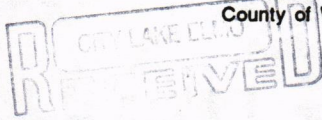


Stillwater Evening GazettePO Box 58, 102 S 2nd St, Stillwater, MN 55082
Phone: 612-439-3130 Fax: 612-439-4713**AFFIDAVIT of PUBLICATION**

State of Minnesota,

County of Washington



Jrnl #

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Date

05-09-95

Business Name

1 of 1

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Lake Elmo, MN
55042

MAY 11 1995

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No. of Documents	Col. Inches	# of Days Published	Description/Dates of Publication	Unit Rate	Total Amount
1	25.5	1 run	Ordinance #81.12 Water Surface Use 5/10/95 Extra	4.000	102.00

Have you asked about the Gazette printing services?

Total Amount 102.00

Mike Mahoney, being duly sworn, on oath says that he is the Publisher or authorized agent and employee of the publisher of the newspaper known as Stillwater Evening Gazette, and has full knowledge of the facts which are stated above.

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.

Printed below is a copy of the lower case alphabet from 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:
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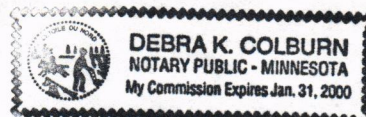
By: Mike Mahoney
Title: Publisher

Subscribed and sworn to before me on this

9th day of May, 19 95Debra K. Colburn

Notary Public

Received Payment _____, 19 ____



CITY OF Lake Elmo

Gazette, Extra, May 10, 1995

ORDINANCE 81-12
STATE OF MINNESOTA
COUNTY OF WASHINGTON
CITY OF LAKE ELMO

AN ORDINANCE RELATING TO WATER SURFACE USE

Section 1455 WATER SURFACE USE

1455.01 Purpose. The purpose of this Section is to establish the rules governing the use of the Lake surfaces within the City of Lake Elmo. It is the intent of this Section to promote the health, safety, welfare and well-being of all, and to define the standards of behavior expected for all water users.

145502 Definitions. Unless the context or applicable State Statutes clearly indicates otherwise, the following words and phrases have the meaning given them in this section.

Subd. 1. Watercraft: "Watercraft means any motor boat, paddle boat, personal watercraft, sailboard, or any other contrivance used or designed for navigation on water except:

1. Duck Boats during the hunting season;
2. A rice boat during the harvest season;
3. A seaplane

Subd. 2 Motorboat: "Motorboat" means watercraft propelled in any manner by machinery including watercraft temporarily equipped with detachable motors.

Subd. 3. Paddle Boat: "Paddle Boat" means a non-motorized watercraft 19 feet in length or less that is propelled solely by a paddle wheel peddled by an operator or passenger

Subd 4. Sailboard: "Sailboard" means a single passenger, non-motorized watercraft using a surfboard-type hull and free sail system which, without capsizing, allows the sail to lie flat in the water when not supported by the operator.

Subd. 5. Watercraft, Personal: "Personal Watercraft" means a motor boat that:

1. Is powered by an inboard motor powering a water jet pump on by an outboard or propeller-driven motor.
2. Is designed to be operated by a person or persons sitting, standing, or kneeling on the craft, rather than in the conventional manner of sitting or standing inside a motorboat.

Subd. 6. Person: "Person means an individual, partnership, corporation, the State and its agencies and subdivisions, and any other legal entity.

Subd. 7. Slow No Wake: "Slow - No Wake" means operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than 5 miles per hour (m.p.h)

1455.03 Watercraft and Water Surface Use Regulations: The following regulations shall apply to the use of watercraft on lakes within the City of Lake Elmo; to the use of a lake within Lake Elmo and to the use of ice surfaces on lakes within Lake Elmo.

Subd. 1. 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.

Subd. 2. Hours of Operation. No person shall operate any motorboat, at a speed other than a slow no wake speed between sunset and noon the following day.

