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**Request for City Council Committee Action
From the Department of
Operations & Regulatory Services**

Date July 12, 2002
To Transportation & Public Works
Referral to

Subject Amending Chapter 55, Lawn Fertilizer, of the Minneapolis Code of Ordinances

Recommendation

Approve of amendments to Chapter 55, Lawn Fertilizer, of the Minneapolis Code of Ordinances.

Previous Directives

(any past Council actions or directions to staff)

Prepared or Submitted by Thomas Frame, Supervisor Environmental Management, 612-673-5807

Approved by John Bergquist, Assistant City Coordinator

Presenters in Committee Bill Anderson, Deputy Director Environmental Services
Thomas Frame, Supervisor Environmental Management.

Financial Impact (Check those that apply)

No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)

- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):

Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact (use any categories that apply)

- Neighborhood Notification
- City Goals
- Comprehensive Plan
- Zoning Code
- Other

Background/Supporting Information Attached

Background/Supporting Information:

The 82nd Legislative Session (2001-2002) passed an amendment to State Statute relating to the use of fertilizers; restricting local regulation of phosphorous fertilizers; regulating plant nutrients in specialty fertilizers; regulating the use of certain plant fertilizers containing phosphorus on turf, stating certain different restrictions for metropolitan and nonmetropolitan counties, authorizing nonmetropolitan local government units to adopt the metropolitan restrictions, specifying certain Commissioner of Agriculture notice and recordkeeping requirements; providing for exceptions; requiring the Commissioner in consultation with the University of Minnesota Extension Service and certain others to by a certain date produce consumer information on use restrictions and recommended best practices for posting and distribution at phosphorus fertilizer retail points of sale and in cooperation with the University of Minnesota and the Extension Service to evaluate research needs and encourage targeted research opportunities to investigate the effects of phosphorus fertilization of turf on urban stormwater quality, requiring a report to the legislature by a certain date; imposing a penalty for violation of the fertilizer restrictions and providing for enforcement by the commissioner or local government units; prohibiting the application of fertilizers to impervious surfaces, defining impervious surface; requiring local enforcement and imposing a penalty for violation.

During the fall of 2001 the Minneapolis City Council passed Chapter 55, Lawn Fertilizer, that regulated private and commercial application along with retail sale. With the passage of the State Statute there is conflicting language between the State Statute and the existing Minneapolis Ordinance. The proposed amendments are designed to make Chapter 55 compatible with language in the State Statute and to simplify local regulations regarding retail sale.

In the spring of 2002 staff from Environmental Management visited 40 hardware stores and nurseries that sold lawn fertilizers. Staff met to talk with the owners on how the new ordinance is being received and implemented. There was a high degree of understanding and willingness to comply by the owners and management. Several of which indicated they did not want to make criminals of their customers by selling them lawn fertilizer containing phosphorus and they were pleased that the City was addressing the problem. It was also discussed that the current ordinance would be amended to be compatible with the state statute and to simplify regulations regarding retail sale on where and how lawn fertilizer containing phosphorus should be displayed. It was suggested one alternative would be to not display such material on the floor but make it available only upon request which was many store owners thought would be a good idea and would eliminate the current display problems they were encountering in the current ordinance.

