

WATER SURFACE USE ORDINANCE

STATE OF MINNESOTA COUNTY OF ITASCA

ORDINANCE NO.2

AN ORDINANCE REGULATING THE SURFACE USE OF SAND LAKE/PORTAGE LAKE AND SAND LAKE/LITTLE SAND LAKE AND THE BOWSTRING RIVER FROM LITTLE SAND LAKE TO RICE LAKE, LOCATED IN SAND LAKE TOWNSHIP 148-26 AND UNORGANIZED TOWNSHIP 147, RANGE 28.

Be it ordained and enacted by the Itasca 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 Itasca County Ordinance No. 2 or are newly enacted sections which, upon their enactment, become a part of Itasca County Ordinance No. 2.

Section 1: PURPOSE, INTENT, AND APPLICATION: As authorized by Minnesota Statutes 88B.201, 86B.205, and 459.20, And Minnesota Rules 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 waters of Sand Lake, Little Sand Lake and Portage Lake Itasca County, Minnesota, said bodies of water being located entire within the boundaries of Itasca County to promote its fullest use and enjoyment by the public in general and the citizens of Itasca County in particular, to insure "safety" for persons and property connection with the use of said waters; to harmonize and integrate the varying uses of said waters.

Section 2: DEFINITIONS: Terms used in this ordinance related to boating are defined in MS 86B.005. The following words and phrases when used in this ordinance shall have the means set forth below:

- (1) "Persons" includes an individual, partnership, corporation or anybody of persons whether Incorporated or formed into an association or not.
- (2) "Operate" means to navigate or otherwise use a watercraft.
- (3) "Watercraft" has the meaning given in M.S. 86B.005, Subd.18.
- (4) "Slow-no wake" means the operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than 5 m.p.h.
- (5) "Bowstring River" means the portion of the Bowstring River beginning at the outlet of Little Sand Lake and continuing to its inlet at Rice Lake.
- (6) "Sand Lake/Portage Lake" means the entrances of the channel between the two lakes.

WATER SURFACE USE ORDINANCE

(7) "Sand Lake/Little Sand Lake" means the entrances of the channel between the two lakes.

Section 3: SURFACE ZONING OF SAND LAKE, PORTAGE LAKE, CHANNEL, SAND LAKE, LITTLE SAND LAKE CHANNEL AND BOWSTRING RIVER; LITTLE SAND LAKE TO RICE LAKE BY RESTRICTING SPEEDS DURING CERTAIN TIMES OF THE YEAR.

Slow-no wake speed 24 hours per day from 12:01 A.M. on the Saturday in May that coincides with the opening of the walleye fishing season until midnight on September 30th of each year. All public watercraft accesses shall be posted prior to and during the time restrictions are in place. In addition, notice of said restrictions shall also be posted at the Itasca County Courthouse

Section 4: ENFORCEMENT: The primary responsibility for enforcement of this ordinance shall rest with the Itasca County Sheriff's Department. This, however, shall not preclude enforcement by other licensed peace officers; including State and Leech Lake Reservation Tribal Conservation Officers.

Section 5: EXEMPTIONS: All authorized Resource Management, Emergency and Enforcement personnel, while acting in the performance of their assigned duties are exempt from the foregoing restrictions.

Section 6: NOTIFICATION: It shall be the responsibility of the Itasca 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 7: PENALTIES: Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, "creating a wake in a no wake zone." Punishable by a fine.

Section 8: EFFECTIVE DATE: The Ordinance shall be in effect from and after the date of its passage and publication.

Passed by the Itasca County Board of Commissioners on this 13th day of July, 1999.

Published September 1, 1999

_____[Robert G. Wilhelm]_____
Vice- Chairperson - County Board of Commissioners

_____[Robert R. Olson]_____
Robert Olson, Clerk - County Board of Commissioners

**RESOLUTION
OF THE
COUNTY BOARD OF COMMISSIONERS
ITASCA COUNTY, MINNESOTA**

Adopted July 13, 1999

Commissioner Ives moved the adoption of the following resolution:

Resolution No. 07-99-01 (Page 1 of 2)

RE: WATER SURFACE USE ORDINANCE

WHEREAS, in accordance with Minnesota Statute Chapter 86B.205 Subd. 2, the County Board of Commissioners may, by ordinance, regulate the surface use of bodies of water located entirely or partially within the County and not located entirely within the boundary of a single city or lake conservation district established by law, and

WHEREAS, the goal of water surface use management shall be to enhance the recreational use, safety and enjoyment of water surface of Minnesota and to preserve these water resources in a way that reflects the State's paramount concern for the protection of its natural resources, and

WHEREAS, the Sand Lake Association has requested a Water Surface Use Ordinance for a "no wake zone" on the Channels between: Rice Lake and Little Sand Lake; Little Sand Lake to Big Sand Lake AND Sand Lake to Portage Lake located in Unorganized Township 147 Range 26 and in Sand Lake Township, 148 R26, and

WHEREAS, the "no wake" zone is needed for safety as the channel/s are very narrow with blind spots, and

WHEREAS, on June 30th, 1999, notice of the Itasca County Board of Commissioner's public hearing was duly published in the County Newspaper and

WHEREAS, on July 13, 1999, the County Board held a public hearing to receive public input on the adoption of a water surface use ordinance,

NOW THEREFORE BE IT RESOLVED that the Itasca County Board of Commissioners hereby recommends approval of said ordinance to the Commissioner of the Minnesota Department of Natural Resources with the effect date to be upon publication.

