LAKE MINNETONKA CONSERVATION DISTRICT
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AGENDA
LAKE MINNETONKA CONSERVATION DISTRICT
Wednesday, August 28, 2019
Wayzata City Hall
600 Rice Street, Wayzata, MN 55391

WORK SESSION
6:30 p.m. to 7:00 p.m.

The purpose of the Work Session is to allow staff to seek input from the Board and for the Board to discuss matters in greater detail than generally available at the formal Board Session. The Board may give staff direction or express a preference, but does not formally vote on matters during Work Sessions. While all meetings of the Board are open to the public, Work Session discussions are generally limited to the Board, staff, and designated representatives. Work Sessions are not videotaped.

1. No Work Session- Meeting to Start at Formal Meeting

FORMAL BOARD AGENDA
7:00 p.m. to Adjournment

The purpose of the Formal Session is to allow the Board to conduct public hearings and to consider and take formal action on matters coming before the LMCD.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **APPROVAL OF AGENDA**
5. **CHAIR ANNOUNCEMENTS,** Chair Gregg Thomas
6. **APPROVAL OF MINUTES – (**07/24/2019) LMCD Regular Board Meetings
7. **APPROVAL OF CONSENT AGENDA**
   - **A)** Audit of Vouchers (08/16/2019 – 08/31/2019)
   - **B)** Resolution Accepting Save the Lake Contributions (07/02/2019 – 08/20/2019)

8. **PUBLIC COMMENTS –** Persons in attendance for subjects not on the agenda **(limited to 5 minutes)**. *Audience members may provide information to the Board. Please direct all comments to the Board Chair. The Board generally will not engage in public discussion or act on items not on the agenda. The Board may ask for clarifications or direct staff to report back on items at future meetings.*

9. PUBLIC HEARINGS

10. OTHER BUSINESS

11. OLD BUSINESS

A) Watercraft Wastewater Discharge Options- Update

B) Ordinance Amendment to Comply with Minnesota 2019, 1st Spec. Sess. Chapter 4, Article 3, Section 75, Commercial Marina Legislation

C) Ordinance Adopting Recodification of the LMCD Code of Ordinances

12. NEW BUSINESS

13. TREASURER REPORT

14. EXECUTIVE DIRECTOR UPDATE

A) Lake Minnetonka Vegetation & AIS Master Plan Progress

15. STANDING LMCD COMMITTEE / WORKGROUP UPDATE

- Aquatic Invasive Species Taskforce
- Budget Workgroup
- Recodification Workgroup
- Save the Lake Committee
- Strategic Plan Subcommittee

16. ADJOURNMENT

Future Items – Tentative

- Lake Use Vision and Policy Discussion Continuing Series- TBD
  - Slow and No Wake Regulations
  - High Water Declaration Review
  - Watercraft Density
  - Permanent Docks Discussion
  - Lake Sales and Services

LAKE MINNETONKA CONSERVATION DISTRICT
BOARD OF DIRECTORS
7:00 P.M., August 14, 2019
Wayzata City Hall

1. CALL TO ORDER

Chair Thomas called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Members present: Gregg Thomas, Tonka Bay; Ann Hoelscher, Victoria; Bill Cook, Greenwood; Dan Baasen, Wayzata; Ben Brandt, Mound; Gary Hughes, Spring Park; Dennis Klohs, Minnetonka Beach; Mark Kroll, Orono; Mike Molitor, Minnetrista; Chris Rich, Woodland; Nicole Stone, Minnetonka; Jake Walesch, Deephaven; and, Deborah Zorn, Shorewood. Also present: Troy Gilchrist, LMCD Legal Counsel; Vickie Schleuning, Executive Director; and Andrea Rehm, Excelsior vacant.

Members absent: None.

4. APPROVAL OF AGENDA

Schleuning recommended changing the order of Items 11B and 11C.

MOTION: Klohs moved, Walesch seconded to approve the agenda as amended, making the change noted by Schleuning above.

VOTE: Motion carried unanimously.

5. CHAIR ANNOUNCEMENTS

There were no Chair announcements.

6. APPROVAL OF MINUTES- 07/24/2019 LMCD Regular Board Meeting

MOTION: Baasen moved, Stone seconded to approve the 07/24/2019 LMCD Regular Board Meeting minutes as submitted.

VOTE: Ayes (9), Abstained (4), (Molitor, Zorn, Rich, and Kroll) Motion carried.

7. APPROVAL OF CONSENT AGENDA

MOTION: Cook moved, Baasen seconded to approve the consent agenda as presented. Items so approved included: **7A)** Audit of Vouchers (08/01/19 – 08/15/19); **7B)** July Financial Summary and Balance Sheet.

VOTE: Motion carried unanimously.

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8. PUBLIC COMMENTS- Persons in attendance, subjects not on the agenda (limited to 5 minutes)

There were no public comments.

9. PUBLIC HEARING

There were no public hearings**.**

10. OTHER BUSINESS

There was no other business.

11. OLD BUSINESS

A) Wastewater Discharge Code Amendment

Walesch stated that a group met at a marina and boarded a few vessels with the intent of determining what could mechanically be done to prevent people from dumping waste into the water and in addition determine what enforcement could be done. He stated that on the larger boats there are devices/pumps that shoot the sewage into the water and there is no mechanical need for the pumps with the exception of discharging waste into the water. He stated that the pumps are easily removed and there is no use for the pumps, therefore the pumps could be removed to prevent discharge. He stated that there is a Y valve coming out of the tank that could also be secured to a closed position which would still allow the tank to be pumped from the marina. He stated that there was also discussion focused on enforcement, noting that the Sheriff is open to the idea but on the larger boats it could be difficult to locate the pumps and the Sheriff cannot always board a boat. He stated that a draft ordinance could state that it is illegal for an individual to launch a boat not in compliance with the ordinance, which would make it incumbent on the service providers to inform boat owners. He stated that he would want to ensure that there is buy in from the service provider community and noted that in early discussions there seems to be support from that group. He recognized that a large part of this would be public education. He stated that they are beginning discussions related to penalties and advised that should the Board wish to continue to move forward, additional work would be required.

Chair Thomas thanked Walesch for his work on this topic.

Baasen thanked Walesch for his effort thus far. He stated that if the Board is going to make a different law, there needs to be teeth to enforcement. He hoped that the Board could take a took at appropriate amounts for fines related to noncompliance and violations.

Walesch agreed. He noted that there could also be steps to violations, with penalties increasing for multiple violations.

Gilchrist stated that the Board can make a violation of code a misdemeanor offense, which could have a

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penalty of $1,000 and/or 90 days in jail. He stated that a petty misdemeanor could also be considered, which would have a lesser fine. He explained that the level of fine for misdemeanor offenses has been increased in steps over the years. He stated that if the Board wanted to, the mechanical component could perhaps be set at a petty misdemeanor with violations set as misdemeanor. He noted that he would want to speak more in detail with the prosecutor.

Walesch confirmed that the Board should have further discussion on the penalty. He agreed that a fine of $100 to someone that owns a $900,000 boat would not be much of a deterrent. He stated that perhaps alternative options could also be reviewed for repeat violators, noting that perhaps a boat could even temporarily be impounded.

Kroll stated that he agreed with the penalty amounts discussed but noted that it could be difficult to catch someone. He stated that he likes the idea of sealing the discharge component upon launch. He stated that the LMCD could purchase seals that could be used that you could see if they have been removed. He asked if the infraction would be upon the boat owner or marina owner.

Walesch explained that both parties could be liable. He explained that the intent would be to remove the pump from the boat, which would remove the capability of the boat owner to discharge into the lake. He explained that securing the Y valve would be a secondary measure to ensure compliance.

Kroll appreciated the clarification. He asked if the Board would have any limitations on enacting this ordinance with the changes to State law.

Chair Thomas commented that he did not believe that there is anything in the code that would currently require a non-boat owner to be accountable. He stated that if the Board did not have authority, there would always be an option to ask each of the cities to adopt the ordinance.

Walesch stated that once the boat is on the water, the Board would have authority, and is where enforcement could occur.

Gilchrist stated that they would want to ensure that the ordinance language is clear on the water activity, as that is where the jurisdiction of the Board would occur. He stated that there are a lot of good ideas, but he will need to research the topic further.

Rich stated that this is great information following what occurred on the 4th of July. He stated that perhaps public safety violations could be implemented as well. He stated that in terms of liability he was unsure how a penalty could be imposed on a marina owner. He noted that perhaps a marina owner would not be able to launch a boat that has the pump installed. He agreed that the penalty would need to be severe to deter this activity.

Chair Thomas stated that the two health departments involved with the 4th of July incident were not able to link the source of the illness. He stated that how the Board deals with these boat discharge system needs to be independent of the review of other possible sources of contamination for this incident.

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Rich stated that he would support this type of ordinance and again noted that the penalty would need to be severe in order to prevent the activity.

Hughes stated that he would be in favor of supporting this type of activity but noted that perhaps a better option would be to look into State legislation that would require this on all boats and rivers.

Chair Thomas noted that there is a current State law.

Walesch confirmed that there are State and Federal laws that cover this topic and noted that what the LMCD would be proposing would be more restrictive than those existing laws. He noted that although the 4th of July incident cannot be tied to a specific source, the cause was human. He stated that Lake Minnetonka is one of the only lakes that is large enough to support boats with this type of equipment.

Chair Thomas stated that he would be hesitant to have a different set of rules for Lake Minnetonka compared to other nearby lakes and would be hesitant to be more restrictive than State or Federal law. He used an example of a previous lawsuit that the LMCD lost when it was more restrictive than State law.

Zorn asked for information on the cost or process involved in removing the equipment or securing the valve.

Walesch stated that he can provide that information at a future time. He noted that securing the valve would be a five minute or less process.

Brandt stated that if something is enacted of this nature there is the benefit of the seasons, which allows additional time for research. He questioned if perhaps securing the Y valve would be enough. He noted that there could be a serial number zip tie that would ensure that someone is not cutting the tie on the water and replacing with another zip tie.

Walesch stated that he would guess that about 95 percent of the boats that have these devices are out of compliance with what was discussed tonight.

Brandt commented that it would be helpful to have the support of the marina owners as they would be the ones doing the work on this issue. He would support placing the penalty on the boat owner rather than the marina.

Cook stated that he is going to support this activity as well. He stated that he would suggest a tiered penalty with different penalties for the service providers and the boat owners. He explained that he would not want to severely penalize the service provider if they are following the ordinance.

Baasen stated that in his opinion if an ordinance is going to be passed, it would be timely for the marina owners to be able to do the work in the fall when boats are being taken out rather than waiting until the spring to pass something when marinas are busy. He stated that there are State and Federal laws and the LMCD has the ability to establish ordinances as well. He believed that penalties should be limited to boat owners as

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much as possible.

Chair Thomas stated that he received a contract for winter boat storage from his marina today, which included language about checking and cleaning for invasive species. He stated that perhaps marina owners could simply be asked to help enforce the current State law related to the Y valve.

Hoelscher stated that she is shocked that this is an issue as it seems unfathomable that anyone would dump waste into the water. She believed that it would be a small percentage of people that dump sewage into the water intentionally. She believed that education will be a key component. She stated that she would be concerned with requiring removal of the pump, as boats that came from out of state could be sold out of state where those pumps may be needed in the future. She stated that she would support enforcement of the State law and increasing penalty.

Stone agreed that it is unfathomable that someone would dump sewage into the water. She stated that perhaps there is a bigger picture on how this could be enforced, such as requiring the Y valve to be secured before tabs are received from the State. She stated that this would be a community effort of education that should include people servicing/winterizing boats.

Walesch stated that he believed most all of the boats that have these pumps are launched at a marina. He estimated that perhaps the cost to disconnect the pump and shut the valve would be $100 and if someone was going to sell the boat it would be a similar cost to reattach.

Klohs stated that he looks forward to seeing the draft ordinance.

Kroll agreed that the onus should be on the boat owner but noted that there should be a little hook on the marina owners as that is the group that will enforce this issue. He stated that if the fee is $1,000 to the boat owners, perhaps a fee to the group launching is $50 or $100.

Walesch stated that the marina owners have stated that it would be helpful for them to be linked to penalties as that will help them enforce this item with boat owners.

Rich stated that he fully supports this but would not support penalizing the marina owner, as that would be the group that would be helpful in enforcement of this issue.

Hughes stated that there are a lot of boat delivery people that bring the large boats out to a storage yard in the winter and launch them in the spring. He stated that language should also be addressed about people emptying port-a-potties overboard.

Zorn agreed that most of the onus should be placed on the boat owner. She stated that the boat is titled to the individual and therefore a marina cannot do work unless authorized.

Molitor agreed that the penalty should be placed on the owner. He stated that the marina owner will charge for the service and therefore this creates revenue for the marina and that would be the incentive for the

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marina owner to ensure compliance. He noted that California has much stricter emissions requirements for vehicles and therefore this would be similar and would not cause a precedent for selling across state lines.

Chair Thomas recognized that there are no airtight ordinances. He stated that the LMCD can do the best it can to enforce but there will always be people that attempt to skirt the system.

Hennepin County Lieutenant Shane Magnuson stated that there were 28 officers, and additional volunteers, on the water on the 4th of July in attempt to prevent that type of situation but they are not able to prevent it. He agreed that this is a public health issue. He believed that this should be a misdemeanor offense as this impacts others on the water. He provided additional details on enforcement that is followed and how fines can be increased civilly for some instances through the State. He agreed that it would be helpful for the State to require the pumps to be removed but recognized that it would take a long time for that legislation to go through. He stated that removing the pump or disconnecting would not be a large issue, especially considering that some of these boats have $1,000,000 values. He noted that the only two lakes that would have these kinds of boats would be Lake Minnetonka and Lake Superior. He stated that if Minnesota registration is required, that would be helpful to know what is on the boats as Coast Guard information is no longer shared. He stated that while marina owners on the lake are willing to help on this issue, it could be difficult to reach out to every boat delivery company. He agreed that education would be key.

Walesch stated that it was great to hear the information on potential civil penalties.

Chair Thomas summarized the consensus that something needs to be done differently, education of the public should be a strong element, and there should be partnership with the service providers. He stated that there would need to be further discussion on whether the focus should be on requiring State compliance or whether the ordinance should require the pumps be disable/removed. He stated that there is also not consensus on whether the onus should fall completely on the boat owners or both the boat owner and marina/launcher.

Walesch stated that he could bring back additional information/recommendation to the next meeting and if there is support at that time, he could work with Gilchrist on drafting a potential ordinance.

Klohs stated that perhaps Gilchrist should bring forward a draft ordinance in conjunction with the additional work Walesch will be doing that the Board could review.

Gilchrist stated that he would be happy to work with Walesch and could work on a draft that could come forward for the Board to focus on during the next discussion.

Rich stated that perhaps there be language that would make it illegal to willingly launch a boat with a functional pump and that is where the penalty would fall on the service provider.

Molitor stated that in the future when there are topics for discussion, that should be placed on a worksession agenda rather than a regular meeting agenda.

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B) Communications and Public Engagement Professional Services Agreement

Hoelscher stated that at the last meeting the Board approved the selection of Goff and directed Schleuning to clarify the terms of the contract. She stated that a contract was included in the packet for review.

Chair Thomas stated that a revised Item 11C was included for the Board as well.

Rich asked for clarification on how billing would occur in relation to the identified deliverables in the contract. He stated that his interpretation is that 90 percent of the contract could be paid out without receiving the deliverables.

Schleuning reported that the identified deliverables would need to be provided before the consultant would be paid.

Rich asked how the time would be allocated towards the different deliverables, specifically the hourly assumption for each deliverable. He stated that he is concerned with how this would be vetted as this would be purchasing 128 hours to be split between three deliverables.

Chair Thomas agreed that the services provided have been scaled down from their original proposal in order to fit within the $25,000 budget of the LMCD. He stated that there is no doubt that the LMCD will not get what was offered with the higher cost contract.

Rich stated that some of the deliverables are vague and he is worried about what will be gained in return for the $25,000 investment. He asked if there has been discussion on what will be done with roughly 40 hours on each deliverable.

Zorn stated that she would agree with the comments from Rich. She stated that following the discussion at the last meeting, she was looking for more detail as to what would be provided and how the hours will be allocated.

Schleuning stated that some of the tasks are unknown until the consultant starts working with the LMCD to find out the desired needs. She stated that the LMCD will receive these deliverables regardless of the number of hours needed to be completed. She recognized that some of the items are about one third of what was included in the original contract because of the reduced cost. She stated that it would be hard to provide more detail for a communications strategy until the firm begins to work with the LMCD.

Chair Thomas agreed that this language is similar to other professional services contracts.

Zorn asked if there should be progress reports or milestones along the way, such as a monthly status update. She stated that if the consultant is going to report to the Board, would that be charged to the Board, similar to whether conversations with Schleuning would be charged hourly as well.

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Hoelscher stated that it is part of the Board's job to report to the public on anything that is being done in terms of progress being made.

Klohs stated that $195 per hour is the standard hourly government rate that the firm uses. He stated that the controlling factor is the deliverables. He recognized that this is a new relationship and if the firm wants to continue in the future, it will most likely spend more than ten hours per month to ensure that the work is done adequately. He stated that the controlling factor is the deliverables and not the ten hours per month or the hourly rate. He stated that if the deliverables are not provided, the consultant would not be paid.

Hoelscher stated that the interesting thing about the company is that they provide two services in one, noting that this was the only firm that could offer communications and legislative advocacy. She stated that the group also seemed vested in working with the LMCD. She stated that the group did their research on the LMCD and what the group is looking for, therefore she feels that the LMCD will receive good value from the firm. She noted that the firm also understands that the LMCD has a limited budget and was willing to work within that budget.

Rich stated that the language seems ambiguous and he would prefer to see more detailed language on the deliverables. He asked for clarification on the legislative deliverable.

Chair Thomas stated that this year the Board had its first opportunity to speak in front of the legislature. He noted that he did not have experience in doing so and the LMCD was unsure where to turn to receive assistance. He stated that this will provide details on how to convey what the LMCD is and what the group does.

Hoelscher stated that there is also additional legislative funding for invasive species. She stated that the idea is that the firm is at the legislature representing clients and could provide positive direction on where the LMCD could possibly seek out additional grant funds.

Schleuning stated that she spent over 60 hours of staff time on the legislative issue this past year trying to find out who the right people would be to reach out to and to form a strategy. She stated that having assistance on that matter would be very helpful.

Stone stated that when speaking at the legislature many of the representatives where unaware who the LMCD was and were referencing information from the 1960's.

Schleuning stated that additional funding resources would have long-term impacts on the betterment of the lake and finding different ways to provide that funding would be helpful.

Baasen stated that whether the Board realizes it or not, the LMCD has been under attack from people that have strong ties to the legislature. He stated that the LMCD and its staff were negatively attacked in the public arena and the organization needs help.

MOTION: Baasen moved, Hughes seconded to approve the terms of the communication and public

engagement services agreement with Goff Public and authorize the Chair and Executive Director to execute the agreement over the next 12 months.

VOTE: Ayes (12), Nays (1), (Rich) Motion carried.

Walesch left the meeting.

C) Commercial Marinas Code Amendment Regarding Legislation

Gilchrist stated that he mentioned a need to review the code to determine the changes that would be needed to come into compliance with the legislation that became effective August 1st. He explained that as of August 1st the LMCD would be prohibited from enforcing any regulations above the high-water mark in respect to commercial marinas. He stated that during his review the only section that jumped out at him as possibly needing amendment would be the off-lake storage facilities. He commented that a scope provision would also be appropriate to talk about the intent and how it applies or does not apply. He included a restatement of the enacted legislation and scope of the LMCD powers. He stated that this is not up for adoption tonight, but simply review. He stated that this in his opinion would be the minimum that would need to be done to update the code.

Chair Thomas asked if there would be a problem approving this action tonight, as this would accomplish the minimum needed to comply.

Gilchrist confirmed that could be adopted tonight, he was simply welcoming additional comments.

MOTION: Kroll moved, Baasen seconded to adopt the commercial marinas code amendment regarding legislation as presented.

Further discussion: Klohs referenced the new subsection seven, the last sentence beginning however, and asked for additional clarification.

Gilchrist provided additional input on special density. He stated that greater density allowance is being provided on the water in return for certain public amenities.

Klohs stated that he would guess that some other parties may disagree because of the link between land and water and asked how a disagreement would then be handled.

Chair Thomas stated that the LMCD is not saying that those public amenities would have to be provided, but in order to have a higher density on the water, some public amenities from the allowed list would need to be provided.

Hoelscher stated that watercraft density is listed under future agenda topics.

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Klohs stated that LMCD and cities have always been able to work together and believes that the legislative changes have not helped to encourage those relationships.

Gilchrist stated that the sole purpose in looking above the water line would be for providing additional flexibility on the water. He stated that if special density is challenged, the Board could then review whether it wants to consider special density permits any longer.

Schleuning stated that people read the agendas and this item states this is a discussion. She suggested that action not be taken tonight for that reason.

Gilchrist stated that a motion could be made to table the action to the next meeting.

Molitor stated that language can always be interpreted in different ways. He asked what would happen if the Board did not do anything to the code.

Gilchrist stated that when the legislature acts to limit a group's authority, the code should be amended to match the updated authority to show the legislature that the group takes its duties seriously.

MOTION: Thomas moved; Kroll seconded to table this item to the next meeting.

VOTE: Motion carried unanimously.

D) Strategic Plan 2019-2020

Chair Thomas noted that the Board reviewed the Strategic Plan at the last meeting and thanked Zorn, Klohs and Hughes for their efforts. He asked if there are any additional questions. He stated that he would have two or three minor edits to the strategic initiatives and provided those to Zorn.

Zorn identified the next steps. She explained that there are some items included that are easy checklist items, while other items are longer items that will require additional action.

MOTION: Kroll moved, Cook seconded, to adopt the Strategic Plan.

VOTE: Motion carried unanimously.

12. NEW BUSINESS

There was no new business.

13. TREASURER REPORT

Cook provided a brief year to date report.

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14. EXECUTIVE DIRECTOR UPDATE

A) Lake Minnetonka Vegetation and AIS Master Plan Progress

No comments.

Schleuning provided the following information:

- There is speculation that the sturgeon in the creek could possibly be the legendary Lou from Lake Minnetonka and there is a movement to have it returned to Lake Minnetonka. The MN DNR stated they plan to let it go downstream unless it is obstructed. Sturgeons eat zebra mussels. Videos and more information can be found on the Westonka Walleye Program Facebook page.
- Big Island Illness: Staff met with the Hennepin County Health Department and will bring additional information forward to the Board in the future about possible options to reduce the risks associated with mass gatherings.
- Towing Safety: There have been some bad incidents related to towing/tubing and therefore staff has helped to share educational information.
- Water levels are below the ordinary high-water mark.
- A company is in the MN CUP competition through the University of Minnesota for a new product to manage Eurasian watermilfoil. The company, Lake Tapps Capital, has an upgraded type of diver assisted suction harvesting equipment.
- Vegetation Interactive Web Reporting Tool: More people have been reporting vegetation conditions and she welcomed people to continue to report their concerns in the webmapping tool. A link is on the lmcd.org homepage.

15. STANDING LMCD COMMITTEE/WORKGROUP

Aquatic Invasive Species Taskforce: Cook had nothing further to report.

Budget Workgroup: No report.

Recodification Workgroup: Gilchrist reported that the draft code was put on the LMCD website in July, asking the public to offer comments. He stated that staff encouraged stakeholders to submit comments. He reported that no comments were received. He asked if the Board would like to do more public outreach before moving on to adoption.

Hoelscher stated that the Board has been working on this for a long time. She noted that marina owners were involved in the work group as well. She suggested that this item be placed on a future agenda.

Chair Thomas agreed. It was noted that both this item and the changes to the code related to commercial marinas could both come forward at the next Board meeting.

Save the Lake Committee: Baasen stated that the group has not met since the last update. He provided an update on year to date solicitations and encouraged people to continue to donate to Save the Lake.

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Strategic Plan Subcommittee: No report.

16. ADJOURNMENT

Being there no further business, the meeting was adjourned at 9:04 p.m.

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Gregg Thomas, Chair Ann Hoelscher, Secretary

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Lake Minnetonka Conservation District
Check Detail
August 16 - 31, 2019

ITEM 7A

Date	Num	Name	Memo	Account	Class	Paid Amount
08/30/2019	**EFT19-100**	**ADP Service Fee**		**Alerus Checking**		
			Payroll 8/16/19 - 8/31/19	4180M10 · Professional Services - Admin.	Admin.	-76.70
TOTAL						-76.70
08/28/2019	**EFT19-101**	**Frontier Communications**		**Alerus Checking**		
			Phone and Internet 8/4/19 - 9/3/19	4060M10 · Telephone - Admin.	Admin.	-196.21
TOTAL						-196.21
08/30/2019	**EFT19-102**	**SelectAccount Group Service Fee**		**Alerus Checking**		
			HSA Administrative fee for Augu...	4380M10 · Employee Benefits - Admin.	Admin.	-1.90
TOTAL						-1.90
08/30/2019	**EFT19-103**	**Health Partners**		**Alerus Checking**		
			Dental Insurance, 2019	4380M10 · Employee Benefits - Admin.	Admin.	-167.64
TOTAL						-167.64
08/20/2019	**EFT19-104**	**SW/WC Service Cooperatives**		**Alerus Checking**		
			Health Insurance, September 2019	4380M10 · Employee Benefits - Admin.	Admin.	-2,091.00
TOTAL						-2,091.00
08/28/2019	**EFT19-105**	**US Bank**		**Alerus Checking**		
			Amazon Write in the Rain Paper	4220M10 · Office Supplies -Admin.	Admin.	-289.08
			Jubilee Foods Meeting Supplies	4230M10 · Meeting Exp. - Admin.	Admin.	-34.46
TOTAL						-323.54

Lake Minnetonka Conservation District
Check Detail
August 16 - 31, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
08/29/2019	**EFT19-106**	**ADP**		**Alerus Checking**		
			Salaries - Admin	4020M10 · Salaries-002 - Admin	Admin.	-8,377.94
			P. E.R.A.	2020 · Payroll Liabilities -	Admin.	1,170.34
			ER PERA	4022M10 · ER PERA - Admin	Admin.	-626.97
			ER/FICA Medicare - Admin	4021M10 · ER Share of Admin FICA/Medi...	Admin.	-639.52
			Long Term Disability	2020-LT · Payroll Liabilities - UNUM	Admin.	42.13
TOTAL						-8,431.96
08/29/2019	**EFT19-107**	**P.E.R.A**		**Alerus Checking**		
			Payroll 8/16/19 - 8/31/19	2020 · Payroll Liabilities -	Admin.	-1,170.34
TOTAL						-1,170.34
08/29/2019	**21662**	**City of Mound**		**Alerus Checking**		
08/29/2019	September, 2019		Rent, September 2019	4320M10 · Office Rent - Admin.	Admin.	-1,570.45
TOTAL						-1,570.45
08/29/2019	**21663**	**FRANCOTYP-POSTALIA, INC.**		**Alerus Checking**		
08/29/2019	Inv.#RI104118...		Quarterly Rental Fee for Postage...	4080M10 · Postage - Admin.	Admin.	-89.85
TOTAL						-89.85
08/29/2019	**21664**	**League of Minnesota Cities**		**Alerus Checking**		
08/29/2019	Worker's Comp		Admin	4340M10 · Insurance - Admin.	Admin.	-60.00
			AIS	4340M30 · Insurance W/C - EWM	AIS	-20.00
TOTAL						-80.00
08/29/2019	**21665**	**LMCC**		**Alerus Checking**		
08/29/2019	1302		VOD Services for Meeting 8/14/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-100.00
TOTAL						-100.00

Lake Minnetonka Conservation District
Check Detail
August 16 - 31, 2019

Date	Num	Name	Memo	Account	Class	Paid Amount
08/29/2019	**21666**	**Mark Hodges Media Productions**		**Alerus Checking**		
08/29/2019	Inv.#20190814		Meeting 8/14/19	4182M10 · Media (Cable/Internet) - Admin.	Admin.	-80.00
TOTAL						-80.00
08/29/2019	**21667**	**Matthew Cook**		**Alerus Checking**		
08/29/2019	Mileage 6/4 - 8...		Mileage 6/4/19 - 8/9/19	4400M10 · Mileage/Exp's - Admin.	Admin.	-55.28
TOTAL						-55.28
08/29/2019	**21668**	**Your Computer Hero**		**Alerus Checking**		
08/29/2019	Inv.#4760		Update Computers and Server, s...	4181M10 · Professional Comp. Serv.-Ad...	Admin.	-803.44
TOTAL						-803.44

ITEM 7B

RESOLUTION NO. 191

A RESOLUTION ACCEPTING CONTRIBUTION(S) TO THE LAKE MINNETONKA CONSERVATION DISTRICT (LMCD)

WHEREAS, the LMCD is a regional government agency established by Minnesota Statutes Section 103B.605, Subd. 1;

WHEREAS, contributions to the LMCD "Save the Lake" fund are generally tax deductible to individuals under the IRS Code 26 USC Section 170 (b)(1)(a) because contributions to any political subdivision of any state for exclusively public purposes are deductible;

WHEREAS, municipalities are generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Section 465.03 for the benefit of its stakeholders, and is specifically authorized to accept gifts;

WHEREAS, LMCD wishes to follow similar requirements as established for municipalities for accepting donations;

WHEREAS, the attached listed person(s) and entity(ies) have offered to contribute the cash amount(s) set forth with any terms or conditions as outlined in Attachment I to the LMCD;

WHEREAS, such contribution(s) have been contributed to the LMCD for the benefit of the public, as allowed by law; and

WHEREAS, the LMCD Board of Directors finds that it is appropriate to accept the contribution(s) offered.

NOW THEREFORE, BE IT RESOLVED BY THE LMCD BOARD, STATE OF MINNESOTA AS FOLLOWS:

1. The contribution(s) described with Attachment I is/are accepted and shall be used to establish and/or operate services either alone or in cooperation with others, as allowed by law.

2. The executive director is hereby directed to issue receipt(s) acknowledging the LMCD's receipt of the contributor's contribution(s).

Adopted by the Board this 28th day of August, 2019.

_____
Gregg Thomas, Chair

ATTEST:

_____
Ann Hoelscher, Secretary

Lake Minnetonka Conservation District
Transaction Detail By Account
July 2 through August 20, 2019

Resolution #191 Attachment 1 - Save the Lake Contributions

Date	Num	Contributor	Memo	Amount
07/24/2019		Benevity Fund Donation	STL Donation (Andrew Punch)	28.56
08/12/2019	19274	George Webster, III	STL Donations (General)	50.00
08/12/2019	8754	John Folin	STL Donations (General)	100.00
08/12/2019	11992	David Thun	STL Donations (General)	100.00
08/12/2019	9847	Randall Schneewind	STL Donations (General)	250.00
08/12/2019	VV162	Lloyd Sigel	STL Donations (General)	250.00
08/12/2019	12083	Edward N. Dayton	STL Donations (General)	250.00
08/12/2019	16516	Lawrence Reid	STL Donations (General)	50.00
08/12/2019	8092	Steve Tallen	STL Donations (General)	250.00
08/12/2019	13794	Donald Beeler	STL Donations (General)	100.00
08/12/2019	8100	Excelsior Bay Harbor	STL Donations (General)	500.00
08/12/2019	3187	Kathleen Ann Jones	STL Donations (General)	100.00
08/12/2019	15673	Deborah Lien Bierbaum	STL Donations (General)	500.00
08/12/2019	31343	John Berg	STL Donations (General)	100.00
08/12/2019	12901	Donald Leavenworth	STL Donations (General)	100.00
08/12/2019	4533	James Gordon Mceachran	STL Donations (General)	50.00
08/12/2019	9110	James T. Brass	STL Donations (General)	25.00
08/15/2019		PayPal	Transfer from PayPal (Landstrom 100, Johander 100, Ryden 50, Sturgeon 50, Van Tassel 200, Gray 100)	580.80
08/15/2019		PayPal	Transfer from PayPal (Joe Fronius 7.00)	6.50
08/20/2019	20978	Lyle E. Shaw	STL Donations (General)	25.00
08/20/2019	7395	Allan McLeod	STL Donations (General)	250.00
08/20/2019	5685	Roger Wothe	STL Donations (General)	25.00
08/20/2019	12643	Peter Mitchelson	STL Donations (General)	100.00
08/20/2019	9368	Nancy Nordmeyer	STL Donations (General)	100.00
08/20/2019	3094	Big Island, Inc.	STL Donations (General)	200.00
08/20/2019	15800	William Pye	STL Donations (General)	25.00
08/20/2019	1581	Beverly Johnson	STL Donations (General)	25.00
08/20/2019	7390	Laura Ekholm	STL Donations (General)	250.00
08/20/2019	13769	Peter Pflaum	STL Donations (General)	150.00
08/20/2019	5274	John Evans	STL Donations (General)	25.00
08/20/2019	10116	Candace Gordon	STL Donations (General)	25.00
08/20/2019	14714	Kim A. Culp	STL Donations (General)	250.00
08/20/2019	3935	Prospect Creek Foundation	STL Donations (General)	1,000.00
08/20/2019	3393	Thomas Mac Leod	STL Donations (General)	50.00

Date	Num	Contributor	Memo	Amount
08/20/2019	7207	Donald Johnson	STL Donations (General)	50.00
08/20/2019	5102	Joseph Novogratz	STL Donations (General)	250.00
08/20/2019	6993	Richard Spiegel	STL Donations (General)	50.00
08/20/2019	7106	James T. Prokopanko	STL Donations (General)	100.00
08/20/2019	5758	Jeffrey Schott	STL Donations (General)	50.00
08/20/2019	368	Bruce Flessner	STL Donations (General)	25.00
08/20/2019	17990	Berle A. Richman	STL Donations (General)	10.00
08/20/2019	19878	David Goode	STL Donations (General)	25.00
08/20/2019	5107	Steven Erdahl	STL Donations (General)	100.00
08/20/2019	18305	Kent Christensen	STL Donations (General)	50.00
08/20/2019	9686	Roger Greenberg	STL Donations (General)	25.00
08/20/2019	7555	Daniel Durda	STL Donations (General)	100.00
08/20/2019	7157	A M Marine	STL Donations (General)	100.00
08/20/2019	2637	La Vonne M Hodlund Rev. Trust	STL Donations (General)	100.00
08/20/2019	2292	Thomas L. Warner	STL Donations (General)	100.00
08/20/2019	8247	Kenneth Peterson	STL Donations (General)	25.00
08/20/2019	6500	Jeffrey Fetters	STL Donations (General)	250.00
				7,300.86
07/23/2019		PayPal	Transfer from PayPal (Mike Molitor for Solar Lights $500.00) and (Joe Fronious 7.00)	491.70
			TOTAL	**7,792.56**

ITEM 11A

Date: August 28, 2019

To: Board of Directors

FROM: Jake Walesch, Board Director

RE: Update Regarding Watercraft Waste Water Discharge Devices

We have had conversations now with many of the service providers and other stakeholders (sheriff, boat owners, city managers) regarding the watercraft waste discharge issue.

On cost and time of removal, the estimated time it will take to remove a pump is 30 minutes to 1 hour and the rates on the lake vary from $90 - $140 per hour. If someone needed to re-install their pump at a later time, the same estimate and cost applies for re-install. This has been verified as an accurate estimate by 4 service providers.

We have engaged many of the Lake Minnetonka service providers. This includes Gabe of course but also Richie Anderson, Jerry Rockvam, Marine Max, Bayside Marina, Greenwood Marina and Midwest Boat Appeal. I have traded calls with Boatworks. Additionally, I did run this by the City manager for Deephaven, who I believe is also the City Manager for Greenwood and Woodland.

There is an additional option that we are also discussing that involves banding the Y valve with a metal band that has a serial number on it. There are challenges with this approach in terms of registering the bands and tracking them. They also are not very tamper resistant in terms of being able to slide them off the valve and then slide them back over, removing and replacing the handles, etc. This is certainly something that we could explore further but is not as easy and straight forward as removing the pump. The sheriff thinks by far the easiest and most effective way to enforce this is to remove the pumps.

We would like to work with Troy on an ordinance and present it to the Board by the end of September.

CC: Vickie Schleuning, LMCD Executive Director
Troy Gilchrist, LMCD Legal Counsel

ITEM 11B

LAKE MINNETONKA CONSERVATION DISTRICT
5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: August 28, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: Ordinance Amendment to Comply with Minnesota 2019, 1st Spec. Sess. Chapter 4, Article 3, Section 75, Commercial Marina Legislation

ACTION
Board consideration of an ordinance amendment to comply with Minnesota 2019, 1st Spec. Sess. Chapter 4, Article 3, Section 75, Commercial Marina Legislation is available for adoption.

The following motions are offered depending on whether the Board wishes to approve or deny the draft language and publication in its entirety:

> Approval:
> I make a motion to approve the ordinance amendment to comply with Minnesota 2019, 1st Spec. Sess. Chapter 4, Article 3, Section 75, Commercial Marina Legislation and its publication in its entirety …>.
>
> Denial:
> I make a motion to deny the ordinance amendment to comply with Minnesota 2019, 1st Spec. Sess. Chapter 4, Article 3, Section 75, Commercial Marina Legislation <for the following reasons…>.

BACKGROUND

During the last legislative session, the LMCD enabling legislation was changed to remove the LMCD's jurisdiction over commercial marina facilities above the ordinary high-water mark. This ordinance amendment is to bring the LMCD code in compliance with Minnesota state law. The Board reviewed draft language at its August 14, 2019 Board meeting. Based on feedback, the proposed ordinance amendment language is attached for consideration.

ATTACHMENT

- Proposed Ordinance Amendment Regarding Commercial Marinas

LAKE MINNETONKA CONSERVATION DISTRICT
STATE OF MINNESOTA

ORDINANCE NO. 235

AN ORDINANCE AMENDING THE LAKE MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES TO COMPLY WITH LAWS OF MINNESOTA 2019, 1ST SPEC. SESS. CHAPTER 4, ARTICLE 3, SECTION 75

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

Article I. Scope of Regulations. Chapter I, Section 1.03 of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended by adding a new Subd. 7 as follows and renumbering the subsequent subdivisions accordingly:

> Subd. 7. Scope. This Code of Ordinance is enacted in accordance with the powers conveyed by Minnesota Statutes, sections 103B.601 through 103B.645, and such other authority as may exist. Nothing in this Code of Ordinance is intended to apply to public drainage ditches or watercourses connected to the Lake, or to land-based activities of commercial marinas occurring above the ordinary high-water mark of the Lake. However, the land-based facilities, services, and amenities of a commercial marina located above the high-water mark may be considered for purposes such as determining eligibility for a special density license.