Minneapolis Hardware Stores Nurseries

Visited Spring 2002 that Sell Lawn Fertilizers

Name	Street	City	State	Zip	Phone	Ward
Oaks TW Hardware	1519 Como Ave SE	Mpls	MN	55414	(612) 331-1925	1
Home Depot	1520 New Brighton Blvd	Mpls	MN	55413	(612) 782-9594	1
Target	1650 New Brighton Blvd	Mpls	MN	55413	(612) 781-7033	1
Welna Ace Hardware	2201 Franklin Ave E	Mpls	MN	55404	(612) 332-4393	2
Siwek Lumber & Millwork Inc	2536 Marshall St NE	Mpls	MN	55418	(612) 781-3333	3
North End Hardware	3117 Penn Ave N	Mpls	MN	55411	(612) 529-9151	4
Camden Hardware Hank	4805 Lyndale Ave N	Mpls	MN	55430	(612) 529-1579	4
Gardner Hardware	515 Washington Ave N	Mpls	MN	55401	(612) 333-3393	5
Target	701 Broadway Ave W	Mpls	MN	55411	(612) 588-7581	5
K-mart	10 Lake St W	Mpls	MN	55408	(612) 827-5309	6
Garden City	2309 Lyndale Ave S	Mpls	MN	55405	(612) 871-6265	6
Welna Ace Hardware	2441 Bloomington Ave	Mpls	MN	55404	(612) 729-3526	6
Rex Hardware	2601 Lyndale Ave S	Mpls	MN	55408	(612) 872-9299	6
Interior Gardens	2817 Lyndale Ave S	Mpls	MN	55408	(612) 870-9077	6
Metro Ace Hardware	1804 Nicollet Ave	Mpls	MN	55403	(612) 870-0511	7
Target	900 Nicollet Mall	Mpls	MN	55402	(612) 338-0085	7
Nicollet Hardware	3805 Nicollet Ave	Mpls	MN	55409	(612) 822-3121	8
Coast to Coast Hardware	4020 Bloomington Ave	Mpls	MN	55407	(612) 822-4155	8
44th Street Nursery & Flower Shop	4355 Nicollet Ave	Mpls	MN	55409	(612) 823-6888	8
Southside Farm Store	1534 E 38th St	Mpls	MN	55407	(612) 721-2761	9
Hi-Lake True Value Hardware	2106 Lake St E	Mpls	MN	55407	(612) 722-6629	9
Target	2500 Lake St E	Mpls	MN	55406	(612) 721-5701	9
River Lake Hardware	3605 Lake St E	Mpls	MN	55406	(612) 724-9202	9
Mother Earth Gardens	3738 42nd Ave S	Mpls	MN	55406	(612) 724-2296	9
Bennett Lumber Co	2828 Emerson Ave S	Mpls	MN	55408	(612) 870-0801	10
Bryant Hardware	818 W 36th St	Mpls	MN	55408	(612) 823-4748	10
Guse Hardware	4602 Bryant Ave S	Mpls	MN	55409	(612) 824-7655	11
Diamond Lake Hardware	5425 Nicollet Ave	Mpls	MN	55419	(612) 824-8813	11
Klier's Nursery & Garden Center	5901 Nicollet Ave	Mpls	MN	55419	(612) 866-8771	11
Bachman's	6010 Lyndale Ave S	Mpls	MN	55419	(612) 861-7676	11
Falls Hardware Hank	4008 Minnehaha Ave	Mpls	MN	55406	(612) 724-2441	12
LK Olson True Value Hardware	4208 28th Ave S	Mpls	MN	55406	(612) 722-8602	12
Watercolor Gardens	4312 45th Ave S	Mpls	MN	55406	(612) 822-9119	12
Minnehaha Falls Nusery and Garden Store	4461 Minnehaha Ave	Mpls	MN	55406	(612) 724-5453	12
Nokomis Hardware	5155 34th Ave S	Mpls	MN	55417	(612) 722-4322	12
Bayers Do It Best Hardware	4312 Upton Ave S	Mpls	MN	55410	(952) 926-1605	13
Margi Mac Murdo Earth Kind Garden Design	5125 Russel Ave S	Mpls	MN	55410	(612) 827-3212	13
Settergren Hardware	5405 Penn Ave S	Mpls	MN	55419	(612) 922-6055	13
Wagner Greenhouses	6024 Penn Ave S	Mpls	MN	55419	(612) 922-6901	13



Minnesota Senate

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KEY: ~~stricken~~ = old language to be removed
underscored = new language to be added

NOTE: If you cannot see any difference in the key above, you need to change the display of stricken and/or underscored language.

Authors and Status ■ List versions

S.F No. 1555, 4th Engrossment: 82nd Legislative Session (2001-2002) Posted on Apr 16, 2002

