

legislature under section 3.195, to each county, and to each elected chief executive of each municipality in the metropolitan area.

Presented to the governor April 8, 1994

Signed by the governor April 11, 1994, 2:42 p.m.

CHAPTER 412—H.F.No. 1186

An act relating to the environment; adding cross references for existing civil penalties for littering; amending Minnesota Statutes 1992, sections 85.20, subdivision 6; 115A.99; 169.421; 375.18, subdivision 14; and 412.221, subdivision 22.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1992, section 85.20, subdivision 6, is amended to read:

Subd. 6. **LITTERING; PENALTY.** (a) No person shall drain, throw, or deposit upon the lands and waters within a state park any substance that would mar the appearance, create a stench, destroy the cleanliness or safety of the land, or would be likely to injure any animal, vehicle, or person traveling upon those lands and waters. The operator of a vehicle or watercraft, except a school bus or a vehicle transporting passengers for hire and regulated by the interstate commerce commission, shall not permit articles to be thrown or discarded from the vehicle upon any lands or waters within a state park. ~~A person violating the provisions~~

(b) Violation of this subdivision shall be guilty of is a misdemeanor. Any person sentenced under this subdivision shall in lieu of the sentence imposed be permitted, under terms established by the court, to work under the direction of the department of natural resources at clearing rubbish, trash, and debris from any state park. The court may for any violation of this subdivision order the offender to perform such work under terms established by the court with the option of a jail sentence being imposed.

(c) In lieu of enforcement under paragraph (b), this subdivision may be enforced by imposition of a civil penalty and an action for damages for littering under section 115A.99.

Sec. 2. Minnesota Statutes 1992, section 115A.99, is amended to read:

115A.99 LITTER PENALTIES AND DAMAGES.

Subdivision 1. **CIVIL PENALTY.** (a) A person who unlawfully places any portion of solid waste in or on public or private lands, shorelands, roadways, or waters is subject to a civil penalty of not less than twice nor more than five times

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the ~~amount of cost~~ costs incurred by a state agency or political subdivision to remove, process, and dispose of the waste.

(b) A state agency or political subdivision that incurs ~~cost~~ costs as described in this section may bring an action to recover the civil penalty, related legal, administrative, and court costs, and damages for injury to or pollution of the lands, shorelands, roadways, or waters where the waste was placed if owned or managed by the entity bringing the action.

Subd. 2. **DEPOSIT OF PENALTIES AND DAMAGES.** Civil penalties ~~and damages~~ collected under ~~this section~~ subdivision 1 must be ~~deposited in the general fund of the jurisdiction enforcing the penalties collected and distributed as required in section 487.33.~~

Subd. 3. **JOINDER; PRIVATE ACTION FOR DAMAGES.** A private person may join an action by the state or a political subdivision to recover a civil penalty under subdivision 1 to allow the person to recover damages for waste unlawfully placed on the person's property.

Sec. 3. Minnesota Statutes 1992, section 169.421, is amended to read:

169.421 **CIVIL LIABILITY FOR LITTERING.**

Subdivision 1. **FINDING.** The legislature finds that the cost of removal and disposal of solid waste, including litter, from vehicles is an onerous burden upon the public, and that the criminal law is not always adequate in dealing with the problem. This requires the imposition of civil liability as provided in this section.

Subd. 2. **DEFINITION.** For purposes of this section, "owner" as to a vehicle means the owner of the vehicle, but in the case of a leased vehicle means the lessee.

Subd. 3. **CIVIL LIABILITY IMPOSED.** If any solid waste, including litter, ~~including~~ glass, nails, tacks, wire, cans, bottles, garbage, papers, refuse, trash, or any form of offensive matter is thrown, deposited, placed, or dumped from a vehicle upon any street or highway, public land, or upon private land without the consent of the owner of the land, a violation of this subdivision occurs and civil liability is imposed upon the owner of the vehicle. The driver and passengers riding in a vehicle are constituted as the agents of the owner of the vehicle for purposes of this subdivision. It is a defense to any action brought pursuant to this section that the vehicle was stolen. This section is not applicable to the owner of a vehicle transporting persons for hire or transporting school children.

