



WHERE THE FOREST MEETS THE PRAIRIE

Todd County

● MINNESOTA ● EST. 1855 ●

BOARD OF COMMISSIONERS
Work Session Agenda

Tuesday, August 4, 2026

9:45 AM

or immediately following the regular board meeting

*Meeting to be held in the County Board Room
at the Historic Courthouse, 215 1st Ave S, Long Prairie, MN.*

MEETING WILL BE LIVE-STREAMED AT: [HTTPS://WWW.TODDCOUNTYMN.GOV](https://www.toddcountymn.gov)

Agenda Item #

Agenda Time:

- | | | |
|----------|--|--------------|
| 1 | Long Prairie Hockey Association Lease Discussion
<i>Facilities Committee</i> | 9:45 |
| 2 | 2026 Todd County Comprehensive Plan
<i>Adam Ossefoort, PZ/SWCD Division Director</i> | 10:00 |
| 3 | Buffer Ordinance Amendment
<i>Adam Ossefoort, PZ/SWCD Division Director</i> | 10:05 |
| 4 | Update for Todd Wadena Community Corrections
<i>Michael Schommer, TWCC</i> | 10:10 |

Buffer Program Announcement

Rule and Ordinance Revisions

July 27, 2026

Background

The Minnesota Board of Water and Soil Resources (BWSR) adopted an amended Administrative Penalty Order (APO) Plan ([Buffer APO Plan](#)) on December 19, 2024. The amended plan incorporates revised procedures for issuing APOs by counties, watershed districts, and BWSR. The plan specifically increases the penalty amount that can be assessed and makes adjustments to the fee structure.

On January 28, 2026, BWSR also updated its program procedures ([Buffer Program Procedures](#)) that guide Buffer Law implementation. These revisions are intended to promote consistent and effective program administration while providing greater clarity regarding jurisdictional responsibilities, compliance timelines, and enforcement requirements.

These updates were prompted by statutory revisions requiring BWSR to revise both the Buffer APO Plan and Program Procedures. As part of this effort, BWSR also updated its comprehensive model ordinances and rule templates to align with the statutory changes and to support enforcement entities in implementing and complying with the revised requirements [Model Templates](#).

Rule and Ordinance Revisions

Counties and watershed districts with jurisdiction [Election of Jurisdiction Map](#) that have adopted a rule, ordinance, or other official control must revise their local controls to incorporate the required changes identified in the posted templates. Entities may either adopt the template language as written or amend their existing ordinance or rule to incorporate the revisions.

If submitting revisions to existing controls, a redline version showing all changes with strikethrough and underline formatting must be provided to BWSR for review. BWSR will track the review process from initial submittal through the final determination of adequacy.

Process

Required revisions to county ordinances and watershed district rules will be reviewed by BWSR in accordance with *Procedure 2 BWSR's Review of County and Watershed Districts Buffer Rules, Ordinances, and Official Controls*. BWSR will allow counties and watershed districts that elected jurisdiction until **July 31, 2027** - 12 months from the announcement of the of the rule and ordinance model templates - to revise their existing official controls. The revision and review process should include the following steps:

1. Proceed to adopt the BWSR's 2026 model ordinance or rule template as written or revise your existing ordinance or rule to incorporate the required changes set forth in the model template using track changes. Consideration of the additional recommended changes outlined in the model template is also encouraged.
2. Send the draft ordinance or rule revisions to your Buffer and Soil Loss Specialist for review and copy this email address Jurisdiction.BWSR@state.mn.us. BWSR staff will provide comments as soon as practicable. When submitting your draft, please include any scheduled public hearing dates or other key meetings for which BWSR comments would be beneficial.
3. Incorporate the revisions recommended by BWSR staff into the draft ordinance or rule, as appropriate.
4. If there are any disagreements regarding the proposed revisions, it is strongly encouraged that those comments or issues be discussed and resolved with BWSR staff prior to adoption.
5. Following board adoption, submit the final ordinance or rule to BWSR staff for final review no later than July 31, 2027. BWSR will issue an adequacy and/or consistency determination within 60 days of receiving the final ordinance or rule, as provided in *Procedure 2*.

As with the initial review and approval process in 2017, this process is designed to promote early and ongoing communication with BWSR staff throughout the review and approval process.

Your primary contacts for review are your Buffer and Soil Loss Specialists.