1.1 A bill for an act
 1.2 relating to agriculture; providing a preemption of
 1.3 local regulation of phosphorous fertilizers;
 1.4 regulating the use on turf of certain fertilizers
 1.5 containing phosphorus; providing for enforcement;
 1.6 prohibiting fertilizer applications to an impervious
 1.7 surface; requiring a report; amending Minnesota
 1.8 Statutes 2000, sections 18C.005, by adding a
 1.9 subdivision; 18C.211, subdivision 2; proposing coding
 1.10 for new law in Minnesota Statutes, chapter 18C.
 1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
 1.12 Section 1. Minnesota Statutes 2000, section 18C.005, is
 1.13 amended by adding a subdivision to read:
 1.14 Subd. 18a. [LOCAL UNIT OF GOVERNMENT.] "Local unit of
 1.15 government" has the meaning given in section 18B.01, subdivision
 1.16 14a.
 1.17 Sec. 2. [18C.110] [PREEMPTION OF LOCAL LAW.]
 1.18 (a) Except as specifically provided in this chapter, a
 1.19 local unit of government may not adopt any ordinance, regulate,
 1.20 or in any way restrict the distribution, sale, handling, use, or
 1.21 application of phosphorous fertilizers and phosphorous
 1.22 fertilizer products that are applied or will be applied to land
 1.23 used for growing crops or any other agricultural use.
 1.24 (b) Except as specifically provided in this chapter, a
 1.25 local unit of government may not adopt any ordinance that
 1.26 prohibits or regulates the registration, labeling, distribution,
 1.27 sale, handling, use, application, or disposal of turf fertilizer
 1.28 containing phosphorus.
 2.1 (c) This section does not prohibit a local ordinance that
 2.2 restricts the sale of turf phosphorous fertilizer that was in
 2.3 effect on August 1, 2002.
 2.4 (d) This section does not preempt local authority or
 2.5 responsibility for zoning, fire codes, or hazardous waste
 2.6 disposal.
 2.7 (e) Paragraphs (a) and (d) are effective the day following
 2.8 final enactment. Paragraphs (b) and (c) are effective January
 2.9 1, 2004.
 2.10 Sec. 3. Minnesota Statutes 2000, section 18C.211,
 2.11 subdivision 2, is amended to read:
 2.12 Subd. 2. [GUARANTEES OF THE NUTRIENTS.] (a) A person may
 2.13 guarantee plant nutrients other than nitrogen, phosphorus, and
 2.14 potassium only if allowed or required by commissioner's rule.

- 2.15 (b) The guarantees for the plant nutrients must be
 2.16 expressed in the elemental form.
- 2.17 (c) The sources of other elements, oxides, salt, and
 2.18 chelates, may be required to be stated on the application for
 2.19 registration and may be included as a parenthetical statement on
 2.20 the label. Other beneficial substances or compounds,
 2.21 determinable by laboratory methods, also may be guaranteed by
 2.22 permission of the commissioner and with the advice of the
 2.23 director of the agricultural experiment station.
- 2.24 (d) If plant nutrients or other substances or compounds are
 2.25 guaranteed, the plant nutrients are subject to inspection and
 2.26 analyses in accord with the methods and rules prescribed by the
 2.27 commissioner.
- 2.28 (e) The commissioner may, by rule, require the potential
 2.29 basicity or acidity expressed in terms of calcium carbonate
 2.30 equivalent in multiples of 100 pounds per ton.
- 2.31 (f) The plant nutrients in a specialty fertilizer must not
 2.32 be below or exceed the guaranteed analysis by more than the
 2.33 investigational allowances established by rule.
- 2.34 Sec. 4. [18C.60] [PHOSPHOROUS TURF FERTILIZER USE
 2.35 RESTRICTIONS.]
- 2.36 Subdivision 1. [DEFINITIONS.] (a) The definitions in this
 3.1 subdivision apply to this section.
- 3.2 (b) "Metropolitan county" means any one of the following
 3.3 counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or
 3.4 Washington.
- 3.5 (c) "Turf" means noncrop land planted in closely mowed,
 3.6 managed grasses including, but not limited to, residential and
 3.7 commercial residential property, private golf courses, and
 3.8 property owned by federal, state, or local units of government,
 3.9 including parks, recreation areas, and public golf courses.
 3.10 Turf does not mean pasture, hayland, hay, turf grown on turf
 3.11 farms, or any other form of agricultural production.
- 3.12 Subd. 2. [PHOSPHOROUS USE RESTRICTIONS.] (a) A person may
 3.13 not apply a fertilizer containing the plant nutrient phosphorus
 3.14 to turf in a metropolitan county, except under conditions listed
 3.15 in paragraph (d).
- 3.16 (b) A person may not apply granular fertilizer containing
 3.17 greater than three percent phosphate (P205) by weight, or liquid
 3.18 fertilizer at a rate greater than 0.3 pound phosphate (P205) per
 3.19 1,000 square feet, to turf in a county other than a metropolitan
 3.20 county, except under conditions listed in paragraph (d).
- 3.21 (c) A local unit of government in a county other than a
 3.22 metropolitan county may adopt paragraph (a) in place of
 3.23 paragraph (b). The local unit of government must notify the
 3.24 commissioner of the adoption of paragraph (a) within 30 days of
 3.25 its adoption. The commissioner shall maintain a list of local
 3.26 units of government in counties other than a metropolitan county
 3.27 that have adopted paragraph (a).
- 3.28 (d) Paragraphs (a) and (b) do not apply when:
- 3.29 (1) a tissue, soil, or other test by a laboratory or method
 3.30 approved by the commissioner and performed within the last three
 3.31 years indicates that the levels of available phosphorus in the
 3.32 soil is insufficient to support healthy turf growth;
- 3.33 (2) the property owner or an agent of the property owner is
 3.34 first establishing turf via seed or sod procedures, and only
 3.35 during the first growing season; or
- 3.36 (3) the fertilizer containing the plant food phosphorus is
 4.1 used on a golf course under the direction of a person licensed,
 4.2 certified, or approved by an organization with an ongoing

