision of this chapter is a petty misdemeanor.

(B) In the event of a violation of this chapter, the County Board of Commissioners may request that the County Attorney institute appropriate actions or proceedings, including the seeking of injunctive relief, to prevent, restrain, correct or abate such violations. All costs incurred for such enforcement actions may be recovered by the county in a civil action in any court of competent jurisdiction. These remedies may be imposed upon a person in addition to or separate from enforcement actions under division (A) above.

(Ord. 04-01, passed 1-20-2004)