[Buffer and Soil Loss Specialist Work Areas](#)

Variations in Language

Every county and watershed district has its own approach to implementing and administering its regulations, and there is not necessarily a single "right way" to do so. Alternative language to that provided in the model ordinance or rule is generally acceptable, provided the alternative language maintains the same intent and achieves the objectives of the model ordinance or rule. In other words, the specific wording may vary as long as the underlying purpose and requirements are preserved.

Relationship with Shoreland Management

Counties that have incorporated Buffer Law provisions into their local shoreland controls should consult their DNR area hydrologist when amending a shoreland management ordinance or making substantial deviations from the model county buffer ordinance. Questions may be directed at your BWSR Buffer and Soil Loss Specialist.

As stated previously, frequent communication among counties, watershed districts, soil and water conservation districts, and BWSR will help ensure that this process of incorporating these required changes is done in a manner that works for landowners and local government alike.

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Model County Buffer Ordinance

Buffer Law Implementation

July 10, 2026

1.0 Statutory Authorization and Policy

- 1.1 **Statutory authorization.** This buffer ordinance is adopted pursuant to the authorization and policies contained in Minn. Stat. §103F.48, the Buffer Law, and the County planning and zoning enabling legislation in Minn. Stat. chapter 394.
- 1.2 **Purpose and intent.** It is the purpose and intent of _____ County (hereinafter, “the County”) to:
- (a) Provide for riparian vegetated buffers and water quality practices to achieve the following purposes:
 - (1) protect state water resources from erosion and runoff pollution;
 - (2) stabilize soils, shores and banks; and
 - (3) protect or provide riparian corridors.
 - (b) Implement and enforce of the water resources riparian protection requirements of Minn. Stat. §103F.48 with the shoreland management rules and ordinances adopted under the authority of Minn. Stat. §103F.201 to 103F.227 and the management of public drainage systems established under Minn. Stat. chapter 103E where applicable; and
 - (c) Provide efficient and effective direction to landowners and protection of surface water quality and related land resources.
- 1.3 **Roles and Responsibilities:** Language in this Ordinance appears to direct another governmental agency to take action merely restates provisions contained in Minn. Stat. §103F.48 or BWSR's adopted Buffer Procedures and does not constitute an assertion of jurisdictional authority by the County over that agency.

Note: A Memorandum of Understanding could be a useful tool in establishing a framework for _____ cooperation between parties connected to this rule, enabling legislation and BWSR Procedures

2.0 Definitions

- 2.1 **Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.
- 2.1.1 **APO:** means the administrative penalty order issued pursuant to Minn. Stat. §103F.48, subd. 7 and Minn. Stat. §103B.101, subd. 12a.
- 2.1.2 **Buffer:** has the meaning provided in Minn. Stat. §103F.48, subd. 1(c).

- 2.1.3 **Buffer protection map:** has the meaning provided in Minn. Stat. §103F.48, subd. 1(d) and which is available on the Department of Natural Resources website.
- 2.1.4 **BWSR:** means the Board of Water and Soil Resources.
- 2.1.5 **Buffer Law:** Minnesota Statutes §103F.48.
- 2.1.6 **Cultivation farming:** means farming practices that disturb root or soil structure or that impair the viability of perennial vegetation due to cutting or harvesting near the soil surface.
- 2.1.7 **Drainage authority:** has the meaning provided in Minn. Stat. §103E.005, subd. 9.
- 2.1.8 **Landowner:** means the holder of the fee title, the holder's agents or assigns, any lessee, licensee, or operator of the real property and includes all land occupiers as defined by Minn. Stat. §103F.401, subd. 7 or any other party conducting farming activities on or exercising control over the real property.
- 2.1.9 **Local water management authority:** has the meaning provided in Minn. Stat. §103F.48, Subd. 1(g).
- 2.1.10 **Normal water level:** means the level evidenced by the long-term presence of surface water as indicated directly by hydrophytic plants or hydric soils or indirectly determined via hydrological models or analysis.
- 2.1.11 **NRCS:** means the Natural Resources Conservation Service; agency of the U.S. Department of Agriculture.
- 2.1.12 **Parcel:** means a unit of real property that has been given a tax identification number maintained by the county.
- 2.1.13 **Public drainage system:** has the meaning given to "drainage system" in Minn. Stat. §103E.005, subd. 12.
- 2.2.14 **Public water:** As defined at Minnesota Statutes §103G.005, subdivision 15, and included within the public waters inventory as provided in Minnesota Statutes §103G.201.
- 2.1.15 **Shoreland standards:** Local shoreland standards as approved by the Commissioner or, absent such standards, the shoreland model standards and criteria adopted pursuant to Minnesota Statutes §103F.211.
- 2.1.16 **SWCD:** means Soil and Water Conservation District.