Article II. Off-Lake Storage Facilities. Chapter II, Section 2.045 of the Lake Minnetonka Conservation District Code of Ordinances is hereby amended by deleting it in its entirety.

Article III. 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 28th day of August, 2019.

BY THE BOARD OF DIRECTORS

_____
Gregg Thomas, Chair

ATTEST:

_____
Ann Hoelscher, Secretary

Date of Publication: _____, 2019

Effective Date: _____, 2019

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

ITEM 11C

LAKE MINNETONKA CONSERVATION DISTRICT
5341 MAYWOOD ROAD, SUITE 200 • MOUND, MINNESOTA 55364 • TELEPHONE 952/745-0789 • FAX 952/745-9085

DATE: August 28, 2019

TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

SUBJECT: Ordinance Adopting Recodification of the LMCD Code of Ordinances

ACTION
Board consideration of adoption of the draft recodification of the LMCD Code of Ordinances.

The following motions are offered depending on whether the Board wishes to approve or deny the draft language:

> Approval:
> I make a motion to approve the ordinance adopting the recodification of Lake Minnetonka Conservation District Code of Ordinances…>.
>
> I make a motion to adopt the resolution approving summary language of the ordinance for publication.
>
> Denial:
> I make a motion to deny the ordinance adopting the recodification of Lake Minnetonka Conservation District Code of Ordinances <for the following reasons…>.

BACKGROUND

The LMCD Code of Ordinances is being recodified in order to provide a clearer, more user-friendly code. It had been many years since the code was comprehensively reviewed. This process was not intended to change any of the requirements. A workgroup was established to assist in the recodification process. The workgroup consisted of Board Secretary Ann Hoelscher, Board Director Gary Hughes, Board Director Dennis Klohs, Tonka Bay Marina Owner Gabriel Jabbour, Attorney Troy Gilchrist, and Executive Director Vickie Schleuning. Board directors reviewed the draft and a draft was made available for public comment in July. No public comments were received. The proposed Code ordinance language is attached for your review and action.

ATTACHMENT

- Proposed Ordinance Regarding Adoption of The Recodification of Lake Minnetonka Conservation District Code of Ordinances
- Resolution Approving Summary Language For Publication
- Proposed Recodified LMCD Code of Ordinances

LAKE MINNETONKA CONSERVATION DISTRICT
STATE OF MINNESOTA

ORDINANCE NO. 236

AN ORDINANCE ADOPTING THE RECODIFICATION OF LAKE MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES

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

Article I. Legislative Findings. The Board of Directors ("Board") of the Lake Minnetonka Conservation District ("LMCD") hereby finds as follows:

1. The Board is authorized by Minnesota Statutes, section 103B.681 to adopt rules to effectuate the purpose of the LMCD's establishment and the powers granted to the Board.

2. The rules adopted by the Board have the force and effect of an ordinance.

3. The Board previously codified its ordinances into the LMCD Code of Ordinances.

4. The Board directed the LMCD Attorney to recodify the LMCD Code of Ordinances to improve its structure and make it easier for both LMCD staff and the public to utilize it.

5. The recodification was presented to the Board and the Board determines it is in the best interests of the LMCD to adopt it.

Article II. Adoption. The recodification of the LMCD Code of Ordinance is hereby adopted and it shall have the force and effect of an ordinance.

Article III. Copies. The Executive Director is authorized and directed to prepare sufficient copies of the recodification for use by the Board and LMCD staff and for general distribution to the public in accordance with LMCD's policies regarding the distribution and availability of LMCD documents. The Executive Director shall also keep an official copy of the recodification of the LMCD Code of Ordinances in the LMCD office and post it on the LMCD's website.

Article IV. Controlling; Repealer. The LMCD Code of Ordinances, as recodified, shall be controlling and shall supersede and replace the current enactment of the LMCD Code of Ordinances, which is hereby repealed as of the effective date of this ordinance. Such repeal shall not affect any offense committed or penalty incurred under the previous LMCD Code of Ordinances.

Article V. Evidence. The recodification of the LMCD Code of Ordinances is declared to be prima facie evidence of the law of the LMCD and shall be received in evidence as provided by Minnesota Statutes by the courts of the State of Minnesota.

Article VI. Declaration. This enactment is adopted by a majority vote of all the members of the Board. This ordinance, and the recodification of the LMCD Code of Ordinances, is effective on the first day of summary publication after adoption.

Adopted this 28th day of August 2019.

BY THE BOARD OF DIRECTORS

_____
Gregg Thomas, Chair

ATTEST:

_____
Ann Hoelscher, Secretary

Date of Publication: _____, 2019

Effective Date: _____, 2019

LAKE MINNETONKA CONSERVATION DISTRICT
STATE OF MINNESOTA

RESOLUTION NO. 192

A RESOLUTION APPROVING SUMMARY LANGUAGE FOR PUBLICATION OF ORDINANCE NO. 236

WHEREAS, on August 28, 2019 the Board of Directors ("Board") of the Lake Minnetonka Conservation District ("LMCD") adopted Ordinance No. 236, "An Ordinance Adopting the Recodification of the Lake Minnetonka Conservation District Code of Ordinances" ("Ordinance");

WHEREAS, Chapter I, Section 1.04, Subd. 5 of the LMCD Code allows the publication of an ordinance by title and summary instead of publishing the full text; and

WHEREAS, the Board determines that publishing the full text of the Ordinance is impractical and that publishing a summary of the Ordinance, together with placing it on the LMCD's website and making it available in the LMCD office for review, is sufficient to inform the public of the Ordinance.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors hereby approves the following summary language for publication:

AN ORDINANCE ADOPTING THE RECODIFICATION OF THE LAKE MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES ORDINANCE NO. 236

The Board of Directors of the Lake Minnetonka Conservation District adopted the above referenced ordinance to adopt the recodification of the LMCD Code of Ordinances. The Board of Directors authorized the recodification to make the Code easier to use and to update its language and administrative procedures. The substantive provisions of the Code (regulations regarding dock use area, setbacks, boat storage units, rules of the road, etc.) remain the same. The updated Code restructures the regulations by user (commercial, municipal, and residential) to make it easier to navigate. This ordinance, as well as the recodification of the Code, is available on the LMCD website and may be obtained by contacting the LMCD office.

Vickie Schleuning, Executive Director

Adopted on this 28th day of August 2019.

BY THE BOARD OF DIRECTORS

_____
Gregg Thomas, Chair

Attest:_____
Ann Hoelscher, Secretary

LAKE MINNETONKA CONSERVATION DISTRICT
CODE OF ORDINANCES

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CHAPTER 1
GENERAL PROVISIONS

1-1.01. Statement of Purpose. It is the purpose of this Code of Ordinances ("Code") to implement the statutory responsibilities of the Lake Minnetonka Conservation District ("LMCD"), as enumerated in Minnesota Laws 1967, Chapter 907, as amended.

Lake Minnetonka ("Lake") is a valuable recreational resource for a large number of persons residing in the Twin Cities metropolitan area, as well as for persons living throughout Minnesota. At the same time, the Lake serves a valuable role in the area's ecology by providing drainage control and a habitat for a wide range of species of wildlife.

The LMCD Board of Directors ("Board") recognizes the inherent conflict between human usage of the Lake and the functions performed by the Lake in its natural state. In addition, the Lake is subject to increasing pressures from the development of adjacent shoreland areas and from increasing recreational uses. In order to balance these competing interests, it is necessary to regulate and control the degree and type of development and the use of the Lake.

Accordingly, the LMCD declares the following to be its goals and policies:

(a) Preserve and promote Lake Minnetonka as a recreational and natural resource for all the citizens of the state;

(b) Prevent pollution of the Lake and preserve its ecological balance by carrying out a comprehensive program of environmental control and management;

(c) Assist in coordinating the planning and development activities of municipalities and special districts in the immediate vicinity of the Lake;

(d) Promote and regulate the orderly utilization of the Lake and its shorelands by all users of the Lake and those placing structures within it;

(e) Achieve a balance between the interests of public use and the conservation of the Lake as a natural resource;

(f) Provide for the health, safety, order, convenience, and general welfare by enacting ordinances not inconsistent with the laws of the state; and

(g) Carry out the responsibilities placed upon the LMCD by its enabling act, Laws 1967, Chapter 907, as amended.

1-1.03. Authority. This Code is adopted pursuant to the LMCD's authority under Minnesota Statutes, sections 103B.601 through 103B.645, Minnesota Laws 1986, Chapter 437, and such other law as may apply.

1-1.05. Enactment.

Subd. 1. Enactment. This Code is in effect from and after its passage on the first day of publication of its adoption in accordance with the enabling act of the LMCD. It is enacted by a majority vote of all the members of the Board and has the effect of an ordinance.

Subd. 2. Citation. This Code of Ordinances, which is referred herein as the "Code," may be cited and referred to as the "Lake Minnetonka Conservation District Code of Ordinances" or the "LMCD Code." To aid in navigating the Code, sections are numbered such that the first number refers to the article, the second is to the chapter, and third set of numbers are to the particular sections within the chapter. For example, Section 4-2.03 means the section is located in Article 4, Chapter 2. Sections may be referenced directly by number without separately identifying the article or chapter in which they are located.

Subd. 3. Effect of Adoption. This Code is enacted as part of the LMCD's program to update and recodify its ordinances. This Code replaces the previous code of ordinance, which is hereby repealed. No right, privilege, liability, license, permit, variance, or any action taken by the Board pursuant to the previous codes or ordinances is intended to be altered, diminished, or otherwise modified by the enactment of this Code. The provisions of this Code are essentially, but not actually, continuations of the Code herein repealed, and any act done, offense committed, or right accruing or accrued, or liability, penalty, or punishment incurred or assessed prior to the effective date of this Code is not affected by its enactment.

1-1.07. Interpretation.

Subd. 1. Rules of Interpretation. It is the intent of the Board that the provisions of this Code be interpreted in a manner that is most favorable to the LMCD and that most directly furthers the purposes and goals of this Code. The provisions of this Code shall be interpreted in accordance with the rules and canons of construction, presumptions, and miscellaneous provisions pertaining to construction contained in Minnesota Statutes, chapter 645 and the following provisions.

(a) Defined Terms. Whenever a word or term defined hereinafter appears in the text of this Code, its meaning shall be constructed as set forth in such definition. Any question as to the meaning of a word or term used in this Code shall be determined by the Board.

(b) State Law References. The references made in this Code to statutes, rules, or regulations of the state shall automatically include any amendments made thereto and any successor provisions without further action by the Board. Furthermore, such references shall serve to incorporate into this Code by reference such statutes, rules, and regulations to the extent necessary to achieve the intent and purposes of this Code. The adoption by reference of specific statutes, rules, or regulations shall also include the adoption of such other statues, rules, and regulations that are needed to give full effect to those provisions expressly adopted by reference.

(c) Internal References. All references made to specific Articles, Chapters, Sections, subdivisions, or paragraphs of this Code shall identify the provisions being referenced by number or letter, without needing to include "of this Code" or similar reference, as all such references are to the identified provisions of this Lake Minnetonka Conservation District Code of Ordinances. Additionally, a reference to a regulatory provision shall include, to the extent applicable, reference to the applicable approval process in Article 6 and reference to an approval process in Article 6 shall include the applicable regulatory provisions.

(d) Use of Examples. The listing of examples to further explain a term, concept, requirement, or process is not intended to be, and shall not be interpreted as, an exclusive listing. Unless the context clearly indicates otherwise, such listings are intended to be explanative without being exclusive or limited. Furthermore, the use of a diagram or other graphic to demonstrate how the provisions of this Code apply in particular situations is intended to be illustrative and does not limit or amend the provisions of this Code.

(e) Headnotes. Article, Chapter, Section, subdivision, and paragraph headings, titles, and cross reference materials are provided merely to expedite and simplify the use of the Code, they are not substantive parts of the Code and do not limit or modify the meaning or effect of the text of the Code.

Subd. 2. Relation to Other Laws. It is the intent of the Board that this Code, together with relevant state statutes and rules and regulations, comprise a comprehensive system of regulations

regarding the use of the Lake and that such system of regulations is an element of the LMCD's comprehensive program for conservation of the Lake. Where this Code imposes a more stringent regulation than state law, rule, or regulation, it is the intent of the Board that the provisions of this Code prevail over the statute, rule, or regulation to the extent permitted by law.

Subd. 3. Severability. If any provision in this Code, or in any statute, rule, or regulation adopted by reference in this Code, is found to be unconstitutional or invalid for any reason, the remaining provisions of this Code shall remain valid and enforceable.

1-1.09. Adoption of Ordinances.

Subd. 1. Authority. The Board may adopt rules and regulations to effectuate the purposes of the LMCD and the powers granted to it by law. Rules and regulations must be adopted by a majority vote of all the members of the Board. The rules and regulations adopted by the Board by ordinance are declared to have, and shall have, the effect of an ordinance regardless of whether that intent is stated in the particular ordinance adopted by the Board. Ordinances adopted by the Board may amend this Code and be incorporated herein, or may remain uncodified if they are transitory in nature or are otherwise not appropriate to incorporate herein. The Board may also adopt rules and policies regarding how it conducts its business as a governing body and to implement its statutory duties including, but not limited to, delegating certain duties to the Executive Director to be carried out on its behalf.

Subd. 2. Amendments. Ordinances adopted to amend this Code shall specify the section and subdivision of the Code being amended or added, and set out the text of the amendment. Text being added shall be underlined and text being repealed shall be stricken. The repeal of an entire section or subdivision need only refer to that section or subdivision, and the addition of entirely new section or subdivision need not be underlined.

Subd. 3. Title. Each ordinance shall have a title that generally describes its subject matter.

Subd. 4. Enacting Clause. The enacting clause of an ordinance is: "The Board of Directors of the Lake Minnetonka Conservation District ordains:."

Subd. 5. Ordinance Declaration. Each ordinance shall contain the following statement at its close: "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 unless a later effective date is expressly provided." Failure to include this language in an ordinance does not affect its validity, provided the ordinance was adopted in accordance with the requirements of Minnesota Statutes, section 103B.641, subdivision 2.

Subd. 6. Signatures. Ordinances shall be signed by the Board chair and attested by the Board secretary.

Subd. 7. Effective Date. LMCD ordinances are effective after passage and upon the first day of publication unless a later effective date is specified in the ordinance. All ordinances apply

throughout the jurisdictional area of the LMCD and shall remain until expressly repealed, amended, or replaced by subsequent action of the Board.

Subd. 8. Publication. Ordinances adopted by the LMCD shall be published once in the official newspaper of the LMCD. Ordinances may be published by title and summary instead of publishing the full text. The summary language must be approved by the Board, clearly inform the public of the intent and effect of the ordinance, and indicate where the full text of the ordinance may be viewed.

Subd. 9. Ordinance Book. Ordinances must be placed in the LMCD ordinance book within 20 days after publication together with proof of publication. Ordinances may also be posted on the LMCD website.

Subd. 10. Integration of Ordinances into Code. The Executive Director, in cooperation with the LMCD Attorney, is directed to integrate the text of the new language or amendments into the Code in the most expeditious manner possible. As part of integrating amendments into the Code the Executive Director is authorized to: omit titles, enactment clauses, effective date statements, and other non-substantive provisions of the ordinances being integrated; reorder and renumber provisions as may be needed; correct punctuation, grammatical, and typographical errors; and make other corrections as may be needed to integrate and carry out the intent of the ordinances without changing their meaning. The timing of when ordinances are integrated into the Code shall not alter their effective date. Once ordinances are integrated into the Code the updated Code shall be, and does constitute, the official LMCD Code without further action by the Board or its officers. The Executive Director shall be responsible for maintaining the official LMCD Code.

CHAPTER 2
COMPLIANCE, ENFORCEMENT, AND PENALTIES

1-2.01. Compliance. No person shall place, construct, enlarge, reconstruct, or alter any structure or engage in any use of the Lake in a way that violates any provision of this Code. Any license, permit, or other approval issued on the basis of an application or approved plan authorizes only the structures and uses set forth in such approved application or plan and no other construction, structure, or use. Any construction, structure, or use under the approval that does not conform to the approved application or plan shall be deemed a violation of this Code unless a new or amended approval is first obtained from the LMCD.

1-2.03. Enforcement. Special deputies duly appointed and sworn by the Hennepin County Sheriff are hereby authorized to enforce the provisions of this Code by the issuance of citations and such other means as permitted by state law. The Board, the Executive Director, and the LMCD Attorney are authorized to issue written notifications of violations, stop work orders, cease and desist orders, corrective orders, and to take similar actions as may be necessary to enforce the provisions of this Code. The LMCD prosecuting attorney is authorized to criminally prosecute violations of this Code and of state law as appropriate. The Board may also authorize a civil action to prevent, abate, or correct a violation of this Code. Once authorized, the LMCD Attorney shall be empowered to take all actions necessary to institute and pursue an injunction, mandamus, abatement, or other civil action as may be appropriate to carry out the civil enforcement action.

1-2.05. Executive Director Power to Act; Cost Recovery.

Subd. 1. Authority. The Board recognizes the executive director is occasionally required to address situations or conditions on the Lake that require an immediate decision or action in order to protect the environment, property, or public health, safety, or welfare. These situations cannot reasonably wait to be addressed until a Board meeting and do not rise to a level authorizing an emergency Board meeting. When, in the reasonable determination of the executive director, such a situation or condition exists, the executive director is authorized to make such decisions and to take such actions as may reasonably be needed to address the situation or condition, even if such decisions are not in strict conformance with the provisions of this Code. If reasonably possible, the executive director shall consult with the LMCD attorney before taking any such action.

Subd. 2. Board Report. In every case in which the executive director exercises the authority provided under this Section, the executive director shall submit a written report to the Board at its next regular meeting explaining the situation or condition, and identifying the specific environmental, property, or public health, safety, or welfare concern addressed or mitigated. The report shall include details on each of the decisions or actions taken.

Subd. 3. Cost Recovery. If the situation or condition to which the executive director responds resulted from the actions or inactions of a person who owns or is in control of a watercraft or other personal or real property, such person is responsible for any costs and expenses the LMCD incurs to address the situation or condition. The LMCD may seek recovery of costs by providing the person an invoice that details the costs and expenses, which shall be due and payable within

30 days from the date of the invoice. If the person fails to pay the invoice within that period, the LMCD may exercise any authority available to it under law to recover its costs including, but not limited to, imposing a lien on the person's property pursuant to Minnesota Statutes, section 514.67. If the LMCD is required to take action to recover its costs, its collection costs and professional fees shall be added to the amount to be recovered.

1-2.07. Penalties.

Subd. 1. Misdemeanors. Unless another penalty is expressly provided in a LMCD ordinance or in this Code for the particular offense, any person violating any provisions of this Code, or any provision of any statute, rule, code, or ordinance adopted herein by reference, or the conditions of any approval imposed by the Board, shall, upon conviction, be subject to a maximum fine or a maximum period of imprisonment, or both, for misdemeanors as specified by Minnesota Statutes, section 609.03.

Subd. 2. Separate Violations. Unless otherwise provided, each act of violation and every day upon which a violation occurs or continues constitutes a separate offense.

Subd. 3. Applicability. The penalty provided by this Section, or any other Section of the Code, applies to the amendment of any Section of the Code or any code adopted herein by reference to which the penalty relates, whether or not such penalty is reenacted in the amendatory provisions, unless otherwise provided in the amendment.

Subd. 4. Reference to Sections. Reference to any Section of the Code shall be understood to also refer to and include the penalty Section relating thereto, unless otherwise expressly provided.

Subd. 5. Failure of Officers to Perform Duties. The failure of any officer or employee of the LMCD to perform any official duty imposed by an ordinance or this Code shall not subject such officer or employee to the penalty imposed for a violation unless a penalty is specially provided for such conduct or omission.

CHAPTER 3
DEFINITIONS

1-3.01. Definitions. It is the intent of the Board that the terms used in this Code that are also used in the enabling act shall have the meanings given them in the enabling act, unless otherwise specified. For the purposes of this Code, the following words and terms shall have the meanings given to them in this Section. If a term used in this Code is not defined in this Section or elsewhere in this Code, the term shall have the meaning given it in the most applicable Minnesota statute or rule. If a term is not defined therein, it shall be interpreted and understood in accordance with common and accepted usage. Any technical words and phrases, or such others which have acquired a specific or peculiar meaning, shall be interpreted and understood in accordance with such technical, specific, or peculiar meaning.

Subd. 1. Adult Cabaret. "Adult cabaret" means exotic dancing and/or other live entertainment which is distinguished or characterized by an emphasis on sexually oriented performance.

Subd. 2. Aircraft. "Aircraft" means any contrivance now known or hereafter invented, used, or designed for navigation or flight in the air, but excluding parachutes. The term includes aircraft equipped with floats or skis.

Subd. 3. Alcoholic Beverage. "Alcoholic beverage" means any beverage containing more than 0.5 percent alcohol by volume.

Subd. 4. Approval. "Approval" is, unless the context clearly indicates otherwise, a general reference to a license, permit, certificate, or other form of approval that may be issued by the LMCD under this Code. This general reference is used to increase readability of the Code and avoid having to list each type of approval when making general references to all of them.

Subd. 5. Association Multiple Dock. "Association multiple dock" means a multiple dock owned or operated by a residential association and used primarily by the members or residents of the residential association.

Subd. 6. Association Permanent Dock. "Association permanent dock" means a permanent dock owned or operated by a residential association and used primarily by the members or residents of the residential association.

Subd. 7. Association Single Dock. "Association single dock" means a single dock owned or operated by a residential association and used primarily by the members or residents of the residential association.

Subd. 8. Authorized Dock Use Area. "Authorized dock use area" means that area in the Lake which may be used for docks, moorings, boat storage, swimming floats, ski jump storage, or diving towers, or which may be enclosed on three sides for any of these purposes.

Subd. 9. Board of Directors or Board. "Board of Directors" or "Board" means the Board of Directors of the Lake Minnetonka Conservation District.

Subd. 10. Boat House. "Boat house" means a permanent year-round boat shelter.

Subd. 11. Boat Storage Units. "Boat storage units" means a space or facility available for mooring, docking, or storing a watercraft to be used on the Lake. Boat storage units do not include a storage space or facility located on land unless it is used in conjunction with a commercial single dock.

Subd. 12. Bridge. "Bridge" means a structure, used for pedestrian or vehicular passage, on or over the water of the Lake connecting two points of land that are not on continuous shoreline of the same site.

Subd. 13. Canopy. "Canopy" means that part of a slip structure comprised of an overhead, fabric cover designed to shelter a watercraft from sun, wind, or rain, together with poles, rigging and appurtenances that support the cover. An overhead, fabric cover that is an integral part of a boat lift is not a canopy unless the vertical height of the fabric cover exceeds 30 inches.

Subd. 14. Club. "Club" has the meaning given by Minnesota Statutes, section 340A.101, subdivision 7. This term does not include a residential association, homeowner's association, an outlot association, or other similar organization whose membership is restricted to, or comprised in major part of, owners of specific property not abutting the Lake who have an interest in or right to use an outlot or similar tract or parcel of land located on the Lake.

Subd. 15. Club Facility. "Club facility" means a commercial structure, or part thereof, owned or operated by a club or by any other nonprofit corporation, group, or association. The term does not include those parts of commercial structures licensed for transient use only, or residential structures.

Subd. 16. Code of Ordinances or Code. "Code of Ordinances" or "Code" means the ordinances of the LMCD as organized and compiled herein.

Subd. 17. Commercial Multiple Dock. "Commercial multiple dock" means a multiple dock owned or operated by a commercial use and used in conjunction with the commercial use.

Subd. 18. Commercial Single Dock. "Commercial single dock" means a single dock owned or operated by a commercial use and used in conjunction with the commercial use.

Subd. 19. Commercial Structure. "Commercial structure" is, unless specifically noted otherwise, a general reference to a facility associated with a commercial use that includes a multiple dock, moorings area, commercial single dock, and launching ramp. This general term is used to streamline references in this Code, but the use of this term does not exempt a particular commercial facility from needing to comply with the requirements of this Code applicable to such facilities.

Subd. 20. Commercial Use. "Commercial use" is, unless specifically noted otherwise, a general reference to commercial marinas, club facilities, qualified commercial marinas, qualified sailing schools, and qualified yacht clubs. The owner of a commercial use is eligible to apply for a license for a commercial structure.

Subd. 21. Commissioner, DNR. "Commissioner" means the commissioner of the Minnesota Department of Natural Resources or the commissioner's duly authorized representatives.

Subd. 22. Copy and Graphic Area. "Copy and graphic area" means, with respect to the regulation of signs, the area in square feet of the smallest four-sided figure that encloses the wording and other display messages such as logos or symbols on a sign.

Subd. 23. County. "County" means Hennepin County.

Subd. 24. Daytime. "Daytime" means from a half hour before sunrise to a half hour after sunset, except at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and watercraft at a distance of 500 feet.

Subd. 25. Deck. "Deck" means a structure other than a dock, or element thereof, measuring more than eight feet in length or width, located above the surface of the Lake and designed for use as a platform, floor, cover, or any combination thereof.

Subd. 26. Deicing Equipment. "Deicing equipment" means a machine, mechanism, device, substance, or a lawfully installed and operated outlet or drain which is used for, or which has the effect of, preventing or restricting the normal formation of ice or hastening the normal melting of ice.

Subd. 27. Dock. "Dock" means any wharf, pier, or other structure or combination of wharves, piers, or other structure constructed or maintained in or over the Lake, whether floating or not, including all "Is," "Ts," or posts which may be a part thereof, whether affixed to or adjacent to the principal structure.

Subd. 28. Enabling Act. "Enabling act" means Minnesota Laws 1967, Chapter 907, and Minnesota Laws 1986, Chapter 437, as they may be amended.

Subd. 29. Executive Director. "Executive Director" means the Executive Director of the LMCD appointed by the Board pursuant to the enabling act. References to the Executive Director in this Code include those persons the Executive Director designates to carry out a particular duty on behalf of the LMCD.

Subd. 30. Exotic Dancer. "Exotic dancer" means a person who dances or otherwise performs and who seeks to arouse or excite the patrons' sexual desires.

Subd. 31. Facility or Facilities. "Facility" or "Facilities" is, unless the context clearly indicates otherwise, a general reference to the structures associated with a particular commercial, municipal, or residential use.

Subd. 32. Full-Service Marina. "Full-service marina" means a marina which has one or more employees on duty seven days a week during normal business hours in the boating season and provides at least the following services to its patrons, members, or the public: storage of boats or watercraft; toilet facilities; boat repair service; telephone; and emergency towing.

Subd. 33. Garbage. "Garbage" means any of the following: organic refuse of any kind resulting from the preparation, serving, or consumption of food; old, decayed, or spoiled food; dead animal litter; or any other organic refuse of any source.

Subd. 34. Governing Body. "Governing body" means, in the case of the LMCD, its Board of Directors and, in the case of other governmental subdivisions, the council, board, or other body charged with general responsibility for management and control of the governmental subdivision.

Subd. 35. Government Service Watercraft. "Government service watercraft" means a watercraft owned and operated exclusively by a federal, state, or local government unit or agency and is used exclusively for law enforcement, firefighting, rescue, environmental studies, or maintenance of the Lake or the devices which serves as aids to navigation.

Subd. 36. High Water. "High water" means the period during which a high water declaration has been made as provided in Section 10-1.03 and has not been terminated.

Subd. 37. Horsepower. "Horsepower" means the power rating established for a motor by the manufacturers thereof or, if no rating is so established, then the rating established by the DNR Commissioner.

Subd. 38. Industrial Waste. "Industrial waste" means any liquid, gaseous, or solid waste substance resulting from any process of industry, manufacturing, trade or business, or from the development of any natural resource.

Subd. 39. Issuing Authority. "Issuing authority" means the body, officer, or person authorized to issue an approval under this Code. Specifically, the term means the Executive Director for approvals issued administratively under this Code, the Board for approvals requiring a final decision by the Board under this Code, or the Sheriff with respect to special event permits if so designated by the Board.

Subd. 40. Lake. "Lake" means Lake Minnetonka and all the parts, bays, and channels thereof. The term does not include the area of public drainage ditches or watercourses connected to Lake Minnetonka.

Subd. 41. Launching Ramp. "Launching ramp" means any ramp, deck, roadway, crane, tracks, slides, or any other similar device or location used for launching boats or watercraft from

the shore into the Lake, other than those located at residential sites and used solely for launching boats or watercraft owned by residents of that site or to be stored or moored at that site.

Subd. 42. Length Overall. "Length overall" means the horizontal measurement from the foremost to the aftermost points of the watercraft, including all equipment and attachments in their normal operating positions.

Subd. 43. Licensed Watercraft. "Licensed watercraft" means a watercraft for hire issued a certificate of registration from the LMCD. In the context of an adult cabaret or exotic dancing, it is a watercraft for hire that has been licensed under this Code to provide such performances.

Subd. 44. Limited Off-Lake Storage Areas. "Limited off-lake storage areas" mean those areas of the Lake on a map adopted and approved by resolution by a majority vote of all the Board and on file in the offices of the LMCD in which it has been determined that either:

(a) Lake use density exceeds one watercraft in use for each 20 acres of water at peak usage periods; or

(b) Twenty percent or more of the watercraft stored in the area are customarily used in parts of the Lake where Lake-use density exceeds one watercraft in use for each 20 acres of water during peak usage periods.

Subd. 45. Living Quarter. "Living quarter" means a facility or place where people dwell permanently, seasonally, for more than 10 successive days, or for a total of more than 30 days in any calendar year.

Subd. 46. LMCD. "LMCD" means the Lake Minnetonka Conservation District.

Subd. 47. LMCD Equipment. "LMCD equipment" means maintenance equipment such as, but not limited to, barges, weed harvesting machines, and lake dredging machines operated by the LMCD or by an LMCD contractor to provide maintenance activities on the Lake.

Subd. 48. Logo. "Logo" means any identifying graphic, whether or not it is a registered trademark.

Subd. 49. Minimum Wake. "Minimum wake" means the wave moving out from a watercraft and trailing behind it in a widening "V" of insufficient size to affect other watercraft or be detrimental to the shoreline.

Subd. 50. Mooring. "Mooring" means any buoy, post, structure, or other device at which a watercraft may be moored and which is surrounded by navigable water.

Subd. 51. Mooring Area. "Mooring area" means a mooring area constructed or maintained for the mooring of five or more restricted watercraft.

Subd. 52. Motorboat. "Motorboat" means any watercraft propelled in any respect by machinery including, but not limited to, watercraft temporarily equipped with detachable motors.

Subd. 53. Multiple Dock. "Multiple dock" means any dock constructed or maintained for the storage of five or more restricted watercraft.

Subd. 54. Multiple Dwelling Facilities. "Multiple dwelling facilities" mean facilities leased or otherwise made available in conjunction with the leasing of apartments or other dwellings for residential use. Multiple dwelling facilities are residential structures included in, and regulated under, residential uses.

Subd. 55. Municipal Emergency Services Dock. "Municipal emergency services dock" means a dock owned and operated by a municipality that is adjacent to public land and is used exclusively for the storage of no more than four emergency response watercraft that are owned by the municipality.

Subd. 56. Municipal Multiple Dock. "Municipal multiple dock" means a multiple dock owned, operated, or licensed by a municipality, the county, or a state agency and under its control.

Subd. 57. Municipal Single Dock. "Municipal single dock" means a single dock owned, operated, or licensed by a municipality, the county, or a state agency and under its control.

Subd. 58. Municipal Use. "Municipal use" is, unless specifically noted otherwise, a general reference to a municipality, the county, or state agency eligible to apply for a license for a municipal structure.

Subd. 59. Municipality. "Municipality" means a city named in Minnesota Statutes, section 103B.601, which are limited to those that have municipal boundaries abutting the Lake.

Subd. 60. National Geodetic Vertical Datum or NGVD. "National geodetic vertical datum" or "NGVD" means the Sea Level Datum on 1929 that is named the National Geodetic Vertical Datum on 1929. References to NGVD are to the indicated elevation of the Lake in feet according to the vertical control datum in the United States by the general adjustment on 1929.

Subd. 61. Nighttime. "Nighttime" means at any hour that is not defined as "daytime," or at any time when due to weather or other conditions there is not sufficient light to render clearly discernible persons and watercraft at a distance of 500 feet.

Subd. 62. Nonconforming Structures. "Non-conforming structures" mean docks, mooring areas, and other structures, including seasonal structures, which were legal structures immediately prior to the effective date of an ordinance with which the structures do not conform, and which are permitted to continue by the terms of such ordinances subject to limitations or restrictions contained therein.

Subd. 63. Non-Encased Molded Expanded Bead Polystyrene Foam Material. "Non-encased molded expanded bead polystyrene foam material" means any brand of expanded

polystyrene beads molded into a block, sheet, billet or other shape which is not completely encased in a fully sealed casing, coating or container the life of which will at least equal the time the water structure is intended for use in Lake Minnetonka. Such casing, coating or container must be capable of withstanding action by ice or other elements, animals and normal activity by users so that disintegration of the molded shapes into smaller chunks or individual beads is prevented.

Subd. 64. Off-Lake Storage Facilities. "Off-lake storage facilities" means any dock, mooring area, or launching ramp used by a commercial use in conjunction with the storage of restricted watercraft off the water of Lake Minnetonka.

Subd. 65. Operate. "Operate" means, in the case of watercraft, to navigate or otherwise use a watercraft; in the case of snowmobiles, to ride in or on and control the operation of a snowmobile; and in the case of other craft and vehicles, to drive and be in effective control of such craft or vehicle.

Subd. 66. Operator. "Operator" means a person who operates or has charge of the navigation or use of a watercraft or of any other craft or vehicle.

Subd. 67. Other Waste. "Other waste" means any refuse, organic or inorganic, wood, oil, tar, or chemicals, and any other substance or material of any kind whatsoever which is or may be an aquatic nutrient source.

Subd. 68. Outlot Association Facilities. "Outlot association facilities" means facilities owned or operated by a homeowners association, outlot association, or other similar organization whose membership is restricted to, or comprised in major part of, owners of specified real property. Outlot association facilities also include any facilities that provide to owners of specified real property any priority, preference, or advantage over the general public in renting, purchasing, or otherwise securing boat storage rights. In the case of facilities at riparian property that is owned or controlled in whole or in part by an outlot association, any policy or practice that allows the subletting, assignment, or other transfer of dock storage rights from one lessee to another shall be deemed a priority, preference, or advantage for specified real property. Also, in the cases of facilities at riparian property that is owned or controlled in whole or in part by an outlot association, any characteristic of the facility or any policies or practices of the owners or operators that tend to discourage the general public from renting boat storage space at the facility, or make the facility less desirable to the general public than commercial marinas providing a full range of services and facilities, may be deemed a priority, preference or advantage for specified non-riparian real property if a majority of slips are rented to owners of such property. The term includes homeowners associations, condominium associations, and any similar organization whose membership is restricted to, or comprised in major part of, owners of specified real property. Outlot association facilities are residential structures included in, and regulated under, residential associations.

Subd. 69. Owner. "Owner" in the case of personal property means a person, other than a lien holder, having the property interest in or title to such property. The term includes a person entitled to the use or possession of such property, subject to an interest of another person, reserved or created by agreement and securing payment or performance of any obligation, but the term

excludes a lessee under a lease not intended as security. In the case of real property, the term "owner" means the fee owner of land or the beneficial owner of land whose interest is primarily one of possession and enjoyment in contemplation of ultimate ownership. The term includes, but is not limited to, vendees under a contract for deed and mortgagors.

Subd. 70. Patron. "Patron" means a customer on a licensed watercraft.

Subd. 71. Permanent Dock. "Permanent dock" means any dock which is not a seasonal dock.

Subd. 72. Person. "Person" means an individual, firm, partnership, association, or corporation. The term may extend and be applied to bodies corporate and politic, and to partnerships and other unincorporated associations.

Subd. 73. Personal Watercraft. "Personal watercraft" means a watercraft less than 14 feet in length which uses a motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on, rather than the conventional manner of sitting or standing inside, the watercraft.

Subd. 74. Pollution. "Pollution" means the contamination of the waters of the LMCD so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial or recreational use or to livestock, wild animals, birds, fish, or other aquatic life.

Subd. 75. Practical Difficulties. "Practical difficulties" mean one or more unique conditions of a property that prevent the property owner from using the Lake in a reasonable manner permitted by the Code and that serve as a basis for the property owner to request a variance from the strict application of the provisions of the Code. Practical difficulties only exist with respect to a particular property if the conditions preventing the proposed reasonable use of the property are unique to the property, were not created by the property owner, and are not based solely on economic considerations. While this definition is similar to the definition of practical difficulties used for the purposes of issuing a municipal zoning variance under Minnesota Statutes, section 462.357, subdivision 6, this definition exists independently from that statute and is to be interpreted by the Board in the context of this Code without being bound by how municipalities interpret and apply the definition in a zoning context.

Subd. 76. Principal Structure. "Principal structure" means the main walkway portion of a dock.

Subd. 77. Prohibited Drug. "Prohibited drug" means any of those substances designated as controlled substances pursuant to Minnesota Statutes, chapter 152, whether prescribed or unprescribed.

Subd. 78. Qualified Commercial Marina. "Qualified commercial marina" means a privately owned, revenue-producing business that rents storage space at one facility for 13 or more

watercraft on the Lake. A facility does not qualify as a qualified commercial marina unless all rented boat storage units on the Lake are freely available to members of the public without requiring membership in any organization and without providing any priority or preference to members of any organization. Except as allowed in paragraphs (a) and (b) below, a facility does not qualify as a qualified commercial marina if any part of the facility meets the definition of any of the following classifications of use: club facilities; municipal facilities; outlot association facilities; residential association facilities; or residential multiple dock. Additional boat storage units may be used for purposes other than rental to the general public, subject to the following limitations:

(a) No more than 20 percent of all boat storage units at the facility may be used for any combination of the following uses: watercraft held for sale by the marina owner; watercraft being repaired by the marina owner; rental watercraft; emergency storage of a disabled watercraft for up to three business days; or boat storage units made available under a priority or preference to owners of specified real property under real estate interests created prior to 1995; and

(b) No more than the number of boat storage units rented to the general public may be used for any combination of the following uses: transient use; storage of commercial or governmental lake maintenance watercraft; or storage of governmental watercraft for emergency response or law enforcement uses.

