

WATER SURFACE USE ORDINANCE

STATE OF MINNESOTA COUNTY OF CROW WING ORDINANCE NO. 83

AN ORDINANCE REGULATING THE SURFACE USE OF ALL WATERS OF CROW WING COUNTY

Be it ordained and enacted by the Crow Wing County Board of Commissioners, State of Minnesota, that these amendments following, by this act, hereby replace and nullify those like numbered clauses now existing and a part of Crow Wing County Ordinance No. 83.03. or are newly enacted sections, which upon their enactment, become a part of Crow Wing County Ordinance No 83.03.

Section 1: PURPOSE, INTENT AND APPLICATION: As authorized by Minnesota Statutes 86B.201, 86B.205, and 459.20, AND Minnesota Rules 6110.3000 -6110.3800 as now in effect and as hereafter amended, this Ordinance is enacted for the purpose and with the intent to control and regulate the use of the all waters of Crow Wing County, Minnesota, said bodies of water being located entirely within the boundaries of Crow Wing County, to promote its fullest use and enjoyment by the public in general and the citizens of Crow Wing County in particular; to insure safety for persons and property in connection with the use of said waters; to harmonize and integrate the varying uses of said waters; and to promote the general health, safety and welfare of the citizens of Crow Wing County, Minnesota.

Section 2: DEFINITIONS: Terms used in this ordinance related to boating are defined in M.S. § 86B.005

Section 3: SURFACE ZONING OF ALL WATERS OF CROW WING COUNTY BY RESTRICTING SLALOM COURSES:

A regulation length slalom course is normally over 800 feet long and has a significant impact on the public use of a large area of water. The following regulations are intended to minimize and mitigate such impact.

These regulations affect all slalom courses permitted in Crow Wing County and are in addition to any applicable state statute, rule, or regulation affecting the placement of slalom courses.

Regulations:

1. Adjacent property owners must be notified and given opportunity to comment. For the purpose of this section, adjacent property owners are defined as those whose property is directly on-shore from the course and 200 feet on either end of the marked course.
2. Surface floats must be submerged or removed when the course is not in use, as follows:
 - Non-sinkable courses, where allowed, may remain on the water's surface for 72 hours following the last use.
 - Sinkable courses, where required, must be submerged by one hour past sunset each day.

3. All newly permitted courses permitted after the effective date of this section must be submersible. In addition, all courses permitted on natural environment lakes must be submersible. Non-sinkable courses initially permitted prior to the effective date of this section on recreational or general development lakes may be renewed to the original permit holder based on the on-site inspection as outlined in paragraph 8 of this section.
4. Course buoys must meet American Water Ski Association specifications. No course can exceed 900 feet in length.
5. Slalom courses must be placed out of major boat traffic areas and cannot be placed in a manner that will constitute a navigational or environmental hazard.

Examples of conditions that would constitute a navigational or environmental hazard include, but are not limited to, the following:

- a) Any area with emergent vegetation
 - b) Within 150' of shore, swim area, dock, public landing, etc.
 - c) Any area where boat traffic is forced into a narrow or defined channel due to water depth or hidden hazards
 - d) Any other area where boat traffic would be congested, such as near a marina, bar, resort, campground etc.
 - e) In an area where birds and wildlife nesting on the water would be threatened or adversely affected.
6. Slalom course permits are valid for one year. Renewal will take place after a satisfactory review of the previous year's compliance and complaints.
 7. Markers and buoys must be removed or completely submerged by November 1st of each year.
 8. An onsite inspection by the Crow Wing County Boating Safety Supervisor will be required prior to the initial issuance of any permit issued after the effective date of this section. The County Board of Commissioners will set the fee for the permit according to their fee schedule, payable to the Sheriff's Boat and Water Safety Division. Where environmental degradation of the lake or adverse impact on aquatic vegetation or wildlife is an issue, the Boating Safety Supervisor will involve the appropriate personnel from the MN Department of Natural Resources in the on-site inspection.
 9. Annual renewals will not require an on-site inspection unless there are documented questions of compliance, citizen complaints regarding the course, a change in placement or ownership of the course, or any other significant change in the permit. The County Board of Commissioners will set the renewal fee according to their fee schedule, payable to the Sheriff's Boat and Water Safety Division.
 10. Courses that are removed after each use do not need a permit. The above regulations apply only to those courses left in the water overnight.