Subd. 4. **CIVIL PENALTY; DAMAGES.** ~~Any person or governmental body injured by a violation of subdivision 3 may bring a civil action and recover as damages the actual costs of removal and disposal of the litter plus exemplary damages not to exceed \$400, together with costs and disbursements, including reasonable attorney's fees, as determined by the court. A person who violates~~

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this section is subject to the civil penalties for littering and an action for damages as specified in section 115A.99.

Subd. 5. **PROCEDURES.** A civil action may be commenced as is any civil action or by the issuance of a citation to the owner of the vehicle by any law enforcement officer who has reason to believe that a violation has occurred. Actions commenced by the issuance of a citation by a law enforcement officer shall be tried by the prosecuting authority responsible for misdemeanor prosecutions in the jurisdiction where a violation occurs. Any damages recovered in an action brought by a public agency shall be deposited in the treasury of the jurisdiction trying the action and distributed as provided in section 487.33. Any county or county municipal court may establish a separate civil calendar for cases brought under this section.

Subd. 6. **RELATIONSHIP TO CRIMINAL LAW; ELECTION OF REMEDIES.** If an act is a violation of this section and of a statute or ordinance providing a criminal penalty, a public agency elects its remedy by commencing either an action under this section or a criminal prosecution, and the commencement of one type of action by a public agency is a bar to its bringing of the other.

Subd. 7. **PAYMENT.** Any county or county municipal court may establish a schedule of costs and civil damages, and procedures for payment, in cases brought by a public agency under which the defendant may consent to default judgment and make payment according to the schedule without making a personal appearance in court.

Subd. 8. **CITATION.** This section may be cited as the civil litter act.

Sec. 4. Minnesota Statutes 1992, section 375.18, subdivision 14, is amended to read:

Subd. 14. **UNAUTHORIZED DEPOSIT OF SOLID WASTE.** Each county board may by ordinance:

(1) prohibit the deposit of solid waste within the county not otherwise authorized by law;

(2) require the owners or occupants of property to remove the unauthorized deposit of solid waste;

(3) if it is not removed, provide for removal of the solid waste at the owner's or occupant's expense; and

(4) provide for the expense to be a lien on the property and collected as a special assessment.

A county board may also seek civil penalties and damages from persons responsible for unauthorized deposit of solid waste under section 115A.99, which, if unpaid, may be imposed as a lien on property owned by the responsible persons and collected as a special assessment.

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Sec. 5. Minnesota Statutes 1992, section 412.221, subdivision 22, is amended to read:

Subd. 22. **HEALTH.** (a) The council shall have power by ordinance:

(1) to prohibit or regulate slaughterhouses;

(2) to prevent the bringing, depositing, or leaving within the city of any unwholesome substance or deposit of solid waste within the city not otherwise authorized by law, to require the owners or occupants of lands to remove unwholesome substances or the unauthorized deposit of solid waste and if it is not removed to provide for its removal at the expense of the owner or occupant, which expense shall be a lien upon the property and may be collected as a special assessment;

(3) to provide for or regulate the disposal of sewage, garbage, and other refuse; and

(4) to provide for the cleaning of, and removal of obstructions from, any waters in the city and to prevent their obstruction or pollution.

(b) The council may also seek civil penalties and damages from persons responsible for unauthorized deposit of solid waste under section 115A.99, which, if unpaid, may be imposed as a lien on property owned by the responsible persons and collected as a special assessment.

(c) The council may establish a board of health as defined in section 145A.02, subdivision 2, with all the powers of such boards under the general laws.

Presented to the governor April 8, 1994

Signed by the governor April 11, 1994, 2:22 p.m.

CHAPTER 413—H.F.No. 2330

An act relating to Anoka county; authorizing county to sell tax-forfeited land by sealed bid.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **ANOKA COUNTY; SALE OF TAX-FORFEITED LAND BY SEALED BID.**

The county of Anoka may conduct a sealed bid sale as an alternate method of disposing of tax-forfeited land. Notice of the sale must comply with Minnesota Statutes, section 282.02, except that the last publication of the notice must

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