Subd. 79. Qualified Commercial Uses. "Qualified commercial use" is, unless specifically noted otherwise, a general reference to qualified commercial marinas, qualified sailing schools, and qualified yacht clubs.

Subd. 80. Qualified Sailing School. "Qualified sailing school" means a corporation qualified under Internal Revenue Code Section 501(c)(3) that is created to educate and train for the sport of sailing and that is the sole occupant of the licensed Site or occupies the site with a qualified yacht club.

Subd. 81. Qualified Yacht Club. "Qualified yacht club" means a non-profit corporation, owned by its members, volunteer-driven, created to further the sport of sailing, with at least 25 boat storage units at its licensed site, and that is the sole occupant of the licensed site or occupies the site with a qualified sailing school.

Subd. 82. Residential Association. "Residential association" means a homeowners' association, apartment complex, tenant association, common interest community association, condominium association, outlot association, or similar type of organization that cooperatively own, operate, or control riparian property for use primarily by its members or residents.

Subd. 83. Residential Multiple Dock. "Residential multiple dock" means a multiple dock constructed or maintained at a single-family residence for the private use of the residents of the dwelling on the property.

Subd. 84. Residential Permanent Dock. "Residential permanent dock" means a permanent dock constructed or maintained at a single-family residential property for the private use of the residents of the dwelling on the property.

Subd. 85. Residential Single Dock. "Residential single dock" means a single dock constructed or maintained at a single-family residential property for the private use of the residents of the dwelling on the property.

Subd. 86. Restricted Watercraft. "Restricted watercraft" means any boat or vessel for use on or stored on the public waters on the Lake, except for unrestricted watercraft.

Subd. 87. Roof. "Roof" means a permanent dock cover.

Subd. 88. Rubbish. "Rubbish" means any trash, refuse, or waste material of any kind and old automobiles or machinery or parts thereof.

Subd. 89. Rules of the Road. "Rules of the road" mean the regulations contained in Minnesota Rules, part 6110.1200.

Subd. 90. Season or Boating Season. "Season" or "boating season" means the period between April 15 and October 15 of any year.

Subd. 91. Seasonal Dock. "Seasonal dock" means any dock which is so designed and constructed that it may be removed from the Lake on a seasonal basis. All components such as supports, decking, and footings must be capable of removal by manual means without use of power equipment, machines, or tools other than handheld power tools.

Subd. 92. Secondary Structure. "Secondary structure" means ancillary components of a dock that are affixed to or adjacent to the principal structure. The term includes slip structures, dolphin poles, and similar structures.

Subd. 93. Service Facility. "Service facility" means those facilities or parts of facilities that are designated on an approved dock plan for service use or as service slips. Service facilities are considered commercial accessory structures and include fuel service facilities and service consoles and shelters.

Subd. 94. Sewage. "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.

Subd. 95. Sexual Activities. "Sexual activities" mean activities consisting of any of the following:

(a) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, direct physical stimulation of clothed or unclothed genitals, actual or simulated masturbation;

(b) Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence;

(c) Fondling or touching of nude human genitals, pubic region, buttocks, or female breasts; or

(d) Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons.

Subd. 96. Sheriff. "Sheriff" means the Sheriff of Hennepin County or the Sheriff's authorized agents.

Subd. 97. Shoreline. "Shoreline" means the line of contact of the body of water in the Lake with the shore.

Subd. 98. Shore Zone. "Shore zone" means that area of the ice of the Lake within 150 feet of the shoreline.

Subd. 99. Sign. "Sign" means any writing, pictorial presentation, number, illustration or decoration, flag, banner or other device that is used to announce, direct attention to, identify, advertise, or otherwise make anything known.

Subd. 100. Single Dock. "Single dock" means a dock constructed or maintained for storage of four or fewer restricted watercraft.

Subd. 101. Site. "Site" means any shoreline lot, parcel, or other piece of property legally subdivided and recorded in the office of the county recorder. Parcels combined into a single county parcel identification number are considered a single site for the purposes of this Code.

Subd. 102. Slip or Slip Structure. "Slip" or "slip structure" means a structure designed solely to secure a watercraft for the purpose of protecting it from damage from sun, wind, storm, or rain. The term does not include boat houses, decks, roofs, or similar structures.

Subd. 103. Snowmobile. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice or on natural terrain steered by wheels, skis, or runners.

Subd. 104. Special Event. "Special event" means any act or activity on the Lake which will involve:

(a) The placing of any structures or buoys in the Lake other than in authorized dock use area or mooring areas, or as authorized by permit issued pursuant to Section 6-5.07;

(b) The assistance of the Sheriff's Water Patrol or other law enforcement authority for its safe execution;

(c) The blocking off of a portion of the Lake from general public use or the substantial impairment of the ability of the general public to simultaneously use that portion of the Lake;

(d) Exceeding lawful speed limits or violating the "rules of the road;"

(e) A competition, contest, exhibition, race, tournament, regatta, show, parade, or other organized or scheduled event;

(f) Product marketing events at which demonstrations or contests are held, products are distributed to the public, or where signs, banners, or other displays of corporate sponsorship are displayed;

(g) Winter events including, but not limited to, snowmobile or other motorized vehicle races, contests, parades, or competitions, or product marketing events as described in paragraph (f) above; or

(h) Any event that is reasonably anticipated to obstruct the free flow of traffic of a portion of the Lake, either by the use of temporary structures placed upon the Lake or the use of watercraft or other vehicles in a coordinated manner.

This definition does not include events deemed by the Executive Director to be transitory in nature, based on either their scope or length, or both, and that are not likely to cause an obstruction to traffic upon the Lake.

Subd. 105. Specified Real Property. "Specified real property" means the site associated with a particular facility.

Subd. 106. State. "State" means the State of Minnesota.

Subd. 107. Storage Boat. "Storage boat" means any watercraft which is used to store, carry, or house a stored boat unless:

(a) The use of the Stored Boats is clearly incidental to the use of the storage boat as an operating watercraft; and

(b) All stored boats are either:

(1) Inflatable watercraft which are deflated, or

(2) Kept or maintained on or above decks, suspended from external davits or on an external stern platform and are either less than thirty 33 percent of the length of the storage boat, or less than 18 feet in length, whichever is less.

Subd. 108. Stored Boat. "Stored boat" means any watercraft stored, kept, or maintained on, under, or suspended from another watercraft.

Subd. 109. Structure. "Structure" is, unless the context in which it is used clearly indicates a different meaning, a general reference to docks, accessory structures, and other structures allowed by this Code.

Subd. 110. Transient Facilities. "Transient facilities" means those facilities or parts of facilities that are licensed for the temporary docking of watercraft, but not including the docking of watercraft overnight.

Subd. 111. Underage Person. "Underage person" means any individual under 21 years of age.

Subd. 112. Underway or In Use. "Underway" or "in use" applies to any watercraft in operation or use when not securely fastened to a dock or other permanent mooring.

Subd. 113. Unrestricted Watercraft. "Unrestricted watercraft" means any boat or vessel for use on or stored on the public waters of the Lake that is:

(a) Sixteen feet or less in length and has no motor;

(b) Sixteen feet or less in length and has a motor of 10 horsepower or less, as rated by the manufacturer at the time of manufacture, whether or not the motor is operational; or

(c) Twenty feet or less in length and has no motor, and that is propelled solely by human power.

Subd. 114. Vehicle or Motorized Vehicle. "Vehicle" or "motorized vehicle" means any vehicle that is self-propelled. The term includes, but is not limited to, motor vehicles, snowmobiles, aircraft, and all-terrain vehicles as defined in Minnesota Statutes, section 84.92, subdivision 8.

Subd. 115. Watercraft. "Watercraft" means any vessel, boat, canoe, raft, barge, sailboard, or any similar device used or useable for carrying and transporting persons on the Lake.

Subd. 116. Watercraft Density Classification Criteria. "Watercraft density classification criteria" means the standards and guidelines adopted by the LMCD establishing classifications for degrees of boat storage and use in various parts of the Lake.

Subd. 117. Watercraft for Hire. "Watercraft for hire" means a watercraft carrying passengers for hire on the Lake.

Subd. 118. Watercraft License. "Watercraft license" means the authorized document used to designate the numbers assigned a watercraft.

Subd. 119. Waters of the LMCD. "Waters of the LMCD" means Lake Minnetonka, all other lakes, all streams, ponds, marshes, watercourses, waterways, well, springs, reservoirs, aquifers, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained in or flow into the Lake Minnetonka Conservation District, or any part thereof. The term does not include the area of public drainage ditches or watercourses connected to the Lake.

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CHAPTER 1
PURPOSE AND FINDINGS

2-1.01. Purpose. The purpose of this Article is to set out the general provisions regulating the use of the Lake including, but not limited to, the placement and maintenance of structures within the Lake. As part of regulating use of the Lake, the LMCD has identified the specific portion of the Lake adjacent to riparian properties that may be used to place structures, which is called the authorized dock use area. In addition to placing limitations on the structures themselves, the LMCD also imposes limitations on the number (density) of restricted watercraft that may be stored at a dock, which is referred to as boat storage units and is generally based on the amount of shoreland at a site. The regulations in this Article, together with the other regulations within this

Code, are intended to further the purposes, goals, and policies identified in Section 1-1.01 of this Code.

2-1.03. <u>Findings</u>. The Board finds and determines as follows:

(a) Increasing population and development pressure is occurring and is likely to continue in the future;

(b) Such pressures increase the storage of watercraft on the public waters of the Lake;

(c) There is a relationship between watercraft storage on the Lake and the intensity of watercraft usage; and

(d) The intensity of watercraft use and storage on the public waters of the Lake has the effect of diminishing the aesthetic and recreational qualities of the Lake, increasing congestion along the shoreline, endangering the safety of users of the Lake, reducing the total area of lake surface available for public use, adversely affecting wildlife and its habitat on the Lake and along the Lake shore, and polluting the Lake and its shore.

CHAPTER 2
GENERAL REQUIREMENTS REGARDING STRUCTURES

2-2.01. Placement. No structure shall be constructed, built, or placed on the Lake, or reconstructed once placed, except in conformance with the requirements of this Code and after obtaining all approvals that may be required from the LMCD and any other governmental entity.

2-2.03. Construction and Maintenance Standards.

Subd. 1. Compliance. The construction of structures on the Lake must comply with the requirements and limitations established in this Code and all other applicable federal, state, and local laws, rules, regulations, and ordinances.

Subd. 2. Zoning. The commercial, municipal, or residential use of the premises associated with a structure shall comply with all applicable municipal zoning, parking, and other land use regulations.

Subd. 3. Lighting of Commercial Structures. Commercial structures shall be suitably and adequately lighted in accordance with LMCD regulations. No oscillating, rotating, flashing or moving sign or light may be used on any dock. Dock lighting shall not be directed toward the Lake in such a manner that it impairs the vision of or confuses operators of watercraft. No lighting in the area of the Lake shall be installed or directed so as to affect adjoining dock use areas or create a hazard to navigation.

Subd. 4. Maintenance. Structures on the Lake shall be maintained in a structurally safe condition and shall be maintained in a neat, clean, and orderly condition at all times.

2-2.05. Alteration of Structures. In addition to the restrictions on the conversion of a use to another use, no structure requiring a license under this Code shall be altered, reconstructed, or reconfigured to increase slip size without first securing a new license therefor pursuant to Article 6, Chapter 2 and, if required, a special density license pursuant to Section 6-2.13. If the structure to be altered is a nonconforming commercial structure, it may be reconfigured or a minor change made to it as provided in Sections 6-2.17 and 6-2.19.

CHAPTER 3
AUTHORIZED DOCK USE AREA

2-3.01. Authorized Dock Use Area Regulations.

Subd. 1. Uses Outside of Dock Use Area. No person shall use any area of the Lake outside an authorized dock use area for docks, moorings, watercraft storage, swimming floats, ski jump storage, or diving towers, unless such use is specifically permitted under the provisions of this Code.

Subd. 2. Uses Within Dock Use Area. No person shall use any area of the Lake within any authorized dock use area for docks, moorings, watercraft storage, swimming floats, ski jump storage, or diving towers without the consent of the riparian owner.

Subd. 3. Discarded Watercraft. No person who is in charge or control of any property on the Lake, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any sunken, wrecked, junked, or discarded watercraft to remain within any authorized dock use area for a period of longer than one week. This limitation shall not apply to watercraft within the authorized dock use area of a commercial establishment engaged in the business of repairing and rehabilitating watercraft while so engaged with regard to such watercraft.

2-3.03. Determination of Authorized Dock Use Area.

Subd. 1. Generally. The dimensions of an authorized dock use area for sites bordering the Lake are determined in accordance with this Section. The authorized dock use area shall be measured from the point which forms the shoreline when the Lake is at elevation 929.4, National Geodetic Vertical Datum of 1929 ("NGVD"). The authorized dock use area includes the area on, under, and over the surface of the Lake.

Subd. 2. Length. The length of the authorized dock use area is measured on a line parallel to the site side lines as extended into the Lake and is limited as provided in this subdivision.

(a) General Limit. The length of an authorized dock use area extends into the Lake a distance equal to the length of shoreline frontage of the site as measured at right angles to the side site lines as extended into the Lake. The total length of the authorized dock use area shall not extend beyond 100 feet, even if the site has more than 100 feet of shoreline frontage, unless otherwise specifically provided in this Section.

(b) Commercial Structures – August 30, 1978. The authorized dock use area for sites with commercial uses that have a commercial structure that was in existence on August 30, 1978 shall extend into the Lake a distance of 200 feet. The lakeward extension of the authorized dock use area more than 100 feet from the shoreline shall be limited to the distance from shore of the docks in existence on said date

and that portion of said docks more than 100 feet from the shoreline may not be altered or expanded.

(c) Qualified Commercial Uses. The authorized dock use area for qualified commercial marinas, qualified sailing school, and qualified yacht clubs extends into the Lake a distance of 200 feet.

(d) Existing Site – February 5, 1970. The authorized dock use area for a site in existence on February 5, 1970 shall be determined as follows:

(1) Over 40 feet of Frontage. If the site has a Lake frontage of 40 feet or more, but less than 60 feet, the authorized dock use area extends into the Lake a distance of 60 feet.

(2) Under 40 feet of Frontage. If the site has a Lake frontage of less than 40 feet, the authorized dock use area extends into the Lake to the point necessary to reach a water depth of four feet, measured from 929.4 NGVD, except that no such dock shall be located or extended more than 60 feet into the Lake. Side setbacks requirements shall be observed unless the Board issues a setback variance under Section 6-5.01.

(e) Public Safety Docks. The authorized dock use area for dock facilities owned and operated by state agencies, Hennepin County, the LMCD, or municipalities bordering on the Lake and used exclusively for law enforcement, public safety, or LMCD purposes extends into the Lake a distance of 125 feet.

Subd. 3. Width. The width of an authorized dock use area is determined in accordance with the provisions of this subdivision.

(a) Setbacks. The width of an authorized dock use area is limited by the following setbacks, which are measured from the side site lines as extended in the Lake:

For that portion of the length of the authorized dock use area which extends from the shore:	The setback from the side site line as extended in the Lake shall be:
Zero to 50 feet	10 feet
50 to 100 feet	15 feet
100 to 200 feet	20 feet

Where boat slips open toward a side site line, the setback provided shall be at least equal to the slip depth, but shall not be less than 20 feet.

(b) Setbacks Doubled. Setbacks shall be doubled for all multiple docks or mooring areas and commercial single docks on each side where such structures are not

located adjacent to another multiple dock, mooring area, or commercial single docks.

(1) Exception – May 3, 1978. Multiple docks, mooring areas, and commercial single docks in existence on May 3, 1978 shall be considered nonconforming structures and shall not be subject to setback doubling if such structures are not expanded. The reconfiguration of the structure pursuant to Article 2, Chapter 8 shall not be considered an expansion.

(c) Sites with 50 feet of Width or Less – February 2, 1970. If a site in existence on February 2, 1970 has an authorized dock use area with a width of 50 feet or less, the authorized dock use area may be expanded to a side setback limitation of five feet, provided that such setback in no way impairs access to neighboring docks.

(d) Canopies. Canopies must be setback from side site lines a minimum distance of 20 feet.

2-3.05. Setback Adjustments.

Subd. 1. Setback Adjustments and Common Use of Adjacent Dock Use Areas. Two or more adjoining site owners may by mutual agreement adjust the side setback requirements between such adjoining sites or may use their combined authorized dock use areas for a single common dock or mooring area subject to the conditions of this Section.

(a) Limitations. Adjustment of side setback requirements is permitted subject to the following limitations:

(1) Adjustment is only permitted:

(i) Between or among owners of two or more non-commercial docks for the private non-commercial use of the site owners; or

(ii) Between an owner of a municipal dock and an owner of a multiple dock;

(2) Owners must observe side setbacks at the outer site lines of such adjoining sites;

(3) Setbacks may not be adjusted if the effect is to increase the authorized dock use area of a site used for a structure or for watercraft storage which is not in compliance with the special density license provisions; and

(4) Separation between docks on such adjacent sites must be no less than the following:

For the Portion of the Length of the Dock which Extends from the Shore:	The Minimum Separations is:
Zero to 50 feet	20 feet
50 to 100 feet	30 feet
100 to 200 feet	40 feet

Subd. 2. Common Dock or Mooring Area. Use of one or more sites for a single common dock or mooring area is permitted subject to the following limitations:

(a) Combination is only permitted between or among owners of two or more non-commercial docks for the private non-commercial use of the site owners;

(b) Only one dock structure may be constructed on the combined dock use areas; and

(c) No more restricted watercraft may be stored by any owner of a combined dock facility than would be permitted at that owner's site.

Subd. 3. Adjustment of Adjoining Sites by Mutual Consent. Side setbacks and dock use areas between two or more adjoining sites may be adjusted by mutual consent of the site owners subject to the following conditions:

(a) Adjustment is only permitted:

(1) Between or among owners of two or more non-commercial docks for the private non-commercial use of the site owners; or

(2) Between an owner of a municipal dock and an owner of a private non-commercial dock;

(b) Owners must observe side setbacks at the outer site lines of such adjoining sites;

(c) Consent to the adjustment is revocable by any party to the agreement at any time. In any case in which any structure in the dock use areas of any of the adjacent sites requires a license under this Code, each annual license application must include a written consent of the owners of all affected sites; and

(d) No more watercraft may be stored at the adjacent sites affected by the adjustment than the sum of the number of watercraft which would be allowed at each site if there were no such adjustment.

Subd. 4. Adjustment between Commercial Multiple Dock Site and Residential Sites. Notwithstanding anything to the contrary in this Code, the Board may approve, as part of a new commercial multiple dock license, adjustments to side setbacks and dock use areas between a commercial multiple dock site and one or more adjoining residential (noncommercial) sites that are under common ownership as provided in this subdivision.

(a) Conditions. Adjustments to the side setbacks may be allowed if all of the following conditions are met:

(1) Side setbacks at the outer site lines of such adjoining sites are maintained;

(2) The residential site may maintain dockage and watercraft density as allowed by the Code; however, no more watercraft may be stored at the commercial multiple dock or at the adjacent residential site as a result of the adjustment that is otherwise allowed by the Code;

(3) The property ownership is verified and the setback adjustment is indicated on each license application submittal; and

(4) If the ownership of the properties change so that they are no longer under common ownership, the dock use area must be reconfigured to meet the setbacks required in this Chapter.

(b) Shoreline Measurements. Shoreline measurement, for the purpose of calculating watercraft density, may be transferred from an adjoining residential (noncommercial) site to a commercial multiple dock site if all of the following conditions are met:

(1) Dock structures, watercraft, or similar may extend up to, but not across, the extended property line between the different properties;

(2) No docking, mooring, or storage of watercraft shall occur on the residential property;

(3) The residential property has a minimum 50 feet of shoreline;

(4) The property ownership is verified and the setback adjustment is indicated on each license application submittal; and

(5) If the ownership of the properties changes so that they are no longer under common ownership, the dock use area must be reconfigured to meet the setbacks required in this Chapter.

2-3.07. Low Water Dock Extensions.

Subd. 1. Residential Structures. When the Board has declared low water conditions in accordance with Section 10-2.01, an owner of a residential dock may temporarily extend the dock without a permit from the LMCD, provided such extension complies with Section 10-2.03.

Subd. 2. Commercial Structures. When the Board has declared low water conditions in accordance with Section 10-2.01, an owner of a commercial structure may apply for a temporary

low water dock extension permit as provided in Sections 6-5.05 and 10-2.05. This Code also provides for the issuance of temporary low water variances under Section 6-5.01, subdivision 9 for multiple docks and mooring areas.

CHAPTER 4
WATERCRAFT DENSITY AND SHORELINE REQUIREMENTS

2-4.01. Restriction. The number of restricted watercraft that may lawfully be stored at a dock or mooring area shall be determined in accordance with this Chapter. The length of the shoreline of a site is the primary factor in determining the number of allowed restricted watercraft, but there are various special rules that may apply to a particular site that may increase the number restricted watercraft allowed to be stored at the site. No docks or mooring areas shall be constructed, established, or maintained that provide space for, or are used for, mooring or docking a greater number of restricted watercraft than are allowed by this Chapter.

2-4.03. Shoreline Calculation. The shoreline of a site for the purposes of calculating restricted watercraft density shall be measured as provided in this subdivision.

Subd. 1. Measurement. The shoreline of a site is calculated based on a straight line extended between the two end points of the site boundaries located at elevation 929.4 NGVD.

Subd. 2. Special Rule for Shoreline Calculation for Multiple Docks. In any case in which the measured shoreline at a site exceeds the distance, measured on a straight line, between the two end points of the shoreline at the site, the Board may adjust the length of shoreline for which credit is given for purposes of computing the number of restricted watercraft at the site as follows:

(a) Shoreline will not be adjusted to a length shorter than the straight line distance between the end points of the shoreline;

(b) Shoreline will be adjusted only for sites requiring a multiple dock license;

(c) Shoreline will not be adjusted at any site for any dock facility that was in existence on September 17, 1999, unless the number of boat storage units is increased at the site; and

(d) The Board will make adjustments to shoreline at the time of issuance of new multiple dock licenses. Adjustments may be made when the Board concludes that the amount of shoreline measured at elevation 929.4 NGVD is not fairly representative of the amount of shoreline that is reasonably useable for the construction and maintenance of docks at the site due to such features as narrow inlets, small coves, highly sinuous shoreline configuration, large areas of the shoreline covered by emergent vegetation or a great difference between the length of measured shoreline and the distance measured along the edge of emergent vegetation between the extended lot lines of the site. Shoreline adjustments shall be made so as to approximate the number of restricted watercraft and impacts resulting from mooring or docking of watercraft to that of other sites with comparable useable dockage space that do not have the same characteristics of unusual topography, shoreline configuration, or vegetation.

2-4.05. General Density Rule.

Subd. 1. How Density is Determined. The number of restricted watercraft that may be stored at a site, which is referred to herein as restricted watercraft density, shall be determined in accordance with this Section and any applicable special density rules set out in Section 2-4.09. The restricted watercraft density for a site may be increased if a special density license is issued as provided in Section 2-4.11. For purposes of this Chapter, a site is considered to be used for mooring or docking more than the permitted number of restricted watercraft if a greater number of restricted watercraft than are allowed by this Chapter are moored, docked, anchored, or secured at the site, for any period of time, on three or more calendar days in any 14-day period.

Subd. 2. General Density Rule. A site is allowed one restricted watercraft density for each 50 feet of continuous shoreline. If the site has continuous shoreline greater than 100 feet and the shoreline measurement would result in the allowance of a fractional restricted watercraft density, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall be counted as one additional restricted watercraft density.

Subd. 3. Compliance with Density. No docks or mooring areas shall be constructed, established or maintained that provide space for, or are used for, mooring or docking a greater number of restricted watercraft than is allowed under this Section unless authorized to do so by special density license issued in accordance with Sections 2-4.11 and 6-2.13.

2-4.07. Qualified Commercial Uses.

Subd. 1. General Rule – May 3, 1978. Up to one restricted watercraft may be moored or docked at a qualified commercial use on any site for each 10 feet of continuous shoreline in existence on May 3, 1978. When calculation of the number of restricted watercraft allowed results in a fractional restricted watercraft, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be counted as one additional watercraft.

Subd. 2. Qualified Sailing Schools and Qualified Yacht Clubs. Watercraft that are 20 feet or less in hull length, have no motor, and are stored on land are not counted for density purposes under this Section.

Subd. 3. Qualified Sailing Schools. Motorized watercraft stored at a qualified sailing school site or on the adjacent site of a qualified yacht club are not counted for density purposes under this Section, provided:

(a) The overall length of the watercraft is 20 feet or less;

(b) The horsepower of the motor on the watercraft is 90 horsepower or less;

(c) Sailboats stored at the qualified sailing school site and used exclusively for students at the sailing school that are registered with the LMCD shall be declared student sailboats and there is no more than one such motorized watercraft for each six registered student sailboats;

(d) All such motorized watercraft are stored on land or over the land on a slide or ramp; and

(e) The motorized watercraft is used by the qualified sailing school exclusively for safety, education, and coaching or managing sailboat races.

2-4.09. Special Density Rules. The number of restricted watercraft stored at a site under the general density rules may be increased as provided in this Section. With respect to residential sites, the homestead or non-homestead status of property for ad valorem real estate tax purposes has no bearing on or application to this Section.

Subd. 1. Additional Watercraft Density. Unless a greater number is authorized under this Section, up to four restricted watercraft may be moored or docked at a dock or mooring area located on any site if all of the conditions of this subdivision are met.

(a) There must be one, and no more than one, single-family residential structure on the site. If there is no residential structure on a site, any one off-lake lot, parcel, or other piece of property may be designated to be a part of one site by the owner for purposes of this subdivision if it:

(1) Is legally subdivided and recorded in the office of the County Recorder;

(2) Adjoins the site or is separated from the site only by a public right-of-way;

(3) Is under common ownership and unified use with the site; and

(4) Is occupied by one single-family residential structure.

(b) The dockage rights at the site are owned exclusively by the owners of the lot parcel or other piece of property on which the residential structure referred to in paragraph (a) of this subdivision is located.

(c) All of the restricted watercraft moored or docked at a dock or mooring at the site must be owned by and registered to persons who live in the one residential structure referred to in paragraph (a) of this subdivision.

Subd. 2. Sites in Existence on August 30, 1978. Unless a greater number is authorized by the provisions of this Section, up to two restricted watercraft may be moored or docked at any dock or mooring facility that is located on a site that was in existence on August 30, 1978.

Subd. 3. Non-Conforming Docks and Mooring Areas in Existence on May 3, 1978. Docks and mooring areas lawfully in existence on May 3, 1978, may continue provided the number of restricted watercraft moored or docked at such docks and mooring areas does not exceed the number moored or docked on May 3, 1978. No such docks or moorings may be maintained without first securing the required license or permit under Article 6.

Subd. 4. Sites with Non-Continuous Shoreline.

(a) Non-Continuous Shoreline of Dock Use Areas in Close Proximity. The Board may authorize shoreline from one or more sites (the "transferor sites") to be counted as part of another site (the "transferee site") for the purpose of computing permissible restricted watercraft density. Applications for permission to transfer boat density shall be made in accordance with the applicable procedures set out in Article 6 and shall be processed as a part of the applicant's commercial single dock license application. No such permission to transfer boat density shall be granted by the Board unless all of the criteria for issuing the underlying commercial single dock license are satisfied and the following additional conditions are met:

(1) The dock use areas of each transferor site and the transferee site may be no more than 300 feet apart;

(2) The credit for boat density transferred from any transferor site may not exceed one restricted watercraft for each 100 feet of shoreline of the transferor site (with fractional watercraft counted in accordance with the general density rule in Section 2-4.05, subdivision 2);

(3) The total number of restricted watercraft moored or docked at the transferee site may not exceed one restricted watercraft for each 25 feet of shoreline of the transferee site (with fractional watercraft counted in accordance with the general density rule in Section 2-4.05, subdivision 2);

(4) No variances, other than temporary low water variances, may be granted for construction of docks at the transferee site; and

(5) As long as the transferee site is used to moor or dock more restricted watercraft than this Code would allow without the transfer of watercraft density under this subdivision:

(i) The transferor sites and the transferee site must be in common ownership and without restriction as to material riparian rights;

(ii) No docks or mooring or docking of boats is permitted on the transferor sites; and

(iii) The transferor sites must be maintained in essentially a natural state and may not be used for residential dwelling units or commercial uses.

(b) Sites with Non-Continuous Shoreline in a Single Parcel Identification Number. The owner of a site with a single County parcel identification number ("PID") that has two or more segments of non-continuous shoreline may apply for a variance under

Section 6-5.01 to combine non-continuous shoreline within that PID for restricted watercraft density purposes without demonstrating practical difficulties.

Subd. 5. Government Service Watercraft. Government service watercraft are not counted for restricted watercraft density purposes at the site at which they are stored, license fees for the boat storage units at which they are stored are waived, and application fees for a dock plan amendment being made solely to accommodate such boat storage units are waived, provided:

(a) The government service watercraft is stored at a designated boat storage unit on a dock plan and within the dock use area of the site. Boat storage units for government service watercraft may be approved by the Executive Director upon receipt of such information as the Executive Director may require for such approval, and

(b) The boat storage unit is provided by the owner as a public service for no compensation.

2-4.11. Special Density License.

Subd. 1. Maximum Boat Storage Density. The LMCD has determined the intensity of use of the Lake and the density of storage on the Lake has reached a level which necessitates the limitation on the construction of new docks and mooring facilities provided for in this Code. It is the purpose of this Section to reduce environmental degradation of the Lake, avoid an increase in boat storage on the Lake without a corresponding increase in available amenities and services for the boating public, and encourage facilities which enhance the use and enjoyment of the Lake by the general public. The LMCD has recognized the impact on the Lake of a given facility will vary depending on such factors as the compatibility of nearby uses, the type of watercraft being stored, whether the watercraft storage is transient or permanent, the degree of watercraft storage and intensity of Lake use in a given area, and the level of services or amenities available to the public using the Lake. The LMCD has determined through its various studies that a watercraft storage density of one watercraft stored per 50 feet of shoreline is generally appropriate for the Lake and should be applied to the entire lakeshore while making provision for a special density license procedure in those instances where increased watercraft storage density may be clearly demonstrated to be a benefit to the Lake and to the most general public use of the Lake.

Subd. 2. Eligible Structures. A special density license may only be issued for the following structures:

(a) Commercial single dock;

(b) Commercial multiple dock;

(c) Commercial mooring area; or

(d) Municipal multiple dock.

Subd. 3. License Required. No person shall store, or allow to be stored, more restricted watercraft at a dock or mooring area than is allowed under the general density or special density rules of this Chapter, unless a special density license is issued in accordance with Section 6-2.13.

CHAPTER 5
TEMPORARY STRUCTURES AND OFF-LAKE STORAGE FACILITIES

2-5.01. Temporary Structures.

Subd. 1. Permit Required. No swimming floats, ski jumps, diving towers, buoys, markers, or other structures surrounded by navigable water shall be located in the Lake beyond the authorized dock use area without a permit from the LMCD issued in accordance with Section 6-5.07. Permits shall not be issued for free floating structures. Permits are not required for the use of scuba diving floats, navigation buoys, fishing markers, or temporary sailing craft training markers from Monday through Friday, except on holidays.

Subd. 2. Compliance Required. Locating, maintaining, or using a temporary structure in a way that is contrary to this Code or the conditions placed on the permit issued for the temporary structure is a violation of this Code and constitutes grounds for the revocation, suspension, or modification of the permit issued for the temporary structure.

Subd. 3. Hazardous Structures. If any permitted temporary structure is found by the Executive Director to constitute a hazard or obstruction to the safe use of the Lake, the Executive Director may revoke the permit by providing the owner written notice of revocation. Upon receipt of notice of revocation, the applicant shall remove the temporary structure within a reasonable time, which shall be specified in the notice of revocation. Failure to remove the temporary structure by the date indicated in the notice of revocation constitutes a violation of this Code and may result in the LMCD removing and disposing the temporary structure at the owner's cost.

2-5.03. Off-Lake Storage Facilities.

Subd. 1. Purpose. It is the purpose of this Section to provide reasonable standards and criteria under which off-Lake boat storage facilities may be regulated on the Lake which meet current LMCD special density license and dock license requirements, and which are consistent with the most general public use of the Lake, public safety, and LMCD watercraft density policies.

Subd. 2. General Requirements. Off-Lake storage facilities may be established on the Lake or existing facilities expanded only after obtaining a special density license and a new commercial single dock license or new commercial multiple dock license under this Code.

Subd. 3. Special Requirements. Off-lake storage facilities shall meet, in addition to any other special density and licensing requirements, all of the conditions of this subdivision.

(a) Limited Off-Lake Storage Areas. No facilities established after December 28, 1987 may be located in limited off-lake storage areas.

(b) Density. No off-lake storage facility may be established in any location in which the Board determines that either:

(1) Lake use density exceeds one boat in use for each 20 acres of water at peak usage periods; or

(2) Twenty percent or more of the boats stored at the proposed facility are likely to be used in parts to the Lake where Lake use density exceeds one watercraft in use for each 20 acres of water during peak usage periods.

(c) Full Service Marinas Only. Off-Lake storage facilities may only be established at full service marinas.

(d) Boat Storage Units. Facilities must include staging docks for loading and unloading which provide storage space in a ratio of at least one boat storage unit on the water for each three boat storage units of off-Lake storage. For each 60 boat storage units, or part thereof, of off-Lake storage the facility must have one launching ramp and one launching device.

(e) Proximity of Storage Location. The storage rack building must be on property contiguous to a full-service marina and the lakeshore.

(f) Frontage for Staging. Continuous lakeshore frontage for off-Lake storage facilities must be at least 10 feet for each boat storage unit at the facility whether stored on or off the Lake.

(g) Parking. One car parking space must be provided for each two watercraft stored at the facility whether stored on or off the Lake.

(h) Building and Safety Requirements. All facilities provided must meet zoning, building, and fire code requirements in the municipality in which it is located.

Subd. 4. Existing Facilities. All existing facilities which are licensed within 30 days of December 28, 1987 shall be allowed to continue in use and operation. All other facilities shall be required to conform to the provisions of this Section.

CHAPTER 6
GENERAL PROVISIONS AND PROHIBITIONS REGARDING STRUCTURES AND USES

2-6.01. Use of Structures for Storage. Unless otherwise specifically permitted by this Code, no structure may be used for the storage of any materials or items other than watercraft. This restriction does not apply to throw-out life preservers and fire extinguishers stored on multiple docks, mooring areas, and commercial single docks provided such equipment is properly stored in an orderly manner on racks provided for that purpose.

2-6.03. Allowed Structures. In addition to the other structures authorized by this Code, boat slips, slip structures, and canopies may be erected in the Lake in accordance with the applicable provisions of this Code. Such structures may be of no greater height, area, volume, or mass than is necessary to secure and protect the number of watercraft that it is designed to shelter.

2-6.05. Prohibited Structures.

Subd. 1. Prohibited. Except to the extent expressly provided otherwise in this Code, the following structures are prohibited and shall not be erected or maintained on the Lake:

(a) Boat houses;

(b) Decks;

(c) Roofs;

(d) Any structure above the horizontal plane of a dock;

(e) Any structure above the horizontal plane of a dock which is designed or used to store boats whether such structure is floating or affixed to the bottom of the Lake; and

(f) Storage boats.

Subd. 2. Exception – May 5, 1977. A deck or roof lawfully in existence on May 5, 1977 may continue in existence, but may not be structurally altered or expanded in any way.

2-6.07. Construction Materials.

Subd. 1. Allowed Materials. Except as provided in this Section, any structure may be constructed of such materials and in such a manner as the owner determines, provided that they shall be so built and maintained that they do not constitute a hazard to the public using the waters of the Lake.

Subd. 2. Prohibited Materials. No person shall use non-encased molded expanded bead polystyrene foam blocks, sheets, billets, or other shapes for dock construction or floatation, swimming platforms, buoys, or other floating or similar structures in the Lake, whether such uses are permanent or seasonal in nature. No person shall place or maintain any structure or item containing non-encased molded expanded bead polystyrene on the Lake.

Subd. 3. Reflectorized Material. Swimming floats, ski jumps, diving towers, and other structures surrounded by navigable water, whether floating or on posts, shall be lighted with a light visible in all directions or have attached thereto sufficient reflectorized material so as to reflect light in all directions. Reflectorized material must be capable of retaining 80 percent of its dry weather reflective signal strength when wet.

2-6.09. Signs.

Subd. 1. Prohibition. No signs shall be erected, maintained or stored in any dock use area or on any ice house on the Lake except as authorized by this Section.

Subd. 2. Exceptions. The prohibition of this Section shall not apply to the following:

(a) The name and logo of a product or manufacturer affixed to that product by the manufacturer if it is sold to the general public with such name and logo affixed. Such signs on boat lift covers and canopies shall have a copy and graphic area of no more than five square feet;

(b) Any signs required by governmental authority;

(c) Safety or warning signs relating to fuel sales;

(d) The name of a watercraft affixed to the watercraft by the owner;

(e) A "For Sale" sign on a dock indicating that the real property to which the dock structure is attached is for sale. The copy and graphic area of such signs shall not exceed five square feet;

(f) A sign on facilities of a commercial marina giving the name of the business and identifying goods or services available for sale at that site. The copy and graphic area of such signs shall not exceed six square feet;

(g) Safety, information or directional signs maintained by an authorized government agency or signs approved by the LMCD in connection with a multiple dock license;

(h) Slip identification signs no larger than one square foot;

(i) Non-commercial flags; and

(j) Signs authorized with a special event permit.

2-6.11. Buoys. All buoys placed on the Lake must be removed or submerged under the ice no later than December 15 of each year. A later date may be authorized in writing by the Sheriff upon application by the owner submitted to the Sheriff prior to December 15 in cases where the buoy will not create a hazard to navigation or traffic on the Lake. Buoys not removed in accordance with this Section are illegally placed and shall constitute a hazardous structures prohibited under Section 2-6.23, subdivision 1.

