

WATER SURFACE USE ORDINANCE

STATE OF MINNESOTA
COUNTY OF BELTRAMI
ORDINANCE NO. 45

AN ORDINANCE REGULATING THE SURFACE USE OF ALL WATERS OF BELTRAMI COUNTY

NOW BE IT ORDAINED AND ENACTED by the Beltrami County Board of Commissioners:

Section I. 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 all waters of Beltrami County, Minnesota, said bodies of water being located entirely within the boundaries of the County of Beltrami, to promote its fullest use and enjoyment by the public in general and the citizens of Beltrami 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 Beltrami County, Minnesota.

Section II. DEFINITIONS

Terms used in this ordinance related to boating are defined by Minnesota Statutes 86B.005.

Section III. APPLICATIONS

Persons desiring to have the Beltrami County Board of Commissioners consider the placement of surface use regulations on waters located wholly within the County of Beltrami shall complete a formal written application. The application form can be obtained from the Beltrami County Department of Environmental Services. At a minimum, the completed application shall include:

1. Signatures from a majority of persons owning real property abutting the public waters.
2. All information required by Minnesota Administrative Rule 6110.3600, Subp. 1.
3. Specific proposals on how the water will be accessed for enforcement purposes and the proposed location of all required public notification signage.

Upon receipt of a completed application, the County Board shall schedule a public hearing concerning the proposed regulations. Following a public hearing, and prior to final action on

the proposed regulation, the County Board shall submit a written statement to the Commissioner of the Minnesota Department of Natural Resources for review and approval as required by Minnesota Statutes 86B.205 and Minnesota Administrative Rules 6110.3800.

Section IV. SURFACE REGULATION OF WATERS IN CERTAIN AREAS

A. No person shall operate a watercraft at greater than a slow no wake/less than 5 miles per hour speed on the following waters:

1. "Windigo Lake" (#4-48) located on Star Island on Cass Lake, wholly within the boundaries of the County of Beltrami.
2. "Headwaters Areas of the Mississippi River" as described:
 - a. Waterway connecting Lake Marquette to Carr Lake.
 - b. Mississippi River corridor connecting Carr Lake to Lake Irvine.
 - c. Mississippi River corridor connecting Lake Bemidji to Lake Irvine.
 - d. Mississippi River corridor connecting Lake Bemidji to Stump Lake.
 - e. The "narrow" channels on Stump Lake.
 - f. Waterway connecting Anderson Lake to Wolf Lake.
 - g. Mississippi River corridor linking Wolf Lake to Lake Andrusia.
 - h. Mississippi River corridor linking Lake Andrusia to Allen's Bay on Cass Lake.
 - i. Waterway connecting Cass Lake to Pug Hole Lake.
 - j. Waterway connecting Pug Hole Lake to Kitchi Lake (These restrictions in no way affect watercraft use on Kitchi Lake or Pug Hole Lake).
3. "Turtle River" as described:
 - a. Waterway between Long Lake and Campbell Lake
 - b. Waterway between Campbell Lake and Little Turtle Lake.
 - c. Waterway between Little Turtle Lake and Big Turtle Lake.
 - d. Waterway between Big Turtle Lake and Movil Lake.
 - e. Waterway between Movil Lake and Lake Beltrami.
 - f. Waterway between Lake Beltrami and Fox Lake.
 - g. Waterway between Fox Lake and Three Island Lake.
 - h. Waterway between Three Island Lake and Turtle River Lake.
 - i. Waterway between Turtle River Lake and Big Rice Lake.
 - j. Waterway between Big Rice Lake and Little Rice Lake.
 - k. Waterway between Little Rice Lake and Kitchi Lake.
4. "Blackduck River" all portions located north of Blackduck Lake, except portions located within the Red Lake Reservation.
5. "Tamarac River" all portions located with the County of Beltrami.

B. No person shall operate a watercraft using a motor greater than 10 horsepower in or upon Little Bass Lake (#4-110) at any time. For purposes of this section, "horsepower" means the power rating established for a motor by the manufacturer thereof or, if no rating is so established, then the rating established by the Commissioner of Natural Resources of the State of Minnesota.

Section V. ENFORCEMENT: The Primary responsibility for enforcement of this Ordinance shall rest with the Beltrami County Sheriff's Office. This, however, shall not preclude enforcement by other licensed peace officers.

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

Section VII. NOTIFICATION: It shall be the responsibility of Beltrami County to provide for adequate notification to the public, which shall include placement of a sign at each public watercraft access outlining essential elements of this Ordinance, as well as the placement of necessary buoy and signs.

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


Section IX. REPEALER: The following Beltrami County Ordinances are hereby repealed, effective the 2nd day of September, 2008.

- A. Restrictions of Motor Boats on Blackduck Lake, Ordinance No. 11.
- B. Restrictions of Motors on Little Bass Lake, Ordinance No. 12.
- C. Restrictions of Motor Boats on Swenson Lake, Ordinance No. 24.
- D. Restrictions on Watercraft Operation on the Headwaters of the Mississippi River, Ordinance No. 26.
- E. Restrictions of Motor Boats on Windigo Lake, Ordinance No. 30.
- F. Restrictions on Watercraft Operation on the Tamarack River, Ordinance 40 adopted by the Beltrami County Board on June 7, 2005.

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

Passed by the Beltrami County Board of Commissioners on this 2nd day of September, 2008.


Chair, Beltrami County Board of Commissioners


Attest: County Administrator

OFFICE OF COUNTY RECORDER
COUNTY OF BELTRAMI, MINNESOTA

THIS IS TO CERTIFY
THAT THIS INSTRUMENT
WAS FILED IN THIS
OFFICE ON 09/15/2008 AT
09:54:30AM BY DOCUMENT NUMBER

Paula Coens DEPUTY

0000487039

CHARLENE D. STURK
COUNTY RECORDER

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