Subd. 3. Operation Regulations: No person shall operate any watercraft in violation of the provisions of the Lake Elmo Municipal Code, or in violation of the provisions of Minnesota Statutes, and/or the regulations of the Department of Natural Resources which statutes are hereby incorporated by reference.

In the event of a conflict between the various City and State regulations, the more restrictive regulation shall apply.

Subd. 4. Buoys. No person shall place a buoy on a lake unless the buoy is specifically authorized by the City Council and the Washington County Sheriff.

Subd. 5. Operation. All motorboats, operating in excess of a slow no wake speed shall operate in a counter clockwise direction. Personal watercraft engaging in constant turning activity shall confine that activity to the center of the lake.

Subd. 6. 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 an 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 trailer(s) 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.

Subd. 7. Public Launching Areas. 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 such purpose.

Subd. 8. Safe Operating Distance. No person shall operate or permit the operation of a motorboat, in excess of slow-no wake speed, within one hundred (100) feet of a shoreline. No person shall operate or permit the operation of a motorboat in excess of a slow-no-wake speed when towing a person on water skis or other such devices within one-hundred (100) feet of a shoreline. Launching or landing a personal watercraft or towing a person on skis or other such devices must be done by using the most direct route to or from open water.

Subd. 9. Non-Motorized Watercraft. Non-motorized watercraft always have the right-of-way over motorized watercraft.

1455.04 Winter Lake Use Regulations

Subd. 1. Dumping. No person shall dump or throw garbage, paper bottles, cans, refuse or debris onto 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.

Subd. 2. Cleanup. Ice house owners are responsible for clean up of trash within twenty-five (25) feet of said house.

Subd. 3. Emergency Access. No person shall gain access to or egress from the ice of 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 the lake shall otherwise comply with all land use regulations of the City.

Subd. 4. Ice Fishing Holes. No person shall leave holes in the lake larger than one (1) foot in diameter unless the holes are visibly marked for day and night.

Subd. 5. Size of Ice Fishing House. No person shall place a ice house larger than eight (8) feet by twelve (12) feet in size, on a lake.

Subd. 6. Fires. No person shall have an open fire on the ice surface of a lake.

1455.05 Administrative Directives.

Subd. 1. High water Speed Limitations. During periods of high water on the lakes when the level of the lakes reaches _____ sea level, the great _____

930 feet on Lake DeMontreville; 885.5 feet on Lake Elmo), the City Administrator shall notify the Washington County Sheriff to impose a slow no wake speed on the lakes and shall pursue all reasonable efforts:

1. To notify the public of high water levels by notifying the City's legal newspaper and requesting publication of an appropriate article;

2. To direct the City Parks Department to post a Slow No Wake sign visible from and the shoreline at appropriate public landing areas and to monitor lake levels on a daily basis.

3. To post a notice on the City's bulletin board. High water restrictions shall remain in effect until lake levels have receded for three (3) consecutive days below the level designated for each lake.

Subd. 2. 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 shall be posted.

Subd. 3. Communication. The City shall make reasonable efforts to distribute a copy of the City's Water Surface use Regulations to all riparian lot owners on or before April 1 of each year. Copies of the Water Surface Use Regulations shall also be available for distribution at City Hall.

1455.06 Prohibited Structures and Uses.

Subd. 1. Motorboat races, tournaments, ski jumps, slalom courses, or other competition or exhibition events are prohibited on any lake, unless specifically authorized by the City Council.

Subd. 2. Unless specifically authorized by the City 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;
4. For a watercraft launch site; and
5. For any ancillary water or ice related use.

Effective Date: This ordinance shall be effective the day following its publication.

Adoption Date. Passed by the City Council of the City of Lake Elmo the 2nd day of May, 1995.

/s/ Wyn John

Wyn John, Mayor

Attest:

/s/ Mary Kueffner

Mary Kueffner, City Administrator

Publication Date. This Ordinance or an approved Summary thereof was published on the 10th of May, 1995.

X5/10