- 4.3 training program approved by the commissioner.
- 4.4 (e) Applications of phosphorous fertilizer authorized under
- 4.5 paragraph (d), clause (1) or (2), must not exceed rates
- 4.6 recommended by the University of Minnesota and approved by the
- 4.7 commissioner.
- 4.8 Subd. 3. [CONSUMER INFORMATION.] The commissioner, in
- 4.9 consultation with the University of Minnesota extension service,
- 4.10 fertilizer industry representatives, lakes groups, and other
- 4.11 interested or affected parties, must produce consumer
- 4.12 information on use restrictions and recommended best practices
- 4.13 for lawn fertilizer containing phosphorus, and on best
- 4.14 management practices for other residential sources of phosphorus
- 4.15 in the urban landscape. The information must be in a format and
- 4.16 of a content suitable for posting and distribution at retail
- 4.17 points of sale of fertilizer that contains phosphorus and is for
- 4.18 use on turf.
- 4.19 Subd. 4. [RESEARCH EVALUATION; REPORT.] The commissioner,
- 4.20 in cooperation with the University of Minnesota and the
- 4.21 University of Minnesota extension service, and, after
- 4.22 consultation with representatives of the fertilizer industry,
- 4.23 lakes groups, and other interested or affected parties, shall
- 4.24 evaluate research needs and encourage targeted research
- 4.25 opportunities to investigate the effects of phosphorous
- 4.26 fertilization of turf on urban stormwater quality. The
- 4.27 commissioner must evaluate the effectiveness of the restrictions
- 4.28 on phosphorous fertilizers under this section and report to the
- 4.29 legislature by January 15, 2007.
- 4.30 Sec. 5. [18C.61] [FERTILIZER APPLICATION TO AN IMPERVIOUS
- 4.31 SURFACE; PROHIBITION.]
- 4.32 (a) A person may not apply a fertilizer to an impervious
- 4.33 surface. Fertilizer released on an impervious surface must be
- 4.34 immediately contained and either legally applied to turf or any
- 4.35 other legal site, or returned to the original or other
- 4.36 appropriate container.
- 5.1 (b) For the purposes of this section, "impervious surface"
- 5.2 means a highway, street, sidewalk, parking lot, driveway, or
- 5.3 other material that prevents infiltration of water into the soil.
- 5.4 Sec. 6. [18C.62] [ENFORCEMENT.]
- 5.5 Sections 18C.60 and 18C.61 are enforced by local units of
- 5.6 government under their existing authority. Violation of a
- 5.7 provision in either of these sections is a petty misdemeanor.
- 5.8 Sec. 7. [EFFECTIVE DATE.]
- 5.9 Section 4 is effective January 1, 2004.
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CHAPTER 55. LAWN FERTILIZER

55.10. Purpose. The ~~city~~City of Minneapolis and the ~~Minneapolis park-Park and Recreation board~~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)

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. (2001-Or-113, § 1, 9-28-01)

Turf means noncorp 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 ordinance.