2-6.13. Fuel and Power Supply. Installation of electrical and fueling facilities on docks, moorings, and other structures shall be in accordance with applicable building codes and subject to state and local inspection procedures. Persons making such electrical or fueling installation shall maintain records of compliance with state and local codes and regulations.

2-6.15. Structures Not to Obstruct. No dock, mooring, or other structure shall be so located as to obstruct a navigable channel, or so as to obstruct reasonable access to any other dock, mooring area or similar structure authorized under this Code. No dock, mooring area, or similar structure shall be located or designed so that it unnecessarily requires or encourages boats using it to encroach into any other authorized dock use area. A dock, mooring, or other structure is "authorized" if it is automatically permitted under this Code or if a variance has been granted for it pursuant to Section 6-5.01.

2-6.17. Space Between Boats. Reasonable space shall be provided in mooring areas to allow navigation freely between moored boats.

2-6.19. Structure Dimensions. A dock may exceed eight feet, excluding posts, in either its length or width, but not both. In connection with issuance of a commercial single dock or commercial multiple dock license, the Board may authorize the construction and maintenance of docks used in conjunction with the sale of fuel to the public of up to 10 feet in width to the extent deemed necessary by the Board for safe and efficient fuel sales activities. Docks that were in existence on June 30, 1982 and that are in compliance with all the provisions of the Code, other than this Section, shall be allowed to continue in their present form without expansion or modification until such time as such docks are replaced or until 50 percent or more of any such dock is damaged or destroyed. A ski jump may exceed eight feet in width provided it is no wider than 12 feet and meets all other requirements of the Code.

2-6.21. Relation to Municipal Ordinances.

Subd. 1. Zoning. Nothing in this Chapter is intended to authorize the use, rental, sale, lease, or conveyance of dock space or mooring facilities in the Lake contrary to municipal zoning laws.

Subd. 2. Local Ordinances. The provisions of this Chapter shall not supersede any municipal ordinance which:

(a) Is more restrictive in its provisions and application as to the location, construction, installation, and maintenance of docks, moorings, and other structures;

(b) Allows variances that are more restrictive than this Code;

(c) Establishes or maintains a municipal dock or mooring area 100 feet or less in length measured parallel to the side site lines as extended into the Lake;

(d) Provides for the maintenance of a municipal park or beach area; or

(e) Establishes zoning provisions regulating land use adjacent to the Lake which are not in conflict with this Code.

2-6.23. Illegally Placed and Hazardous Structures.

Subd. 1. Prohibition. Any temporary or permanent structure which is not currently licensed or permitted under the provisions of this Code is illegal. Any temporary or permanent structure which is an obstruction or hazard to navigation shall be so declared by the Sheriff. No person shall maintain or permit to be maintained any illegal or hazardous structure owned by such person.

Subd. 2. Notice of Removal. Any illegal or hazardous structure may be removed from the Lake in accordance with the provisions of this Section. Upon notification by the Sheriff of the presence of an illegally placed structure in the Lake, the Executive Director shall give written notice to the owner of the structure that it is illegally placed and that if the owner does not remove the structure within 48 hours of receipt of the notice the LMCD will do so. If the owner cannot be found or determined after reasonable efforts, the Executive Director may remove the structure without notice, but shall publish notice of such removal once in the official newspaper of the LMCD. If a structure is, in the judgment of the Sheriff, an imminent hazard to navigation and endangers the life, safety, or property of users of the Lake, the Sheriff may remove it without notice and shall make reasonable efforts to determine the owner and inform that person of the removal.

Subd. 3. Impoundment. Structures removed pursuant to this Section shall be stored at such place of safety as may be designated by the Sheriff. Owners of such structures may reclaim them at any time upon the payment of reasonable removal and storage expenses.

Subd. 4. Disposition of Impounded Structures. Impounded structures which are not reclaimed by the owner within a period of 60 days may be disposed of by the Sheriff at public auction or by direct sale after 10 days published notice. Proceeds of the sale shall be placed in the general fund of the LMCD, subject to the right of the owner to payment of the sale price from the fund upon application and satisfactory proof of ownership within six months after the sale. Property having no substantial value may be discarded or given away without a sale, but a list of any such items shall be retained in the files of the LMCD for at least six years after the disposition of such property.

Subd. 5. Other Penalties. The removal of a structure pursuant to this Section does not prevent the LMCD from enforcing any other penalty provided by this Code for the placing or maintenance of an unlicensed or unpermitted structure within the Lake.

2-6.25. Nonconforming Uses. A use which is nonconforming under the terms of this Code shall not be expanded.

CHAPTER 7
BRIDGES

2-7.01. Regulated. Except as provided in this Section, the construction and maintenance of bridges shall comply with the requirements in this Chapter. Any bridge that is used to tie up or store watercraft shall be regulated as a dock, or other structure, and not under the provisions of this Section.

2-7.03. Exceptions. The following bridges are exempt from the permitting requirements of this Chapter.

(a) Railroad bridges;

(b) State, county, or municipal roadway bridges for public motorized vehicle traffic; and

(c) State, county, or municipal pedestrian bridges that have been permitted by the Board prior to the effective date of this Code.

2-7.05. General Rule. All bridges, including those exempted from permitting requirements under Section 2-7.03, must be so designed, constructed, and maintained as not to interfere unreasonably with navigation when the Lake is at or below its ordinary high water level by watercraft of the kind and size using the waterway.

2-7.07. Bridge Permit.

Subd. 1. Required. No person may locate, construct, install, or maintain a bridge on the Lake without first securing a permit therefor from the Executive Director pursuant to this Section.

Subd. 2. Obtaining a Permit. Applications for a bridge permit shall be submitted and processed as provided in Section 6-5.11.

Subd. 3. Changes to Bridges. A new bridge permit is required whenever the size, type, location, or configuration of the bridge is changed. No new permit is required for repair or replacement of a previously permitted bridge where such repair or replacement does not alter the size, type, location, or configuration of the bridge.

2-7.09. Standards. Bridges shall conform to the following standards:

(a) The length of the bridge may not exceed 100 feet without a variance;

(b) The bridge must be constructed between the extended lot lines of the sites at both ends of the bridge unless a variance is granted;

(c) The bridge may not be constructed in a dock use area of another property without a variance;

(d) The bridge may not unreasonably interfere with navigation or access to other riparian property;

(e) No watercraft may be stored or tied up at the bridge; and

(f) The bridge shall be no wider than necessary to serve its intended function.

CHAPTER 8
RECONFIGURATION OF NONCONFORMING STRUCTURES

2-8.01. Purpose. The protection and preservation of the Lake has required increasingly strict regulatory measures. While the Board has determined that these measures are generally appropriate on a Lake-wide basis, it has recognized that requiring existing nonconforming structures to come into compliance with new requirements of the Code can impose substantial hardships. Therefore, as the regulation of docks and boat storage on the Lake has changed, the Board, in some cases, has allowed docks lawfully in existence at the time of adoption of new ordinances to continue. In conferring such nonconforming status, the Board has imposed limitations on alterations or expansions of such facilities to protect the Lake and to otherwise further the purposes of this Code. However, the Board has determined that these limitations may be unduly restrictive without significantly advancing the public interest. The purpose of this Chapter is to alleviate the undue hardship created by prohibiting changes or alterations to nonconforming structures by allowing reconfigurations and minor changes within certain limitations imposed to protect the spirit and intent of this Code. The Board also recognizes a need to allow some reasonable flexibility in the reconfiguration of nonconforming structures to enable owners to enhance the safety of their structures and respond to changing market demands and watercraft designs. The Board further recognizes that there may be alterations proposed to a nonconforming structure that comply with the requirements of the Code. The intent of the Board is to allow for such changes as part of an approved reconfiguration or minor change, provided the Board or the Executive Director finds the proposed changes do not increase the nonconforming nature of the structure and are otherwise consistent with the purpose of this Chapter. It remains a priority of the Board to encourage owners to bring their nonconforming structures into compliance with Code to the extent reasonably possible, but the Board determines it is not necessary, and can result in undue hardships, for an owner to be required to bring their nonconforming structure into conformance with the Code simply for seeking a reconfiguration of, or minor change to, the structure.

2-8.03. Applicability. This Chapter applies to all permanent docks, seasonal docks, and mooring areas that are not in compliance with the requirements of the Code applicable to new facilities, but that are lawfully in existence by reason of Code provisions explicitly allowing such nonconformities to continue.

2-8.05. Reconfigurations and Minor Changes Generally. This Section sets out the procedure to seek approval for the reconfiguration of a nonconforming structure and also provides a process to obtain administrative approval for a minor change to a nonconforming structure. Without limiting the specific requirements of this Chapter, the primary distinction between a reconfiguration and a minor change with respect to a nonconforming dock is that a reconfiguration proposes to substantially alter the principal structure of a dock, while a minor change only alters the secondary structure of a dock or a minimal portion of the principal structure.

The reconfiguration of a nonconforming structure, to the extent allowed by this Chapter, requires the submission of an application to the LMCD in accordance with Section 6-2.17, which requires the issuance of a new dock license or a new mooring area license. If a proposed reconfiguration qualifies as a minor change, a minor change application may be submitted to the LMCD in

accordance with Section 6-2.19 and the Executive Director may approve the application without a public hearing, Board review, and without requiring a new license. The minor change process is only available if, in the determination of the Executive Director, the proposed reconfiguration complies with the limitations and criteria of this Chapter.

In considering a proposed reconfiguration or minor change to a nonconforming structure, the LMCD shall determine the number of boat storage units, total linear footage of the boat storage units, and the perimeter of the existing nonconforming structure. Each of these determinations, which must be made in accordance with Section 2-8.13, serve as limitations on the proposed and all future reconfigurations and minor changes to the structure. To the extent a proposed reconfiguration or minor change results in less than the full amount of the boat storage units, total linear footage, or perimeter area of the existing nonconforming structure being utilized, they are preserved as provided in Section 2-8.19 for future use.

2-8.07. Maintenance and Replacement. An owner may maintain, repair, restore, and improve a nonconforming structure without having to obtain a new dock or mooring area license or administrative approval of the minor change under this Chapter, provided that such work does not result in the alteration or relocation of any portion of the structure. The replacement of a majority of a dock shall require a minor change permit under Section 6-2.19.

2-8.09. Code Requirements. The reconfiguration of nonconforming structures must comply, in all respects, with the requirements of this Code, except as otherwise provided in this Chapter and as follows:

(a) The provisions of Section 2-3.03, subdivision 2, which prohibit alteration of docks extending more than 100 feet from the shoreline;

(b) The provisions which prohibit changes involving an increase in slip size without first securing a special density license under Section 6-2.13; and

(c) The provisions of 2-6.25, which prohibit the expansion of nonconforming uses.

2-8.11. Limitations. Except to the extent expressly allowed by this Chapter, the reconfiguration of, or a minor change to, a nonconforming structure is not allowed, and the LMCD shall not issue a new dock license, a new mooring area license, or grant administrative approval if the proposed reconfiguration would result in any of the following:

(a) An increase in boat storage units;

(b) An increase in the linear footage of the boat storage units as determined under Section 2-8.13;

(c) An increase in slip length of any slip structures opening toward a nonconforming side setback area;

(d) An adverse effect on nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment;

(e) An increase in the nonconforming nature of the structure;

(f) The creation of any new nonconformities; or

(g) The structure extending further into any nonconforming side setback area than the existing structure, except that extension into a double setback area, if applicable, may be allowed upon the issuance of a variance.

2-8.13. Determination of Existing Boat Storage Units, Linear Footage, and Perimeter.

Subd. 1. Intent. The Board desires to allow the reconfiguration of, and minor changes to, nonconforming structures to accommodate the changing widths of watercraft and the needs of owners, but to do so in a way that ensures the reconfigured structure does not extend beyond the perimeter of the existing structure and that preserves for the owner, as a maximum, the original number and linear footage of the boat storage units of the existing structure. This Section sets out the process for confirming the number of existing boat storage units, the calculation of the total linear footage of the boat storage units, and for determining the perimeter of the existing nonconforming structure as part of a proposed reconfiguration. The determinations made under this Section are based on the existing licensed structure, not on any past or proposed future configuration of the structure. The LMCD may prepare and make available to the public diagrams to demonstrate how one or more of these determinations are made. Any such diagrams are for illustration only and are not controlling on the determinations made by the Executive Director or the Board under this Section regarding any particular application.

Subd. 2. Boat Storage Units. The number of boat storage units for the nonconforming structure is established as part of the license issued by the LMCD for the dock or the mooring area. If a proposed reconfiguration will result in a reduction of the number of boat storage units, the new dock license, mooring area license, or minor change permit issued for the reconfigured structure shall identify the number of boat storage units before and after the reconfiguration.

Subd. 3. Linear Footage. Part of the flexibility the Board desires to provide in the reconfiguration of nonconforming structures is to allow the transfer of linear footage of the boat storage units among slips and to otherwise reconfigure the boat storage units as the owner determines is appropriate, provided the total linear footage of the boat storage units of the existing structure is not exceeded. Where the license is based on multiple sites with non-continuous shoreline, the linear footage may be transferred among sites. The linear footage shall be determined as follows:

(a) General Linear Footage Calculation. The linear footage of a boat storage unit contained by a slip structure shall be determined by a straight line measurement from the center of dock-side end of the slip to a point even with the outside edge of the slip structure, whether that is the end of the slip fingers, or other similar portion of the dock structure reasonably constituting the end of the slip;

(b) Dolphin Poles or Similar. The linear footage of a boat storage unit with dolphin poles or that is not contained by a slip structure shall be determined based on the linear footage of the nearest slip finger or other similar portion of the dock structure reasonably constituting the end of the slip;

(c) Mooring Areas. The linear footage of a mooring area shall be determined based upon the combined length of the watercraft, as identified in the most current license issued for the structure, allowed to be moored at the mooring area; and

(d) Total Linear Footage. The total linear footage of the nonconforming structure shall be the combined linear footage of all the boat storage units.

Subd. 4. Reduction in Linear Footage. If a proposed reconfiguration of, or minor change to, a nonconforming structure will result in reducing the amount of linear footage used for boat storage units, the new dock license, mooring area license, or minor change permit issued for the reconfigured structure shall identify the total linear footage before and after the reconfiguration.

Subd. 5. Linear Footage Appeal. The Executive Director is authorized to resolve any questions and to decide the total linear footage of a nonconforming structure. The Executive Director may bring a question regarding the determination of the linear footage to the Board for a final decision. If an applicant disagrees with the Executive Director's determination of the total linear footage, that person may appeal the determination in writing to the Board for consideration at a regular meeting. The written appeal shall include an explanation of the basis of the appeal and describe the alleged error. The Board will consider the Executive Director's decision, give the applicant an opportunity to be heard, and make a final decision regarding the total linear footage.

Subd. 6. Perimeter. Another part of the flexibility the Board desires to provide in the reconfiguration of nonconforming structures is to allow reconfigurations without being limited to a particular structural design or configuration, provided the reconfigured structure does not extend beyond the perimeter of the existing structure. Confining the reconfigured structure to the perimeter of the existing structure will help avoid the negative impacts that can result to the Lake and neighboring owners if the structure was allowed to expand or extend further into the Lake.

(a) Perimeter Structure and Storage. All docks, moorings, watercraft storage, swimming floats, ski jump storage, diving towers, and similar items must be located within the perimeter as approved in accordance with this Code.

(b) Perimeter Determination. The perimeter of the existing nonconforming structure shall be a closed line that extends from shoreline to shoreline around the outside portions of the structure (boxing in the structure). The perimeter shall be drawn by extending straight lines from the shoreline on either side of the structure to the furthest point of the structure into the Lake, and then drawing a straight line between the two side lines that parallels the shoreline. The Executive Director is authorized to resolve any questions and to decide the perimeter of a nonconforming structure. The Executive Director may bring a question regarding the determination

of the perimeter to the Board for a final decision. The established perimeter shall be included in and made part of the new dock license, mooring area license, or minor change permit issued for the reconfigured nonconforming structure. The established perimeter shall also be shown on any survey submitted with a proposed reconfiguration of the nonconforming structure.

(c) Perimeter Appeal. If an applicant disagrees with the Executive Director's determination of the perimeter, that person may appeal the determination to the Board for consideration at a regular meeting. The written appeal shall include an explanation of the basis of the appeal and described the alleged error. The Board will consider the Executive Director's decision, give the applicant an opportunity to be heard, and make a final decision regarding the perimeter.

2-8.15. License to Reconfigure a Nonconforming Structure. The reconfiguration of a nonconforming structure may only occur to the extent allowed by, and in accordance with, this Chapter and then only after obtaining a nonconforming structure reconfiguration license under Section 6-2.17 and a new dock license or a new mooring area license in accordance with Article 6.

2-8.17. Permit for a Minor Change to a Nonconforming Structure. A minor change to a nonconforming structure may only occur to the extent allowed by, and in accordance with, this Chapter and then only after obtaining a minor change permit in accordance with Section 6-2.19.

2-8.19. Preservation of Unused Boat Storage Units, Linear Footage, and Perimeter Area. If the reconfigured or changed nonconforming structure does not utilize the full number of boat storage units, the total linear footage, or the full perimeter area of the existing nonconforming structure, as determined in accordance with Section 2-8.13, the unused boat storage units, unused linear footage, and unused perimeter area shall be preserved and may be used for a future reconfiguration of the nonconforming structure, provided that any such future reconfiguration is in compliance with this Chapter. The utilization of any preserved boat storage units, linear footage, or perimeter area for a proposed future reconfiguration done in accordance with this Section does not constitute an unlawful expansion of the nonconforming structure. No expansion beyond the preserved number of boat storage units, linear footage, or perimeter shall be allowed unless such expansion is otherwise allowed by this Code or a variance is applied for and obtained prior to, or as part of, the issuance of the new dock license, mooring area license, or minor change permit for the newly reconfigured nonconforming structure.

2-8.21. No Vested Rights. It is anticipated that in the future it may become necessary for the LMCD to attempt to make an allocation or apportionment of dock, mooring area, and launching facility privileges on and within the Lake, on an equitable basis, in order to avoid overcrowding of the Lake, or portions thereof and in order to balance the many conflicting demands upon the Lake. In order to give notice to licensees that the license does not create any vested rights and that future regulatory actions by the LMCD may necessitate modifying or discontinuing the facility for which the license is granted, each license shall state upon its face that the licensed facility is subject to existing and future density policies and regulations adopted by the Board. However, failure to include the statement in the license shall not be deemed to vest any additional rights upon the

licensee and all such licensed facilities shall remain subject to any later-adopted policies and regulations of the Board.

2-8.23. <u>Conversion of Slides to Slips</u>. An applicant proposing to reconfigure a nonconforming structure may request to convert one or more licensed slides to slip storage spaces. A request for such a conversion may only be considered as part of a request to reconfigure a nonconforming structure under this Chapter and as provided in Section 6-2.17. All slides converted to slips must be removed. In converting slides to slips, the applicant shall be given credit for linear length of slip space based on the linear length of each slide converted.

ARTICLE 3
COMMERCIAL LAKE USES AND STRUCTURES

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CHAPTER 1
GENERAL PROVISIONS

3-1.01. Subject to Regulation. The LMCD regulates certain commercial structures, accessory structures, and uses on the Lake in order to advance the purposes of this Code. Commercial structures, accessory structures, and uses may only be constructed, placed, reconstructed, reconfigured, or undertaken in compliance with the requirements of this Article 3 and all other applicable provisions of this Code.

3-1.03. General Standards.

Subd. 1. License Required. No commercial use may locate, construct, install, or maintain a commercial structure on the shoreline of the Lake, or in the waters of the Lake, without first obtaining a license from the LMCD in accordance with Article 6.

Subd. 2. Restrictions. Unless expressly provided otherwise in this Code, the use of the Lake for the storage of watercraft and the placement of commercial single docks and other structures adjacent to commercial use property may only occur:

(a) Within the authorized dock use area determined in accordance with Article 2, Chapter 3;

(b) In compliance with the setbacks requirements of Section 2-3.03; and

(c) The storage of restricted watercraft shall comply with the density limits of Article 2, Chapter 4.

Subd. 3. Standards. Municipal structures are subject to the standards and restrictions in Article 2, Chapter 2 and all other applicable provisions of this Code.

3-1.05. Alteration of Commercial Structures. No commercial structure issued a license under this Code shall be altered, reconstructed, or reconfigured to increase slip size without first securing a new license and, if required, a special density license pursuant to Section 6-2.13. The alteration of any conforming commercial structure shall be required to comply with all requirements of the Code as though the structure was new and not previously existing or licensed. A minor change to a conforming structure may be allowed with the administrative approval of a new license as provided in Section 6-1.17. The alteration or reconfiguration of a nonconforming commercial structure may only occur as provided in Sections 6-2.17 or 6-2.19.

3-1.07. Conversion of Structures. No commercial structure, or any part thereof, may be converted to any other type of structure requiring a permit or license under this Code without first obtaining the permit or license required of the type of structure into which it is being converted and, if required, obtaining a special density license under Section 6-2.13.

3-1.09. Conversion of Use. A new license shall be required to convert a commercial use identified in this Article to another commercial use or any other use identified in this Code that requires a license for the particular type of structure. The required license shall be based on the use to which the facility is being converted and, if required, a special density license shall be obtained under Section 6-2.13. A conversion of use requiring a new license includes, but is not limited to, the addition or removal of transient facilities or service facilities.

3-1.11. Additional Regulations.

Subd. 1. Temporary Structures. Temporary structures are subject to the provisions of Section 2-5.01.

Subd. 2. Off-Lake Storage Facilities. Off-Lake storage facilities are subject to the provisions of Section 2-5.03.

CHAPTER 2
COMMERCIAL USES

3-2.01. Commercial Uses Identified. The commercial uses identified in this Section are eligible to apply for commercial licenses on the Lake. The following designations are based on the characteristics of the commercial use and are used to determine eligibility for certain commercial licenses. The LMCD does not license these uses, but the licenses issued a particular use will identify the particular commercial use designation recognized by the LMCD. These designations are not directly dependent on the zoning approvals issued for a property by the municipality in which the use is located. Each type of commercial use is identified below and may be referred to in this Code collectively as commercial uses. The commercial uses that are also identified as qualified may be referred to in this Code collectively as qualified commercial uses. The commercial uses, including qualified commercial uses, identified in this Code are as follows:

(a) Commercial Marinas;

(b) Club Facilities;

(c) Qualified Commercial Marinas;

(d) Qualified Sailing Schools; or

(e) Qualified Yacht Clubs.

3-2.03. Commercial Marinas. Commercial marinas may seek the licenses identified in this Section and are subject to restrictions on the conversion of the use to a different use as provided in this Section.

Subd. 1. License Eligibility. A commercial marina may apply for the following types of licenses:

(a) Commercial single dock license;

(b) Commercial multiple dock license;

(c) Commercial mooring area license; or

(d) Commercial launching ramp.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6.

Subd. 2. License Renewals. Commercial licenses issued to a commercial marina shall be renewed annually as provided in Article 6, Chapter 2.

Subd. 3. Conversion of Use. The conversion of a commercial marina to any other use is subject to the restrictions in this subdivision.

(a) Annual License Restrictions. For a commercial marina located at riparian property which is owned, operated, or controlled in whole or in part by owners of specified real property, the Board may require additional information and, following a public hearing, may impose conditions and restrictions at the time of the annual renewal of the license required by Article 6, Chapter 2 to ensure that no conversion of use within the meaning of this subdivision occurs and that boat rental rights are freely available to the general public with no priority, preference, or advantage to owners of specified real property. If at any time the Board determines that for two or more consecutive boating seasons a majority of the slip spaces at any such commercial marina have been rented, sold, or otherwise made available to owners of specified real property, the Board may impose such conditions as it deems necessary or expedient, after a public hearing, to ensure that the slip spaces are freely available to the general public. Such conditions may include, but are not limited to, the following: changes in rental policies and practices, including a required selection of all or some tenants by lot; the addition of readily available parking spaces; alterations enhancing convenience of access; addition of facilities such as restrooms or pump out facilities; and the addition of services such as motor repair, emergency towing, gasoline sales, launching and retrieval of boats, or sale of equipment and supplies. Failure or refusal to comply with such conditions shall be deemed a conversion of use requiring a new license.

(b) Change in Rental Policy. Any commercial marina that changes its rental policy to limit or restrict the rental of any slip, moorings, or other boat or watercraft storage capacity to owners or groups of owners of specified real property is considered a change in use that may not occur without first securing a new license for the dock structure.

(c) Conversion to a Residential Association. The conversion of a commercial marina to a residential association may be permitted by issuance of a new multiple dock license by the Board, subject to the following conditions:

(1) The number of restricted watercraft stored at the new facility may not exceed the least of:

(i) Fifty percent of the number of non-transient boat storage units licensed at the commercial marina;

(ii) One restricted watercraft for each 20 feet of continuous shoreline; or

(iii) The number of residential units approved for development on the riparian property. For purposes of this clause, “riparian property” includes only the site of the licensed facilities as it existed on the

date of application for a 1999 multiple dock license, together with adjoining lots, pieces or parcels of land under common ownership or control and used as a part of the commercial marina on the same date. When measurements determining the number of restricted watercraft allowed result in the provision of a fractional watercraft, any fraction up to and including one-half shall be disregarded and fractions over one-half shall be counted as one additional restricted watercraft;

(2) There is adequate water depth to support the proposed facilities, and no variances are required for the new facilities;

(3) The shoreline of the site may not be altered by subdivision or addition of additional land;

(4) Conversion is only permitted for facilities which were licensed for 1999;

(5) No watercraft may be stored at the new facility which has a length overall ("LOA") in excess of the limitations of this paragraph. For purposes of this paragraph, LOA means the horizontal measurement from the foremost to the aftermost points of the watercraft, including all equipment and attachments in their normal operating positions. The LOA of watercraft stored at the facility may not exceed the least of the following:

(i) Thirty-two feet;

(ii) Four feet in excess of the slip length determined as follows:

(a) For boat storage units enclosed by a slip with an end and two sides, the length of the longer side, including licensed dolphin poles; and

(b) For all other boat storage units, the length of the side of the boat storage unit location at the dock which is parallel to the longitudinal axis of the watercraft, including licensed dolphin poles; or

(iii) Any other LOA limitation specified at the time of the issuance of the first multiple dock license for the new facility;

(6) Total square footage of slips must be reduced by at least 50 percent;

(7) All dock structures and boat storage must be within 100 feet from the shoreline and comply with all side setback requirements applicable to new facilities;

(8) No launching ramp may be located on the site; and

(9) Upon conversion pursuant to this subdivision, the facilities will be deemed a nonconforming residential association.

3-2.05. Club Facilities. Club facilities may seek the licenses identified in this Section and are subject to restrictions on the conversion of the use to a different use as provided in this Section.

Subd. 1. License Eligibility. A club facility may apply for the following types of licenses:

(a) Commercial single dock license;

(b) Commercial multiple dock;

(c) Commercial mooring area; or

(d) Commercial launching ramp.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6.

Subd. 2. License Renewals. Commercial licenses issued to a club facility shall be renewed annually as provided in Article 6, Chapter 2.

Subd. 3. Conversion of Use. The conversion of a club facility to any other use is subject to the restrictions in this subdivision.

(a) Annual License Restrictions. For a club facility located at riparian property which is owned, operated, or controlled in whole or in part by owners of specified real property, the Board may require additional information and, following a public hearing, may impose conditions and restrictions at the time of the annual renewal of the license required by Article 6, Chapter 2 to ensure that no conversion of use occurs and that boat rental rights are freely available to the general public with no priority, preference or advantage to owners of specified real property. If at any time the Board determines that for two or more consecutive boating seasons a majority of the slip spaces at any such commercial marina have been rented, sold, or otherwise made available to owners of specified real property, the Board may impose such conditions as it deems necessary or expedient, after a public hearing, to ensure that the slip spaces are freely available to the general public. Such conditions may include, but are not limited to, the following: changes in rental policies and practices, including a required selection of all or some tenants by lot; the addition of readily available parking spaces; alterations enhancing convenience of access; addition of facilities such as restrooms or pump out facilities; and the addition of services such as motor repair, emergency towing, gasoline sales, launching and retrieval of boats, or sale of equipment and supplies. Failure or

refusal to comply with such conditions shall be deemed a conversion of use requiring a new license.

3-2.07. Qualified Commercial Marinas. Qualified commercial marinas may seek the licenses identified in this Section and are subject to restrictions on the conversion of the use to a different use as provided in this Section.

Subd. 1. License Eligibility. A qualified commercial marina may apply for the following types of licenses:

(a) Commercial single dock license;

(b) Commercial multiple dock license;

(c) Commercial mooring area license; or

(d) Commercial launching ramp.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6.

Subd. 2. License Renewals. Commercial licenses issued to a qualified commercial marina shall be renewed annually as provided in Article 6, Chapter 2.

Subd. 3. Additional Density. A commercial marina that constitutes a qualified commercial marina may be eligible for additional boat storage density as provided in Article 2, Chapter 4.

Subd. 4. Conversion of Use. The conversion of a qualified commercial marina to any other use is subject to the restrictions in Section 3-2.03, subdivision 3.

3-2.09. Qualified Sailing Schools. Qualified sailing schools may seek the licenses identified in this Section and are subject to restrictions on the conversion of the use to a different use as provided in this Section.

Subd. 1. License Eligibility. A qualified sailing school may apply for the following types of licenses:

(a) Commercial single dock license;

(b) Commercial multiple dock license;

(c) Commercial mooring area license; or

(d) Commercial launching ramp.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6.

Subd. 2. License Renewals. Commercial licenses issued to a qualified sailing school shall be renewed annually as provided in Article 6, Chapter 2.

Subd. 3. Conversion of Use. The conversion of a qualified sailing school to any other use is subject to the restrictions in section 3-2.03, subdivision 3.

3-2.11. Qualified Yacht Club. Qualified yacht clubs may seek the licenses identified in this Section and are subject to restrictions on the conversion of the use to a different use as provided in this Section.

Subd. 1. License Eligibility. A qualified yacht club may apply for the following types of licenses:

(a) Commercial single dock license;

(b) Commercial multiple dock license;

(c) Commercial mooring area license; or

(d) Commercial launching ramp.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6.

Subd. 2. License Renewals. Commercial licenses issued to a qualified yacht club shall be renewed annually as provided in Article 6, Chapter 2.

Subd. 3. Conversion of Use. The conversion of a qualified yacht club to any other use is subject to the restrictions in Section 3-2.03, subdivision 3.

CHAPTER 3
COMMERCIAL STRUCTURES

3-3.01. **Commercial Structures Identified**. The commercial structures identified in this Section are allowed on the Lake with the issuance of a license (or permit) from the LMCD and compliance with all applicable provisions of this Code. In addition to these primary commercial structures, this Code also allows certain accessory commercial structures and uses as provided in Section 3-3.13. The specific types of commercial structures allowed by this Code, and which may be referred to collectively as commercial structures, are as follows:

(a) Commercial single docks;

(b) Commercial multiple docks;

(c) Commercial mooring areas; and

(d) Commercial launching ramps.

3-3.03. Commercial Single Docks.

Subd. 1. Description. A commercial single dock is a dock constructed, placed, or maintained by a commercial use for the storage of four or fewer restricted watercraft.

Subd. 2. Licensing. The placement of a commercial single dock requires a commercial single dock license, the application for which shall be submitted and processed in accordance with Section 6-2.05.

Subd. 3. License Renewals. A commercial single dock license shall be renewed annually in the same manner as a commercial multiple dock license under Section 6-2.03.

3-3.05. Commercial Multiple Docks.

Subd. 1. Description. A commercial multiple dock is a dock constructed, placed, or maintained by a commercial use for the storage of five or more restricted watercraft.

Subd. 2. Licensing. The placement of a commercial multiple dock requires a commercial multiple dock license, the application for which shall be submitted and processed in accordance with Section 6-2.01.

Subd. 3. License Renewals. A commercial multiple dock license shall be renewed annually as provided in Section 6-2.03.

3-3.07. Commercial Launching Ramps.

Subd. 1. Description. A commercial launching ramp is a ramp constructed or maintained by a commercial use.

Subd. 2. Licensing. The placement of a commercial launching ramp requires a commercial launching ramp license, the application for which shall be submitted and processed in accordance with Section 6-2.09.

Subd. 3. License Renewals. A commercial launching ramp license shall be renewed annually in the same manner as a commercial multiple dock license under Section 6-2.03.

3-3.09. Commercial Mooring Areas.

Subd. 1. Description. A commercial mooring area is a mooring area established or maintained by a commercial use.

Subd. 2. Licensing. The placement of a commercial mooring area requires a commercial mooring area license, the application for which shall be submitted and processed in accordance with Section 6-2.07.

Subd. 3. License Renewals. A commercial mooring area license shall be renewed annually as provided in Section 6-2.07.

3-3.11. General Standards for Commercial Structures.

Subd. 1. License Required. No person may locate, construct, install, or maintain a commercial structure on the shoreline of the Lake, or in the waters of the Lake, without first obtaining a license from the LMCD in accordance with Article 6.

Subd. 2. Restrictions. Unless expressly provided otherwise in this Code, the use of the Lake for the storage of watercraft and the placement of docks and other structures associated with a commercial use may only occur:

(a) Within the authorized dock use area determined in accordance with Article 2, Chapter 3;

(b) In compliance with the setbacks requirements of Section 2-3.03; and

(c) The storage of restricted watercraft shall comply with the density limits of Article 2, Chapter 4.

Subd. 3. Construction and Maintenance Standards. The construction and maintenance of a commercial structure must comply with the standards in Section 2-2.03.

3-3.13. Commercial Accessory Structures and Uses. Certain commercial accessory structures and uses may be allowed on commercial structures constructed and operated as part of a commercial use, but only if such structure or use is provided for in the license issued for the commercial structure. Any such allowed commercial accessory structure or use must be constructed and operated in accordance with any conditions or restrictions placed on the license,

the standards established for the particular accessory structure, the general standards established for commercial accessory structures and uses, and all other applicable provisions of this Code. The commercial accessory structures and uses that may be allowed are as follows:

(a) Fuel sales facility;

(b) Service console and shelter; and

(c) Transient use.

3-3.15. Fuel Sales Facility. The Board may allow, as part of a license issued for a commercial multiple dock or a commercial single dock, a fuel sales facility. The license application for the commercial multiple dock or commercial single dock shall expressly request approval of the proposed fuel sales facility and, notwithstanding the limitations on dock length, may request an extension of the outer end of the dock to place and operate a fuel sales facility. An extension for a fuel sales facility is subject to the following:

(a) The extension is limited to 25 feet in length;

(b) If the extension is placed on a nonconforming dock that extends more than 100 feet from the shoreline, the additional dock shall extend no further lakeward than the original nonconforming dock; and

(c) The extension shall not be used for the storage of watercraft or rental of dock space.

3-3.17. Service Consoles and Shelters. If a fuel sales facility is authorized as part of the license for a commercial multiple dock or a commercial single dock, the Board may authorize as part of the same license the construction and maintenance of service consoles or shelters subject to the limitations in this Section and all other applicable provisions of this Code.

(a) The construction and maintenance of service consoles or shelters may only be authorized for use in conjunction with the sale of fuel to the public.

(b) The size of service consoles may not exceed four and one-half feet in height, three feet in width and six feet in length. The size of shelters may not exceed six feet in width, six feet in length, and eight feet in height. The Board may further restrict dimensions of service consoles or shelters for aesthetic or safety reasons.

(c) The size, configuration, design, and location of service consoles and shelters may be specified by the Board. The Board will make its decision on the basis of the review criteria established for the required dock license and on the applicant's demonstrated need for a service console or shelter for the storage of such items as fire and safety equipment, motor oil, and credit card machines. Shelters will be permitted only when necessary to shelter electronic equipment used in conjunction with the sale of fuel or oil.

(d) Upon application, the Board may authorize as a part of a service console, the construction of a canopy for protection from the elements of the console and personnel engaged in related sales of gasoline and motor oil. The size, configuration, design, and location of such canopy may be specified by the Board, but in no case shall a canopy:

(1) Include an opaque vertical surface other than poles and rigging needed to support the canopy;

(2) Have any horizontal dimension greater than eight feet;

(3) Have a greater horizontal surface area than 36 square feet; or

(4) Be used for advertising.

(e) No service consoles or shelters shall be used for the display or sale of any goods or merchandise other than fuel and oil.

(f) The location, design, material, and color of service consoles and associated canopies and of shelters are subject to approval as a part of the required annual license renewal. The color of such facility shall be neutral and unobtrusive so as to blend into the surroundings.

(g) Consoles, shelters, and associated facilities and equipment shall be constructed in compliance with all applicable fire, safety, and building codes.

(h) Advertising and lighting shall conform to all applicable codes. No sign shall use internal lighting.

(i) The Board may impose any additional conditions on the construction and maintenance of consoles and shelters which it deems necessary or appropriate in the interests of the public health, safety or welfare and protection of Lake Minnetonka. Conformance to approved design and any such additional conditions are conditions to the license issued for the dock.

3-3.19. Transient Facilities.

Subd. 1. Characteristics. All or a portion of a commercial multiple dock or commercial single dock may be licensed for transient use only. Those boat storage units authorized for transient use may only be used for transient uses of the commercial operation issued the license and no watercraft shall be permitted to remain overnight in those boat storage units.

Subd. 2. Licensing. The license issued for the commercial multiple dock or commercial single dock shall identify if all or a portion of the dock structure is designated for transient use. The designation as a transient facility shall not increase the number of boat storage units available on the dock.

Subd. 3. Watercraft Storage. Notwithstanding the general limitation on watercraft density, more than one watercraft may be tied or docked, on a transient basis only, at a designated transient boat storage unit unless such additional storage is prohibited by the license, or such storage poses a hazard to navigation or to the safety of the public or person using the transient facility.

ARTICLE 4
MUNICIPAL LAKE USES

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CHAPTER 1
MUNICIPAL STRUCTURES AND USES GENERALLY

4-1.01. Subject to Regulation. The LMCD regulates certain municipal structures and uses on the Lake in order to advance the purposes of this Code. Those municipal structures and uses regulated by this Code may only occur in compliance with the requirements of this Code.

4-1.03. General Standards.