Section 4: SURFACE ZONING OF WATERS BY RESTRICTING SPEED IN CERTAIN AREAS

Regulations:

No person shall operate a watercraft at greater than a slow no wake speed on the following:

- A. On the Gull Chain of Lakes, including Gull (11-395), Love (18-388), Ray (11-220), Roy (18-398), and Nisswa (18-399), in the following channels:
 - 1. Between Gull and Love
 - 2. Between Roy and Nisswa
 - 3. Between Gull and Round (18-373), under MN TH371 (rev. 1985)
 - 4. Between Gull and Thor (rev. 1985)

- B. On Pelican Lake (18-308), in the following areas:
 - 1. In the channel between Pelican Lake and Jones Bay
 - 2. In the marked areas in Nelson Bay on the North and South sides of the island in Section 16, Pelican Township
 - 3. In the channel beginning at the NW corner of Moose Bay, extending in a westerly direction to the dead end, located in Section 21, City of Breezy Point (rev. 1988)
 - 4. In the channel extending from Halvorson Bay into Cree Bay (rev. 1988)
 - 5. In the area directly in front of Breezy Point Resort, extending 150 feet from shore (rev. 1988)

- C. On Bay Lake (18-34), in the following areas:
 - 1. The channel between the east side of the island and the mainland, in Section 11, Bay Lake Township
 - 2. The channel in the NE 1/4 of Section 15, Bay Lake Township

- D. On the Cullen Lake Chain, including Upper Cullen (18-376), Middle Cullen (18-377), and Lower Cullen (18-403), in the following channels:
 - 1. Between Upper and Middle Cullen lakes
 - 2. Between Middle and Lower Cullen lakes

- E. On the Whitefish Chain of Lakes, including Whitefish (19-310), Big Trout (18-315), Arrowhead (18-366), Lower Hay (18-378), Bertha (18-355), Clamshell (18-356), Pig (18-354), Island (18-269), Loon (18-268), Hen (18-270), Rush (18-311), Cross (18-312), Daggett ((18-271), and Little Pine (18-266) lakes in the following areas:
 - 1. On Crosslake in the following areas:
 - a. Within the area marked above the federal dam
 - b. The north end of Moonlite Bay, located in the SE1/4 of the NE1/4 and the NE1/4 of the SE1/4 of Section 8, in the City of Crosslake, beginning

- 50' south of the point of land defining the southeast boundary of the bay
 - c. The bay located in the SW1/4 of the NE1/4 of Section 30 in the City of Crosslake, beginning 50' NE of the inlet to the bay formed by Arrowhead Point on the east and Park Point on the west
- 2. In the following channels:
 - a. Between Little Pine and Daggett, including the Birch Narrows channel in the NW 1/4 of the SE 1/4 of Section 10, City of Crosslake (rev. 1991)
 - b. In the channel between Cross and Daggett, beginning approximately 100 yards west of the County Road 66 bridge, and extending east-northeast to the end of the channel located at the SW end of Daggett, in the NE 1/4 of Section 16, City of Crosslake (rev. 1985, 1991)
 - c. Between Cross and Rush, in the channel underneath County Road 16, and extending westerly approximately 100 yards from the County Road 16 bridge into Rush lakes (rev. 1985)
 - d. Between Rush and Whitefish lakes, from Anchor Point and Melinda Shores, northwesterly to a point 100 yards past the opening of the channel into Lower Whitefish, all in Section 7, Township 137, Range 27 (rev. 1993)
 - e. Between Loon and Island lakes
 - f. Between Island and Whitefish lakes
 - g. Between Big Trout and Whitefish lakes
 - h. Between Arrowhead and Whitefish lakes
 - i. Beginning one hundred (100) feet south of the bridge between Sunrise Island and the mainland, and extending north/northeast, to a point one hundred (100) feet past the NE corner of the Island, all in the SW 1/4 of Section 30, City of Crosslake (rev. 1985, 1992)
 - j. Between Lower Hay and Whitefish lakes (rev. 1985, 1991, 1992)
 - k. Between Cross Lake and Anderson (Bass) Bay (rev. 1992)
 - l. Between Whitefish and Bertha Lakes, Section 20, Twp. 137, Range 28. (rev. 1994)
 - m. Between Bertha and Clamshell lakes, NE1/4, NE1/4, Section 20, Ideal Township
- 3. On Rush Lake, in the area known as Peaceful Harbor, in Sections 13 and 18, City of Crosslake (rev. 1988)
- 4. On Clamshell Lake, in the following areas:
 - a. Between the east side of the island and the mainland (rev. 1988)
 - b. In the channel between the south side of the island and the mainland located in the NW1/4 of the SW1/4 of Section 21, in Ideal Township
- F. On Sandbar Lake (18-251), also known as Horseshoe Lake, in the following area:
 - 1. The channel, located near the section line between Sections 17 and 20, Mission Township, connecting the two parts of Sandbar Lake (rev. 1985)