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~~ Environmental management Management section ~~Section~~ of the ~~department~~ Department of ~~operations~~ Operations and ~~regulatory~~ Regulatory services ~~Services~~. The Minneapolis Watershed Management Authority, hereafter referred to as the "~~authority~~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. Regulations for commercial lawn fertilizer applicators.** (a) *License required.* No person shall engage in the business of commercial lawn fertilizer applicator within the city unless a license has first been obtained from the authority as provided herein.~~

~~(b) — *License application procedure.* Applications for a commercial lawn fertilizer applicator license shall be submitted to the authority. The application shall consist of the following:~~

~~(1) — *Application form.* Application forms shall be provided by the authority on a form prepared by the authority from time to time. Applicants shall completely fill out such form.~~

~~(2) — *Product material safety data sheet.* A copy of the product material safety data sheet, including product chemical analysis for the intended lawn fertilizer, shall be submitted to the city along with the application form and, thereafter, at least seven (7) days before any fertilizer composition changes are implemented.~~

~~(3) — *Minnesota state licenses.* A copy of all licenses required of the applicant by the State of Minnesota regarding the application of fertilizers.~~

~~(4) — The license fee as established in this code or by separate resolution of the city council. The license shall expire on December 31 each year. The license fee shall not be prorated.~~

~~(e) — Conditions of license. Commercial lawn fertilizer applicator licenses shall be issued subject to the following conditions that shall be specified on the license form:~~

~~(1) — Random sampling. Commercial lawn fertilizer applicators shall permit the city to sample any commercial lawn fertilizer applications to be applied within the city at any time after issuance of the initial license.~~

~~(2) — The commercial lawn fertilizer license or a copy thereof shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the city.~~

~~(3) — Possession of product material safety data sheet. A copy of the product material safety data sheet for the lawn fertilizer being used shall be in the possession of any party employed by the commercial lawn fertilizer applicator when making lawn fertilizer applications within the city.~~

~~(4) — State regulations. Licensee shall comply with the provisions of the Minnesota fertilizer and soil conditioner laws contained in Minnesota Statutes, Chapter 18C and amendments to or revisions thereof and all other law. (2001 Or 113, § 1, 9-28-01)~~

55.5040. 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 forecasted.

(b) *Cost of sample analysis.* The cost of analyzing fertilizer samples taken from a 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, or 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.
- ~~(1) — The naturally occurring phosphorus in unadulterated natural or organic fertilizing products such as yard-waste-compost; or~~
- ~~(2) — As otherwise provided in section 55.60.~~
- (d) *Impervious surfaces and drainage ways.* No person, commercial or noncommercial applicator, including homeowners or renters, shall apply fertilizer to impervious surfaces, ~~areas within drainage ditches, or waterways.~~ 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.
- ~~(e) — Buffer zone.~~ Fertilizers shall not be applied:
- ~~(1) — Below the ordinary high-water level of a lake as established by the Minnesota Department of Natural Resources; or~~
- ~~(2) — Within ten (10) feet of any wetland as defined in section 52.30 of this Code, or within ten (10) feet of protected waters as defined in section 551.460 of this Code. (2001-Or-113, § 1, 9-28-01)~~

55.6050. Exemptions and notice requirement. The prohibition against use of fertilizer that contains any quantity of phosphorus under section ~~55.50-40~~ shall not apply to:

- (1) Newly established or developed turf and lawn areas during the first growing season; or
- (2) Turf and lawn areas which soil tests~~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 years indicates that the~~

~~levels of available phosphorus in the soil is sufficient to support healthy turf growth, confirm are below phosphorus levels established by the University of Minnesota Extension Service. The lawn fertilizer application shall not contain an amount of phosphorus exceeding the amount of phosphorus or the appropriate application rate recommended in the soil test evaluation.~~

- ~~(3)~~ (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.

55.60 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 it is immobilized and generally protected from loss by runoff.

~~Any person or commercial or noncommercial applicator, including a homeowner or renter, shall notify the authority at least twenty-four (24) hours prior to applying lawn fertilizer containing phosphorus. Such notice shall be in writing and shall contain the reason for using the fertilizer containing phosphorus and the amount of phosphorus contained in the lawn fertilizer to be applied. (2001-Or-113, § 1, 9-28-01)~~

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, ~~small quantities~~ of such fertilizer may be sold for use as provided in section ~~55.60~~50. Displays of lawn fertilizers containing phosphorus shall not be permitted on the sales floor or exterior

~~of the store limited to ten (10) percent of the quantity of non-phosphorus lawn fertilizer on display at any given time.~~

- (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. ~~displays of such fertilizer must be clearly marked as containing phosphorus and must be separated from the display of other fertilizers by no less than eight (8) feet.~~
- (3) Effective January 1, 2002, for each sale of such lawn fertilizer, the seller shall, at the time of the sale, make available provide to the buyer with a copy of this chapter of the Minneapolis Code of Ordinances, or a summary prepared by Minneapolis ~~regulatory~~ Regulatory services ~~Services~~. (2001-Or-113, § 1, 9-28-01)

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)