3.0 Data Sharing/Management

- 3.1 The County may enter into arrangements with an SWCD, a watershed district if applicable, BWSR and other parties with respect to the creation and maintenance of, and access to, data concerning buffers and alternative practices under this ordinance.
- 3.2 The County will manage all such data in accordance with the Minnesota Data Practices Act and any other applicable laws.

4.0 Jurisdiction and Buffer Requirements

Note: *Counties may elect enforcement jurisdiction over public waters and public ditches, which relate to the existing County responsibility for implementing the shoreland management rules and acting as the public drainage authority. Counties should discuss enforcement options and plans with the watershed district (if any) and SWCD prior to making a jurisdiction decision.*

Minnesota Statutes §§103F.48 and 103B.101 establish several requirements for implementing the Buffer Law. Once the BWSR determines that a county is “with jurisdiction” under the Buffer Law, that county must ensure timely and consistent enforcement of its jurisdictional responsibilities in accordance with the Buffer Law and board-adopted procedures.

OPTION 1 – 50-Foot Average 30-Foot Minimum and 16.5-Foot Waters, excluding public drainage systems where the County is not the drainage authority

- 4.1 **Jurisdiction.** The provisions of this ordinance apply to all waters, shown on the buffer protection map, excluding public drainage systems for which the County is not the drainage authority under Minn. Stat. chapter 103E.
- 4.2 **Buffer width.** Except as provided in subsection 4.4 and 4.5, a landowner owning property adjacent to a water body identified on the buffer protection map must establish and maintain a buffer area as follows:
- (a) For waters shown on the buffer protection map requiring a fifty (50) foot width buffer, the buffer width will be fifty (50) foot average and thirty (30) foot minimum width as provided in Minn. Stat. §103F.48, subd. 3 and *(if County’s shoreland ordinance requires a more restrictive buffer and the County chooses to retain that width, then include the more restrictive standards here)* as measured according to subsection 4.2; and
 - (b) For waters shown on the buffer protection map requiring a sixteen and a half (16.5) foot minimum width buffer, the buffer width will be sixteen and a half (16.5) feet as provided in Minn. Stat. §103F.48, subd. 3 and as measured according to subsection 4.2. This subsection applies only if the County is the drainage authority *(or a more restrictive width as determined locally)*.

OPTION 2 – 50-Foot Average 30-Foot Minimum and 16.5-Foot Waters, including public drainage systems where the County is not the drainage authority

- 4.1 **Jurisdiction.** The provisions of this ordinance apply to all waters, including public drainage systems for which the County is not the drainage authority under Minn. Stat. chapter 103E, shown on the buffer protection map.
- 4.2 **Buffer width.** Except as provided in subsection 4.4 and 4.5, a landowner owning property adjacent to a water body identified on the buffer protection map must establish and maintain a buffer area as follows:
- (a) For waters shown on the buffer protection map requiring a fifty (50) foot width buffer, the buffer width will be fifty (50) foot average and thirty (30) foot minimum width as provided in Minn. Stat. §103F.48, subd. 3 and *(if County’s shoreland ordinance requires a more restrictive buffer and the County chooses to retain that width, then include the more restrictive standards here)* as measured according to subsection 4.2; and

(b) For waters shown on the buffer protection map requiring a sixteen and a half (16.5) foot minimum width buffer, the buffer width will be sixteen and a half (16.5) feet as provided in Minn. Stat. §103F.48, subd. 3 and as measured according to subsection 4.2 (*or a more restrictive width as determined locally*).

4.3 Measurement.

(a) The width of any required buffer on land adjacent to a water requiring a fifty (50) foot average width and a thirty (30) foot minimum width buffer shall be measured from the top or crown of the bank. Where there is no defined bank, measurement must be from the edge of the normal water level as provided in Minn. Stat. §103F.48, subd. 3(c).

(b) The width of any required buffer on land adjacent to a water requiring a sixteen and a half (16.5) foot minimum width buffer shall be measured in the same manner as for measuring the vegetated grass strip under Minn. Stat. §103E.021, subd. 1 as provided in Minn. Stat. §103F.48, subd. 3(c).

