
PRESS RELEASE

CORINNA TOWNSHIP PREVAILS OVER WRIGHT COUNTY IN MINNESOTA COURT OF APPEALS

REPORTED DECISION UPHOLDS CEASE AND DESIST ORDER AGAINST WRIGHT COUNTY, CLARIFIES
COUNTY/TOWNSHIP RELATIONSHIPS STATEWIDE

TOWNSHIP CALLS ON COUNTY BOARD TO REIMBURSE RESIDENTS THAT WERE ILLEGALLY
SUBJECTED TO DOUBLE FEES

In a decision dated July 6, 2010, the Minnesota Court of Appeals has rejected Wright County's appeal of an administrative order issued by the Department of Labor and Industry directing the county to cease and desist the issuing of building permits in Corinna Township. The decision affirms that Corinna Township is the sole building permit authority within the township. The county is not allowed to require Corinna residents to obtain a duplicate permit from the county.

BACKGROUND

In August of 2007, Corinna Township completed an 18-month planning process with the adoption of a comprehensive plan. The plan called on Town officials to explore ways to establish a local permitting program consistent with State Statutes.

After months of negotiation between Corinna Towns and Wright County on how such a process would function, in July of 2008 the Wright County Board adopted a resolution denying Corinna Township the right to administer the building code throughout the township, a right clearly established in State Statutes.

In August of 2008, Corinna Township notified Wright County, the Department of Labor and Industry (DOLI) and other state agencies that it was exercising its rights under Minnesota Statutes to exclusively administer the building code within the township. DOLI notified the township and Wright County that the township's petition had been accepted and that the town was now the sole building authority.

Wright County purposefully ignored the DOLI directive and continued to issue permits. The county also denied the validity of any permits issued by Corinna Township and required town residents who had obtained a legal permit from Corinna Township to obtain a duplicate permit from Wright County, paying a fee to each. This was done to Corinna residents only. There are other townships in Wright County that are allowed to issue permits within their jurisdictions without double permitting.

On September 26, 2008 and again on October 14, 2008, DOLI issued Wright County a cease and desist order. Wright County requested an administrative hearing to contest the order. An administrative law judge ruled against Wright County and upheld the cease and desist order. This ruling was sustained by the DOLI commissioner. Wright County subsequently appealed to the Minnesota Court of Appeals.

DECISION

The decision in this matter vindicates the approach of Corinna Township. The Court ruled that:

- “...once a [township] within a county adopts the MSBC (Minnesota State Building Code), that [township] becomes responsible for MSBC administration and the county no longer retains that responsibility.
- “The statute does not allow two municipalities to simultaneously administer the MSBC within the same jurisdiction. The legislature has provided that property owners should not be subjected to such a frustrating bureaucratic regime.”
- “...the DOLI commissioner did not exceed statutory authority by issuing the cease-and-desist order.”
- “...the County’s exclusive control over shoreland regulations does not include MSBC enforcement.”

The entire decision is available online at www.corinnaplanning.info.

IMPACT

The action of the Court of Appeals in this matter was a reported decision. Decisions are typically reported when they are important, set precedent and should be relied on in the future. This decision clearly upholds the rights of Minnesota townships for local control over the administration of the building code. Counties must defer to townships that retain a qualified building official to serve their residents in that capacity.

While the issue of fee collection was not specifically a part of the dispute heard by the Court of Appeals, it is clear that Wright County acted outside of its authority in charging Corinna Township residents additional permit fees for applications they had properly received from the town. **Corinna Township calls on the Wright County Board to reimburse residents that were subjected to this double permitting.** It is time to make amends to the innocent people caught up in this dispute.

Wright County has the right to request an appeal to the Minnesota Supreme Court. Given the straightforward nature of the Appellate Court ruling and the clear language of the Statute, **Corinna Township calls on the County Board to resist the zealous advice of staff and legal counsel and not authorize a further appeal of this case.** Their advice thus far has not served the County Board or the taxpayers of Wright County in this matter.

For more information or further statements from Corinna Township, please contact:

Chuck Carlson, Town Board

Phone: 320.980.0803

Email: chuckcarlson@yahoo.com

Charles Marohn, Town Planner

Phone: 866.900.3064

Email: marohn@communitygrowth.net

John Dearing, Town Board

Phone: 320.963.6481

Email: jrd@lakedalelink.net

Richard Naaktgeboren, Town Board

Phone: 320.963.3009

Email: rnaak@lakedalelink.net