Subd. 1. License Required. No municipality may locate, construct, install, or maintain a municipal structure on the shoreline of the Lake, or in the waters of the Lake, without first obtaining a license from the LMCD in accordance with Article 6, Chapter 3. A municipality may

construct or install a municipal emergency service dock without a license in accordance with Section 4-2.07.

Subd. 2. Restrictions. Unless expressly provided otherwise in this Code, the use of the Lake for the storage of watercraft and the placement of docks and other structures adjacent to municipal property may only occur:

(a) Within the authorized dock use area determined in accordance with Article 2, Chapter 3;

(b) In compliance with the setbacks requirements of Section 2-3.03; and

(c) The storage of restricted watercraft shall comply with the density limits of Article 2, Chapter 4.

Subd. 3. Standards. Municipal structures are subject to the standards and restrictions in Article 2, Chapter 2 and all other applicable provisions of this Code.

4-1.05. Municipal Uses. This Code does not distinguish between different types of municipal uses. All uses undertaken by a municipality are considered a municipal use for the purposes of this Code. A municipality is eligible to apply for a license for any of the municipal structures authorized in this Chapter.

4-1.07. Alteration of Municipal Structures. No municipal structure issued a license under this Code shall be altered, reconstructed, or reconfigured to increase slip size without first securing a new license and, if required, a special density license pursuant to Section 6-2.13. The alteration of any conforming municipal structure shall be required to comply with all requirements of the Code as though the structure was new and not previously existing or licensed. A minor change to a conforming structure may be allowed with the administrative approval of a new license as provided in Section 6-1.17. The alteration or reconfiguration of a nonconforming municipal structure may only occur in compliance with Sections 6-2.17 or 6-2.19.

4-1.09. Conversion of Structures. No municipal structure, or any part thereof, may be converted to any other type of structure requiring a permit or license under this Code without first obtaining the permit or license required of the type of structure into which it is being converted and, if required, obtaining a special density license under Section 6-2.13.

4-1.11. Conversion of Use. A new license shall be required to convert a municipal use to any other use identified in this Code that requires a license for the particular type of structure. The required license shall be based on the use to which the facility is being converted and, if required, a special density license shall be obtained under Section 6-2.13.

4-1.13. Additional Regulations.

Subd. 1. Temporary Structures. Temporary structures are subject to the provisions of Section 2-5.01.

CHAPTER 2
MUNICIPAL STRUCTURES

4-2.01. Municipal Structures Identified.

Subd. 1. Types of Municipal Structures. The municipal structures identified in this section are allowed in the Lake with the issuance of a license (or permit) from the LMCD and compliance with all applicable provisions of this Code. The specific types of municipal structures allowed by this Code, and which may be referred to collectively as municipal structures, are as follows:

(a) Municipal multiple docks;

(b) Municipal single docks;

(c) Municipal mooring areas;

(d) Municipal emergency service docks; and

(e) Municipal launching ramps.

Subd. 2. Municipal Planned Unit Development. A municipality may apply for a license to place municipal structures as part of a municipal planned unit development as provided in Section 4-3.01.

4-2.03. Municipal Single Docks.

Subd. 1. Description. A municipal single dock is a dock constructed or maintained by a municipality for the storage of four or fewer restricted watercraft.

Subd. 2. Licensing. The placement of a municipal dock requires a municipal single dock license issued in accordance with Section 6-3.05. A permanent municipal single dock does not require a permanent dock permit.

Subd. 3. Authorized Dock Use Area. Municipal single docks shall only be located within the authorized dock use area of the adjacent municipal property unless the Board approves an expanded authorized dock use area as part of the license in accordance with Section 6-3.01, subdivision 5.

Subd. 4. License Renewals. A municipal single dock license shall be renewed annually in the same manner as a municipal multiple dock license under Section 6-3.03.

4-2.05. Municipal Multiple Docks.

Subd. 1. Description. A municipal multiple dock is a dock constructed or maintained by a municipality for the storage of five or more restricted watercraft.

Subd. 2. Licensing. The placement of a municipal dock requires a municipal multiple dock license issued in accordance with Section 6-3.01. A permanent municipal multiple dock does not require a permanent dock permit.

Subd. 3. Authorized Dock Use Area. Municipal multiple docks shall only be located within the authorized dock use area of the adjacent municipal property, unless the Board approves an expanded authorized dock use area as part of the license in accordance with Section 6-3.01, subdivision 5.

Subd. 4. License Renewals. A municipal multiple dock license shall be renewed annually as provided in Section 6-3.03.

4-2.07. Municipal Mooring Areas.

Subd. 1. Description. A municipal mooring area is a mooring area established or maintained by a municipality.

Subd. 2. Licensing. The placement of a municipal mooring area requires a municipal mooring area license, the application for which shall be submitted and processed in accordance with Section 6-3.07.

Subd. 3. License Renewals. A municipal mooring area license shall be renewed annually as provided in Section 6-3.07, subdivision 4.

4-2.09. Municipal Emergency Services Docks.

Subd. 1. No License Required. A municipality is not required to obtain a license from the LMCD to place or maintain a municipal emergency services dock.

Subd. 2. Government Service Watercraft. In order to encourage commercial uses to accommodate the needs of government entities in the deployment and storage of their watercraft to better serve the health, safety, and welfare of those on the Lake, government service watercraft stored at a commercial structure are not counted for density purposes for the commercial structure as provided in Article 2, Chapter 4.

4-2.11. Municipal Launching Ramp.

Subd. 1. Description. A municipal launching ramp is a ramp constructed or maintained by a municipality.

Subd. 2. Licensing. The placement of a municipal launching ramp requires a municipal launching ramp license, the application for which shall be submitted and processed in accordance with Section 6-3.09.

Subd. 3. License Renewals. A municipal launching ramp license shall be renewed annually as provided in Section 6-3.09, subdivision 3.

CHAPTER 3
MUNICIPAL PLANNED UNIT DEVELOPMENTS

4-3.01. Eligibility. The LMCD may grant, as part of a municipal multiple dock license, flexibility in the regulations under this Code to a municipality for dock length on a continuous segment of shoreline owned by the municipality, and over which the municipality has exclusive dockage rights, as part of a planned unit development license in accordance with the provisions of this Chapter. In exchange for the flexibility granted as part of a planned unit development, the municipality must preserve one-half of the authorized dock use area as open space.

4-3.03. Adjusted Dock Use Area. As a condition of approval of any planned unit development dock plan, the dock use area of the site shall be divided in half, perpendicular to the shoreline, and the municipal structures and watercraft storage is limited to only one side of the divided dock use area. In cases where there is an unusual or irregular shoreline, or where there are other practical difficulties with dividing the dock use area in half in the manner described above, the Board may divide the dock use area as it deems appropriate. The Board will establish side site lines for purposes of defining the dock use area of any site without side site lines. All watercraft storage and dock structure used for watercraft storage must be fully contained within the selected side of the authorized dock use area. Additionally, any increase in the length of the dock use area approved under this Section may not extend more than 200 feet from the shoreline.

4-3.05. Licensing Procedure. An application for a municipal planned unit development license shall be submitted and processed in accordance with Section 6-3.11.

CHAPTER 4
LMCD USES

4-4.01. Storage of LMCD Equipment. LMCD equipment may temporarily be moored or stored in unlicensed locations, in the vicinity of the work site for the equipment, subject to the following limitations:

(a) LMCD equipment may not be located at any one site for more than two business days before and two business days after work is done in the vicinity of that site;

(b) LMCD equipment must be stored within a dock use area with the consent of the owner of the site, or in the setback area between dock use areas with the consent of the owners of both affected sites;

(c) If, at any time, the storage of such LMCD equipment is deemed by the Sheriff to be a hazard to navigation or a threat to the public safety, the Sheriff may order the owner thereof to move the equipment to an appropriate location. Failure to comply with any such order is a misdemeanor; and

(d) All such equipment must be posted with the identification of the owner and name, address, and telephone number of a person who may be contacted in an emergency or may be notified by the Sheriff, if necessary, in accordance with the preceding paragraph.

ARTICLE 5
RESIDENTIAL STRUCTURES AND USES

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CHAPTER 1
RESIDENTIAL STRUCTURES AND USES GENERALLY

5-1.01. Subject to Regulation. In order to advance the purposes of this Code, the LMCD regulates certain residential structures and uses on the Lake. Residential structures and uses regulated by this Code may only occur in compliance with the requirements of this Code.

5-1.03. **General Standards**.

Subd. 1. Approval Required. No person may locate, construct, install, or maintain a residential structure on the shoreline of the Lake, or in the waters of the Lake, without first obtaining a permit or license from the LMCD in accordance with Article 6, Chapter 4, except to the extent a permit or license is expressly not required for the particular type of structure.

Subd. 2. Restrictions. Unless expressly provided otherwise in this Code, the use of the Lake for the storage of watercraft and the placement of docks and other structures adjacent to residential property may only occur:

(a) Within the authorized dock use area determined in accordance with Article 2, Chapter 3;

(b) In compliance with the setbacks requirements of Section 2-3.03; and

(c) The storage of restricted watercraft shall comply with the density limits of section Article 2, Chapter 4.

Subd. 3. Standards. Residential structures are subject to the standards and restrictions in Article 2, Chapter 2, and all other applicable provisions of this Code.

5-1.05. Residential Uses. The residential uses identified in this Section are eligible to apply for residential licenses on the Lake. The LMCD does not license the use itself, but the license issued for the structure will identify the particular residential use designation recognized by the LMCD. These designations are not directly dependent on the zoning approvals issued for a property by the municipality in which the use is located. Each type of residential use is identified below and may be referred to in this Code collectively as residential uses. The residential uses identified in this Code are as follows:

(a) Single-family residential; and

(b) Residential associations.

5-1.07. Single-Family Residential. A single-family residential property may apply for the following types of licenses and permit:

(a) Residential single dock license, which is only required if the dock is placed pursuant to a shared shoreline agreement entered into between neighboring residential owners;

(b) Residential multiple dock license; or

(c) Residential permanent dock permit.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6, Chapter 4 of this Code.

5-1.09. Residential Associations. A residential association property may apply for the following types of licenses:

(a) Association single dock license;

(b) Association multiple dock license; or

(c) Association permanent dock permit.

All license applications shall be submitted and processed in accordance with the requirements and procedures in Article 6, Chapter 4 of this Code.

5-1.11. Alteration of Residential Structures. No residential dock issued a license or permit under this Article shall not be altered, reconstructed, or reconfigured to increase slip size without first securing a new license or permit for the dock and, if required, a special density license under Section 6-2.13. The alteration of any conforming dock shall comply with all requirements of the Code as though the dock was new and not previously existing or licensed. A minor change to a conforming structure may be allowed with the administrative approval of a new license as provided in Section 6-1.17. The alteration or reconfiguration of a nonconforming dock may only occur in compliance with Section 6-2.17 or 6-2.19.

5-1.13. Conversion of Structures. No residential structure, or any part thereof, may be converted to any other type of structure requiring a permit or license under this Code without first obtaining the license or permit required of the type of structure into which it is being converted and, if required, obtaining a special density license under Section 6-2.13.

5-1.15. Conversion of Use. A new license shall be required to convert a residential use identified in this Article to another residential use or any other use identified in this Code that requires a license for the particular type of structure. The required license shall be based on the use to which the facility is being converted and, if required, a special density license shall be obtained under Section 6-2.13. A conversion of use requiring a new license includes, but is not limited to, the addition or removal of transient facilities, or the conversation to or from an outlot association facility, multiple dwelling facility, or private multiple facility.

5-1.17. Temporary Structures. Temporary structures are subject to the provisions of Section 2-5.01.

CHAPTER 2
RESIDENTIAL STRUCTURES

5-2.01. Residential Single Docks.

Subd. 1. Description. A residential single dock is a dock constructed, placed, or maintained by a single-family residential use for the storage of four or fewer restricted watercraft.

Subd. 2. Licensing. The placement of a residential single dock does not require a permit or license from the LMCD, except as follows:

(a) The construction of a residential single dock as a permanent dock requires a residential permanent dock license in accordance with Section 6-4.05; and

(b) The placement of a residential single dock pursuant to a shared shoreline agreement entered into between neighboring residential owners requires a residential single dock license in accordance with Section 6-4.01 or a residential multiple dock license in accordance with Section 6-4.03.

Subd. 3. License Renewals. A residential single dock license does not need to be renewed.

Subd. 4. Alterations. A new single dock license shall be required if the shared shoreline agreement, if applicable, is amended or terminated or whenever the size, type, location, or configuration of the dock is changed. The application for the new license shall be submitted and processed in accordance with Section 6-4.01. No new license is required for the repair or replacement of a residential single dock previously place in accordance with this Code where such repair or replacement does not alter the size, type, location, or configuration of the dock.

5-2.03. Residential Multiple Docks.

Subd. 1. Description. A residential multiple dock is a dock constructed, placed, maintained, or used by a residential use for the storage of five or more restricted watercraft.

Subd. 2. Licensing. The placement of a residential multiple dock requires a residential multiple dock license, the application for which shall be submitted and processed in accordance with Section 6-4.03.

Subd. 3. License Renewals. A residential multiple dock license shall be renewed annually as provided in Section 6-4.03, subdivision 6.

5-2.05. Residential Permanent Docks. The placement of a residential single dock as a permanent dock requires a residential permanent dock permit.

Subd. 1. Description. A residential permanent dock is a residential single dock constructed, placed, or maintained as a permanent dock that is used for the storage of four or fewer restricted watercraft.

Subd. 2. Permitting. The placement of a residential permanent dock requires a residential permanent dock permit, the application for which shall be submitted and processed in accordance with Section 6-4.05. Residential permanent docks in existence on May 5, 1982 may be continued without a permit.

Subd. 3. License Renewals. A residential permanent dock license does not need to be renewed.

Subd. 4. Alterations. A new residential permanent dock permit is required whenever the size, type, location, or configuration of the dock is changed. The application for the new permit shall be submitted and processed in accordance with Section 6-4.05. No new permit is required for repair or replacement of a previously permitted residential permanent dock where such repair or replacement does not alter the size, type, location, or configuration of the dock.

5-2.07. Association Single Docks.

Subd. 1. Description. An association single dock is a single dock owned or operated by a residential association and used primarily by the members or residents of the residential association.

Subd. 2. Licensing. The placement of an association single dock requires an association single dock license, the application for which shall be submitted and processed in accordance with Section 6-4.07.

Subd. 3. License Renewals. An association single dock license shall be renewed annually as provided in Section 6-4.11.

5-2.09. Association Multiple Docks.

Subd. 1. Description. An association multiple dock is a dock constructed, placed, or maintained by a residential association use for the storage of five or more restricted watercraft.

Subd. 2. Licensing. The placement of an association multiple dock requires an association multiple dock license, the application for which shall be submitted and processed in accordance with Section 6-4.09.

Subd. 3. License Renewals. An association multiple dock license shall be renewed annually as provided in Section 6-4.11.

Subd. 4. Acquisition of Commercial Mariana Property. If at any time a residential association acquires an ownership interest in riparian property at which a commercial marina is located, the Board may impose on the license of such facility any conditions deemed necessary to ensure that all previously existing amenities of the types listed in Section 6-2.13, subdivision 5, whether or not previously required pursuant to Section 6-2.13, remain available and to ensure that

boat storage space remains freely available to members of the general public with no priority preference or advantage to owners of specified real property.

5-2.11. Association Permanent Docks. The placement of an association single dock as a permanent dock requires an association permanent dock permit.

Subd. 1. Description. An association permanent dock is an association single dock constructed, placed, or maintained as a permanent dock that is used for the storage of four or fewer restricted watercraft.

Subd. 2. Permitting. The placement of a residential permanent dock requires an association permanent dock permit, the application for which shall be submitted and processed in accordance with Section 6-4.13. Association permanent docks in existence on May 5, 1982 may be continued without a permit.

Subd. 3. License Renewals. A residential permanent dock license does not need to be renewed.

Subd. 4. Alterations. A new association permanent dock permit is required whenever the size, type, location, or configuration of the dock is changed. The application for the new permit shall be submitted and processed in accordance with Section 6-4.11. No new permit is required for repair or replacement of a previously permitted association permanent dock where such repair or replacement does not alter the size, type, location, or configuration of the dock.

5-2.13. Conversion of a Commercial Single Dock to a Residential Association Multiple Dock. The conversation of a commercial single dock to an association multiple dock requires an association multiple dock license under Section 6-4.09 and is subject to the limitations in Section 3-2.03, subdivision 3(c).

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CHAPTER 1
GENERAL PROVISIONS

6-1.01. Required Approvals. It is a violation of this Code to place, construct, establish, initiate, undertake, or maintain any use, operation, structure, or other activity requiring a license, permit, certificate, or other form of approval under this Code without first obtaining any such required license, permit, certificate, or other form of approval from the LMCD in accordance with the procedures and requirements of this Article and compliance with all other applicable provisions of this Code. For the ease of reference, the licenses, permits, certificates, or other forms of approvals available under this Code may collectively be referred to as an "approval" or "approvals." Failure to comply with any term or condition of an approval issued under this Code is also a violation of this Code and may result in the revocation, suspension, modification, or nonrenewal of the approval in addition to prosecution or other enforcement measures provided for in this Code.

6-1.03. Applications Generally.

Subd. 1. Form. An application must be submitted on the appropriate LMCD form approved by the Board. Any requests not submitted on an approved LMCD form shall not constitute an application for the purposes of this Code, or Minnesota Statutes, section 15.99, and shall be rejected.

Subd. 2. Submission. All applications shall be submitted to the Executive Director or the Executive Director's designee. The Executive Director shall forward applications requiring Board action to the Board and is authorized to schedule and provide notice of a hearing on the application if required.

Subd. 3. Completeness. An application shall not be deemed complete, and shall immediately be rejected, if it is not accompanied by the required application fee and, if required,

an escrow. An application that does not contain all of the information required by this Code for the particular type of request, any additional information required on the application form, and any other additional information the Executive Director may reasonably determine is needed to have a full understanding of the request and to properly process it under this Code shall be deemed incomplete and shall not be processed until the applicant provides the additional information and materials required to make it complete. The Executive Director is authorized to determine if an application is complete, what information is required to make an application complete, and to provide written notices of incompleteness identifying the additional information required to make an application complete. The Executive Director may expressly waive one or more application requirements if the Executive Director determines the information is not required under the particular circumstances.

Subd. 4. Minimum Information. Every application shall, at a minimum, contain the following information:

(a) The name and address of the applicant;

(b) The description of the property to which the application relates, including the property identification number established by the County;

(c) The name and address of the owner of the property, if different from the applicant;

(d) If the applicant is not the owner, an explanation of the interest which the applicant has in the property; and

(e) A showing that all requisite permits, licenses, and approvals from the local municipality have been obtained and that the requirements of any other governmental authority have been met.

Subd. 5. Owner Consent. An application submitted by someone other than the owner of the property must have the consent of the owner to be considered a complete application.

Subd. 6. Accuracy. No person shall knowingly make a false statement in an application or present inaccurate information to the LMCD. If the Board determines an approval was issued based, at least it part, on an applicant's false statement or on the presentation of inaccurate information, it may act to revoke or modify the approval. The Board shall provide the applicant written notice and an opportunity to be heard before acting to revoke or modify the approval.

6-1.05. Fee Schedule.

Subd. 1. Application Fee. The Board shall, by resolution, adopt a fee schedule setting out the application fees for the various approvals issued by the LMCD under this Code. The fee schedule may include late fees applicable to applications submitted after the applicable deadline and to after-the-fact fees for approvals issued after an applicant has begun construction or initiated a use. The establishment of late fees and after-the-fact fees does not obligate the LMCD to grant the requested approvals. Except as may explicitly be authorized by this Code, application fees

shall not be prorated and shall not be returned or refunded. If the scope of an application changes after submission such that additional application fees apply, the owner shall promptly pay any such additional fees.

Subd. 2. Escrow. The Board may require an applicant to escrow funds with the LMCD at the time of submitting an application. The required escrow shall be submitted by check and shall be used to pay for the professional costs the LMCD incurs to process and act on an application. The requests requiring an escrow and the amount of the escrow are established in the fee schedule. The professional costs which may be reimbursed from the escrow include, but are not limited to, attorney's fees, engineering fees, surveying costs, as well as all related fees, costs, and charges the LMCD incurs related to processing and acting on the application. An applicant requesting an approval that requires an escrow is required to fully reimburse the LMCD for the professional costs it incurs regardless of whether the application is approved, denied, or withdrawn. If the amount escrowed is not sufficient to fully reimburse the LMCD for its professional costs, the applicant shall be billed for the additional amounts, which must be paid within 30 days of billing. Failure by an applicant to fully reimburse the LMCD for the additional professional costs incurred shall render any future applications from the same applicant, or related to the same property, incomplete until all outstanding amounts are paid in full.

6-1.07. General Hearing Procedures. A hearing required by this Code shall be conducted in accordance with this Section and any additional requirements that may apply under this Code to the particular approval being requested.

Subd. 1. Notice. Unless this Code expressly provides otherwise, the LMCD shall provide at least 10 days published notice of any hearing required by this Code. Notice of the hearing shall identify the date, time, place, and purpose of the hearing. The notice shall be published at least once in the LMCD's official newspaper as designated by the Board. If this Code requires mailed notice related to the requested approval, the hearing notice shall also be mailed to those properties within 350 feet of the boundary of the property that is the subject of the hearing using the same mailing address as indicated on the Hennepin County on-line property records for the mailing of property tax statements. Failure to give mailed notice to individual property owners, failure to receive a notice, or defects in the notice, shall not invalidate the proceedings, provided a bona fide attempt to provide the notice was made. The LMCD may provide additional notice as it determines is appropriate in a given matter, but providing additional notice does not obligate the LMCD to provide additional notice of any other hearings on the same matter or on any other matters in the future.

Subd. 2. Multiple Approvals. The Board may consider multiple approval requests from an applicant at the same hearing. The Board's decision on each of the approval requests may be issued as part of the same order, but shall be identified separately.

Subd. 3. Opportunity to be Heard. At the hearing, all parties in interest shall have an opportunity to be heard and to present such matters by evidence and testimony as are relevant to the proceedings. The Board may, by resolution, adopt rules governing the conduct of such hearings, records to be made, and such other matters as it deems necessary.

Subd. 4. Record. Upon the disposition of any matter after the hearing, the Board shall prepare a written summary of its findings and decision and enter the summary in the official minutes of the Board. The LMCD may also provide for the recording of its decision on the subject property in the office of the County Recorder or the Registrar of Titles.

6-1.09. Administrative Actions. The Executive Director is authorized to act on any approval, including any renewal, that does not require a decision by the Board under this Code. The Executive Director is authorized to take such actions as may be needed to receive, process, and act on any approval that may be decided administratively under this Code. The Executive Director may refer any application subject to administrative approval to the Board for a decision and must refer any renewal application to the Board that the Executive Director proposes to deny.

6-1.11. Board Actions. The Board shall act on any request for an approval that requires a decision of the Board under this Code, and on any other matter presented to it by the Executive Director. The Board may provide for review of an application by a committee of at least three members who shall report its findings and recommendations to the full Board for final action. The Board may, by separate action as provided in this Code, delegate authority to issue certain approvals to the Sheriff. In such cases, the deputies designated by the Sheriff to serve on the water patrol shall constitute the issuing authority for such approvals. The Board may revoke such delegation of authority and have the LMCD serve as the issuing authority for such approvals.

6-1.13. General Provisions Regarding Approvals. This Section applies to all approvals issued by the LMCD and is in addition to any other requirements of this Code applicable to the requested approval.

Subd. 1. Implied Consent. By making application for an approval, the applicant consents to allowing the officers and agents of the LMCD to enter upon the property that is the subject of the application at all reasonable times to investigate the application and to determine whether the property is in conformance with the requirements of this Code. The application form shall contain a statement to this effect. These inspections are focused on the use of the Lake and this implied consent does not authorize any officer or agent of the LMCD to enter into any buildings located on the property.

Subd. 2. Review Criteria. In addition to any review criteria established in this Code for a particular approval, the issuing authority may consider such factors as it determines are appropriate under the facts of the particular situation. In no case shall the desire to increase non-riparian property values be considered a valid consideration in issuing an approval or in removing or modifying a condition of an approval.

Subd. 3. Conditions. The issuing authority may place conditions and limitations on the approvals it issues as it determines is needed to minimize or avoid the potential negative impacts related to the approval or to otherwise further the purposes of this Code. Compliance with all applicable federal, state, and local laws, rules, regulations, and ordinances is a condition of every approval, regardless of whether it is stated in the approval.

Subd. 4. Approval Contents. Each approval issued by the LMCD under this Code shall, unless clearly not applicable, include the following information:

(a) Name of the applicant;

(b) Name of the owner of the property to which the application relates, if not the applicant;

(c) The use designation of the applicant;

(d) The type of structure being approved;

(e) The configuration of the structure authorized by the approval;

(f) The number and location of authorized boat storage units; and

(g) Any conditions placed on the approval.

Subd. 5. Compliance with Conditions. Compliance with all conditions placed on an approval is required. Failure to comply with any of the conditions is a violation of this Code and may result in the revocation, suspension, modification of the approval as provided in subdivision 10 of this Section.

Subd. 6. Storage at Licensed Structures. No watercraft may be kept, stored, tied, or moored except at the location of a boat storage unit designated on the license issued for the structure. The structure shall not be used to keep, store, tie, or moor a greater number of watercraft than the total number of designated boat storage units than allowed by the license issued for the structure.

Subd. 7. Duration. All licenses issued under this Code shall have a term of one calendar year and shall terminate on December 31st in the year for which it was issued regardless of the date of issuance. All other approvals issued under this Code, to the extent appropriate and unless a different term is expressly provided in this Code, shall have a term of one calendar year and shall terminate on December 31st in the year for which it was issued unless a different term is identified on the face of the approval.

Subd. 8. Transferability. Except for variances, approvals issued under this Code are not transferable. A variance issued by the Board shall continue in effect for the property for which it was issued despite the transfer of the property, provided the structure for which it was issued is not altered and remains licensed.

Subd. 9. No Vested Rights. No person holding an approval issued pursuant to this Code shall gain thereby a vested right in the approval and nothing in this Code is intended to confer upon any person for the benefit of any property any vested right to use the Lake in any manner permitted by this Code. The use of the Lake shall remain subject to regulation by the LMCD as the public interest requires.

Subd. 10. Violations. A mistaken or false representation of any material fact by an applicant in seeking an approval from the LMCD, the violation of a provision of the Code under which the approval is issued, or the violation of any condition placed on the approval is grounds for revocation, suspension for such period as the Board may determine, modify, or the imposition of such additional conditions or requirements on the approval as the Board may determine is necessary to ensure compliance with this Code and the protection and preservation of the Lake and the public health, safety and welfare. The Board will provide the owner at least 10 days mailed notice and provide an opportunity to be heard before taking action to revoke, suspend, or impose additional conditions on an approval.

Subd. 11. Compliance with Other Laws. The issuance of a license, permit, certificate, or other approval by the LMCD does not relieve any person from the responsibility of complying with all other applicable federal, state, and local laws, rules, regulations, and ordinances, or from obtaining any other permits, licenses, or permissions that may be required.

6-1.15. Renewals Generally.

Subd. 1. Application. Unless this Code expressly provides otherwise, an application for the renewal of any approval that expires at the end of the year shall be submitted to the LMCD no later than December 1st of that year for the upcoming year. The Executive Director shall not accept license applications received after December 1st unless the application is accompanied by a late fee in the amount identified in the fee schedule.

Subd. 2. Issuance. Unless this Code expressly provides otherwise, a public hearing is not required for the renewal of an approval and the Executive Director may issue the renewal administratively without review or approval of the Board. If review by the Board is required, the renewal shall not be issued unless it is approved by the Board. The Executive Director may refer any renewal application to the Board for a decision and must refer any renewal application to the Board that the Executive Director proposes to deny.

Subd. 3. Modified Conditions. As part of any renewal, the LMCD may impose additional or amended conditions on the approval. If the Executive Director adds or amends conditions as part of an administrative approval, the applicant shall be provided an opportunity to request a hearing before the Board on such additional or amended conditions. The request for a hearing shall be made in writing and provided to the LMCD within 30 days of the notice of the renewal. Upon the timely receipt of a request for a hearing, the Board shall provide the applicant at least 10 days written notice of the hearing and provide the applicant an opportunity to be heard. After the hearing, the Board shall decide whether to approve, modify, or remove any of the conditions and direct the issuance of the renewal accordingly.

6-1.17. Minor Change; New License Required. The issuance of a new license is required for any change in slip size, boat storage units, ownership, length, width, height or location, or the change in the type of structure requiring a license under this Code. The Executive Director may administratively approve a request for a new license related to a minor change and issue a new license without a public hearing and without requiring the payment of a fee therefor, provided:

(a) All information required by the Executive Director has been submitted by the applicant;

(b) The structure is in compliance with the provisions of this Code;

(c) There is no change in the number of watercraft to be stored at the dock or launched from a ramp;

(d) The change will not adversely affect nearby properties, navigation, safety, wetlands with emergent vegetation, or the environment;

(e) The change will not involve a change in use from one of the classifications of use to another; and

(f) For all structures, except those of qualified commercial uses, there is no substantial change in the slip size, length, width, height or location of the dock or launching ramp, the amount of the Lake obstructed or occupied by the dock or launching ramp, the use of the dock or launching ramp, or the type of watercraft stored at the dock or launching ramp.

The Executive Director may refer any application to the Board and must refer any application that the Executive Director proposes to deny.

6-1.19. **No Vested Rights**. It is anticipated that in the future it may become necessary for the LMCD to attempt to make an allocation or apportionment of multiple dock, mooring area, commercial single dock, and launching facility privileges on and within the Lake, on an equitable basis, in order to avoid overcrowding of the Lake, or portions thereof and in order to balance the many conflicting demands upon the Lake. In order to give notice to licensees that the license does not create any vested rights and that future regulatory actions by the LMCD may necessitate modifying or discontinuing the facility for which the license is granted, each license shall state upon its face that the licensed facility is subject to existing and future density policies and regulations adopted by the Board. Failure to include the statement on the face of a license shall not change the fact the issuance of the license does not grant any vested rights and is subject to changes in LMCD policies and regulations.

CHAPTER 2
COMMERCIAL STRUCTURE APPROVALS

6-2.01. Commercial Multiple Dock License. An application for a commercial multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a commercial multiple dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A plan showing the design and location of the structure, including all boat storage units; and

(b) Identify any accessory structures or uses requested as part of the application.

Subd. 2. Issuing Authority. The Board determines whether to issue a commercial multiple dock license after conducting a public hearing on the application. The license shall specify the authorized boat storage units allowed at the structure.

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following:

(a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria in Article 2, Chapter 4;

(b) Whether the proposed structure complies with the authorized dock use area requirements in Article 2, Chapter 3;

(c) Whether the proposed structure will be structurally safe for use by the intended users;

(d) Whether the structure will comply with the regulations contained in this Code;

(e) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;

(f) Whether the proposed structure will be compatible with the adjacent development;

(g) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;

(h) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;

(i) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;

(j) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;

(k) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area;

(l) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public; and

(m) If the site to which the application relates includes non-continuous shoreline, the Board shall also consider the conditions set out in Section 2-4.07, subdivision 4(a).

Subd. 4. Qualified Commercial Uses. If a qualified commercial use proposes to increase the number of boat storage units beyond what it is otherwise allowed, or to extend any portion of the structure further into the Lake than 100 feet, the Board shall consider the following additional limitations when reviewing the request:

(a) No license will be granted for a facility with an existing variance unless a new variance for the proposed facility is granted by the Board;

(b) No license will be granted for a proposed facility that overlaps the dock use area of another site;

(c) No license will be granted for a proposed facility that will require removal of emergent native vegetation; and

(d) No license will be granted for a proposed facility that interferes with general public navigation, or impairs access to use of the dock use area of another site or a commercial mooring area.

Subd. 5. Limitations. The following limitations and restrictions apply to structures licensed under this Section.

(a) Zoning Districts. No commercial single dock shall extend across the extended zone line between sites zoned differently by a municipality.

(b) Non-Continuous Shoreline. If the dock use area of the site includes non-continuous shoreline, the limitations in Section 2-4.09, subdivision 4(a) apply.

Subd. 6. As-Built Survey. Upon completion of the dock installation, the licensee shall provide the LMCD an as-built survey of the docks and site indicating the 929.4 NGVD foot shoreline, a line indicating the 100 foot distance from shore, dock dimensions, setbacks from the

extended property lines, and witness marks for seasonal docks. The Executive Director or the Board may waive this requirement in writing.

6-2.03. Renewal of a Commercial Multiple Dock License.

Subd. 1. Renewal without Change. If there is no change in slip size, boat storage units, ownership, width, height or location, or change in the commercial use from the previously issued commercial multiple dock license, the Executive Director may, upon a complete renewal application, renew the license administratively without a hearing.

Subd. 2. New License. If an owners proposes to change slip size, boat storage units, ownership, width, height, or location of an existing commercial multiple dock, or change from the current commercial use, a new commercial multiple dock license is required. The owner shall submit a new application and have it processed as a new commercial multiple dock license request.

6-2.05. Commercial Single Dock.

Subd. 1. Application Process. The process to request or renew a commercial single dock license shall be the same as the process to request or renew a commercial multiple dock license.

Subd. 2. As-Built Survey. Upon completion of the dock installation, the licensee shall provide the LMCD an as-built survey of the docks and site indicating the 929.4 NGVD foot shoreline, a line indicating the 100 foot distance from shore, dock dimensions, setbacks from extended property lines and witness marks for seasonal docks. The Executive Director or the Board may waive this requirement in writing.

6-2.07. Commercial Mooring Area License. An application for a commercial mooring area license shall be submitted, processed, and acted on in accordance with this section.

Subd. 1. Application. An application for a commercial mooring area license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) The location of the area of the Lake for which the license is sought;

(b) A map showing the location of the proposed mooring area within the Lake;

(c) The type of moorings to be use by the applicant, the number of moorings, and the spacing of moorings;

(d) Whether the mooring areas will be available for use by the general public, and, if not, the manner in which the use of moorings will be restricted;

(e) The person or persons who will be responsible for operating the mooring area;

(f) The amount and type of public liability insurance which will be maintained by the applicant for the operation of the mooring area; and

(g) Any other procedures or regulations of the applicant relating to the use of the mooring area.

Subd. 2. Issuing Authority. The Board determines whether to issue a commercial mooring area license after conducting a public hearing on the application. In granting a license the Board may alter the size, shape, peripheral limits, and density of the area for which the license is granted and the Board may impose other conditions upon the granting of a license for a commercial mooring area. Licenses shall be granted on an annual basis for a single boating season.

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the review criteria in Section 6-2.01, subdivision 3, to the extent applicable, and the following:

(a) A commercial mooring area license shall not be issued unless the Board finds that the commercial mooring area will fulfill a public service and will not conflict with the general public interest in the use of the waters of the Lake.

Subd. 4. License Renewal. An application for renewal of a license for a commercial mooring area shall be made no later than December 1st of the year preceding the year for which the license is sought. The Executive Director shall not accept a license application received after December 1st unless the application is accompanied by the required late fee. If there is no change in ownership, the number of moorings, or the configuration of the mooring area from the previously issued commercial mooring area license, the Executive Director may, upon a complete renewal application, renew the license administratively within a hearing. If changes are proposed, a new commercial mooring area license shall be required. At renewal, the issuing authority may alter the size, shape, peripheral limits, and density of the area for which the license is renewed and the issuing authority may impose other conditions upon the renewal of the license.

6-2.09. Commercial Launching Ramp License. An application for a commercial launching ramp license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a commercial launching ramp license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A site plan showing the proposed location and dimensions; and

(b) A description of the materials to be used to construct the ramp.

Subd. 2. Issuing Authority. The Board determines whether to issue a commercial launching ramp license after conducting a public hearing.

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the review criteria in Section 6-2.01, subdivision 3, to the extent applicable.

6-2.11. Conversion of Mooring Spaces to Slip Spaces. The spaces in a licensed commercial mooring area may be converted to slip storage spaces at a commercial single dock or a commercial multiple dock of the same licensee as provided in this Section.

Subd. 1. Application. An application to convert spaces at a licensed commercial mooring area to slip storage spaces shall be submitted and processed as a commercial single dock license under Section 6-2.05 or a commercial multiple dock license under Section 6-2.01 as appropriate.

Subd. 2. Issuing Authority. The Board determines whether to allow the conversion of spaces at a licensed commercial mooring area to slip storage spaces after conducting a public hearing on the application. A conversation may be authorized under this Section, notwithstanding the density limitations of Article 2, Chapter 4, and such conversions shall not require a special density license under Section 2-4.11.

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following:

(a) The commercial mooring area must have been in existence on October 24, 1984;

(b) The commercial mooring area must be immediately offshore from the commercial single or multiple dock facility to which the storage spaces are being transferred;

(c) No more spaces must be created at the commercial single or multiple dock facility than are abandoned at the commercial mooring area;

(d) The slip spaces created shall be no larger than 11 feet by 24 feet; and

(e) All dock and boat storage shall be within the authorized dock use area as in Article 2, Chapter 3, unless a variance is granted pursuant to Section 6-5.01.

Subd. 4. Restriction. No commercial mooring space converted to a slip space may thereafter revert to a commercial mooring space unless such commercial mooring area is in compliance with all provisions of the Code in effect at that time and then only after a new commercial mooring area license is obtained.

6-2.13. Special Density License. Applications for a special density license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a special density license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A showing that all requisite permits, licenses, and approvals from the local municipality have been obtained and that the requirements of any other governmental authority have been met;

(b) A plan showing the design and location of the facility; and

(c) The boat storage density being requested.

Subd. 2. Issuing Authority. The Board determines whether to issue a special density license after conducting a public hearing on the application. The hearing on the special density license may be combined with the hearing required for the commercial license or a municipal license for the structure and conducted as one proceeding.