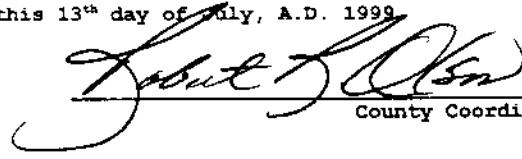
Commissioner Saxhaug seconded the motion for the adoption of the resolution and it was declared adopted upon the following vote:

Yeas 4 Nays 0 District #1 Y District #2 Y
Other 1 (Absent) District #3 Absent District #4 Y
District #5 Y

STATE OF MINNESOTA
Office of County Coordinator. ss.
County of Itasca

I, ROBERT R. OLSON, Coordinator of County of Itasca, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 13th day of July, A.D. 1999, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Grand Rapids, Minnesota, this 13th day of July, A.D. 1999.



County Coordinator

By _____ Deputy

STATE OF MINNESOTA
COUNTY OF ITASCA
ORDINANCE NO. 2

AFFIDAVIT OF PUBLICATION

AN ORDINANCE REGULATING THE SURFACE USE OF SAND LAKE/PORTAGE LAKE AND SAND LAKE/LITTLE SAND LAKE AND THE BOWSTRING RIVER FROM LITTLE SAND LAKE TO RICE LAKE, LOCATED IN SAND LAKE TOWNSHIP 148-26 AND UNORGANIZED TOWNSHIP 147, RANGE 26.

STATE OF MINNESOTA }
COUNTY OF ITASCA } SS.

Be it ordained and enacted by the Itasca County Board of Commissioners, State of Minnesota, that these amendments following, by this act, hereby replace and nullify the like numbered clauses now existing and a part of Itasca County Ordinance No. 2 or are newly enacted sections which upon their enactment, become a part of Itasca County Ordinance No. 2.

Ronald L. Oleheiser, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as the Grand Rapids Herald-Review, and has full knowledge of the facts which are stated below:

Section 1: PURPOSE, INTENT, AND APPLICATION: As authorized by Minnesota Statutes 86B.201, 86B.205, and 49B.20, And Minnesota Rules 6110.3600 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 waters of Sand Lake, Little Sand Lake and Portage Lake in Itasca County, Minnesota, said bodies of water being located entirely within the boundaries of Itasca County to promote its fullest use and enjoyment by the public in general and the citizens of Itasca 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.

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

Section 2: DEFINITIONS: Terms used in this ordinance related to boating are defined in MS 86B.005. The following words and phrases when used in this ordinance shall have the means set forth below:

(B) The printed Itasca County/Sand Lake Association Ordinance No. 2 Legal 9028

(1) "Persons" includes an individual, partnership, corporation or any body of persons whether incorporated or formed into an association or not.

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for One

(2) "Operate" means to navigate or otherwise use a watercraft.

successive weeks: it was first published on Wednesday

(3) "Watercraft" has the meaning given in M.S. 86B.005, Subd. 18.

the 1st day of September, 19 99, and was thereafter printed and published on every _____ to and including _____, the _____ day of _____, 19 _____; and printed below

(4) "Slow-no wake" means the operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than 5 m

is a copy of the lower case alphabet A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

(5) "Bowstring River" means the portion of the Bowstring River beginning at the outlet of Little Sand Lake and continuing to its inlet at Rice Lake.

(6) "Sand Lake/Portage Lake" means the entrance of the channel between the two lakes.

(7) "Sand Lake/Little Sand Lake" means the entrance of the channel between the two lakes.

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Passed by the Itasca County Board of Commissioners on this 13th day of July, 1999.

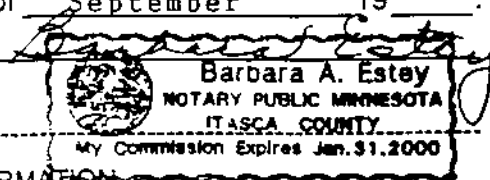
Robert G. Wilhelm
Vice-Chairperson - County Board of Commissioners
Robert R. Olson, Clerk - County Board of Commissioners

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BY: Ronald L. Oleheiser
TITLE: General Manager

Subscribed and sworn to before me on this 8th day of September, 19 99.

Notary Public



RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space.....\$ 1.20 per 1-col. line 6-point regular
- (2) Maximum rate allowed by law for the above matter.....\$ 1.54 per 1-col. line 6-point regular
- (3) Rate actually charged for the above matter.....\$.57 per 1-col. line 6-point regular