

**LAKE MINNETONKA CONSERVATION DISTRICT  
STATE OF MINNESOTA**

**ORDINANCE NO. 237**

**AN ORDINANCE AMENDING THE LAKE MINNETONKA CONSERVATION  
DISTRICT CODE OF ORDINANCES REGARDING SEWAGE DISCHARGES**

THE BOARD OF DIRECTORS OF THE LAKE MINNETONKA CONSERVATION  
DISTRICT ORDAINS:

**Article I. Definitions.** Chapter I, Section 1.02, Subd. 47 of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended as follows:

Subd. 47. "Sewage" means the water-carried waste products from residences, public buildings, institutions or other buildings, or any mobile source, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present. For the purposes of this definition, "mobile source" includes, but is not limited to, watercraft, ice houses, aircraft, campers, or other vehicles or structures driven onto or placed on the Lake.

**Article II. State Laws Incorporated.** Chapter III, Section 3.17 of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended as follows:

Section 3.17. Adoption of State Statutes and Regulations by Reference. The provisions of the following laws and regulations of the State of Minnesota are adopted by reference and made a part hereof as though fully set forth herein:

...

Subd. 16. Discharge from Marine Toilets. Minnesota Statutes, section 86B.325 (as amended).

**Article III. Pollution; Sewage Discharges.** Chapter IV, Section 4.01 of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended as follows:

Section 4.01. Pollution of Waters of the Lake.

Subd. 1. Prohibition. No person shall pollute the surface waters of the district by placing or depositing or by permitting to be placed or deposited in, or upon said waters or upon any public or private property from which may run into said water any sewage, industrial waste, garbage, rubbish or other waste. This prohibition includes, but is not limited to, the following:

- a) The discharge of sewage from marine toilets or retention devices in violation of Minnesota Statutes, section 86B.325, which is adopted by reference into this LMCD Code by Section 3.17, Subd. 16; and

b) A person who urinates or defecates directly into the Lake.

Subd. 2. Retention Device Required. Minnesota Statutes, section 86B.535, prohibiting a watercraft from being equipped with a marine toilet unless it also equipped with an acceptable retention device, is hereby adopted by reference and made part hereof, including any amendments made thereto.

Subd. 3. Pump Removal. The owner of a watercraft equipped with a pump capable of pumping sewage or other wastes directly into the Lake, such pumps being commonly referred to as macerator pumps or grinder pumps, are required to have such pumps removed from the watercraft before placing the watercraft on the Lake. Additionally, the owner of such a watercraft shall cause the "Y" valve on such pumping system to be locked into the position so that sewage can only be removed by an on-land disposal system and cannot be manually or mechanically directed into the Lake. The handle shall be secured in such a way so as to prohibit sewage from being pumped or otherwise released directly into the Lake.

Subd. 4. Launching Prohibited. It shall be a petty misdemeanor for any person to launch a watercraft equipped with a marine toilet into the Lake without first inspecting the watercraft to confirm the pump is removed and the "Y" valve is locked as required in subdivision 3 of this section.

Subd. 5. Reporting Violations. Those service providers who provide watercraft launching, sewage pumping, or recovery services are required to report to the LMCD if they become aware of a watercraft being operated on the Lake, or that is being returned to the Lake, that is not in compliance with subdivision 3 of this Section. Failure to report such noncompliance is not punishable as a violation of this LMCD Code.

Subd. 26. Private Sewage Systems. Private sewage disposal systems designed for soil absorption of subsurface disposal shall be operated as such and any surface discharge from either is prohibited.

Subd. 37. Littering. No person shall throw or otherwise discard or deposit any bottle, can, carton, or other food or beverage wrapper or container, leaves, branches, grass clippings or any other rubbish or wastes in the waters of the district or on the shoreline of such waters.

Subd. 48. Pieces of Ice. No person shall leave on the surface of the ice or snow pieces of ice cut from the Lake. All such pieces of ice cut from the Lake shall be removed from the Lake, replaced in the hole from which they were cut, or deposited under the surface of the ice.


Subd. 59. Variances. Where, upon the written application of the responsible person or persons, other than metropolitan sewer board sewage facility operators, the Board finds that by reason of exceptional circumstances strict conformity with any of the provisions contained herein would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the Board may permit a variance from these provisions upon such condition and within such time limitations as it may

prescribe, for prevention, control, or abatement of pollution in harmony with the intent of state, federal and Lake Minnetonka Conservation District Laws.

**Article IV. Declaration.** This enactment is adopted by a majority vote of all the members of the Board, has the effect of an ordinance, and is in effect on the first day of publication after adoption.

Adopted this 23rd day of October 2019.

**BY THE BOARD OF DIRECTORS**

  
Gregg Thomas, Chair

ATTEST:

  
Ann Hoelscher, Secretary

Date of Publication: January 23, 2020

Effective Date: 1 - 23 - 2020

New material is double-underlined and removed material is ~~stricken~~.