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following:

(a) Whether the facility will obstruct or occupy too great an area of the public water in relationship to its utility to the general public;

(b) Whether the proposed facility will serve the general public as opposed to a limited segment of the public or a limited geographical area;

(c) Whether the proposed facility will be compatible with the adjacent water use area;

(d) Whether the proposed facility will be compatible with the adjacent riparian zoning;

(e) Whether adequate water depth is available for the proposed facility without churning of the bottom sediments;

(f) Whether the proposed facility will create a volume of traffic on the Lake in the vicinity of the facility which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the facility;

(g) Whether the proposed facility is compatible with the LMCD watercraft density classification criteria;

(h) Whether the facility will comply with the regulations contained in this Code;

(i) Whether the proposed facility will be compatible with the maintenance of the natural beauty of the Lake;

(j) Whether the proposed facility will affect the quality of the water of the Lake and the ecology of the Lake;

(k) Whether the proposed facility, by reason of noise, fumes, or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the facility;

(l) Whether adequate sanitary and parking facilities will be provided in connection with the proposed facility;

(m) Whether the multiple dock or mooring area will be structurally safe for use by the intended users;

(n) Whether the proposed facility will provide for additional permanent non-transient boat or watercraft storage on the Lake;

(o) Whether the detrimental impact of the proposed facility will be reduced by limiting storage to boats which are not restricted watercraft; and

(p) Whether the applicant proposes to construct or to maintain certain amenities deemed beneficial to the Lake and the general public use of the Lake which offset the impact of all or part of the increased density. In determining whether amenities which the applicant proposes to maintain or construct are sufficient to offset the effect of the increased density, the Board will take into consideration existing as well as proposed density and amenities.

Subd. 4. Limitations. The following limitations apply to requests for a special density license.

(a) Modifications and Conditions. The Board may modify the requested boat storage density and place conditions on the license.

(b) Private Facilities Excluded. A special density license shall not be issued to any facility which includes watercraft storage facilities which are available only to persons having an interest in specified riparian or non-riparian real property.

(c) Density. An applicant may request a density greater than one watercraft per 50 feet of shoreline, but not greater than one watercraft per 10 feet of shoreline. When measurements determining the number of watercraft allowed result in the provision of a fractional watercraft, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall allow one additional watercraft.

(d) Desire to Increase Value. The use of special density licenses on the Lake for the purpose of increasing riparian or non-riparian property values is not a valid consideration in permitting such facilities.

Subd. 5. Computing Density. The density that may be approved for a structure by a special density license is based on the number of amenity points attributable to the structure. The amenities accepted by the Board as being in Group A below are assigned 10 points each, those accepted as being in Group B are assigned five points each, and those accepted as being in Group C are assigned three points each. Special density license applications require .5 points for each slip over 1:50' density allowance, with a minimum of 20 points. If the applicant is a municipality, density shall be computed by including all shoreline owned by the municipality. At least one

amenity shall be from Group A. All amenities are to be available to the public, properly signed, and with appropriate fees charged for amenity use where necessary. Handicapped access meeting state standards for docks and boats and adequate general public parking are mandatory requirements. Amenities are grouped as follows:

(a) Group A – Public Access:

(1) Fishing dock/pier (minimum 30 feet in length in suitable water);

(2) Launching ramp with car-trailer parking;

(3) Boat with outboard motor rental (minimum five boats, any type);

(4) Swimming beach;

(5) Provide free charter boat excursion or fishing trips for handicapped or underprivileged with minimum of 100 people served per season; or

(6) Additional amenities unique to the application.

(b) Group B – Environmental Protection Over and Above Municipal and Other Governmental Agencies' Minimum Requirements:

(1) Runoff water quality improvement (i.e., holding ponds);

(2) Vegetative screening or cover;

(3) Shoreline protection, enhancement and/or riprap;

(4) Eurasian water milfoil offload sites; or

(5) Additional amenities unique to the application.

(c) Group C – Public Service:

(1) Water safety education programs (formal program, at least 100 persons served per season, with qualified instructors);

(2) Lake use educational programs (formal program, at least 100 persons served per season, with qualified instructors);

(3) Marine towing service;

(4) Marine emergency repair service, at docks or on the Lake;

(5) Make-ready dock (minimum of 20 feet in length);

(6) Ramp use for emergencies;

(7) Boating safety literature distribution;

(8) Food service in a seated facility;

(9) Sanitary pump-out facilities;

(10) Meeting rooms;

(11) Winter access (signed for public use);

(12) Slip and/or boat use for emergencies and governmental agency use;

(13) Auto lookout;

(14) Observation deck; or

(15) Additional amenities unique to the application.

Subd. 6. Non-conforming Mooring Areas or Structures. Except as otherwise provided in this subdivision, this Section shall not apply to commercial mooring areas or commercial structures which were licensed or lawfully in existence on March 31, 1982. No change in the configuration of the commercial mooring area or commercial structure which results in an increase in slip size or boat storage units may be made without first securing a license under this Section. For purposes of this subdivision, the addition of unrestricted watercraft which are not counted for purposes of determining compliance with density limitations pursuant this Section, are not considered to be an increase in boat storage units. When acting on such a license application, the Board shall not limit its consideration to changes or additions to the facility, but shall consider the entire facility of the applicant.

Subd. 7. Special Rules.

(a) Unrestricted Watercraft at Residential or Municipal Facilities. Unrestricted watercraft shall not be counted for purposes of determining compliance with density limitations of this Section and Section 2-4.09 at residential or municipal docks, provided such unrestricted watercraft are not stored on the water of the Lake or on a mechanical lift.

(b) Unrestricted Watercraft at Commercial Single and Multiple Docks. Unrestricted watercraft shall not be counted for purposes of determining compliance with density limitations of this Section and Section 2-4.09 at commercial single or multiple docks provided:

(1) The watercraft are not stored in the water of the Lake or on a mechanical lift; and

(2) The Board finds that either:

(i) The watercraft are used for public rental, are under the exclusive control of the rental organization, and do not number more than one such uncounted watercraft for each 25 feet of shoreline at the site (unless a greater number is required by the Board as a public amenity); or

(ii) The watercraft are used for educational purposes, are under the exclusive control of the educational organization, and do not number more than one such uncounted watercraft for each 15 feet of shoreline at the site (unless a greater number is required by the Board as a public amenity).

Subd. 8. Compliance with Conditions. The failure to comply with any condition imposed by the Board constitutes sufficient grounds to revoke the license. Any change in the conditions under which a special density license is issued or the amenities proposed by the applicant will require the applicant to obtain a new license.

Subd. 9. No Vested Rights. The granting of a special density license shall grant no vested rights to the use of the Lake, and future regulatory action by the LMCD may require modification or removal of the structure.

Subd. 10. Renewal; Abandonment. Except as expressly required in this Section, the separate renewal of a special density license is not required. The special density license is subject to review as part of the annual renewal of the underlying license issued for the structure. Licenses issued under this Section for facilities which are not fully constructed for any two year period commencing at any time after March 10, 1993 shall be deemed abandoned and revoked, except facilities may be partially constructed if the licensee:

(a) Receives approval from the Board for such partial construction at the time of the granting of the applicant's annual dock license; and

(b) All amenities required for the facility are provided during that year.

6-2.15. Commercial Accessory Structures and Uses. An applicant for a commercial multiple dock license or a commercial single dock license may also request, as part of the same application, one or more commercial accessory structures or uses as identified in Section 3-3.13. The application must clearly identify the accessory structure or use being requested as part of the license and the request will be acted on as part of processing the underlying license application.

6-2.17. License to Reconfigure a Nonconforming Structure. The reconfiguration of a nonconforming structure requires the issuance of a new license for the structure. The license

approving the reconfiguration of the nonconforming structure is issued as part of the new license issued for the structure. The criteria and limitations set out in Article 2, Chapter 8 of this Code apply to this process as well as the determination of boat storage units.

Subd. 1. Eligibility. The Board may only issue a new license for the structure if the proposed reconfiguration of the nonconforming structure does not result in any of the conditions identified in Section 2-8.11 and complies with the requirements applicable to the required license, this Section, and the other requirements of the Code, to the extent applicable or not otherwise exempted by the express provisions of this Code.

Subd. 2. Application. An application for a license to reconfigure a nonconforming structure shall, in addition to the information required in Section 6-1.03 and the information required in the license application for the structure, contain the following information:

(a) A survey map of the existing nonconforming structure in its current configuration identifying the existing number of boat storage units, the linear footage of each boat storage unit, and the perimeter of the structure in accordance with Section 2-8.13; and

(b) A survey map of the proposed reconfigured nonconforming structure showing the boat storage units used, the total linear footage of the boat storage units used, and the perimeter area of the reconfigured structure in accordance with Section 2-8.13.

Upon the receipt of a complete application, the Executive Director shall decide whether the boat storage units, linear footage, and perimeter determinations shown on the map were made in accordance with Section 2-8.13 and require the applicant to make adjustments as may be needed.

Subd. 3. Variances. If a proposed reconfiguration of a nonconforming structure requires the issuance of a new variance, or an amendment to an existing variance, the applicant shall submit a variance application together with the application for a new license for the structure. Proceedings for consideration of such variance application and the new license for the structure shall be conducted concurrently.

Subd. 4. Conversion of Slides to Slips. An applicant proposing to reconfigure a nonconforming structure may request to convert one or more licensed slides to slip storage spaces. A request for such a conversion may only be considered as part of a reconfiguration request under this Section and may not be administratively approved by the Executive Director as part of a minor change under Section 6-2.19. The Board is the issuing authority and may only approve a conversion request if it meets all of the following criteria:

(a) The slides proposed for conversion to slips must be licensed for the same site; and

(b) The conversion does not increase the number of boat storage units at the site.

All slides converted to slips must be removed. In converting slides to slips, the applicant shall be given credit for linear length of slip space based on the linear length of each slide converted.

Subd. 5. Issuing Authority. The Board determines whether to issue a license to reconfigure a nonconforming structure, based on the provisions in Article 2, Chapter 8, after conducting a public hearing on the application, which shall be held in conjunction with the hearing required for the new license for the structure. The Board, as part of an approval, may allow minor modifications to the perimeter in order to accommodate changes to the structure that otherwise comply with the Code. The Board may impose conditions on a license it issues as it determines is reasonably needed to address navigation, safety, and environmental concerns including, but not limited to, imposing restrictions on the length of watercraft.

Subd. 6. Renewal. The license to reconfigure a nonconforming structure is renewed annually as part of the required renewal of the license for the structure.

6-2.19. Minor Changes to Nonconforming Structures. A request for a minor change to a nonconforming structure shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Eligibility. The Executive Director may administratively approve, as a minor change, a proposed reconfiguration of a nonconforming structure that meets all of the following criteria:

(a) The minor change will not result in any of the conditions identified in Section 2-8.11;

(b) There is no conversion of slides to slips;

(c) There is no substantial increase in the amount of the Lake obstructed or occupied;

(d) There is no substantial change in the use or the type of watercraft stored;

(e) The minor change does not require an amendment to an existing variance or the issuance of a new variance;

(f) No more than a combined total of 50 feet or 25percent, whichever is greater, of the principal structure of a nonconforming dock is being moved, shortened, or lengthened; and

(g) No new docks are being added.

Subd. 2. Application. An application for a minor change to a nonconforming structure shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A map that shows the proposed minor change as well as the number of boat storage units, the linear footage of each boat storage unit, and the perimeter of the structure in accordance with Section 2-8.13 both before and after the proposed minor change.

Subd. 3. Issuing Authority. The Executive Director may administratively approve a minor change to a nonconforming structure and issue a minor change permit without requiring a new license for the structure and without a public hearing, to the extent allowed by, and in accordance with, the procedures established in this Section and Article 2, Chapter 8. If the Executive Director determines the proposed minor change is consistent with the eligibility criteria in this Section, the Executive Director may administratively approve the application and issue a minor change permit. The Executive Director may refer any minor change application to the Board for a final decision and shall refer to the Board any minor change application the Executive Director proposes to deny. If the Board approves the license, the Executive Director shall issue a minor change permit in accordance with the decision. The issuing authority may, as part of an approval, allow minor modifications to the perimeter in order to accommodate changes to the structure that otherwise comply with the Code. The issuing authority may impose conditions on a minor change permit as it determines is reasonably needed to address navigation, safety, and environmental concerns including, but not limited to, restrictions on the length of watercraft.

CHAPTER 3
MUNICIPAL LICENSES

6-3.01. Municipal Multiple Dock License. An application for a municipal multiple dock license shall be submitted, processed, and acted on in accordance with this Section. An applicant for a municipal multiple dock license may request a length for the dock of up to 150 feet from the shoreline and may request a width that is wider than the eight foot maximum allowed for commercial single docks.

Subd. 1. Application. An application for a municipal multiple dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) Length of the proposed dock; and

(b) Width of the proposed dock.

Subd. 2. Issuing Authority. The Board determines whether to issue a municipal multiple dock license after conducting a public hearing on the application. In addition to published notice, notice of the public hearing shall be mailed to owners of all property within 500 feet of the site to which the application relates. The license shall specify the authorized boat storage units allowed at the structure.

Subd. 3. Review Criteria. In exercising its discretion in granting or denying licenses, the Board shall consider, together with any other factors it determines are relevant, the following:

(a) Whether the proposed structure is compatible with the LMCD watercraft density classification criteria;

(b) Whether the proposed structure will be structurally safe for use by the intended users;

(c) Whether the structure will comply with the regulations contained in this Code;

(d) Whether the proposed structure will create a volume of traffic on the Lake in the vicinity of the structure which will tend to be unsafe or which will cause an undue burden on traffic upon the Lake in the vicinity of the structure;

(e) Whether the proposed structure will be compatible with the adjacent development;

(f) Whether the proposed structure will be compatible with the maintenance of the natural beauty of the Lake;

(g) Whether the proposed structure will affect the quality of the water of the Lake and the ecology of the Lake;

(h) Whether the proposed structure, by reason of noise, fumes or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the structure;

(i) Whether adequate sanitary and parking facilities will be provided in connection with the proposed structure;

(j) Whether the proposed structure will serve the general public as opposed to a limited segment of the public or a limited geographical area; and

(k) Whether the structure will obstruct or occupy too great an area of the public water in relationship to its utility to the general public.

Subd. 4. Additional Criteria. The following additional criteria shall apply to municipal multiple dock license application proposing additional length or width:

(a) The dock must be owned and operated by a city, county, or state agency;

(b) The dock must be open to the general public, subject to reasonable regulations of the owner;

(c) No permanent or overnight storage shall be allowed at the dock;

(d) No license shall be granted for a dock extending more than 150 feet from the shoreline; and

(e) No retail sales, other than fuel, shall be permitted on the dock.

Subd. 5. Expanded Authorized Dock Use Area. Municipal multiple docks shall only be located within the authorized dock use area of the adjacent municipal property, except as follows:

(a) If the Board approves the municipality to exceed the authorized dock use area as part of approved municipal planned unit development; or

(b) If the Board approves a new multiple dock license that expressly allows the municipality to exceed the length or width limitations of Article 2, Chapter 3 for a municipal multiple dock that meets all of the following criteria:

(1) The dock is open to the general public, subject to reasonable regulations of the municipality;

(2) Permanent or overnight storage of watercraft is not allowed at the dock;

(3) The dock does not extend beyond 150 feet from the shoreline; and

(4) Retail sales, other than fuel, are not allowed at the dock.

Subd. 6. Special Density License. A request for a special density license for the municipal multiple dock shall be submitted and processed in accordance with Section 2-4.11.

6-3.03. Renewal of a Municipal Multiple Dock License.

Subd. 1. Renewal Without Change. If there is no change in slip size, boat storage units, ownership, width, height or location, or change in the use from the previously issued municipal multiple dock license, the Executive Director may, upon a complete renewal application, renew the license administratively.

Subd. 2. New License. If the municipality proposes to change slip size, boat storage units, ownership, width, height, or location of an existing municipal multiple dock, or change from the current use, a new municipal multiple dock license is required. The owner shall submit a new application and it shall be processed as a new municipal multiple dock license request.

6-3.05. Municipal Single Dock.

Subd. 1. Application Process. The process to request or renew a municipal single dock license shall be the same as the process to request or renew a municipal multiple dock license.

Subd. 2. As-Built Survey. Upon completion of the dock installation, the licensee shall provide the LMCD an as-built survey of the docks and site indicating the 929.4 NGVD foot shoreline, a line indicating the 100 foot distance from shore, dock dimensions, setbacks from property lines and witness marks for seasonal docks. The Executive Director or the Board may waive this requirement in writing.

6-3.07. Municipal Mooring Areas.

Subd. 1. Application. An application for a municipal mooring area license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) The location of the area of the Lake for which the license is sought;

(b) A map showing the location of the proposed mooring area within the Lake;

(c) The type of moorings to be use by the applicant, the number of moorings and the spacing of moorings;

(d) Whether the mooring areas will be available for use by the general public, and, if not, the manner in which the use of moorings will be restricted;

(e) The person or persons who will be responsible for operating the mooring area;

(f) The amount and type of public liability insurance which will be maintained by the applicant for the operation of the mooring area; and

(g) Any other procedures or regulations of the applicant relating to the use of the mooring area.

Subd. 2. Issuance of License. The Board determines whether to issue a municipal mooring area license after holding a public hearing on the application. In granting a license, the Board may alter the size, shape, peripheral limits, and density of the area for which the license is granted and the Board may impose other conditions upon the granting of a license for a municipal mooring area. Licenses shall be granted on an annual basis for a single boating season.

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the review criteria in Section 6-3.01, subdivision 3, to the extent applicable, and the following:

(a) A municipal mooring area license shall not be issued unless the Board finds that the area will fulfill a public service and will not conflict with the general public interest in the use of the waters of the Lake.

Subd. 4. License Renewal. An application for renewal of a license for a municipal mooring area shall be made no later than December 1st of the year preceding the year for which the license is sought. The Executive Director shall not accept a license application received after December 1st unless the application is accompanied by the required late fee. If there is no change in ownership, the number of moorings or the configuration of the mooring area from the previously issued municipal mooring area license the Executive Director may, upon a complete renewal application, renew the license administratively without a hearing. If changes are proposed, a new commercial mooring area license shall be required. At renewal, the issuing authority may alter the size, shape, peripheral limits, and density of the area for which the license is renewed and the issuing authority may impose other conditions upon the renewal of the license.

6-3.09. Municipal Launching Ramp.

Subd. 1. Application Process. The process to request or renew a municipal launching ramp license shall be the same as the process to request a municipal multiple dock license under Section 6-3.01.

Subd. 2. Fee. No fee shall be required for applications for launching ramps owned and operated by municipalities or other governmental agencies which are available for use by the general public without payment of fees or other charges.

Subd. 3. License Renewal. Renewal of a municipal launching ramp license is not required. If the municipal launching ramp is to be expanded, relocated, or otherwise altered, a new municipal launching ramp license shall be required.

6-3.11. Municipal Planned Unit Development License. A municipal planned unit development requires a municipal planned unit development license, which is issued as part of a municipal

multiple dock license. Issuance of a municipal planned unit development license is subject to the eligibility requirements set out in Section 4-3.01.

Subd. 1. Application. An application for a municipal planned unit development license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A map identifying the proposed dock use area, dock structure, and watercraft storage density; and

(b) Identify the specific shoreline to which it relates, show the proposed division of the dock use area as required by this Section, and show the proposed dock structure and watercraft storage.

The application shall be considered together with a separate application for a new municipal multiple dock license for the remainder of the municipality's shoreline. The application shall be accompanied by an application for the reconfiguration of nonconforming structures under Section 6-2.17 or an application for a new or amended special density licenses under Section 6-2.13, as appropriate, for facilities with watercraft storage that exceeds the watercraft density limitations of Article 2, Chapter 4.

Subd. 2. Issuing Authority. The Board determines whether to issue a municipal planned unit development license after conducting a public hearing on the application. The public hearing shall be conducted at the same time as the public hearing on the municipal multiple dock license for the same dock as well as any proposed special density license or reconfiguration request.

Subd. 3. Review Criteria and Limitations. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following criteria and limitations:

(a) The review criteria for a municipal multiple dock license in Section 6-3.01, subdivision 3.

(b) Whether the clustering of watercraft storage in one-half of the dock use area of the site as proposed is consistent with the spirit and intent of this Code;

(c) If the municipality's site is included in a special density license, under Section 6-2.13, the planned unit development site and the remainder of the municipal shoreline must each meet the density standards of Article 2, Chapter 4 or secure a new or amended special density license;

(d) If the municipality's site is nonconforming as to density under Article 2, Chapter 4, the planned unit development site must include all contiguous municipal shoreline and the application may not result in an increase in the number of boat storage units or increase the total square footage of slips at that site. The application must meet all requirements for reconfiguration of nonconforming structures under Article 2, Chapter 8 and Section 6-2.17 as applicable;

(e) The proposed municipal shoreline to be included in the planned unit development license contains at least 200 feet of shoreline;

(f) A planned unit development on municipal shoreline subject to one or more variances can only be approved if new variances are granted; and

(g) No extension to a greater dock use area length will be permitted if it overlaps another dock use area or mooring area, interferes with navigation or access to another dock use area or mooring area, or requires the removal of native emergent vegetation.

If approved, the segment of shoreline that is part of the planned unit development shall be separately licensed from the remainder of that municipality's shoreline and shall be considered a separate site for the purposes of this Code.

Subd. 4. License Renewals. Planned unit development licenses shall be renewed annually as part of the renewal of the municipal multiple dock license for the same dock.

CHAPTER 4
RESIDENTIAL APPROVALS

6-4.01. Residential Single Dock. A residential single dock license does not require a license, unless the dock is placed pursuant to a shared shoreline agreement entered into between neighboring residential owners. An application for a residential single dock license shall be processed as a residential multiple dock license with a combined dock use area under Section 6-4.03. If a residential single dock is a permanent dock, then a residential permanent dock permit is required in accordance with Section 6-4.05.

6-4.03. Residential Multiple Dock License. An application for a residential multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a residential multiple dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A plan showing the design, with dimensions, and location of the structure, including all boat storage units.

Subd. 2. Issuing Authority. The Executive Director is authorized to issue a residential multiple dock license administratively without a public hearing. The license shall specify the authorized boat storage units allowed at the structure. The Executive Director may refer any residential multiple dock application to the Board and shall refer to the Board any residential multiple dock application that the Executive Director proposes to deny.

Subd. 3. Review Criteria. When considering an application the Executive Director shall consider, together with any other factors the Executive Director determines are relevant, the.

(a) Whether the proposed structure satisfies the review criteria for a commercial multiple dock, to the extent applicable, in Section 6-2.01, subdivision 3, excluding the public use criteria; and

(b) If the application involves a combined dock use area, the additional criteria in subdivision 5 of this Section.

Subd. 4. Requirements. The applicant shall provide the LMCD an as-built survey of the residential multiple dock within 30 days of completion of installation.

Subd. 5. Combined Dock Use Area. If the application is submitted by the owners of two or more adjoining sites proposing to combine their authorized dock use areas for a single residential multiple dock for their common use the following additional review criteria shall apply:

(a) The owners of two or more adjoining sites are using their combined authorized dock use areas for a single common dock in accordance with Section 2-3.05, subdivision 1;

(b) All of the sites combined for the common multiple dock conform to current watercraft density requirements of Article 2, Chapter 4;

(c) Each of the combined riparian sites is occupied by one single-family residential structure;

(d) All of the restricted watercraft stored at the facility are owned by and registered to persons who live in the single family residential structures on the combined sites;

(e) The dock structure has a single point of entry from the shoreline;

(f) All of the combined sites have at least 20 feet of shoreline at elevation 929.4 NGVD;

(g) No more watercraft may be stored at the combined site than can be practically and validly stored at the uncombined sites including consideration of side setback requirements at the uncombined sites;

(h) The dock structure and watercraft storage must meet side setback requirements of the Code at both ends of the combined sites; and

(i) The length of the dock use area will be based on the shoreline of the combined sites.

Subd. 6. License Renewal. An application for renewal of a license for a residential multiple dock shall be made no later than December 1 st of the year preceding the year for which the license is sought. The Executive Director shall not accept a license application received after December 1st unless the application is accompanied by the required late fee. The Executive Director may issue renewal without change licenses if the applicants provide ownership and registration information on all of the watercraft stored at the dock.

6-4.05. Residential Permanent Dock Permit. An application for a residential permanent dock permit shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a residential permanent dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A certified survey and dock plan showing the design, with dimensions, and location of the structure, including all boat storage units; and

(b) A description of how the dock is proposed to be constructed in order to make it permanent.

Subd. 2. Issuing Authority. The Executive Director is authorized to issue a residential permanent dock permit administratively without a public hearing. The license shall specify the authorized boat storage units allowed at the structure. The Executive Director may refer any

residential permanent dock permit application to the Board for a decision and must refer any residential permanent dock permit application to the Board that the Executive Director proposes to deny.

Subd. 3. Review Criteria. The Executive Director shall consider the review criteria established in Section 6-4.03, subdivision 3, to the extent applicable.

Subd. 4. Requirements. The applicant shall provide the LMCD an as-built survey of the residential permanent dock within 30 days of completion of installation.

6-4.07. Association Single Dock License. An application for an association single dock license, to the extent required, shall be submitted, processed, and acted on in accordance with Section 6-4.09.

6-4.09. Association Multiple Dock License. An application for an association multiple dock license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for an association multiple dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A plan showing the design, with dimensions, and location of the structure, including all boat storage units.

Subd. 2. Issuing Authority. The Executive Director is authorized to issue an association multiple dock license administratively without a public hearing. The Executive Director may refer any association multiple dock application to the Board and shall refer to the Board any association multiple dock application that the Executive Director proposes to deny. The license shall specify the authorized boat storage units allowed at the structure.

Subd. 3. Review Criteria. When considering an application the Executive Director shall consider, together with any other factors the Executive Director determines are relevant, the following:

(a) Whether the proposed structure satisfies the review criteria for a commercial multiple dock, to the extent applicable, in Section 6-2.01, subdivision 3, excluding the public use criteria.

Subd. 4. Restrictions. An association multiple dock constructed after September 17, 1999 which provide dockage for more than one residential unit shall be so located and configured as to minimize the impact of the facility on adjacent and nearby properties which are not provided dockage at the facility, provided such location and configuration is reasonable, does not pose a hazard to navigation and is deemed by the Board to be generally consistent with the review criteria in this Section

6-4.11. Renewal of an Association Multiple Dock License.

Subd. 1. Renewal without Change. If there is no change in slip size, boat storage units, ownership, width, height or location, or change in the residential use from the previously issued association multiple dock license, the Executive Director may, upon request and submission of ownership and registration information for all watercraft stored at the dock, renew the license administratively.

Subd. 2. New License. If an owner proposes to change slip size, boat storage units, ownership, width, height, or location of an existing association multiple dock, or change from the current use, a new association multiple dock license is required. The owner shall submit a new application and have it processed as a new association multiple dock license request.

6-4.13. Association Permanent Dock Permit. An application for an association permanent dock permit shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for an association permanent dock license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A certified survey and dock plan showing the design, with dimensions, and location of the structure, including all boat storage units; and

(b) A description of how the dock is proposed to be constructed in order to make it permanent.

Subd. 2. Issuing Authority. The Executive Director is authorized to issue an association permanent dock permit administratively without a public hearing. The permit shall specify the authorized boat storage units allowed at the structure. If the Executive Director denies an application for a permit the reasons for the denial shall be provided to the applicant in writing.

Subd. 3. Review Criteria. The Executive Director shall consider the review criteria established in Section 6-4.09, subdivision 3 to the extent applicable.

Subd. 4. Requirements. The applicant shall provide the LMCD an as-built survey of the association permanent dock within 30 days of completion of installation.

CHAPTER 5
MISCELLANEOUS APPROVALS

6-5.01. Variances.

Subd. 1. Authorized. Where practical difficulties occur or where necessary to provide access to persons with disabilities, the Board may permit a variance from the requirements of this Code or may require a variance from what is otherwise permitted by this Code, provided that such variance with whatever conditions are deemed necessary by the Board, does not adversely affect the purposes of this Code, the public health, safety, and welfare, and reasonable access to or use of the Lake by the public or riparian owners. Except as otherwise provided in this Code, all variances granted by the LMCD shall be governed by the provisions of this Section.

Subd. 2. Unusual Configurations. Where the provisions of this Code would cause the authorized dock use area of two or more sites to overlap, or where there is any other unusual configuration of shoreline or extended lot lines, which causes a conflict between the owners of two or more adjacent or nearby sites as the use of the same area of the Lake for docks, mooring areas or other structures or for reasonable access thereto, the owner of any of the affected sites may apply to the Board for a variance. A variance may be to permit the applicant to locate a dock, mooring area, or other structure in a location different from that permitted by this Code or to permit or require the owner of any adjacent or nearby site to do so.

Subd. 3. Length Variances. The length limitations prescribed by this Code may be adjusted to allow the construction and maintenance of a dock in the Lake to a water depth of five feet, measured from 929.4 NGVD, at the outer end of such dock to provide adequate water depth for navigation and to protect the environmental quality or natural habitat of the water adjacent to the dock.

Subd. 4. Application. An application for a variance shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) The description and location of the property for which the variance is sought;

(b) A description of the variance for which the application is made, including the particular provision of the Code from which a variance is being sought and the extent of the requested variance;

(c) The names and addresses of the owners of abutting sites;

(d) The names and addresses of the owners of other affected sites;

(e) A map or plat of the site for which the variance is sought, and of abutting or other affected sites, showing any existing docks, moorings or other structures; and

(f) The consent of the applicant permitting officers and agents of the LMCD to enter upon the applicant's premises at reasonable times to investigate the application and to determine compliance with any variance which may be granted.

Subd. 5. Issuance. The Board determines whether to approve a variance after conducting a public hearing.

Subd. 6. Criteria. The Board may grant a variance from the literal provisions of this Code in instances where the property owner can show practical difficulties exist by virtue of circumstances which are unique to the individual property or properties under consideration or to provide access to persons with disabilities. The Board may only grant a variance if the property owner is able to demonstrate that granting the variance will be in keeping with the spirit and intent of this Code, the plight of the property owner is due to circumstances unique to the property that were not created by the property owner, the proposed use is reasonable under the circumstances, and the variance, if granted, would not alter the essential character of the area. No variance may be granted to allow a use that is not permitted under this Code. The Board may impose conditions in the granting of variances to ensure compliance and to protect other riparian owners and users of the Lake. No variance for access for persons with disabilities shall be granted which allows or provides for the storage of a greater number of watercraft than otherwise would be permitted under this Code.

Subd. 7. Orders to other Owners. The Board shall not require the owner of any site who is not the applicant to take any action that is contrary to what is otherwise permitted by this Code without first giving the owner a reasonable opportunity to be heard thereon. If the Board orders such owner to take the action proposed, or any part thereof, a reasonable length of time within which to take such action shall be afforded. Any such order shall be in writing, shall be served upon the owner in the manner that civil process is served, and shall specify the length of time within which the owner shall take the required action, which time shall be no less than 30 days.

Subd. 8. Violations. Locating, constructing, installing or maintaining a dock, mooring or other structure in a manner different from the terms and conditions of a variance which is ordered or permitted is a violation of this Code and grounds for rescission of the variance.

Subd. 9. Temporary Low Water Variances. During periods when the Lake level falls below elevation 928.0 NGVD, the Board may issue temporary low water variances for docks and moorings in locations or configurations not otherwise allowed by this Code. Such variances shall be subject to the provisions of this Section, except that the Board may waive the formal application requirements and may waive the public hearing requirement. No such variance shall be granted which provides storage for more watercraft or larger watercraft than would be allowed without a variance. Temporary low water variances may be issued for a specified term or for such time as low water conditions continue as determined by the Board. Removal or relocation for the winter season may be required.

6-5.03. Special Event Permits. A request for a special event permit shall be submitted and processed in accordance with this Section, unless the Board has acted by resolution to authorize the Sheriff to issue such permits. Upon such delegation, the Sheriff becomes the issuing authority

and applicants must work directly with the Sheriff to request a special event permit. An application for a special event permit shall be submitted at least 30 days prior to the scheduled date of the special event. The issuing authority may waive this deadline in appropriate cases. If the issuing authority denies a request to waive or shorten the deadline, the applicant may appeal that decision to the Board as provided in subdivision 6 of this Section.

Subd. 1. Application. An application for a special event permit shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A description of the special event;

(b) The sponsor of the special event;

(c) The dates, times, and location of the special event;

(d) A description of any public services and facilities to be provided during the special event, such as event security, medical services, restrooms, and waste receptacles; and

(e) Such other information as the Executive Director or Sheriff determines is needed to determine potential impacts on the Lake and its users from the special event.

Subd. 2. Issuing Authority. If LMCD retains the authority to issue special event permits, the Executive Director is authorized to issue such permits administratively. If the Sheriff is the issuing authority, the Sheriff is authorized to issue such permit as provided in the authorizing resolution and upon consideration of the review criteria contained herein.

Subd. 3. Review Criteria. The Board recognizes that conducting special events on the Lake may require the operation of watercraft or other vehicles, or the placing of structures for limited times in a manner which would otherwise be prohibited by this Code, or which restricts the use of the Lake by the general public. In determining whether to issue a special event permit, the issuing authority shall consider the following:

(a) Whether the special event will involve use of the Lake outside of the applicant's authorized dock use or mooring areas;

(b) Whether the special event will adversely affect the quality of the water of the Lake;

(c) Whether the special event will involve the violation of speed restrictions or rules of the road;

(d) Whether the special event will require the placing of temporary buoys or structures in the Lake;

(e) Whether the special event could be conducted on land or on waters other than the Lake;

(f) Whether the special event will cause a hazard to navigation or other safety hazard;

(g) Whether the special event will require supervision or control by the Sheriff's water patrol or other law enforcement officers;

(h) Whether the special event will create additional noise on the Lake;

(i) Whether the special event will restrict or limit the use or enjoyment of the Lake by the general public;

(j) Whether the special event is open to the general public as participants or as spectators;

(k) Whether the time or place of the event will cause it to have an undue adverse effect on boat density or intensity of Lake use;

(l) Whether the special event has the written permit approval of the Sheriff and any other appropriate law enforcement officials, any municipality which may be affected with respect to parking, zoning, law enforcement, or any other municipal concern;

(m) Whether appropriate insurance is provided;

(n) Whether the time or place of the event will have an undue adverse effect on any other scheduled events;

(o) Whether the event complies with conditions of policy guidelines adopted by resolution of the Board; and

(p) Whether the event will increase the risk of the introduction of exotic species to the Lake or make control of exotic species on the Lake more difficult.

Subd. 4. Conditions. The issuing authority may place restrictions and conditions on the special event permits it issues and all such limitations shall be stated in writing on the permit. Acceptance of the permit and conducting the special event shall constitute acceptance of such restrictions and conditions, and agreement to comply with them without exception, limitation, or reservation. An applicant who does not agree to the restrictions and conditions placed on the special event permit shall so notify the issuing authority in writing and may appeal such limitations to the Board as provided in subdivision 6 of this Section.

Subd. 5. Limitations. The following limitations and prohibitions apply to special events authorized under this Section.

(a) Nothing in this Section is intended to permit the use of watercraft or other vehicles in violation of Section 8-2.01, subdivision 1 or at a speed or in any manner which is not reasonable and prudent under the conditions and with regard to the actual and potential hazards then existing.

(b) Motorboat races in violation of Section 8-2.03, subdivisions 1(a) or 1(b), or motor vehicles races, are not permitted.

Subd. 6. Appeal of Decision of Issuing Authority. An applicant may appeal the issuing authority's denial of a permit application, refusal to shorten or waive the application deadline, or one or more of the restrictions or conditions placed on a special event permit by submitting a written appeal to the LMCD within 10 days of the decision being appealed. The written appeal shall identify the decision being appealed, the basis for the appeal, and identify the requested relief. The Board shall consider the appeal at a regular meeting, hear from the applicant and the issuing authority, and may affirm, reverse, or modify the decision of the licensing authority.

6-5.05. Temporary Low Water Extension Permit. An application for a temporary low water extension permit shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a temporary low water dock extension permit shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A site plan showing the location and proposed length of the temporary extension.

Subd. 2. Issuing Authority. The Board determines whether to issue a low water extension permit. A public hearing is not required unless ordered by the Board.

Subd. 3. Limitations. In addition to any conditions imposed by the Board at the time of approval, all permits issued under this Section are subject to all limitations and standards set out in Section 10-2.03, except the limitations on the length of the extension and that no past variances having been issued for the site.

Subd. 4. Renewal. Unless otherwise provided at the time of approval, a temporary low water extension permit issued after March 1, 2013 will automatically be renewed for any subsequent declaration of low water conditions, provided that there is no change in the design of the dock or dock extension, and the owner has not been given notice of a violation of this Code or notice of hearing regarding a modification or revocation of the permit. In all cases that do not meet these requirements for automatic renewal, the Executive Director shall notify the applicant that a new application is required for consideration by the Board.

6-5.07. Permit for Temporary Structures Outside of Authorized Dock Use Area. An application for a temporary structure permit shall be submitted and processed in accordance with this Section.

Subd. 1. Application. An application for a temporary structure permit for a temporary structure located outside of the authorized dock use area shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) The type, number and proposed location of structures for which the permit is sought;

(b) The period of time for which the permit is sought;

(c) A statement as to whether the structure will be reflectorized;

(d) If an organization is seeking the permit, a statement as to the nature of the organization;

(e) If the permit is sought for a particular event, the nature of the event; and

(f) A statement by the applicant assuming responsibility for the presence and removal of the structure or structures in the Lake.

Subd. 2. Issuing Authority.

(a) Less than 200 Feet from Shore. If the proposed temporary structure is to be located less than 200 feet from the shore, the Executive Director may issue the permit administratively if the Executive Director determines that the granting of such permit will not create unusual hazards or obstructions to navigation. The permit may be issued as part of a special event permit under Section 6-5.03, if the Executive Director is the issuing authority for special event permits.

(b) More than 200 Feet from Shore. If the proposed temporary structure is to be located 200 feet or more from the shore, the Board shall determine whether to issue the permit.

6-5.09. Deicing Equipment License. An applicant for a deicing equipment license shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a deicing equipment license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A general description of the deicing equipment, its location, and general purpose; and

(b) Identify the proposed authorized deicing area.

Subd. 2. Issuing Authority.

(a) Generally. The Board determines whether to issue a deicing equipment license. A public hearing is not required, but the Board may elect to hold a public hearing regarding the requested license.

(b) Municipal License. Where a person has been issued a license to install and operate deicing equipment by a municipality, and satisfactory proof thereof is presented to the Executive Director, the application shall so state. The Executive Director shall thereupon issue a license and attach whatever additional conditions the Executive Director deems necessary to ensure compliance with this Section and Article 10, Chapter 3.

