

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-074

**AN ORDINANCE AMENDING THE PARKS AND RECREATION CHAPTER OF THE
LAKE ELMO CITY CODE OF ORDINANCES GOVERNING WATER SURFACE USE**

Section 1. The City Council of the City of Lake Elmo hereby ordains that Chapter 97: Parks and Recreation, of the City Code is hereby amended in the following manner:

WATER SURFACE USE

§ 97.20 PURPOSE.

The purpose of §§ 97.20 *et seq.* is to establish the rules governing the use of the lake surfaces within the city. It is the intent of §§ 97.20 *et seq.* to promote the health, safety, welfare, and well-being of all, and to define the standards of behavior expected for all water users.

(1997 Code, § 1380.01)

§ 97.21 WATERCRAFT AND WATER SURFACE USE REGULATIONS.

The following regulations shall apply to the use of watercraft on lakes entirely within the city limits, to the use of a lake entirely within the city limits, and to the use of ice surfaces on lakes entirely within the city limits.

(A) *Dumping.* No person shall dump or throw garbage, paper, bottles, cans, refuse, or debris into any lake or on the shore of any lake or in any public area around any lake in the city.

(B) *Hours of operation.*

(1) *Normal conditions.* No person shall operate any motorboat at a speed greater than a slow, no-wake speed as defined by M.S. § 86B.005 in the following manner:

- a.* Lake Elmo – between sunset and noon the following day, seven days a week
- b.* Olson Lake, Lake Demontreville and Lake Jane – between sunset and sunrise, Monday through Friday; and between sunset and 9AM on weekends and holidays

(2) *High water conditions.* No person shall operate any motorboat at greater than a slow, no-wake speed as defined by M.S. § 86B.005 whenever the lake level of Lakes Olson and Demontreville is above 929.7 feet above sea level (MSL). ~~for five consecutive days.~~ This restriction will remain in effect until the water level drops below 929.7 feet, and remains there for ~~five~~ three consecutive days.

(C) *Operating regulations.* No person shall operate any watercraft in violation of the provisions of this code, or in violation of the provisions of M.S. Chapter 86B or Minnesota Boat and Water Safety Rules (6110.0100-6110.2300) which statutes and rules are hereby adopted and incorporated herein. In

the event of a conflict between the various city and state regulations, the more restrictive regulation shall apply.

(D) *Buoys.* No person shall place a buoy or structure on a lake unless the buoy is specifically authorized by the Washington County Sheriff. No buoy or structure, other than shallow water marking or channel buoys shall be left overnight or placed contrary to MN Water Safety Rules 6110.1800.

(E) *Operation.* All motorboats, operating in excess of a slow, no-wake speed shall operate in a counter clockwise direction on all City of Lake Elmo lakes seven days a week. Personal watercraft engaging in constant turning activity shall confine that activity to the center of the lake.

(F) *Non-public lake access.* No person, except riparian owners, shall launch a watercraft or gain access to or egress from a lake other than at a designated public access point except in the case of any emergency or except with the written permission of the riparian lot owner. A person who has written permission to launch a watercraft from a riparian lot shall park their vehicle(s) and trailers) on the lot of the riparian owner. Riparian lot owners who grant permission to use their property as a launch site shall otherwise comply with all of the land use regulations of the city.

(G) *Public launching areas.* Except as noted in division (F) no person shall launch a watercraft or gain access to or egress from a lake except from a public right-of-way or other public park area in those locations specifically designated and posted for the purpose.

(H) *Non-motorized carry-on access.* A person may access any public waters through public land with a hand-carried non-motorized watercraft in accordance with M.S. § 86B.201, Subd. 3.

(I) *Safe operating distance.*

(1) No person shall operate or permit the operation of a personal watercraft per M.S. § 86B.313, in excess of slow, no-wake speed, within 150 feet of a shoreline.

(2) Launching or landing a personal watercraft or towing a person on skis or other devices must be done by using the most direct route to or from open water.