4.4 **Use of buffer area.** Except as provided in sections 4.4 and 4.5, a buffer as defined in this ordinance may not be put to any use, included but not limited to cultivation farming, which would remove or prevent the permanent growth of perennial vegetation.

4.5 **Exemptions.** The requirement of section 4.2 does not apply to land that is exempted from the water resources riparian protection requirements under Minn. Stat. §103F.48, subd. 5.

4.6 **Alternative practices.** As provided in Minn. Stat. §103F.48, subd. 3(b) an owner of land that is used for cultivation farming may demonstrate compliance with subsection 4.2 by establishing and maintaining an alternative riparian water quality practice(s), or combination of structural, vegetative, and management practice(s) which provide water quality protection comparable to the water quality protection provided by a required buffer as defined in section 4.2. The adequacy of any alternative practice allowed under this section shall be based on:

(a) the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG);

(b) common alternative practices adopted and published by BWSR;

(c) practices based on local conditions approved by the SWCD that are consistent with the Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or

(d) other practices adopted by BWSR.

5.0 Compliance Determinations

5.1 **Compliance determinations.** Compliance with the buffer requirements set forth in section 4 will be determined by the SWCD on a parcel-by-parcel basis. The compliance status of each bank, or edge of a waterbody on an individual parcel, will be determined independently.

5.2 **Evaluation.** The SWCD will evaluate the available documentation, and/or evaluate and/or inspect the buffer and/or alternative practices to verify the compliance statute of the parcel. Upon completion of the evaluation and/or inspection the SWCD may issue a written notification of noncompliance to the County and copy BWSR. The SWCD may also issue a Validation of Compliance if applicable and requested by the landowner.

5.3 **Complaints.** When the County receives a third-party complaint from a private individual or entity, or from another public agency, it will consult with the SWCD to determine the appropriate course of action to document compliance status. This may include communication with the landowner, inspection or other

appropriate steps necessary to verify the compliance status of the parcel. On the basis of the evidence gathered in this process, the SWCD may issue a Notification of Noncompliance to the County. If the SWCD does not issue such a Notification, the County will not pursue a compliance or enforcement action under Minnesota Statutes §103F.48 and subsection 6.2.

At any time during process set forth in 5.2 and 5.3, the landowner may provide documentation of compliance to the SWCD.

5.4 Corrective Action Notice. On receipt of an SWCD Notification of Noncompliance, **the County must issue the landowner a Corrective Action Notice within 45 days** that will:

- (a) include a list of corrective actions needed to come into compliance with the requirements of Minn. Stat. §103F.48;
- (b) **provide a timeline for complying with the corrective action notice that does not exceed 11 months;**
- (c) provide a compliance standard against which the County will judge the corrective action; and
- (d) include a statement that failure to respond to this Notice may result in the assessment of criminal, civil or administrative penalties. *(Language will depend on the enforcement option selected by the County.)*

The County may send the landowner a combined Corrective Action Notice and APO as provided in section 6.2 so long as the combined Notice/APO includes all the required elements of both.

The County shall transmit the corrective action notice by either personal service to the landowner or by depositing the same in the U.S. Mail. If service is made by U.S. mail, the document is deemed received three business days after the notice was placed in the U.S. mail. Failure of actual receipt of a corrective action notice that has either been personally served or served by depositing the same in the U.S. Mail shall not be deemed a defense in an enforcement proceeding under section 6.0. The County shall also send a copy of the Notice to the SWCD and BWSR.

Counties may modify the corrective actions and timeline for compliance, in accordance with section 5.2, to extend the compliance timeline for a modification that imposes a substantial new action or significantly accelerates the completion date for an action.

5.4.1 At any time after receipt of a corrective action notice, the landowner may provide documentation of compliance to the County. In addition, **County may modify the corrective action notice schedule, if the landowner submits a written request within the compliance period specified in the corrective action notice. The County may authorize an extension of up to 60 additional days for extenuating circumstances. Any such modification must be supported by adequate justification. The County must provide approval or denial in writing and copy BWSR on any extensions that are granted and deliver or transmit the modified schedule in accordance with paragraph 5.4.**

5.4.2 The SWCD may, after an evaluation of the evidence documenting compliance submitted by the landowner, issue a written Validation of Compliance if requested by the landowner. Upon receipt by the County of a written compliance determination issued by the SWCD, the Corrective Action Notice will be deemed withdrawn for the purpose of section 6.0, and the subject property will not be subject to enforcement under that section. **The County shall provide notification to BWSR once the parcel is determined compliant and the matter has officially been resolved.**

6.0 Enforcement

Note: The model ordinance provides three options for enforcement of the Buffer Law, which are provided below. The County will need to evaluate the enforcement mechanism it intends to use when enforcing the requirements of the buffer law.