Subd. 3. Review Criteria. When considering an application the Board shall consider, together with any other factors it determines are relevant, the following:

(a) The proximity of public access points;

(b) The size and configuration of adjacent and nearby properties;

(c) The use of the surface of the Lake in the vicinity of the equipment by the general public and other riparian owners;

(d) The proximity of channels;

(e) The effect on the public and adjacent riparian owners of any failure to confine deicing to the authorized deicing area; and

(f) The past history of deicing operations by the applicant.

Subd. 4. Authorized Deicing Area. All licenses issued under this Section shall identify the authorized deicing area, which must be within the extended side site lines of the site and less than 100 feet beyond the end of the dock structure at the site. The issuing authority may establish a smaller authorized deicing area than requested if it deems such adjustment reasonable or prudent in the interest of public safety or protection of reasonable access to, and use of, the Lake by the public and other riparian owners. An authorized deicing area larger than the dimensions established in this subdivision may only be allowed through the issuance of a variance in accordance with Section 6-5.01.

Subd. 5. Limitations and Requirements. In addition to any conditions imposed by the Board at the time of issuing a deicing equipment license, all such licenses issued under this Section are subject to the following conditions:

(a) The area to be deiced shall be no greater than is necessary to prevent damage to the installation and shall not extend nor affect areas beyond the authorized deicing area;

(b) The area to be deiced shall be enclosed by a snow fence or approved alternative four feet in height and a minimum of six reflectorized “Thin Ice” signs and at least

one sign for every 50 feet. The signs must be in a form approved by the Executive Director;

(c) Deicing shall only occur within the fenced area;

(d) If open water or weakened ice occurs outside of the authorized deicing area, or if water is pumped by deicing equipment onto the surface of the ice outside of the authorized deicing area, all deicing equipment shall be turned off until sound ice is reestablished outside of the authorized deicing area and all open water or weakened ice is enclosed by the fence required by this subdivision;

(e) The licensee will maintain fencing and signs around all open water or weakened ice at all times. Fencing installed temporarily outside of the authorized deicing area shall be removed when sound ice is reestablished;

(f) The installation including the fenced area will be adequately lighted to protect the public;

(g) The applicant shall maintain liability insurance covering claims for death, injury or damage to property arising out of the operation of the deicing equipment. Such insurance shall be in the amount of at least $1,500,000 for persons and $50,000 for property. In the case of insurance for commercial facilities, the insurance shall name the LMCD as additional insured and shall provide that the insurance will not be amended or canceled without first giving 30 days' written notice to the LMCD;

(h) The applicant will, by the installation of adequate screening, signing, or other means, effectively prevent the feeding and congregation of waterfowl and other animals and the creation of conditions constituting health hazards or public nuisances within the authorized deicing area;

(i) The installation will be supervised at all times and the applicant will provide the LMCD with a primary telephone number and a 24 hour emergency telephone number;

(j) The installation shall include an easily identifiable on-off switch located near the deicing unit on the dock;

(k) The applicant shall consent to permitting officers and agents of the LMCD to shut off or remove the equipment if deicing extends beyond the authorized deicing area or if water is pumped by deicing equipment onto the surface of the ice outside of the authorized deicing area; and

(l) The license shall terminate on the date indicated in the license, but in no event shall it extend beyond April 20th in any year.

Subd. 6. License Renewals. Deicing equipment license shall be renewed annually in accordance with this Subdivision.

(a) Submission Deadline. An application for a renewal of a deicing license shall be submitted no later than October 1st of the year of the beginning of the winter season during which the applicant wishes to operate the deicing equipment. The Executive Director shall not accept a renewal application received after October 1st unless it is accompanied by the required late fee.

(b) Issuing Authority. For docks that were issued deicing license for the winters of 2002/2003, 2003/2004, or 2004/2005, any renewal licenses requiring an enlargement of a proposed authorized deicing area or license for deicing enlarged or reconfigured docks may be granted only by the Board. In other cases, the Executive Director may issue renewal licenses administratively without action by the Board, provided there were no violations or alleged violations during the term of the prior seasonal license and a full deposit refund was given for the prior seasonal license. The Executive Director may issue new licenses without action by the Board upon determining that the applicant agrees through the application process to comply fully with the requirements of this Section and Article 10, Chapter 3. In the case of all other applications, and in cases in which the Executive Director declines or fails to issue a license for any reason, the application shall be referred to the Board.

(c) Conditions. Additional or modified conditions may be imposed upon the renewal of a deicing equipment license. If the applicant objects to any additional or modified conditions placed on the license by the Executive Director, the Executive Director shall refer the license to the Board for review and a final decision.

6-5.11. Bridge Permits. An applicant for a bridge permit shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a bridge permit shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A certified survey; and

(b) Bridge plan.

Subd. 2. Issuing Authority. The Executive Director is authorized to issue a bridge permit administratively without a public hearing. The Executive Director may refer any application to the Board and shall refer to the Board any application that the Executive Director proposes to deny. An as-built survey shall be provided upon completion of the bridge installation.

Subd. 3. Review Criteria. In reviewing an application for a bridge permit, the Executive Director shall consider whether the proposed bridge complies with the standards established in Section 2-7.09.

Subd. 4. Renewal. It is not necessary to renew a bridge permit. Changes to an existing bridge may require a new permit as provided in Section 2-7.07, subdivision 3.

6-5.13. Watercraft for Hire Certificate of Registration. An applicant for a watercraft for hire certificate of registration shall be submitted, processed, and acted on in accordance with this Section.

Subd. 1. Application. An application for a certificate of registration shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) A copy of all valid pilot licenses;

(b) A current state inspection certificate of operation;

(c) Evidence of insurance; and

(d) Berthing location, docks, moorings or other facilities at which passengers will be embarked or disembarked.

Subd. 2. Issuing Authority. The Executive Director is authorized to issue a certificate of registration administratively without a public hearing. The Executive Director may refer any application to the Board and shall refer to the Board any application that the Executive Director proposes to deny

Subd. 3. Review Criteria. In reviewing an application for a certificate of registration, the Executive Director shall consider whether the watercraft for hire complies with the standards established in Article 7, Chapter 1 and the following:

(a) The watercraft has passed all required inspections of the Sheriff, Department of Natural Resources, and State of Minnesota.

Subd. 4. Limitations. In addition to the standards and requirements contained in Article 7, Chapter 1, a watercraft for hire certificate of registration is subject to all of the following:

(a) The certificate will specify authorized ports of call and no passengers except law enforcement personnel or employees may be embarked or disembarked except at either authorized ports of call or other locations at a frequency of no more than once each year at any one location;

(b) No ports of call shall be authorized without first securing a certificate from the municipality within which such port of call is located stating that the activities to be conducted by the applicant at the port of call are in compliance with municipal zoning laws;

(c) No embarkation or disembarkation at locations other than those authorized by the LMCD and the municipality may occur unless permission for such activity has been secured from appropriate officials of the municipality in which it occurs.

Subd. 5. Renewals. A renewal certificate of registration is required for each year of operation and must be obtained by March 1st of each year.

6-5.15. Adult Entertainment License. An applicant for an adult entertainment license shall be submitted, processed, and acted on in accordance with this Section. An adult entertainment license may only be sought for a watercraft for hire that holds a current certificate of registration under this Code.

Subd. 1. Application. An application for an adult entertainment license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) The business in connection with which the proposed license will operate;

(b) The location of the dock or slip from which the watercraft for hire originates;

(c) A description of the watercraft to be licensed including a floor plan of the area for which the license is sought, showing dimensions and locations of facilities;

(d) Whether the applicant is the owner and operator of the business and, if not, identify the name of the owner;

(e) Whether the applicant has ever used or been known by a name other than his/her true name, and if so, what was the name, or names, and information concerning dates and places where used;

(f) Street address at which applicant has lived during the preceding 10 years;

(g) Kind, name, and location of every business or occupation applicant and spouse have been engaged in during the preceding 10 years;

(h) Names and addresses of applicant's employers and partners, if any, for the preceding 10 years;

(i) Whether the applicant has ever been convicted of a violation of a state law or local ordinance, other than a non-alcohol related traffic offense. If so, the applicant must furnish information as to the time, place and offense for which convictions were had;

(j) Whether the applicant has ever been engaged as an employee or in operating a sexually-oriented business, massage business, or other business of a similar nature. If so, applicant must furnish information as to the time, place, and length of time;

(k) If the applicant is a partnership, the name and address of all partners and all information concerning each partner as is required of a single applicant as above;

(l) A managing partner, or partners, must be designated. The interest of each partner, or partners in the business must be submitted with the application and, if the partnership is required to file a certificate as to trade name, a copy of the certificate must be attached to the application;

(m) If the applicant is a corporation or other organization, the applicant must submit the following:

(1) Name, and if incorporated, the state of incorporation;

(2) Names and addresses of all officers;

(3) The name of the manager or proprietor or other agent in charge of, or to be in charge of, the watercrafts to be licensed, giving all information about said person as is required in the case of a single applicant; and

(4) A list of all persons who, single or together with their spouse, own or control an interest in said corporation or association in excess of five percent or who are officers of said corporation or association, together with their addresses and all information as is required for a single applicant.

(n) The amount of the investment that the applicant has in the business, including watercrafts, buildings, fixtures, furniture, and proof of the source of the money;

(o) A list of responsible persons, including the names of owners, managers and assistant managers, who may be notified or contacted by state or city employees in case of emergency. These persons must be residents of the Twin Cities metropolitan area as defined by Minnesota Statutes, section 473.121, subdivision 2;

(p) Whether the applicant holds a current license or has ever held a license for a sexually-oriented business or similar business from another governmental unit; and

(q) Whether the applicant has ever been denied a license for a sexually-oriented business or similar business from another governmental unit.

Subd. 2. Issuing Authority. The Board determines whether to issue an adult entertainment license after conducting a public hearing on the application following at least two weeks published notice.

Subd. 3. Investigation. Before conducting the public hearing on an application, the LMCD or its designee shall conduct an investigation of the representations set forth in the application, the

applicant's moral character, and the applicant's financial status. Applicants must cooperate with this investigation.

Subd. 4. Limitations. In addition to the conditions contained in Section 7-2.03, subdivision 3, the applicant shall comply with and is subject to all of the following:

(a) A license will be issued only to the applicant and for the watercraft described in the application;

(b) No license may be transferred to another person or place without application in the same manner as an application for a new license. Transfer of 25 percent or more of the stock of a corporation or of a controlling interest of it, whichever is less, will be deemed a transfer of the license; and

(c) In the case of the death of a licensee, a representative of licensee may continue operation of the business for not more than 30 days after the licensee's death.

Subd. 5. Renewals. An adult entertainment license expires on December 31st of the year in which it is issued and must be renewed for each year in which such entertainment is offered. A hearing is not required for a renewal license, but the Board may, in its discretion, require a hearing for a renewal.

Subd. 6. Suspension or Revocation. In addition to a license action taken under Section 6-1.13, the LMCD may suspend or revoke an adult entertainment license in the event of any of the following:

(a) Taxes, fees assessments, or other financial claims of the LMCD, a member municipality, or of the state are due, delinquent, or unpaid;

(b) Upon a finding that the licensee or an agent or employee of the licensee has failed to comply with an applicable statute, regulation, or ordinance; or

(c) Conviction of a crime.

No suspension or revocation will take effect until the licensee has been afforded an opportunity for a hearing, unless the violation is the conviction of a crime.

6-5.17. Liquor Licenses and Permits. An applicant for an on-sale liquor license, an on-sale wine license, an on-sale 3.2 percent malt liquor license, or a consumption and display permit shall be submitted, processed, and acted on in accordance with this Section. An application for a Sunday sales license may be submitted and processed at the same time as the on-sale license application. For the purposes of this Section, the term "liquor license" shall be used to refer to all licenses and permits available under Article 7, Chapter 3 unless expressly indicated otherwise. A liquor license issued under this Section is issued to a particular applicant and a particular watercraft for hire. A proposed transfer of applicant or watercraft shall require a new license.

Subd. 1. Application. An application for a liquor license shall, in addition to the information required in Section 6-1.03, contain the following information:

(a) The age and citizenship of the applicant;

(b) Representations as to the applicant's character, with such references as the Board may require;

(c) The type of license being requested;

(d) The registered name of the watercraft for hire and other business in connection with which the proposed license will operate;

(e) The storage location of the watercraft for hire;

(f) The proposed ports of call, which are subject to Section 7-3.27;

(g) Whether the applicant is owner and operator of the watercraft for hire and any related businesses;

(h) How long the applicant has been in the business; and

(i) A sample menu showing food service to be made available to customers, if applicable.

Subd. 2. Issuing Authority. The Board determines whether to issue a liquor license after conducting a public hearing on the application. The notice of public hearing for consideration of a liquor license shall specify ports of call for which approval is requested by the applicant.

Subd. 3. Investigations. Prior to conducting a public hearing on the application, the Executive Director or the Executive Director's designee shall conduct the following inspections:

(a) Inspect the watercraft and the facilities of proposed ports of call and shall report to the Board on recommended modifications, conditions, or operating restrictions which may be necessary to protect the safety of the public and of passengers on the watercraft and the enjoyment of the Lake by the public.

(b) Conduct a preliminary background and financial investigation of the applicant. The applicant shall consent to such investigation and issue such written consents as may be required by the LMCD to complete the investigation. Upon report of the Executive Director, the Board may determine that a comprehensive background investigation of the applicant is necessary. The Board may conduct the investigation itself or contract with the Bureau of Criminal Apprehension for the investigation. No license shall be issued, transferred, or renewed if the results show to the satisfaction of the Board that issuance would not be in the public interest. If an investigation outside the state is required, the applicant shall be charged with the

actual cost not to exceed $10,000. The fee, after deducting any initial investigation fee already paid, shall be payable by the applicant whether or not the license is granted.

Subd. 4. Limitations. In addition to the requirements and limitations contained in Article 7, Chapter 3, the following limitations, requirements, and prohibitions shall apply:

(a) Prior to the actual issuance of a liquor license, the applicant shall file with the Executive Director proof of a liability insurance policy, bond, or other security in compliance with the provisions of Minnesota Statutes, section 340A.409 to address liability imposed by Minnesota Statutes, section 340A.801. Any liability insurance policy filed as proof of financial responsibility shall conform to Minnesota Statutes, section 340A.409;

(b) A liquor license may only be issued to a watercraft for hire holding a current certificate of registration from the LMCD;

(c) A liquor license shall not be issued to any person ineligible for a liquor license under Section 7-3.07;

(d) A liquor license shall not be issued to any business that is ineligible for a license under Section 7-3.09;

(e) A licensee shall comply with the conditions contained in Section 7-3.13;

(f) The ports of call used for the operation must be authorized as provided in Section 7-3.27;

(g) No liquor license shall be transferred to another watercraft or to another applicant without first obtaining a new liquor license. Any transfer of more than 10 percent of stock of a corporate licensee is deemed a transfer of the license requiring a new license; and

(h) No on-sale wine license shall become effective until it, together with the security furnished by the applicant, has been approved by the Commissioner of Public Safety.

Subd. 5. Renewals. A liquor license expires on December 31st of the year in which it is issued and must be renewed for each year in which alcoholic beverages are to be sold or consumed and displayed. All renewal applications shall be submitted no later than February 1st of the license year. An investigation and hearing are not required for the renewal of a liquor license, but the Board may, in its discretion, require an investigation and hearing for a renewal.

Subd. 6. Suspension or Revocation. In addition to a license action taken under Section 6-1.13, the Board may revoke or suspend for up to 60 days a liquor license, impose a civil penalty of up to $2,000 per violation, or impose any combination of these sanctions if it finds the licensee

has violated any applicable federal, state, or local law, rule, regulation, or ordinance, or committed any offense identified in Minnesota Statutes, section 340A.415. No suspension or revocation shall take effect until the licensee has been afforded an opportunity for a hearing.

ARTICLE 7
WATERCRAFT FOR HIRE, RENTAL, AND LIQUOR LICENSING

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CHAPTER 1
WATERCRAFT FOR HIRE

7-1.01. Certificate of Registration.

Subd. 1. Required. No person shall operate or offer to operate a watercraft for hire on the Lake without first obtaining a certificate of registration from the LMCD.

Subd. 2. Obtaining a Certificate. Applications for a certificate of registration to operate a watercraft for hire on the Lake shall be submitted and processed as provided in Section 6-5.13.

Subd. 3. Renewals. A renewal certificate of registration is required for each year of operation and must be obtained by March 1st of each year.

7-1.03. Watercraft Registration. All watercraft for hire or charter shall be registered with the state of Minnesota as "For Hire" or be United States Coast Guard Documented for Commercial Use. The license number shall be affixed to the hull with a valid registration sticker. The United States Coast Guard Documentation number must be affixed on a main bulkhead or structural member of the watercraft. The full name of the watercraft must be displayed on the hull, either the stern or on the port and starboard sides of the watercraft.

7-1.05. Required Equipment. When a watercraft is in use and carrying passengers for hire, the equipment identified in this Section must be on board and be in a serviceable condition.

Subd. 1. Fire Extinguishers. Fire extinguishers shall be of a number and type that meets the requirements of the Minnesota DNR and, in addition, each such watercraft shall have installed a fixed fire extinguishing system to protect the engine room(s) on all watercraft using gasoline or other fuel having a flash point of 110 degrees F or lower; provided, however, that where the engine room(s) are so open to the atmosphere to make the use of a fixed system ineffective, no such system will be required. The system shall have the appropriate number of pounds of chemical for the gross volume of space to be covered as specified in 46 CFR § 181.410.

Subd. 2. Bilge Pumps. The watercraft for hire must have one fixed bilge pump for each non-connected bilge compartment. The bilge pump shall be rated at 10 GPM or greater.

Subd. 3. Personal Floatation Devices.

(a) Number. All watercraft for hire must carry on board one Coast Guard Approved Type 1 adult personal floatation device for each person permitted to be carried on the watercraft, including the crew. In addition, unless children are never to be carried, the watercraft must carry a number of personal flotation devices suitable for children equal to 10 percent of the total number of persons permitted to be carried, or one for each child, whichever is greater;

(b) Labeling and Reflectivity. All Type 1 PFD's must be labeled with the vessel's name or registration number and be in good and serviceable condition. All PFD's shall have 200 sq. cm. (31 sq. in) of retro-reflective material attached to the front side, 200 sq. cm. of retro-reflective material attached to the back side and on each of the reversible sides; and

(c) Distribution and Stowing. Life preservers shall be distributed through the upper part of the vessel in protected places convenient to the passengers on board. Life preservers for children shall be stowed separately. When life preservers are stowed so that they are not readily visible to passengers, the containers in which they are stowed shall be marked "LIFE PRESERVERS" and with the number contained therein, in at least one inch letters and figures. This legend shall indicate if the stowage is for "ADULT" or "CHILDREN" life preservers.

Subd. 4. Ring Buoy/Life Buoy. All watercraft for hire must have one ring buoy. The ring buoy shall have 30 feet of line, retro-reflective tape on both sides, and the name of the watercraft on the buoy. The ring buoy must be mounted in an accessible area. The ring buoy shall be 20 inches or more in diameter for watercraft less than 26 feet. For watercraft over 26 feet, a 24 inch buoy is required. If the watercraft is operated during night time hours, buoys shall be fitted with a water activated or automatic light.

Subd. 5. First Aid Kit. All watercraft for hire must have a stocked first aid kit on board.

Subd. 6. Electrical. All watercraft for hire must have all batteries fastened down so as not to move in any direction more than one inch, and the entire battery shall be covered to eliminate sparking or arching.

Subd. 7. Communications. All watercraft for hire shall be required to have one of the following types of communications: VHF Marine Radio with Channels 16 and 6 and/or a cellular telephone.

7-1.07. Number of Passengers Permitted. The maximum number of passengers and crew permitted to be carried on a watercraft for hire shall be determined by the LMCD and/or the Sheriff and shall be stated on the inspection report. The maximum number of passengers and crew permitted on any vessel for hire of reasonable design and proportions may be determined by length of rail criteria, deck area criteria, or fixed seating criteria. A final test may be a stability test at the owner's expense.

Subd. 1. Length of Rail Criteria. One passenger may be permitted for each 30 inches of rail space available to the passengers at the watercraft's sides and across the transom with a minimum of 18 inches of open deck space.

Subd. 2. Deck Area Criteria. One passenger may be permitted for each 10 square feet of deck area available for the passengers' use. In computing such deck area, the areas occupied by the following shall be excluded:

(a) Concession stands;

(b) Toilets and washrooms;

(c) Companionways, stairways, etc.;

(d) Spaces occupied by and necessary for handling lifesaving equipment;

(e) Spaces below deck which are unsuitable for passengers;

(f) Pilot control area; and

(g) Interior passageways less than 30 inches wide and passageways on the open deck less than 18 inches wide.

Subd. 3. Fixed Seating Criteria. One passenger may be permitted for each 18 inches of width of fixed seating provided.

Subd. 4. Stability. Notwithstanding the number of passengers permitted by any of the criteria described above, the maximum number may be further limited by stability.

7-1.09. Operational Rules. The following rules shall apply to watercraft issued a certificate of registration under this Chapter and failure to comply with any of these rules is a violation of this Code and may result in the revocation of the certificate of registration.

Subd. 1. Pilots. A person under the age of 18 may not operate the watercraft. All pilots must have a current and valid State of Minnesota pilots license.

Subd. 2. Major Repairs and Alterations. No major repairs or alterations affecting the safety of the watercraft or passengers with regard to the hull, super structure, machinery, or equipment shall be made without the knowledge and approval of the Sheriff's water patrol. Proposed alterations shall be approved by the Sheriff's water patrol before any work is started. Drawings, sketches, or written specifications describing the alterations in detail may be required. Drawings will not be required for repairs in kind.

Subd. 3. Prohibitions. No pilot of a watercraft holding a certificate under this Chapter shall, while carrying passengers for hire, do any of the following:

(a) Stop, moor, or anchor closer than 300 feet from shore except at authorized ports of call;

(b) Stop, moor, or anchor at any place in the lake other than an authorized port of call after 6:00 p.m. for more than two hours;

(c) Pass within 300 feet of the shoreline except at an authorized port of call or in channels having a width of less than 600 feet in which case such watercraft shall remain as nearly in the center as is consistent with good seamanship and the rules of the road;

(d) Play any live or amplified music or amplified voice except in fully enclosed areas of the watercraft or in emergency situations; and

(e) Conduct operations and activities on the watercraft in such a way as to constitute a public nuisance on the watercraft or to interfere with the peaceful enjoyment of the Lake and of surrounding properties by riparian owners and by the public.

Subd. 4. Acts of Employees. The act of any employee on the watercraft is deemed the act of the certificate holder as well, and the certificate holder shall be liable to all penalties provided by this Code and the law equally with the employee.

Subd. 5. Hours of Operation. All watercraft carrying passengers for hire must disembark all customers, passengers, or patrons by 12:30 a.m. and must return to and be tied, moored, or secured for the night at its home port by 1:00 a.m.

7-1.11. Watercraft Size Exception. Watercraft issued a certificate of registration may exceed the limitations on the size of watercraft set forth in 8-1.09, providing the following conditions are met:

(a) The size of the watercraft may not exceed either 90 feet in length or 22 feet in width;

(b) The watercraft may not have a rated capacity of over 149 passengers, excluding crew;

(c) The watercraft must have twin engines and bow thrusters to ensure maneuverability of the watercraft;

(d) Watercraft exceeding the size limits of Section 8-1.09 may only be operated on the Main Upper Lake and Main Lower Lake, except that such watercraft may be operated on other areas of the Lake either to store the watercraft at its home port or to pick up or drop off passengers at authorized ports of call; and

(e) The watercraft shall be of a height that allows it to pass between the Main Upper Lake and Main Lower Lake under the Narrows Bridge between Lafayette Bay and Carman Bay.

CHAPTER 2
ADULT USES ON A WATERCRAFT FOR HIRE

7-2.01. Statement of Intent. It is declared to be the purpose and intent of this Chapter to protect the public health, safety, and welfare of the Lake communities by curtailing the dangers and potential criminal offenses associated with watercraft for hire featuring adult cabaret or exotic dancing. The Board has determined that adult cabarets and exotic dancing may be dangerous if performed on watercraft for hire and may lead to prostitution, sexually-transmitted diseases, drug and alcohol offenses, or other criminal activity. However, it is not the intent of this Chapter to inhibit the freedom of speech component of exotic dancing. Instead, this Chapter represents a balancing of competing interests: reduced dangerous or criminal activity through the regulation of exotic dancing versus the protected rights of exotic dancers and their patrons.

7-2.03. Licensing.

Subd. 1. Required. Adult cabaret or exotic dancing may only be performed on a watercraft for hire issued a certificate of registration under this Code and then only upon issuance of a license from the LMCD.

Subd. 2. Obtaining a License. Applications for a license to host an adult cabaret or exotic dancing on a watercraft for hire on the Lake shall be submitted and processed as provided in Section 6-5.15.

Subd. 3. Conditions. A watercraft for hire issued an adult entertainment license under Section 6-5.15 is subject to, in addition to the conditions expressly placed on the license, all of the following conditions:

(a) Shall comply with the requirements in this Code for a watercraft for hire, all other applicable provisions of this Code, and any other federal, state, or local law, rule, regulation, and ordinance that may apply;

(b) Is prohibited from also being licensed for the sale of alcohol under Article 7, Chapter 3;

(c) Exotic dancing or adult cabaret performances may not be in any way visible or perceivable, including aurally, at any time from outside the watercraft;

(d) Exotic dancing or adult cabaret may not in any way depict sexual activities;

(e) Exotic dancing or adult cabaret may not involve display of less than completely and opaquely covered human genitals, female breast(s) below a point immediately above the top of the areola, buttocks, anus, pubic region or male genitals in a discernibly turgid state, even if completely and opaquely covered;

(f) Exotic dancers and cabaret performers must be at least 21 years of age;

(g) Patrons must be at least 21 years of age;

(h) Exotic dancing may only be performed on a platform intended for that purpose which is raised at least two feet from the level of the floor. The platform must incorporate a padded safety rail that will prevent dancers or performers from falling from the platform in the event of windy or inclement boating conditions;

(i) Exotic dancing shall not occur closer than 10 feet from any patron;

(j) No exotic dancer or performer shall touch, fondle, or caress any patron and no patron shall touch, fondle, or caress any exotic dancer or performer;

(k) No patron shall directly pay or give any gratuity to any exotic dancer or performer;

(l) No licensed watercraft may dock at any location except the dock from which the watercraft originates, except in the case of emergency;

(m) No person other than a law enforcement officer may board a licensed watercraft except from the dock from which the watercraft originates;

(n) No exotic dancer or performer shall solicit any pay or gratuity from any patron;

(o) Licensed watercraft may not have booths, stalls, partitioned portions of a room, or individual rooms, except:

(1) Restrooms are allowed as long as they are no larger than reasonably necessary to serve the purposes of a restroom, no other activities are provided or allowed in the rooms, and there are no chairs, benches, or reclining surfaces in the rooms; and

(2) Storage rooms and private offices are allowed, if the storage rooms and offices are used solely for running the business and no person other than the owner, manager, and employees is allowed in them;

(p) The operator of the watercraft is responsible for the conduct of his or her place of business and the conditions of order in it. The act of an employee of the licensed watercraft is deemed the act of the operator as well, and the operator is liable for all penalties provided by this Chapter equally with the employee, except criminal penalties; and

(q) The license issued under this Chapter must be posted in a conspicuous place in the portion of the watercraft used for exotic dancing or adult cabaret.

Subd. 4. Violations. Any person violating this Section or Section 6-5.15 shall be guilty of a misdemeanor.

CHAPTER 3
ALCOHOLIC BEVERAGES AND LICENSING

7-3.01. State Law.

Subd. 1. Authority. The LMCD, pursuant to Minnesota Laws 1986, Chapter 437, has all of the powers of a municipality under Minnesota Statutes, chapter 340A to regulate liquor and issue liquor licenses on the Lake.

Subd. 2. State Law Adopted. The provisions of Minnesota Statutes, chapter 340A, relating to the definition of terms, licensing, consumption, sales, conditions of bonds of licensees, hours of sale, and all other matters pertaining to the retail sale, distribution, consumption, and display of alcoholic beverages are adopted and made a part of this Code as if set out in full.

Subd. 3. Intent. The LMCD recognizes that there are practical differences in the issuance of licenses and the regulation of alcoholic beverages on the Lake than in the typical on-land setting. These differences result in limits on the types of license available for issuance and those eligible to receive them. It is intent of the LMCD to remain as strict as the requirements of Minnesota Statutes, chapter 340A in the regulation of alcoholic beverages and the issuance of alcoholic beverage licenses. To the extent any provision in this Chapter may be less strict than a provision of Minnesota Statutes, chapter 340A, the stricter statutory requirement shall apply. The licenses issued under this Chapter do not authorize the sale of alcoholic beverages on land.

7-3.03. License Required.

Subd. 1. Sale of Alcoholic Beverages. No person shall directly or indirectly deal in, sell, or keep for sale on the Lake any alcoholic beverages without first obtaining a license to do so from the LMCD as provided in this Code. The presence of alcoholic beverages on a watercraft for hire shall be prima facie evidence of possession of alcoholic beverages for the purpose of sale. On-sale alcoholic beverage licenses shall be of three kinds: "on-sale liquor," "on-sale wine," and "on-sale 3.2 percent malt liquor" licenses. Sales under each of these on-sale licenses shall be for consumption on the watercraft for hire only. No person holding an on-sale liquor license or an on-sale 3.2 percent malt liquor license shall sell alcoholic beverages on Sundays without first obtaining a "Sunday sales" license from the LMCD.

Subd. 2. Consumption and Display of Alcoholic Beverages. A business establishment that does not hold an on-sale license under this Code shall not directly or indirectly allow the consumption and display of alcoholic beverages, or knowingly serve any liquid for the purpose of mixing with intoxicating liquor, without first having obtained a "consumption and display" permit from the LMCD as provided in this Code. The serving of any liquid on a watercraft for hire for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed and displayed.

Subd. 3. License and Permit Issuance. All licenses and permits provided for under this Chapter shall be submitted, processed, and acted on in accordance with Section 6-5.17.

7-3.05. License and Permit Types.

Subd. 1. On-Sale Liquor Licenses. On-sale liquor licenses shall be issued only to authorized agents of a registered watercraft for hire that meets the requirements of Minnesota Statutes, chapter 340A. On-sale licenses shall only be issued to authorized agents of registered watercraft for hire which provide food service and which have on-demand facilities to serve full meals as well as snacks to all of its patrons.

Subd. 2. On-Sale Wine Licenses. On-sale wine licenses shall be issued only to authorized agents of a registered watercraft for hire that has a restaurant for seating at least 25 guests at one time and shall permit only the sale of wine not exceeding 24 percent alcohol by volume, for consumption on the watercraft for hire only, in conjunction with the sale of food. The holder of an on-sale wine license may sell wine on Sundays without a Sunday sales license. A holder of an on-sale wine license who also holds an on-sale 3.2 percent malt liquor license, and whose gross receipts are at least 60 percent attributable to the sale of food, may sell intoxicating malt liquors on-sale without an additional license, except that sales on Sundays shall require a Sunday sales license. A person issued an on-sale liquor license shall not be required to obtain an on-sale wine license in order to sell wine on the watercraft for hire.

Subd. 3. On-Sale 3.2 percent Malt Liquor Licenses. On-sale 3.2 percent malt liquor licenses shall be issued only to authorized agents of registered watercraft for hire which meet the requirements of Minnesota Statutes, chapter 340A for restaurants, clubs or establishments and allows the sale of 3.2 percent malt liquor. A person issued an on-sale liquor license shall not be required to obtain an on-sale 3.2 percent malt liquor license in order to sell 3.2 percent malt liquor on the watercraft for hire.

Subd. 4. Consumption and Display Permits. Consumption and display permits shall be issued only to a business establishment that operates a registered watercraft for hire that does not hold an on-sale license. A consumption and display permit allows the business establishment to permit the consumption and display of alcoholic beverages on the watercraft for hire, but does not authorize the sale of alcoholic beverages.

Subd. 5. Sunday Sales License. A special license authorizing sales on Sunday in conjunction with the serving of food may be issued to authorized agents of a registered watercraft for hire that meets the qualifications of Minnesota Statutes, chapter 340A for restaurants or clubs which has facilities for serving at least 30 guests at one time, and which has an on-sale license. A special Sunday license is not needed for sales by on-sale wine licensees.

7-3.07. Persons Ineligible for License. No license shall be granted to or held by any person who:

(a) Is ineligible for such a license under state law by reason of age;

(b) Has, within five years prior to the application for such license, been convicted of a felony, or of violating any law of this state or local ordinance relating to the manufacture, sale, distribution or possession for sale or distribution of alcoholic beverages and cannot show competent evidence under Minnesota Statutes, section

364.03, of sufficient rehabilitation and present fitness to perform the duties of a alcoholic beverages licensee;

(c) Has a direct or indirect interest in manufacturers, brewers, or wholesalers of alcoholic beverages;

(d) Is a non-resident who is not a resident alien;

(e) Is not of good moral character or repute;

(f) Has had an intoxicating liquor or 3.2 percent malt liquor license revoked within five years of the license application, or to any person who at the time of the violation owns any interest, whether as a holder of more than five percent of the capital stock of a corporation licensee, as a partner or otherwise, in the premises or in the business conducted thereon, or to a corporation, partnership, association, enterprise, business, or firm in which any such person is in any manner interested;

(g) Is or during the period of this license becomes the holder of a federal retail liquor dealer's special tax stamp for the sale of intoxicating liquor at any place unless there has also been issued to him a local license to sell intoxicating liquor at such place; or

(h) Is not the proprietor of the watercraft for hire for which the license is issued.

7-3.09. Businesses Ineligible for License.

Subd. 1. General Prohibition. No alcoholic beverage license shall be issued for any business ineligible for such a license under state law, where a licensee has been convicted of the violation of this Code or of Minnesota Statutes, chapter 340A, or for any watercraft for hire for which an adult entertainment license has been issued or requested.

Subd. 2. Delinquent Taxes and Charges. No alcoholic beverages license shall be granted for operation on any premises on which financial claims of the LMCD are delinquent and unpaid.

7-3.11. Persons and Watercraft Licensed; Transfer. Each license required under this Chapter shall be issued only to the applicant and for the watercraft described in the application. No transfer of a license to another watercraft or to another applicant is authorized without first securing a new license from the LMCD. Any transfer of stock of a corporate licensee is deemed a transfer of the license and a transfer of stock without prior Board approval is a ground for revocation of the license. No licenses may be granted except to watercraft for hire holding a watercraft for hire certificate of registration from the LMCD.

7-3.13. Conditions of License. Every license issued under Section 6-5.17 is subject to the conditions set out in this Section, all other provisions of this Code, and of any other applicable federal, state, or local laws, rules, regulations, and ordinances.

Subd. 1. Federal Stamps. No licensee shall possess a federal wholesale liquor dealer's special tax stamp or a federal gambling stamp.

Subd. 2. Sales to Under Age or Intoxicated Persons. No alcoholic beverages shall be sold or served to any intoxicated person or to any person under legal age.

Subd. 3. Consumption by Under Age Persons. No person under legal age shall be permitted to consume alcoholic beverages on the watercraft for hire.

Subd. 4. Interest of Manufacturers or Wholesalers. No manufacturer or wholesaler of alcoholic beverages shall have any ownership of or interest in an establishment licensed to sell at retail contrary to the provisions of state law. No retail licensee and manufacturer or wholesaler of alcoholic beverages shall be parties to any exclusive purchase contract. No retail licensee shall receive any benefits contrary to law from a manufacturer or wholesaler of alcoholic beverages and no such manufacturer or wholesaler shall confer any benefits contrary to law upon a retail licensee.

Subd. 5. Liquor Dealers' Stamp. No licensee shall sell alcoholic beverages while holding or exhibiting in the watercraft for hire a federal retail liquor dealer's special tax stamp unless the person is licensed under the laws of Minnesota to sell intoxicating liquors.

Subd. 6. Sales of Intoxicating Liquor. No 3.2 percent malt beverage licensee who is not also licensed to sell intoxicating liquor and who does not hold a consumption or display permit shall sell or permit the consumption and display of intoxicating liquors on the watercraft for hire or serve any liquids for the purpose of mixing with intoxicating liquor. The presence of intoxicating liquors on the watercraft for hire shall be prima facie evidence of possession of intoxicating liquors for the purpose of sale. Additionally, the serving of any liquid for the purpose of mixing with intoxicating liquors shall be prima facie evidence that intoxicating liquor is being permitted to be consumed or displayed contrary to this Chapter.

Subd. 7. Searches and Seizures. Any law enforcement officer may enter, inspect, and search a watercraft for hire of a licensee during business hours without a search and seizure warrant and may seize all alcoholic beverages found on the watercraft for hire operating in violation of this Chapter.

Subd. 8. Licensee's Responsibility. Every licensee is responsible for the conduct of the licensee's place of business and the conditions of sobriety and order in it. No watercraft for hire holding a license under this Chapter may play any live or amplified music or amplified voice except in fully enclosed areas of the watercraft or in emergency situations. Operations and activities on the watercraft shall be so conducted as not to interfere with the peaceful enjoyment of the Lake and of surrounding properties by riparian owners and by the public. License holders shall be responsible to ensure that operations and activities shall be so conducted as not to constitute a public nuisance under this Code. The act of any employee on the watercraft for hire is deemed the act of the licensee as well, and the licensee shall be liable to all penalties provided by this Code and the law equally with the employee.

Subd. 9. Inspections. Every licensee shall allow any peace officer, health officer, or properly designated officer or employee of the LMCD, Hennepin County, or the State of Minnesota to enter, inspect, and search the premises of the licensee during business hours without a warrant.

Subd. 10. Display During Prohibited Hours. No watercraft for hire for which a license or permit is issued under this Chapter shall display any alcoholic beverage to the public during hours when the sale of alcoholic beverages is prohibited.

Subd. 11. Gambling. No gambling or any gambling device shall be permitted on any watercraft for hire.

