**STATE OF MINNESOTA**

***Before the*
<DRAINAGE AUTHORITY NAME>
SITTING AS THE DRAINAGE AUTHORITY FOR
<NAME OF DRAINAGE SYSTEM>**

|  |  |
| --- | --- |
| **In the Matter of:****Notice of Noncompliance of the Incremental Implementation of Vegetated Ditch Buffer Strips and Side Inlet Controls on <Name of Drainage Sytem>** | **NOTICE OF NONCOMPLIANCE** |

PLEASE TAKE NOTICE that pursuant to Minn. Stat. § 103E.705, subd. 2 and Chapters 103E, the <name of the drainage system> has determined that the following property you own is in violation of Minn. Stat. § 103E.021:

<Description of Property(ies)>

Minn. Stat. § 103E.021 requires permanent grass, other than a noxious weed, be maintained on the ditch side slopes and that a permanent strip of perennial vegetation approved by the drainage authority be established on each side of the ditch. The approved perennial vegetation shall not impede future maintenance of the ditch and shall be 16-1/2 feet in width measured outward from the top edge of the constructed channel or to the crown of the leveled spoil bank, whichever is greater.

At its public meeting convened on <date>, <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ moved, seconded by <Commissioner/Manager> \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to adopt the following Findings and Order:

**Findings:**

1. <Name of drainage authority> is the drainage authority for <name of drainage system>.
2. <Name of drainage system> was established in <year>. <Include details about when the perennial vegetative strips were established – e.g., at construction, during an improvement, under a redetermination of benefits.>
3. Damages were paid to landowners in the <name of proceeding> for the acquisition of permanent buffer strips of perennial vegetation on <date>. Under Minn. Stat. ch. 103E, the spoil banks of the drainage system are to be spread in a manner consistent with the plan and function of the drainage system.
4. <Name of drainage authority> is responsible for the repair and maintenance of <name of drainage system>, including the requirement to inspect the drainage system for violations of Minn. Stat. § 103E.021 pursuant to Minn. Stat. § 103E.705, subd. 2.
5. The Board, on <date>, ordered the <name of drainage system> to be inspected by <inspection committee/drainage inspector> for violations of Minn. Stat. § 103E.021. <Under Minn. Stat. § 103E.705, subd. 2(b)(2), this notice must include the name of the persons making the inspection>.
6. On <date>, the <inspection committee/drainage inspector> inspected <name of drainage system> for violations of Minn. Stat. § 103E.021, including the above-described property you own.
7. The <inspection committee/drainage inspector> filed a report with the Board on <date>. The <inspection committee/drainage inspector> determined that the following violations of Minn. Stat. § 103E.021 are present
8. Upon inspection, the <description of noncompliant property> is in violation of Minn. Stat. § 103E.021.

**Order:**

Based on the foregoing findings, you are hereby ordered to take the following actions:

1. <measures to be taken for property owner to comply with Minn. Stat. § 103E.021>.
2. After the above-referenced actions have been completed, you shall notify <inspection committee/drainage inspector> for final inspection to confirm compliance with the requirements of Minn. Stat. § 103E.021 as herein stated.
3. The above-referenced actions must be completed on or before <date>.

After discussion, the Board Chair called the question. The question was on the adoption of the foregoing findings and order, and there were \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ absent, and \_\_\_\_\_ abstentions as follows:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Yea | Nay | Absent | Abstain |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |
| <LAST NAME> | 🞏 | 🞏 | 🞏 | 🞏 |

Upon vote, the Chair declared the motion passed and the Findings and Order adopted.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

<Full Name>, Chairperson

PLEASE TAKE FURTHER NOTICE that if you do not restore the vegetated ditch buffer strips <and side inlet controls> within the time period required in this notice, the drainage authority will issue an order without further notice to have the work performed to bring the buffers and inlet controls into compliance. After the work is completed, the drainage authority will send a statement to the auditor of <name of county> county, containing the expenses incurred to bring the buffer and inlet controls into compliance. Said expenses and outlet fee will be charged to you, the property owner, pursuant to Minn. Stat. § 103E.021.

If you have any questions, please contact <Drainage Inspector> at <contact information>.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

<Full Name>, Chairperson