- G. On the Mission Chain, including Upper Mission (18-242) and Lower Mission (18-243), in the following channel:
 - 1. Between Upper and Lower Mission lakes (rev. 1985)
- H. On Ossawinnamakee Lake (18-352), in the following area:
 - 1. In the channel between the main lake and "Muskie Bay", in the NE 1/4 of Section 2, Pelican Township, City of Breezy Point (rev. 1985)
 - 2. In the channel located in the NW corner of Section 4, City of Breezy Point (rev. 1988)
- I. On the Crooked Lake (18-41), Hanks Bay (18-44), and Portage Lake (18-50), in the following channels:
 - 1. Between Portage Lake and Hanks Bay (rev. 1985)
 - 2. Between Hanks Bay and that part of Crooked Lake known as Sugar Bay (rev. 1985)
- J. On Rabbit Lake (18-93P), in the following areas:
 - 1. In the channel going east and west, beginning at the public access, and extending past the County Road 31 bridge, all in Section 30, Rabbit Lake Township (rev. 1988)
- K. On South Long Lake (18-136), in the following areas:
 - 1. In the channel located in the E 1/2 of Section 27, Long Lake Township, east of Wiedel's Point, between the main lake and the south bay of South Long Lake (rev. 1992)
- L. On Partridge (18-48) and Turtle (18-47) Lakes, in the following area:
 - 1. In the channel between Partridge Lake and Turtle Lake, located on the NE side of the Greenwood Isle plat, in Sections 25 and 26 in Bay Lake Township.
- M. On Edna (18-396) and Fawn (18-397) lakes, in the following area:
 - 1. In the channel between Edna Lake and Fawn Lake, located in Section 3 in the City of Nisswa
- N. On Little Pine River in the following area:
 - 1. In the channel between Lake Emily and Lake Mary, located in Section 26 in the City of Emily.

Section 5: SURFACE ZONING OF WATERS BY RESTRICTING THE TYPE OF MOTOR USED IN CERTAIN AREAS.

- A. Electric Motors Only
 - 1. On Little Pine Lake:
 - a. In the bay located in the NE ¼ of the NW ¼ of Section 10 and part of the NW ¼ of

the NE ¼ of Section 10 in the City of Crosslake, Minnesota.

Section 6: SURFACE ZONING OF ALL WATERS OF CROW WING COUNTY BY RESTRICTING THE PLACEMENT OF DOCKS.

These regulations affect all docks, piers, wharfs, or boatlifts placed in public water in Crow Wing County and are in addition to any applicable state statute, rule, or regulation affecting the placement of such structures in public water.

Regulations:

1. Only a riparian (waterfront) property owner, easement holder or lessee may place a dock, pier, wharf or boatlift in public water.
2. Docks, piers, wharfs, boatlifts and moored boats must be confined to the owner's or lessee's riparian zone. The method for describing these zones where the dividing lines are not obvious is described in Exhibit A, attached to and made a part of this ordinance by reference.
3. A dock, pier, wharf, boatlift, moored boat or other structure placed in the water may not obstruct navigation. A dock or pier may not encircle or isolate a part of a waterway.
4. A dock, pier or wharf must be setback a sufficient distance from the property line to ensure that any attached or adjacent boat lift, moored boat, attached deck, T, or L, does not encroach on the riparian zone of an adjacent land owner or lessee.
5. Nothing in this section shall be construed to prevent or restrict the placement of docks by the Minnesota Department of Natural Resources at public landings.

Section 7: SURFACE ZONING OF WATERS BY PROHIBITING NAVIGATION BOTH UPSTREAM AND DOWNSTREAM.

Regulation:

No person shall operate a watercraft of any size, design, or type in the following water:

- A. In Kimball (Kimble) Creek, M-106-2, in the following described area:
 1. Between Kimball (Kimble) Lake (18-361) and Lake Ossawinnamakee (18-352).