Enforcement Option 1 – Criminal Prosecution Only

- 6.1 Failure to comply with a Corrective Action Notice issued under section 5 constitutes a misdemeanor and shall be punishable as defined by law. **If the landowner does not comply with the conditions specified in the Corrective Action Notice, the County shall initiate enforcement action within 30 days following the compliance deadline stated in the Corrective Action Notice and shall provide notice of such action to BWSR.**

Enforcement Option 2 – Administrative Penalty Orders Only

- 6.1 The County shall issue an APO as provided for in Minn. Stat. §§103F.48, subd. 7(b) and (c) and 103B.101, subdivision 12a to a landowner who has failed to take the corrective action as set forth in the corrective action notice. For the APO to be effective it must be served on the landowner together with a copy of the corrective action notice or alternatively the County may serve the landowner with a combined Corrective Action Notice and APO so long as the combined Notice/APO includes all the elements of both. Service is effective either by personal service or by depositing the documents set forth herein in the U.S. Mail. Any penalty assessed in the APO shall continue to accrue until the violation is corrected as provided in the Corrective Action Notice and APO. **If the landowner does not comply with the conditions specified in the Corrective Action Notice, the County shall initiate enforcement action within 30 days following the compliance deadline stated in the Corrective Action Notice and shall provide notice of such action to BWSR.**

Note: This option also includes all provisions after and including 6.2.

Enforcement Option 3 – Both Criminal Prosecution and Administrative Penalty Orders

- 6.1 Failure to comply with a corrective action notice issued under section 5.**

The County may, at its own discretion, elect to pursue the failure to comply with a corrective action notice either criminally or through an administrative penalty order as set forth herein.

(a) Failure to comply with a corrective action notice issued under section 5 constitutes a misdemeanor and shall be punishable as defined by law.

(b) The County shall issue an APO as provided for in Minn. Stat. §§103F.48, subd. 7(b) and (c) and 103B.101, subdivision 12a to a landowner who has failed to take the corrective action set forth in the corrective action notice. For the APO to be effective it must be served on the landowner together with a copy of the corrective action notice or alternatively the County may serve the landowner with a combined Corrective Action Notice and APO so long as the combined Notice/APO includes all the elements of both. Service is effective either by personal service or by depositing the documents set forth herein in the U.S. Mail. Any penalty assessed in the APO shall continue to accrue until the violation is corrected as provided in the Corrective Action Notice and APO.

If the landowner does not comply with the conditions specified in the Corrective Action Notice, the

County shall initiate enforcement action within 30 days following the compliance deadline stated in the Corrective Action Notice and shall provide notice of such action to BWSR.

Note: This option also includes all provisions after and including 6.2.

Note: Counties will need to include sections 6.2 and 6.3 when using APO as the enforcement mechanism.

6.2 Administrative Penalty Order (APO).

(a) Initial violation. The penalty for a landowner on a single parcel that has not previously been the subject of an APO issued by the County shall be:

- i. \$0 for 11 months after issuance of the Corrective Action Notice;
- ii. **[\$200 - \$500]** per parcel per month for the first six (6) months (180 days) following the time period in i; and
- iii. **[\$500 - \$1,000]** per parcel per month following the time period in ii.

Note: Counties must choose a specific penalty amount within the range shown in ii and iii to ensure consistency with the BWSR APO Plan.

(b) Repeat violation. The penalty for a landowner on a single parcel that has previously been the subject of an APO issued by the County to the same landowner shall be:

- i. [\$50 - \$200] per parcel per day for 180 days after issuance of the Corrective Action Notice; and
- ii. [\$200 - \$500] per parcel per day after 180 days following the time period in i.

(c) Ongoing penalty assessment. Any penalty assessed under this section shall continue until the corrective action notice has been satisfied.

Note: Counties must choose a specific penalty amount within the range shown in i and ii to ensure consistency with the BWSR APO Plan.

