

AN ORDINANCE TO REGULATE AND LIMIT SOIL EROSION

The Red Lake County Board of Commissioners hereby ordains:

SECTION 1. FINDING AND PURPOSE

The purpose of this ordinance is to implement the provisions of Minnesota Statutes, Chapter 342, which authorizes Red Lake County (County) to protect the public health, safety, and welfare of County residents by regulating soil erosion within the County.

The County finds and concludes that the proposed provisions are appropriate and lawful land use regulations for the County, that the proposed amendments will promote the community's interest in reasonable stability for now and in the future, and the proposed provisions are in the public interest and for the public good.

The following standards shall apply to all development and activity that necessitates the grading, stripping, cutting, filling, or exposure of soils. This ordinance is adopted pursuant to the authority granted under Minnesota Statutes, Chapter 103B and 103F, and any other applicable laws and rules.

SECTION 2. AGRICULTURE

Any land occupier, including but not limited to owners, tenants, or users, of agricultural land shall be considered in compliance with this Ordinance if the occupier is using soil conservation practices approved by the Red Lake County Soil and Water Conservation District Board to prevent erosion and, under normal conditions, the occupier does not have rills, gullies, or sediment deposits, in the fields and the occupiers farming methods do not create erosion or sediment problems on adjoining properties.

SECTION 3. WOODLAND ACTIVITIES

Land occupiers who use wooded land for pasture must ensure that proper management is used to prevent accelerated erosion or sedimentation due to over-grazing or cattle paths.

SECTION 4. CONSTRUCTION/SUBDIVISION ACTIVITIES

Any construction/ subdivision plan that will disturb over ten thousand (10,000) square feet shall submit to the County a proposed erosion control plan as part of the overall plan. Any plan submitted to and approved by the MPCA, in conjunction with the construction, shall be considered as meeting this requirement.

SECTION 5. VIOLATIONS

Failing to comply with the above Sections 1, 2, and 3 or failing to abide by the Conservation Plan is considered a violation of this ordinance.

SECTION 6. COMPLAINTS

Affected Red Lake County land occupiers and/or township, county, state, or federal

officials may submit a complaint, verbal or written, against any land occupier alleging that accelerated erosion or sediment damage has occurred or is occurring. Complaints shall be submitted to the Red Lake County Soil and Water Conservation District.

SECTION 7. ACTION INITIATED BY COMPLAINT

Upon receipt of a complaint, the Red Lake County Soil and Water Conservation District shall investigate the complaint.

Within five (5) days of completion of the investigation, Red Lake County Soil and Water Conservation District representative will notify the County whether an actual violation exists. The Red Lake County attorney's office will then notify the violator by letter. If a violation exists, the land occupier will be given thirty (30) days from the date of the letter to either: (1) work up a Conservation Plan to correct the violation with the Soil and Water Conservation District representative on a voluntary basis or (2) request a hearing before the Red Lake County Board of Commissioners. Failing to take action as required in the Section may result in penalties including, but not limited to, civil fines, the imposition of a Conservation Plan, Corrective Action, and/or Remediation.

SECTION 8. HEARING

If a hearing is requested as described in Section 5, the Red Lake County Board of Commissioners will determine by a preponderance of the evidence and after hearing all evidence whether a violation has occurred. The complainant, the violator, and the Red Lake County Soil and Water Conservation District representative shall all be notified of the hearing and be allowed to present evidence.

SECTION 9. ENFORCEMENT

Red Lake County shall have the authority to inspect sites, issue notices of violation, and require corrective actions including the implementation of a conservation plan. Failure to comply may result in penalties as authorized by law.

SECTION 10. CONSERVATION PLAN

If a violation is determined to exist, the violator shall enter into a Conservation Plan. The plan will include, but is not limited to the following:

- (a) Specific conservation management and/or structural practices to be implemented to bring the parcel of land in question to "T" or to control/correct the accelerated erosion or sedimentation.
- (b) The deadline date when the practices will be completed.
- (c) If the land occupier is unwilling or unable to develop a plan within thirty (30) days, the Soil and Water Conservation District representative

will notify the County of the situation, and an evaluation of what practices will be required to bring the land into compliance with the Ordinance.

SECTION 11. CORRECTIVE ACTION

Whenever the Red Lake County Board has determined, based upon the conservation district's report, that any roadway, right-of-way, or drainage conveyance under the jurisdiction of Red Lake County has been adversely affected by excessive sedimentation resulting from land-disturbing activities as described in sections 1, 2, and 3, the Red Lake County Board and the Red Lake County attorney may seek remediation of the adverse effects as permitted by Minnesota Statutes.

SECTION 12. REMEDIATION ACTIONS

Remediation may include, but is not limited to, any of the following actions or combinations of actions:

- (a) requesting the right of way authority to direct or oversee the excavation of the sediment deposited due to land-disturbing activities from the land in question and adjacent to the adversely affected roadway, right-of-way, or drainage conveyance;
- (b) requesting the right of way authority to direct or oversee the restoration of the adversely affected roadway, right-of-way, or drainage conveyance to its intended design specifications;
- (c) requesting the right of way authority to direct or oversee the transport of the excavated sediment to a mutually agreed-to location on the land occupier's land; or
- (d) billing all costs for remediation directly to the land occupier with notification that all costs are to be paid in full to the Red Lake County treasurer within 30 calendar days. If full payment is not remitted within the specified time limit, Red Lake County may assess the cost of remediation against the land in question.

SECTION 13. INCORPORATION OF MINNESOTA STATUTES 103F.401 – 103F.48.

In addition to the provisions of this ordinance, the rights, processes, and obligations of Minnesota Statute 103F.401 – 103F.48 are incorporated herein by reference.

SECTION 14. ADOPTION

The ORDINANCE TO REGULATE AND LIMIT SOIL EROSION is hereby adopted by the Red Lake County Board of Commissioners on the 26th day of May, 2026.

SECTION 15. EFFECTIVE DATE

This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time. |

Adopted and effective this 20th day of May, 2026 by the Red Lake County Board of Commissioners.

RED LAKE COUNTY

By E. Mickelson
Eric Mickelson, Chair Red Lake
County Board of Commissioners

Date: 5-26-26

Kelsey Gervais
Kelsey Gervais
Red Lake County Administrator