Section 8: ENFORCEMENT: The Primary responsibility for enforcement of this ordinance shall rest with the Crow Wing County Sheriffs Office. This, however, shall not preclude enforcement by other licensed peace officers.

Section 9: EXEMPTIONS: All authorized Emergency and Enforcement Personnel while action in the performance of their duties shall be exempt from the foregoing restrictions.

Section 10: NOTIFICATION: It shall be the responsibility of Crow Wing County to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access outlining essential elements of the ordinance, as well as the placement of

necessary buoys and signs.

Section 11: PENALTIES: Any person who shall violate any of the provisions of this Ordinance shall be guilty of a Misdemeanor.

Section 12: EFFECTIVE DATE: This Ordinance shall be in effect from and after the date of its passage and publication.

Adopted by the Crow Wing County Board of Commissioners on May 23, 2000.

Amended by the Crow Wing County Board of Commissioners on July 31, 2001.

Amended by the Crow Wing County Board of Commissioners on June 11, 2002.

Amended by the Crow Wing County Board of Commissioners on May 27, 2003.

Amended by the Crow Wing County Board of Commissioners on August 24, 2004.

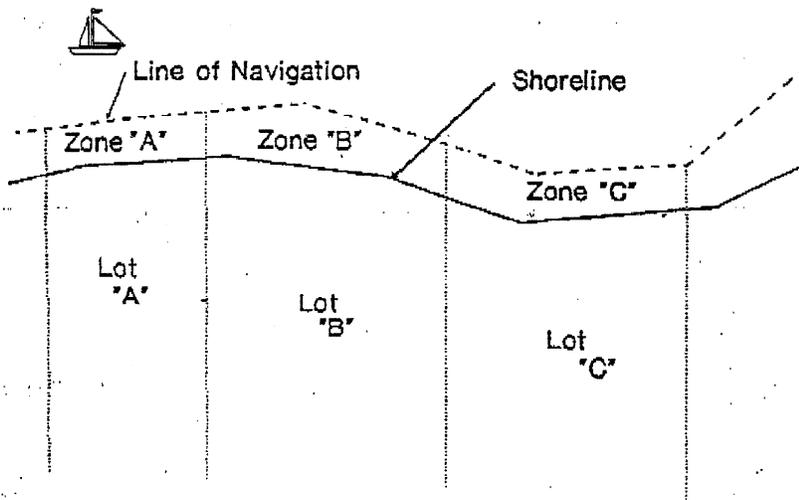
Amended by the Crow Wing County Board of Commissioners on June 27, 2006.

Amended by the Crow Wing County Board of Commissioners on October 14, 2008.

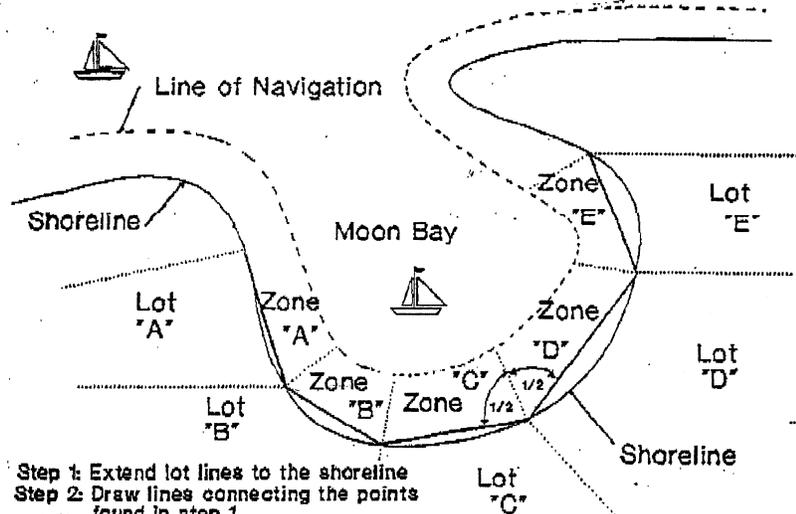
Exhibit A

Figure 1

RIPARIAN ZONES ... BY EXTENSION OF LOT LINES



... BY COTERMINOUS RIPARIAN RIGHTS LINES



- Step 1: Extend lot lines to the shoreline
- Step 2: Draw lines connecting the points found in step 1
- Step 3: Bisect angles formed by lines in step 2 and extend to the line of navigation