6.2.1 APO. To be valid the APO shall include, at a minimum:

- i. the facts constituting the violation of the riparian protection and water quality practices requirements set forth in this section 4.0 of this ordinance or Minn. Stat. §103F.48 ;
- ii. the specific statute and/or ordinance section(s) that has/have been violated;
- iii. a written description of prior efforts to work with the landowner to resolve the violation;
- iv. the amount of the penalty to be imposed;
- v. the date the penalty will begin to accrue;
- vi. the date that payment of the penalty is due;
- vii. the date by which all or part of the penalty may be forgiven if the landowner has/have complied with the Corrective Action Notice; and
- viii. a statement of the landowner's right to appeal the APO

6.2.2 All or part of the penalty may be forgiven based on the correction of the noncompliance by the date specified in the APO by the landowner as provided in Minn. Stat. §103F.48, subd. 7(d).

Note: If part or all of the penalty is forgiven, it is recommended that the County document the reasons and the amount of the penalty that has been forgiven.

6.2.3 A copy of the APO must be sent to the SWCD and BWSR.

6.2.4 An APO issued under this section may be appealed to the BWSR within 30 days of receipt by the landowner in accordance with the requirements set for the in Minn. Stat. §103F.48, subd. 9. Any APO that is not appealed within the 30-day period shall be deemed final.

6.3 Administrative Penalty Order Procedures

6.3.1 Compliance verification. Once a landowner has submitted written evidence of correction of the violation the County may request assistance from the SWCD to:

- i. review and evaluate all information related to the APO to determine if the violation has been corrected;
- ii. verify compliance by conducting a site visit, re-inspection, examination of documentation, or other means as may be reasonable under the facts of the case; and
- iii. document the verification completed under this section.

The SWCD must be consulted for verifications involving an alternative practice to determine whether it delivers comparable water quality benefits and complies with riparian buffer standards. The County shall provide notice to the SWCD and BWSR on any compliance verifications.

6.3.2 Right to appeal. Within 30 days after receipt of the APO, a landowner may appeal the terms and conditions of an APO issued by a County to BWSR as provided in Minn. Stat. §103F.48, subd. 9. The appeal must be in writing and must include a copy of the APO that is being appealed, the basis for the appeal and any supporting evidence. The appeal may be submitted personally, by U.S. mail, or electronically, to the Executive Director of BWSR.

6.3.3 Penalty due. Unless the landowner appeals the APO as provided in section 6.3.3 the penalty specified in the APO becomes immediately due and payable to the County as set forth in the APO. If, however, the landowner submits written documentation that the violations have been corrected prior to the time the penalty becomes due and payable the County shall verify compliance and adjust the penalty to an amount the landowner would have owed had the penalty been paid on the date the landowner submitted written documentation of compliance. Written documentation of compliance may include a written validation of compliance issued by the SWCD.

However, if the County determines the violation was not fully corrected, the County shall notify the landowner by issuing a written letter of determination and depositing it in the U.S. Mail. Any determination sent by U.S. Mail shall be deemed received three business days after the letter of determination has been deposited in the U.S. Mail. The landowner shall have an additional 20 days after receipt of the letter of determination to pay the penalty or the time period specified in the APO as issued, whichever is later. The penalty will continue to accrue until the violation is corrected as provided in the Corrective Action Notice and APO.

6.3.4 Referral for collection of penalty. All penalties and interest assessed under an APO must be paid by the landowner within the time specified in this section. All payments shall be made payable to the County. Any penalty or interest not received in the specified time may be collected by the County using any lawful means.

6.4 Action to ensure compliance. If after 6 months from the date of the enforcement mechanism was issued the parcel remains noncompliant, the County must initiate further actions to ensure the parcel is brought into compliance. The County must notify BWSR of its intended action and associated timelines along with periodic updates on the process and outcome.

6.5 Reporting and documentation. The following records for any potential violation of the riparian protection and water quality practices requirements. Said records shall include but are not limited to the following:

- iv. the cause of the violation;
- v. the magnitude and duration of the violation;
- vi. documentation showing whether the violation presents an actual or imminent risk to public health and safety;
- vii. documentation showing whether the violation has the potential to harm to the natural resources of the state;
- viii. a record of past violations;
- ix. efforts by the SWCD, County, Watershed District or BWSR to assist the responsible party or parties to become compliant, including written and oral communications with the responsible party or parties ; and
- x. past and present corrective action efforts by the responsible party or parties.

7 Severability

7.1 If any section, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance is not affected thereby.

8 Amendments to Ordinance

8.1 Any provision of this ordinance, and any amendment to it, that concerns the County authority under Minnesota Statutes §103F.48 is not effective until an adequacy determination has been issued by the BWSR.