(J) *Non-motorized watercraft.* A non-motorized watercraft has the right-of-way over motor-powered watercraft except when it is the overtaking watercraft. Motor-powered watercraft should always keep clear and pass astern on non-motorized watercraft (Minn. Rule 6110.1200, Sub. 1, D). (1997 Code, § 1380.03)

(K) *Permanent “slow - no wake: areas.* The channels and narrows between Lake Olson and Lake Demontreville are hereby designated as permanent “slow - no wake” areas and appropriate signs or buoys meeting the specifications found in Minn. Rules 6110.1500 shall be posted.

(Am. Ord. 97-150, passed 3-1-2005; Am. Ord. 08-014, passed 5-19-2009; Am. Ord. 08-050, passed 7-19-2011; Am. Ord. 08-50, passed 11-1-2011; Am. Ord. 2012-58, passed 7-17-2012) [Penalty, see § 10.99](#)

§ 97.22 WINTER LAKE USE REGULATIONS.

(A) *Dumping.* No person shall dump or throw garbage, paper, bottles, cans, refuse, or debris into the ice of a lake or into any lake or on the shore of any lake or in any public area around any lake in the city.

(B) *Clean-up.* Ice house owners are responsible for clean-up of trash within 25 feet of the house.

(C) *Emergency access.* No person shall gain access to or egress from the ice of a lake other than at a designated public access point except in the case of emergencies or except with the written permission of a riparian lot owner. Persons who have written permission to access or egress the lake from a riparian lot shall park their vehicles and trailers on the lot of the riparian owner. Riparian lot owners who grant permission to use their riparian property for access to or egress from a lake shall otherwise comply with all land use regulations of the city.

(D) *Ice fishing holes.* No person shall leave holes in the lake larger than 1 foot in diameter unless the holes are visibly marked for day and night.

(E) *Size of ice fishing house.* No person shall place an ice house larger than 8 feet by 12 feet in size on a lake.

(F) *Fires.* No person shall have an open fire on the ice surface of a lake.

(1997 Code, § 1380.04) [Penalty, see § 10.99](#)

§ 97.23 PROHIBITED STRUCTURES AND USES.

(A) *Lake activities.* Motorboat races are prohibited. Fishing tournaments, ski jumps, slalom courses, or other competition or exhibition events are allowed only as specifically authorized by state statutes and rules, the Washington County Sheriff Department. The City Clerk shall validate by signature all lake activities authorized prior to any authorized event or installation of ski jumps or slalom courses.

(B) *Fee for lake use.* Unless specifically authorized by the Council, and unless consistent with the city's zoning regulations, no riparian lot owner shall offer the use of their property for a fee or other consideration:

(1) As ingress or egress to a lake;

(2) For watercraft rental;

(3) For swimming, skiing, or watercraft lessons, unless provided by a non-profit or water safety agency for the purpose of basic instructions;

(4) For a watercraft launch site; and/or

(5) For any ancillary water or ice related use.

(1997 Code, § 1380.06) (Am. Ord. 2012-58, passed 7-17-2012) [Penalty, see § 10.99](#)

§ 97.24 ENFORCEMENT.

- (A) *Local Enforcement.* Pursuant to MN § 378.32, 459.20, the City of Lake Elmo assigns by service agreement the enforcement of Chapter 97.20-97.23 of the City Code to the Washington County Sheriff’s Department.
- (B) *Penalties.* Penalties for non-compliance shall be governed by § 10.99 of the City Code and prosecuted by the City of Lake Elmo Attorney.
- (C) *Exemptions.* Government agencies engaged in resource management, emergency services or enforcement activities are exempt from the provisions of Chapter 97 when acting in the performance of their assigned duties.

§ 97.25 REVIEW.

- (A) The Lake Elmo City Council, upon request, shall review the effect of surface water use ordinances on the quality of life, water quality (including clarity), and lake use safety prior to “ice out” or the beginning of normal lake use season. The Lake Elmo City Council shall consult with MnDNR, University of Minnesota Extension, and the Washington County Sheriff’s Department as a part of this review.

Section 2. Adoption Date. This ordinance shall become effective immediately upon adoption and publication in the official newspaper of the City of Lake Elmo.

This Ordinance No. 08-074 was adopted on this _____ day of _____ 2013, by a vote of ___ Ayes and ___ Nays.

Mike Pearson
Mayor

ATTEST:

Adam Bell
City Clerk

This Ordinance No. 08-074 was published on the _____ day of _____, 2013.