

CHAPTER 55. LAWN FERTILIZER

55.10. Purpose. The City of Minneapolis and the Minneapolis Park and Recreation Board have conducted studies and have reviewed existing data to determine the current and predicted water quality of various lakes within the city. Data indicates that lake water quality may be maintained and improved if the city is able to regulate the amount of lawn fertilizer and other chemicals entering the lakes and other surface water as a result of stormwater runoff or other causes. The purpose of this ordinance is to define regulations that will aid the city in managing and protecting its water resources. (2001-Or-113, § 1, 9-28-01; 2002-Or-068, § 1, 7-26-02)

55.20. Definitions. For the purpose of this chapter, certain terms and words are defined as follows:

Commercial applicator is a person who is engaged in the business of applying fertilizer for hire.

Fertilizer means a substance containing one (1) or more recognized plant nutrients that is used for its plant nutrient content and designed for use or claimed to have value in promoting plant growth. Fertilizer does not include animal and vegetable manures that are not manipulated, marl, lime, limestone, and other products specifically exempted by rule by the Minnesota Commissioner of Agriculture.

Lawn fertilizer is a fertilizer that is produced, marketed, or labeled for use on turf. Lawn fertilizer specifically includes any fertilizer with instructions as to application of the fertilizer to turf.

Noncommercial applicator is a person who applies fertilizer during the course of gainful employment, but who is not a commercial lawn fertilizer applicator.

Turf means noncrop land planted in closely mowed, managed grasses including, but not limited to, residential and commercial 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.

Turf fertilizer has the same meaning as lawn fertilizer and is interchangeable for the intent and purposes of this chapter. (2001-Or-113, § 1, 9-28-01; 2002-Or-068, § 2, 7-26-02)

55.30. Authority to administer. The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the environmental management section of the department of operations and regulatory services. The Minneapolis Watershed Management Authority, hereafter referred to as the "authority," shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code. (2001-Or-113, § 1, 9-28-01)

55.40. General regulations on fertilizer application. (a) *When to apply a lawn fertilizer.* Commercial applicators and noncommercial applicators, including homeowners or renters, shall not apply lawn fertilizer when the ground is frozen or when conditions exist which can be reasonably anticipated to promote or create runoff, for example when heavy rain is forecast.

(b) *Cost of sample analysis.* The cost of analyzing fertilizer samples taken from commercial applicators shall be paid by the commercial applicators if the sample analysis shows that phosphorus content exceeds the levels authorized by this chapter.

(c) *Fertilizer content.* No person, commercial or noncommercial applicator, including homeowners or renters, shall apply any lawn fertilizer, liquid or granular, within the City of Minneapolis which contains any amount of phosphorus or compound containing phosphorus, such as phosphate, except as otherwise provided in section 55.50.

(d) *Impervious surfaces.* No person, commercial or noncommercial applicator, including homeowners or renters, shall apply fertilizer to impervious surfaces. 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. (2001-Or-113, § 1, 9-28-01; 2002-Or-068, § 4, 7-26-02)

Editor's note: Ord. No. 2002-Or-068, § 3, adopted July 26, 2002, repealed former § 55.40, which pertained to regulations for commercial lawn fertilizer applicators. Section 4 of said ordinance renumbered § 55.50 as § 55.40 and amended same. See the Code Comparative Table for a detailed analysis of inclusion.

55.50. Exemptions. The prohibition against use of fertilizer that contains any quantity of phosphorus under section 55.40 shall not apply to:

- (1) Newly established or developed turf and lawn areas during the first growing season; or
- (2) In those locations where a tissue, soil, or other test by a laboratory or method approved by the Commissioner of Agriculture and performed within the last three (3) years indicates that the levels of available phosphorus in the soil is sufficient to support healthy turf growth.
- (3) The application of lawn fertilizer containing phosphorus is used on a golf course under the direction of a person licensed, certified, or approved by an organization with an ongoing training program approved by the Commissioner of Agriculture. (2001-Or-113, § 1, 9-28-01; 2002-Or-068, § 5, 7-26-02)

Note: Formerly § 55.60.

55.60. Application. Application of lawn fertilizer containing phosphorus authorized under section 55.50 must not exceed rates recommended by the University of Minnesota Extension Service and approved by the Commissioner of Agriculture. Phosphorus applied as lawn fertilizer pursuant to the aforementioned exemptions shall be watered into the soil so that is immobilized and generally protected from loss by runoff. (2002-Or-068, § 6, 7-26-02)

55.70. Sale of fertilizer containing phosphorus. Effective January 1, 2002, no person, firm, corporation, franchise, or commercial establishment shall sell at retail any lawn fertilizer, liquid or granular, within the City of Minneapolis that contains any amount of phosphorus or other compound containing phosphorus, such as phosphates, except:

- (1) Effective January 1, 2002, such fertilizer may be sold for use as provided in section 55.50. Displays of lawn fertilizers containing phosphorus shall not be permitted on the sales floor or exterior of the store.
- (2) Effective January 1, 2002, it is recommended that retailers post a notice that the use of lawn fertilizers in the City of Minneapolis is restricted in accordance with this chapter.
- (3) Effective January 1, 2002, for each sale of lawn fertilizer, the seller shall, at the time of the sale, make available to the buyer with a copy of this chapter of the Minneapolis Code of

Ordinances, or a summary prepared by Minneapolis regulatory services. (2001-Or-113, § 1, 9-28-01; 2002-Or-068, § 7, 7-26-02)

55.80. Conflict. In the event that the provisions of this chapter shall conflict with any Minnesota statute or any federal statute, the Minnesota statute or federal statute shall govern to the extent of any direct conflict. In the event that any conduct prohibited by this chapter is affirmatively and specifically authorized by a valid permit issued by a duly authorized official of the State of Minnesota or a duly authorized official of the United States of America, then the affirmative and specific authority granted in such permit shall govern to the extent of any direct conflict with this chapter. (2001-Or-113, § 1, 9-28-01)

55.90. Violations. Any person who violates any provision of this chapter shall be guilty of an ordinance violation and be subject to a fine of up to three hundred dollars (\$300.00) and punishment for failure to pay the fine as provided in section 1.40 of this Code. Any holder of a commercial applicator license, in addition to the fine, may have his or her applicator license revoked for repeat violations of this chapter. (2001-Or-113, § 1, 9-28-01)