7-3.15. Mandatory Training. Each year, at the direction of the Board, the Executive Director will conduct one or more training sessions for applicants for new or renewal on-sale licenses. Training shall be given in state laws and local ordinances relating to the sale of alcoholic beverages and to the operation of watercraft for hire. No new or renewal license shall be granted to an applicant who has not attended a training session for that license year, either personally or by authorized representative.

7-3.17. Clubs. No club shall sell alcoholic beverages except to members and to guests in the company of members.

7-3.19. Restrictions on Purchase and Consumption.

Subd. 1. Age Misrepresentation. It is unlawful for any underage person to claim to be 21 years old or older for the purpose of obtaining or purchasing an alcoholic beverage.

Subd. 2. Inducing Purchase. It is unlawful for any person to induce an underage person to purchase or procure an alcoholic beverage, or to lend or knowingly permit the use of the person's driver's license, permit, Minnesota identification card, or other form of identification by an underage person for the purpose of purchasing or attempting to purchase an alcoholic beverage.

Subd. 3. Procurement. It is unlawful for any person to sell, barter, furnish, or give an alcoholic beverage to an underage person.

Subd. 4. Possession. It is unlawful for any underage person to possess an alcoholic beverage with the intent to consume it. Possession of an alcoholic beverage creates a rebuttable presumption of intent to consume. This presumption may be rebutted by a preponderance of the evidence.

Subd. 5. Consumption. It is unlawful for any underage person to consume an alcoholic beverage. As used in this subdivision, "consume" includes the ingestion of an alcoholic beverage and the physical condition of having ingested an alcoholic beverage. A violation of this subdivision exists if consumption, or evidence of consumption, is observed.

Subd. 6. Liquor Consumption and Display. No person shall consume or display any alcoholic beverage on the premises of a business establishment, club, charter boat, or watercraft for hire that is not also licensed to sell alcoholic beverages or who does not hold a consumption and display permit.

Subd. 7. Watercraft Owners and Operators. It is unlawful for an owner of a watercraft who is present in the watercraft, or for the operator of a watercraft if the owner is not present, to allow, or fail to take reasonable steps to prevent, the possession or consumption of any alcoholic beverage by an underage person on the watercraft if the owner or operator knows, or reasonably should know, the underage person possesses or is consuming any alcoholic beverage. This prohibition does not apply to situations in which an underage person is lawfully in possession of alcoholic beverages during the course and scope of employment.

Subd. 8. Fish Houses. It is unlawful for the license holder of a fish house who is present in the fish house to allow, or fail to take reasonable steps to prevent, the possession or consumption of any alcoholic beverage by an underage person in the fish house if the license holder knows, or reasonably should know, that the underage person possesses or is consuming any alcoholic beverage.

7-3.21. Hours of Operation. No sale of alcoholic beverages may be made except during times established by state law. All watercraft for hire to which any license has been issued under this Code must disembark all customers, passengers or patrons by 12:30 a.m. and must return to, and be tied, moored or secured for the night at its home port by 1:00 a.m. until 5:00 a.m.

7-3.23. Restrictions; Vested Rights. Upon granting a license under this Code, the Board may impose any restrictions on the operations of the licenses deemed by the Board to be necessary or desirable to protect the public safety, the enjoyment of the Lake by the public, or the safety of passengers on the watercraft for hire. The granting of a license shall create no vested rights in the licensee and all rights and operations of the licensee shall continue to be subject to further or additional regulation by the LMCD.

7-3.25. Authorized Ports of Call.

Subd. 1. Designation. At the time of application for any license under this Chapter, the applicant shall designate specific docks, moorings, or other facilities at which passengers will be embarked and disembarked. Licenses granted by the Board will designate specific authorized ports of call, and no passengers, except law enforcement personnel or employees, may be embarked or disembarked except at either authorized ports of call or other locations at a frequency of no more than once each year at any one location.

Subd. 2. Certificate. No ports of call shall be authorized by the Board without first securing a certificate from the municipality within which such port of call lies stating that the activities to be conducted by the applicant at the port of call are in compliance with municipal zoning laws. No embarkation or disembarkation at other locations is authorized unless permission for such activity has been secured from appropriate officials of the municipality in which it occurs.

Subd. 3. Stopping, Mooring, Anchoring Prohibited. No watercraft for hire issue a license under this Chapter shall stop, moor, or anchor closer than 300 feet from shore except at authorized ports of call or at any place in the Lake other than authorized ports of call after 6:00 p.m. for more than two hours.

Subd. 4. Additional Ports of Call. A licensee may request approval of additional ports of call upon written request of the Executive Director, and consideration by the Board which may grant or deny approval for additional ports of call, or grant approval with conditions in the same manner as in action on an application for a new license. No public hearing is required for an existing licensee who is applying to add additional ports of call.

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CHAPTER 1
GENERAL REGULATIONS

8-1.01. Licenses. No person shall operate on the Lake, or give permission for the operation on the Lake, of any watercraft for which a license is required by Minnesota Statutes, section 86B.401, unless the required license for such watercraft has been issued, is in effect, and has been affixed as required by law and regulation of the DNR Commissioner.

8-1.03. Compliance Required. It is unlawful to fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to enforce this Code or to direct, control or regulate the movement of watercraft, aircraft, or other craft or vehicles on the Lake. It is unlawful for the owner, or any other person, employing or otherwise directing the operator of any watercraft, aircraft, or other craft or vehicle to require or knowingly to permit the operation of such watercraft, aircraft, or other craft or vehicle upon the Lake in a manner contrary to this Code.

8-1.05. Reporting Accidents. The operator of any watercraft at the scene or involved in an accident or incident resulting in injury or death to any person or in damage to property shall, if the operator can do so without serious danger to the watercraft the person is operating or to the persons aboard, immediately stop at the scene of the accident or incident and render such assistance as may be practicable and necessary and shall give the operator's name, address, and license number of the watercraft the person is operating and the name and address of the owner thereof to the person injured or the operator or occupants of the other watercraft or owner or occupant of the property involved, and shall promptly report the accident or incident to the Sheriff.

8-1.07. Citations. In lieu of an arrest of a person for a violation of this Chapter, the Sheriff may issue a written notice to appear in court. The notice shall contain the name and address of the

person suspected of the violation, the nature of the offense charged, and the time when and the place where the person is to appear in court.

8-1.09. Size of Watercraft. Unless authorized under Section 7-1.11, no person shall maintain, locate, store or operate a boat or watercraft on the Lake which is either more than 70 feet in length or more than 20 feet in width. These restrictions shall not apply to boats or watercraft that are used exclusively for dredging, construction, Lake maintenance or similar activities, and that do not carry passengers for hire.

8-1.11. Public Safety Restrictions.

Subd. 1. Tampering. No person shall board, use, damage or tamper with a watercraft, except the owner or a person having an owner's consent, except as part of an inspection conducted as provided in Section 8-4.01.

Subd. 2. Riding on Gunwales or Decking. No person shall ride or sit on the starboard or port gunwales or the decking over the bow or the transom or any appendage thereto of any motorboat while under way, unless such boat is provided with adequate guards or railing to prevent passengers from falling overboard, and no person shall operate such a motorboat while any person is so riding or sitting.

Subd. 3. Living Quarters. No person shall use a watercraft as living quarters while it is in or upon the Lake.

Subd. 4. Commercial Sales on the Lake. It is unlawful for any person to sell food, beverages, supplies or other merchandise from any watercraft on the Lake, except that food and beverages may be sold on a watercraft for hire that has a current certificate of registration from the LMCD.

Subd. 5. Curfew. Except when accompanied by a parent or guardian, no minor under the age of 15 shall be on any watercraft on the Lake between the hours of 10:00 p.m. and 6:00 a.m. the following day and no minor between the ages of 15 and 17 shall be on any watercraft on the Lake between the hours of 12:00 midnight and 6:00 a.m.

Subd. 6. Public Safety Lanes. The Board may designate public safety lanes to ensure reasonable public safety access and general navigation in areas of the lake which are subject to high concentrations of boat use for such activities as anchoring and rafting. The Board shall designate such public safety lanes by resolution and provide for the placement of buoys or markers to delineate the location thereof. No person may cause or allow a watercraft or any part of a watercraft to occupy or obstruct entrance to a public safety lane while anchored, moored, or attached to another watercraft unless such other watercraft is underway.

8-1.13. Public Nuisances on Watercraft.

Subd. 1. Prohibition. It shall be unlawful for any person to commit or engage in any conduct which constitutes a public nuisance on the Lake or to allow or permit any person to commit

or engage in any conduct which constitutes a public nuisance on any watercraft owned or operated by said person while the watercraft is on the Lake.

Subd. 2. Public Nuisances Defined. For the purposes of this Section, public nuisances shall include the following:

(a) Fighting or brawling;

(b) Using offensive, obscene, or abusive language;

(c) Engaging in loud, noisy, or boisterous conduct;

(d) Engaging in lewd or lascivious conduct offensive to public decency or indecent exposure;

(e) Using lights in a manner which annoys, frightens or endangers others;

(f) Violating curfew; or

(g) Engaging in any other conduct which unreasonably disturbs the peace, quiet, or repose of others.

Subd. 3. Loud Noise Defined. For the purpose of this Section, loud, noisy or boisterous conduct shall, at a minimum, include any noise or sound, however produced, which:

(a) Exceeds the levels established by the Minnesota Pollution Control Agency when measured from any property abutting the Lake;

(b) Unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person; or

(c) Unreasonably interferes with or precludes the use or enjoyment of property, or negatively affects property value.

8-1.15. Quiet Hours. Between the hours of 10:00 p.m. and 7:00 a.m. no person shall use or operate, or permit the use or operation, of any device, equipment, or instrument designed or used for sound production, reproduction, or amplification including, but not limited to, a radio, television, stereo, tape player, compact disk player, MP3 player, digital recording player, phone, loud speaker, public address system, sound amplifier, musical instrument, or other sound producing or amplification system for the production or reproduction of sound in a distinctly and loudly audible manner as to unreasonably disturb the peace, quiet, and comfort of any person nearby. The use of any such device, equipment, or instrument between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of 150 feet shall be prima facie evidence of a violation of this Section.

8-1.17. Statutes and Rules Adopted 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 in this Code.

Subd. 1. Watercraft Registration. Minnesota Statutes, section 86B.401.

Subd. 2. Fire Extinguishers and Ventilation. Minnesota Statutes, section 86B.531 and Minnesota Rules, part 6110.1200, subparts 5 and 6.

Subd. 3. Age of Operator/Certificate. Minnesota Statutes, section 86B.305.

Subd. 4. General Rules for Watercraft Operation. Minnesota Statutes, section 86B.311.

Subd. 5. Failure to Stop for Sheriff. Minnesota Rules, part 6110.1200, subpart 2.E.

Subd. 6. Removal of Navigation Buoys. Minnesota Statutes, section 86B.111, subdivision 2.

Subd. 7. Snowmobile Registration. Minnesota Statutes, sections 84.82 and 84.84.

Subd. 8. Failure to Report Stolen or Destroyed Snowmobiles. Minnesota Rules, part 6100.5000, subpart 8.

Subd. 9. Reflectorized Material on Towed Object. Minnesota Rules, part 6100.5700, subpart 2.

Subd. 10. Theft. Minnesota Statutes, section 609.52, subdivision 2.

Subd. 11. Driving Motor Vehicles While Under the Influence. Minnesota Statutes, chapter 169A.

Subd. 12. Snowmobiles and All-Terrain Vehicles. Minnesota Statutes, chapter 84.

Subd. 13. Watercraft. Minnesota Statutes, chapter 86B.

CHAPTER 2
WATERCRAFT OPERATIONAL REGULATIONS

8-2.01. General Restrictions on Operations. It is unlawful for a person to operate a watercraft in a manner prohibited by this Section.

Subd. 1. Careless or Reckless Operation. No person shall operate a watercraft in a careless, reckless or grossly negligent manner so as to endanger the person or property of another, or at a rate of speed greater than will permit the operator, in the exercise of reasonable care, to bring the watercraft to a stop within the assured clear distance ahead.

Subd. 2. Alcohol and Controlled Substances. No person shall operate or be in physical control of any watercraft while under the influence of an alcoholic beverage or prohibited drug. No owner or other person having charge or control of any watercraft shall knowingly authorize or permit any person who is under the influence of an alcoholic beverage or prohibited drug to operate such watercraft. No owner or other person having charge or control of any watercraft shall knowingly authorize or permit any person who by reason of any physical or mental disability is incapable of operating such watercraft to operate such watercraft.

Subd. 3. Obstruction to Navigation. No person shall operate any watercraft in a manner which obstructs or tends to obstruct the normal and ordinary navigation of the waters of the Lake.

Subd. 4. Mooring. No person shall moor, attach or hold in any manner a watercraft to any buoy, other than a mooring buoy, or any other marking device or guide placed in the waters of the Lake pursuant to lawful authority.

Subd. 5. Swimming or Bathing Areas. No person shall operate a watercraft within a water area which has been marked off or set aside as a swimming or bathing area as prescribed by the regulations of the DNR Commissioner.

Subd. 6. Bruhn Bay: Prohibition. No person shall operate a motor-operated watercraft on Bruhn Channel at the northwest corner of Halstead Bay.

Subd. 7. Overloading. No person shall operate a watercraft which is loaded with passengers or cargo beyond its safe carrying capacity, or which is equipped with any motor or other propulsion machinery beyond its safe power capacity. The B.I.A. or O.B.C. rating, if any, shall not be exceeded as to loading or power. Other unrated or experimental watercraft must comply with standard O.B.C. ratings and obtain a Sheriff's Water Patrol permit.

Subd. 8. Distance from Diver's Flag. No person shall operate a watercraft within 150 feet of a diver's warning flag.

Subd. 9. Improper Display of Insignia. No person shall operate a watercraft having a number, letter, design, or insignia displayed on either side thereof which is closer than 24 inches to any part of the watercraft registration number.

Subd. 10. Obstructing Channel. No person shall operate, anchor, or tie-up, except at a lawful dock, a watercraft in such a manner as to obstruct or interfere with the passage of any other watercraft through any channel or narrow water passageway. No person shall swim in any such channel in the Lake, or jump or dive from any bridge over any such channel. No motorboat shall overtake and pass another motorboat going in the same direction in a channel, closed throttle area, or restricted waterway.

Subd. 11. Wash and Wake. No person shall operate a watercraft in such a manner that its wash or wake will endanger, harass, or unnecessarily interfere with any other person or property.

Subd. 12. Interference with Aircraft. No person shall operate a watercraft in a manner which intentionally obstructs or interferes with the landing, take-off, or taxiing of any aircraft.

Subd. 13. Noise. No person shall operate any watercraft or boat, other than an aircraft, on the Lake in a manner that exceeds the noise limits contained in Minnesota Statutes, section 86B.321.

Subd. 14. Large Commercial Vessels. Small watercraft shall not insist on the right-of-way, nor unnecessarily impede the passage of large commercial vessels, which are restricted in their ability to maneuver by size, draft or speed. For the purpose of this subdivision, large commercial vessels shall be defined as boats that are longer than 65 feet carrying passengers for hire and commercial barges.

8-2.03. Watercraft Speeds.

Subd. 1. Limits. No person shall operate a watercraft on the Lake at a speed greater than is reasonable and prudent under the conditions and with regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, watercraft, or structure in or upon the Lake which is in compliance with legal requirements and the duty of all persons to use due care. No watercraft may be operated on the Lake at a speed in excess of the following limits:

(a) Forty miles per hour during the daytime;

(b) Twenty miles per hour during the nighttime;

(c) Five miles per hour in the following areas:

(1) A quiet waters area established by this Chapter;

(2) Within 150 feet of the shoreline; and

(3) Within 150 feet of an authorized bathing area or swimmer, an authorized scuba diver's warning flag, an anchored raft or watercraft, or a dock or pier except that from which a watercraft with a person in tow is being operated; and

(4) Areas posted with a five miles per hour limit.

(d) Ten miles per hour for a watercraft for hire in excess of 70 feet in length.

Subd. 2. Posting Limits. The Sheriff and the Executive Director may provide for the erection of signs at appropriate locations on the Lake to inform operators of watercraft of the speed limitations established by this chapter.

Subd. 3. Prima Facie Rule. Operation of watercraft in excess of the speeds set forth in this Section is prima facie evidence that the watercraft is being operated in a careless, reckless, or grossly negligent manner in violation of Section 8-2.01, subdivision 1.

Subd. 4. Exceptions. The provisions of this Section do not apply to law enforcement officers while engaged in the performance of their duties or to seaplanes during takeoff or landing.

8-2.05. Quiet Waters Areas.

Subd. 1. Speed Limit. No person shall operate a motor operated watercraft, including waterborne aircraft, on those areas of the Lake hereinafter specified at a speed in excess of five miles per hour, or at a speed which results in more than a minimum wake in any area of the Lake designated as quiet waters areas. Quiet waters restrictions shall apply to areas, channels, bays and shorelines as delineated by markers, buoys, or other aids to navigation placed by the County or the LMCD.

Subd. 2. Areas Designated Quiet Waters. The following areas of the Lake are designated as quiet waters areas:

(a) Bay St. Louis, Carson Bay, Emerald Lake, Seton Lake, Libbs Lake, and the causeway area of Wayzata Bay;

(b) The following channels: Arcola (Smith's Bay to Crystal Bay), Black Lake-Spring Park Bay, Noerenberg, Hendrickson, Coffee, Emerald Lake-Cook's Bay, Seton, Narrows, Tanager Lake, Boy Scout, Stubb's Bay-Maxwell Bay, Gray's Bay-Wayzata Bay, Forest Lake, Zimmerman's Pass, St. Alban's, Priest's Bay, Big Island, Seton Lake-Emerald Lake, Black Lake-Seton Lake, Lost Lake Channel from Cook's Bay, the Libbs' Lake Channel from Gray's Bay, the two channels leading to docking areas in Tonka Bay from Gideon's Bay, Wayzata Municipal Channel, the channel between Big Island and West Point, Narrow Point of North Arm (Windjammer Point), the south shore of Maxwell Bay from the Noerenberg Bridge to the Boy Scout Bridge and Noerenberg Inlet;

(c) Gray's Bay during the period from 4:00 p.m. on Friday until 11:59 p.m. on Sunday, and during the entire day on any holiday as defined by Minnesota Statutes, section 645.44, subdivision 5, including the optional days which may be designated holidays;

(d) That part of Black Lake lying north of a line described as follows: Commencing at the southwest corner of the channel between Spring Park and Black Lake and running westerly to a point three hundred feet due south of the southernmost point of North Point on Black Lake, and continuing westerly to the south side of the channel between Seton Lake and Black Lake is designated as quiet waters area;

(e) That part of Excelsior Bay lying south of a line running from the west shore from a small point just south of the bandstand and north of the city mooring area to a point at the north property line of Cochranes' Boatyard on the east shore of Excelsior Bay is designated as quiet waters area;

(f) That part of the North Seton Channel lying southwesterly of a straight line drawn between the slow buoy located at latitude 44.939311 north, longitude 93.644048 west and the slow buoy located at latitude 44.939573 north, longitude 93.644825 west, and extended northwesterly and southeasterly to the shore;

(g) That part of St. Albans Bay west of a line running south of Solberg's Point;

(h) That part of Coffee Cove lying between the Coffee Cove Channel and a line running from Fagerness Point to Park Lane extended;

(i) That part of the channel in the Lower Lake North lying northeast of Huntington Point and southeast of the Arcola Bridge;

(j) The channel south of Huntington Point between Lafayette Bay and the Lower Lake North;

(k) The following area to the north of Big Island: The area lying southerly of a line beginning at a point on the north shoreline of Big Island directly south of the buoy located at latitude 44.932675 north, longitude 93.571501 west; thence north to the buoy at that location; thence northeasterly to the buoy located at latitude 44.935813 north, longitude 93.559323 west; thence easterly to the northernmost point of Big Island; and

(l) That part of Wayzata Bay in the channel through the shallow water area north of Cedar Point East marked by navigation buoys.

8-2.07. <u>Use of Motorboats Prohibited</u>.

Subd. 1. <u>Prohibition</u>. No person, other than authorized law enforcement personnel or governmental resource management personnel in performance of their duties, shall operate a motorboat using propulsion by machinery in any of the following areas:

(a) Six Mile Creek from the mouth of the creek (located at a line between Latitude 44º 54.844' North, Longitude 93º 42.166' West and Latitude 44º 54.831' North, Longitude 93º 42.138' West) upstream to the right of way of State Highway 7;

(b) Painters Creek west of County Road 110 (located at Latitude 44º, 57.723' North, Longitude 093º, 30.931' West) upstream to the contour line at elevation 929.4 NGVD;

(c) Long Lake Creek from the railroad trestle (located at a line between Latitude 44º, 57.793' North, Longitude 093º, 33.860' West and Latitude 44º, 57.806' North, Longitude 093º, 33.842' West), upstream to the contour line at elevation 929.4 NGVD; and

(d) In any area delineated by signs, buoys, markers or other aids to navigation placed or maintained by the LMCD or the County that prohibit the use of motorboats using propulsion by machinery.

Subd. 2. Exception. The prohibition in subdivision 1 shall not apply to any watercraft that is 24 feet in length overall or less and that is being propelled by a single electric motor that has only a single propeller and is not capable of generating more than 60 pounds of thrust at its maximum operating voltage.

8-2.09. Watercraft Safety Rules and Rules of the Road. All watercraft operating on the Lake must at all times be in compliance with the safety and operating requirements in Minnesota Rules, part 6110.1200.

8-2.11. Watercraft Equipment and Rules. All watercraft operating on the Lake must at all times be in compliance with the equipment requirements of Minnesota Rules, part 6110.1200.

8-2.13. Rental of Watercraft.

Subd. 1. Watercraft Requirements. No person shall offer to rent, or rent, a watercraft to another unless the watercraft complies with all of the following:

(a) Is not in a broken, rotten, or otherwise hazardous condition;

(b) All oars, oarlocks, and paddles are included, or made available for use, and they are free of cracks, splits, and breaks;

(c) It has a rear transom that is strongly constructed and capable of standing the stresses imposed by fully reversing the motors attached or to be attached;

(d) Is not made of metal or fiberglass, unless it is equipped with air chambers or other buoyancy devices and is capable of sustaining complete buoyancy for capacity load in the event the craft is capsized;

(e) It is free of spilled gasoline and oil; and

(f) Is equipped with a pair of oars and oarlocks, or with a paddle, in serviceable condition and unless, on departure, there are on board personal flotation devices for each person on board.

Subd. 2. Rental to Person Under Influence. No watercraft shall be rented or offered for rent to any person who is under the influence of alcoholic beverages or prohibited drugs.

Subd. 3. Overloading. No watercraft which has been rented shall be permitted to depart from the premises at which it was rented if it is loaded beyond its safe carrying capacity or powered beyond its safe power capacity.

Subd. 4. Overnight Occupancy. No person shall rent or lease any watercraft for use as living quarters while it is in or upon the Lake. No person shall regularly lease or rent any watercraft for overnight occupancy in or upon the Lake.

CHAPTER 3
PERSONAL WATERCRAFT

8-3.01. Unlawful Operation. It is unlawful for any person to operate a personal watercraft or for the owner thereof to permit the operation of a personal watercraft on the Lake in any way which is contrary to the provisions of this Chapter, any other applicable provision of this Code, or of any laws, rules, or regulations of the state.

8-3.03. Personal Flotation Devices. No person shall operate or ride on a personal watercraft unless wearing a United States Coast Guard approved Type I, II, III, or V personal flotation device.

8-3.05. Hours of Operation. No person shall operate a personal watercraft between one hour before sunset and 9:30 a.m. the following day.

8-3.07. Speed Limits.

Subd. 1. 150 Feet of the Shoreline. No person shall operate a personal watercraft at greater than slow no-wake speed within 150 feet of any shoreline, swimmer, anchored boat, person fishing, mooring, dock, or other water structure.

Subd. 2. 300 Feet of the Shoreline. No person shall operate a personal watercraft at a speed in excess of five miles per hour or at a speed which results in more than a minimum wake between 150 feet and 300 feet of the shoreline, unless the personal watercraft is being driven perpendicular to the shoreline and to or from the nearest point of water 300 feet from the shoreline or parallel to the shoreline from one location to another in a manner which is not repetitive.

8-3.09. Automatic Cut-off Device. No person shall operate a personal watercraft which is equipped by the manufacturer with a lanyard-type cutoff switch unless the lanyard is attached to the person, clothing or personal flotation device of the operator. No person shall operate a personal watercraft on which the automatic cut-off device applied by the manufacturer has been altered, disabled, or removed.

8-3.11. Wake Jumping. No person operating a personal watercraft shall jump the wake of another watercraft within 150 feet of that watercraft.

8-3.13. Careless Operation. A personal watercraft must at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb or property, including, but not limited to weaving through congested boat traffic or swerving at the last possible moment to avoid collision shall constitute careless, reckless, or grossly negligent operation in violation of Section 8-2.01, subdivision 1.

8-3.15. Prolonged Operation. No personal watercraft shall be operated in a single area for more than 30 consecutive minutes. A person in control of such watercraft shall be subject to citation. A single area is defined as an area of the Lake which is so small that the noise emanating from personal watercraft operated continuously within it is liable to be a nuisance or cause substantial

annoyance to residents of one or more shoreline properties during all of the time of such continuous operation.

8-3.17. Rental. A person who rents a personal watercraft, regardless of the horsepower, to another shall comply with this Section.

Subd. 1. Age Restrictions. No person shall rent a personal watercraft to any person who:

(a) Is less than 16 years of age; or

(b) Is 16 years of age or over, but less than 18 years of age and is not in possession of an operator's permit required by law.

Subd. 2. Information and Instruction. A person who rents a personal watercraft to another is required to provide a summary of the laws and rules governing the operation of personal watercraft and to provide instruction regarding safe operation to any person renting personal watercraft. The instruction provided to a renter must cover the laws and rules governing personal watercraft as well as the actual operation of the personal watercraft itself.

Subd. 3. Personal Flotation Devices. A person who rents a personal watercraft to another shall provide a United States Coast Guard approved Type I, II, III or V wearable personal flotation device to all persons who rent a personal watercraft, as well as all other required safety equipment.

CHAPTER 4
WATERCRAFT INSPECTIONS AND IMPOUNDMENT

8-4.01. Watercraft Inspections.

Subd. 1. Testing Stations. The LMCD may establish one or more watercraft testing stations for the purpose of testing and inspecting watercraft using the Lake or to be used on the Lake, to determine whether such watercraft comply with the health and safety regulations of this Code. The Board shall, by resolution, establish service charges to pay for the costs of such inspection.

Subd. 2. Inspection on Order of Sheriff. The Sheriff may direct any watercraft on the Lake to be inspected at such testing station, after due written notice thereof shall be first given to the owner of such watercraft or the owner's agent. If it is determined that such watercraft complies with the provisions of this ordinance, the inspector shall issue a certificate which shall be in the form of a decal, to be displayed on the exterior hull of the watercraft at a location where it can be readily seen without boarding the watercraft. Inspection certificates shall expire on December 31st of the year in which they are issued.

Subd. 3. Inspection Without Notice. If the Sheriff has reasonable and probable grounds to believe that a watercraft being operated on the Lake does not meet the requirements of this Code with respect to its equipment, the Sheriff may request permission to inspect such watercraft. If the operator of the watercraft consents to such inspection being made the sheriff may thereupon make such inspection or cause such inspection to be made. If consent to such inspection is refused by the operator of the watercraft, the Sheriff may order such watercraft to be inspected as provided in subdivision 2 of this Section.

Subd. 4. No Operation Pending Inspection. No watercraft which is ordered to be inspected as provided in the provisions of this section shall thereafter be operated on the Lake until after an inspection certificate has been obtained, showing that such watercraft has been inspected and is equipped in accordance with the requirements of this Code. Nothing herein shall prevent the operator of the watercraft from subsequently going from the place of launching or harborage of the watercraft directly to the watercraft inspection station, by appointment, for the purposes of obtaining a compliance inspection.

Subd. 5. Operational Tests. Apart from such inspection, the Sheriff may direct the operator of any watercraft on the Lake to display the lights, fire extinguishers, noise muffling devices, life preservers, and horn, whistle or bell on the watercraft, and to demonstrate that they are in good working condition.

Subd. 6. Noise. If the Sheriff has reason to suspect that a watercraft is exceeding noise limitations, or is capable of exceeding noise limitations, he may direct the operator to traverse a noise pollution test course at any location selected by the Sheriff, at full throttle or at such lesser speeds as the Sheriff may direct. Refusal to submit to such a test is a misdemeanor.

Subd. 7. Emergencies. If the Sheriff encounters a condition on any watercraft which constitutes an immediate hazard such as overloading or imminent hazard of fire or explosion, the Sheriff may direct the occupants of such watercraft to take immediate emergency measures to eliminate such hazard. Failure to obey such emergency instructions is a violation of this Code.

8-4.03. Watercraft Impounding.

Subd. 1. Reasons for Impoundment. Watercraft may be removed from the Lake by the Sheriff or other duly authorized law enforcement officer and taken to a place of safety designated by him in the following circumstances:

(a) The watercraft is unattended or unoccupied and is not moored or otherwise safety secured. A boat or watercraft which is at anchor is not considered to be safely secured for purposes of this Section;

(b) The watercraft is unattended and is moored or secured to an unlicensed or unpermitted structure;

(c) The watercraft is so disabled as to constitute a hazard to navigation and the person or persons in charge of the watercraft are for any reason physically incapacitated and unable to provide for its custody and control; or

(d) The watercraft is, and has been for a period of more than one week, sunken, wrecked, junked or discarded.

Subd. 2. Notice. Upon the removal of a watercraft pursuant to this section the Sheriff shall promptly notify the Executive Director, who shall thereupon give written notice to the registered owner of the watercraft of the fact of such removal, the reason therefor, and the place to which the watercraft has been removed. If the owner cannot be determined or found, or if the watercraft is not claimed within three days after its removal, the Executive Director shall send a written report of the removal to the DNR Commissioner. The report shall describe the watercraft, the reasons for its removal, and the place to which the watercraft has been removed. The owner of a watercraft removed pursuant to this section may reclaim it at any time without charge, upon the payment of reasonable towing and storage charges.

Subd. 3. Disposition of Impounded Watercraft. Impounded watercraft which are not reclaimed by the owner may be disposed of in the same manner as impounded structures under Section 2-6.23.

Subd. 4. Other Penalties. The removal of a watercraft pursuant to this Section does not prevent the LMCD from enforcing any other penalty provided by this Code for the unlawful operation or mooring of a watercraft.

CHAPTER 5
MOTORIZED VEHICLES AND AIRCRAFT

8-5.01. Prohibitions. It is unlawful for any person to operate a motorized vehicle or for the owner thereof to permit the operation of a motorized vehicle on the ice of the Lake contrary to the Code, to the laws of the state and rules and regulations promulgated thereunder, or to an ordinance of any political subdivision having jurisdiction on the Lake.

8-5.03. Equipment. All motorized vehicles shall have head lamps, red tail lamps, brakes, muffler, and reflective material, all of which must conform to the standards prescribed by the rules and regulations of the DNR Commissioner. Except as otherwise provided by law motorized vehicles must be equipped at all times with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. The exhaust system may not emit or produce a sharp popping or crackling sound. The permissible noise levels for snowmobile mufflers shall be those established by rules and regulations of the DNR Commissioner.

8-5.05. Prohibited Operations.

Subd. 1. Careless Operation. No person shall operate a motorized vehicle on the ice of the Lake:

(a) In a careless, reckless or grossly negligent manner so as to endanger the person or property of another, or at a rate of speed greater than will permit the operator in the exercise of reasonable care, to bring the vehicle to a stop within the assured clear distance ahead, or at a rate of speed greater than the prevailing conditions will allow;

(b) While under the influence of an alcoholic beverage or prohibited drug;

(c) Without a lighted head and tail light when required for safety; or

(d) In a manner so as to create a loud, unnecessary or an unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons.

Subd. 2. Speed. No motorized vehicle may be operated at a speed greater than is reasonable and proper under the surrounding circumstances. No motorized vehicle may be operated at a speed in excess of 25 miles per hour within 150 feet of any fisherman, fish house, pedestrian, skating rink, sliding area, or in any other area on the Lake where the operation would conflict with or endanger other persons or property.

Subd. 3. Operation within Shore Zone. In general, uses of the shore zone are limited to non-motorized activities, including but not limited to walking, skating, snowshoeing, cross-country skiing and fishing. A motorized vehicle may not be operated at a speed in excess of 25 miles per hour within the shore zone. A motorized vehicle may traverse the shore zone by the shortest direct route from shoreline to open ice 150 feet beyond shoreline and return as necessary

for access to the Lake. A motorized vehicle may traverse the shore zone approximately parallel to the shoreline in narrow areas of the Lake when necessary to proceed from one part of the Lake to another.

Subd. 4. Speed and Operation Outside of Shore zone. Outside the shore zone, motorized vehicles may not be operated in excess of the following speeds:

(a) During the daytime, 50 miles per hour; or

(b) During the nighttime, 50 miles per hour for snowmobiles, as defined in Minnesota Statutes, section 84.81, subdivision 3, and 30 miles per hour for all other motor vehicles.

Subd. 5. Speed on Black, Emerald, and Seton Lakes. Motorized vehicles may not be operated on Black, Emerald, or Seton Lakes at a speed in excess of 25 mile per hour.

Subd. 6. Unattended Motorized Vehicles. It is unlawful for the owner or operator of a motorized vehicle to leave or allow the vehicle to be or remain unattended on the Lake while the motor is running or with the key to start the vehicle in the ignition switch or if the vehicle does not have an ignition switch which can be locked.

Subd. 7. Access. It is unlawful to permit a motorized vehicle to enter upon the ice of the Lake at any point other than a public access, or from the owner's own property, or from property of a person other than the owner's with the written permission of such property owner.

8-5.07. Litter. It is unlawful for the operator of a motorized vehicle to deposit on the ice of the Lake any garbage, rubbish, or other litter.

8-5.09. Zone Markers. The Sheriff may place distinguishing markers on the ice at various times and locations to assist identification of the limits of the shore zone, the 1,000 foot distance from shoreline, and fish houses and other non-motorized activities. Municipalities may place distinguishing markers on the ice to assist in identification of the shore zone. Only markers provided by the Executive Director and placed as directed by the Executive Director may be used for this purpose.

8-5.11. Special Events. Permits for the conduct of special events involving motorized vehicles on the ice of the Lake may be issued by the LMCD in the same manner and under the same procedures as is authorized for special boating events under Article 9, Chapter 2 and Section 6-5.03.

8-5.13. Impounding Motor Vehicles. Motor vehicles may be removed from the Lake by the Sheriff or other duly authorized law enforcement officer and taken to a place of safety designated by the law enforcement agency in any of the following circumstances:

(a) The motor vehicle is unattended or unoccupied and represents a hazard to other vehicles using the Lake;

(b) The motor vehicle is unattended for more than six hours;

(c) The motor vehicle is unattended or unoccupied between one-half hour after official sunset and one-half hour before official sunrise;

(d) The motor vehicle is unattended or unoccupied and is lacking vital component parts;

(e) The motor vehicle constitutes a hazard to traffic and the person or persons in charge of the motor vehicle are for any reason physically incapacitated and unable to provide for its custody and control; or

(f) The motor vehicle operator has been taken into custody by the sheriff or other law enforcement officer and the vehicle would otherwise be left unattended.

8-5.15. Aircraft.

Subd. 1. Use of Lake for Training. No person may operate an aircraft, including an ultralight, on the Lake for training or proficiency purposes on Saturday, Sunday, or on a legal holiday. No person may operate an aircraft, including an ultralight, on the Lake for training or proficiency purposes in a manner consisting of a series of more than one landing and take-off in the same officially designated Lake area.

Subd. 2. Multiple Take-Offs and Landings. No person may operate an aircraft, including an ultralight, on the Lake for any purpose consisting of more than one take-off and landing on each Saturday, Sunday, or legal holiday.

Subd. 3. Quiet Waters. Waterborne aircraft are subject to the restrictions or ordinances of the LMCD relating to quiet water areas.

Subd. 4. Licenses. Any person operating an aircraft based on the Lake shall maintain a current personal use seaplane license from the State of Minnesota.

CHAPTER 6
SNOWMOBILES

8-6.01. Operation by Persons Under 18. No person less than 18 years of age shall operate a snowmobile on Lake Minnetonka unless the operator shall have a valid snowmobile safety certificate in their immediate possession issued pursuant to Minnesota Statutes, section 84.86, subdivision 1, or is under the supervision of an adult. It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated on the Lake by a person less than 18 years of age unless such person has the required certificate.

8-6.03. Safety Equipment. A snowmobile must be equipped with a safety or "deadman" throttle in operating condition: a safety or deadman throttle is defined as a device which, when pressure is removed from the accelerator or throttle, causes the motor to be disengaged from the driving track.

8-6.05. Out of State Snowmobiles. It is unlawful for any person to operate a snowmobile which is not registered in the State of Minnesota at a special event without a permit therefor from the DNR Commissioner.

8-6.07. Special Events. In granting a permit for a special event involving snowmobiles under Section 6-5.03, the Board may authorize operations of such vehicles in a manner which exceeds the sound limitations of this Code, provided, however, that such operation has been approved by the DNR Commissioner pursuant to Minnesota Statutes, section 84.871.

ARTICLE 9
SPECIFIC USE REGULATIONS

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CHAPTER 1
SPECIFIC LAKE USES

9-1.01. Water Skiing. Any person towing another person on waterskies or similar devices, and any person being towed, shall comply with the requirements of this Section.

Subd. 1. Observers Required. Watercraft may not be operated to tow a person on water skis, an aquaplane, surfboard, saucer, or similar device, unless there is in such watercraft another person in addition to the operator in a position to continually observe the person being towed. The operator of such watercraft shall be at least 12 years of age and must watch where the watercraft is being driven at all times. The second person on board shall act as observer of the person being towed, shall be at least 12 years of age and shall watch the person, or persons, being towed at all times.

Subd. 2. Hours. No person shall be towed, or shall operate a watercraft towing a person, on any such device on the Lake at any time from one-half hour after sunset to sunrise of the day following.

Subd. 3. Safety Equipment. No person shall be towed, or shall operate a watercraft towing a person on any such device unless the person being towed is wearing a life vest, belt or other buoyant device, except with the written permission of the sheriff. If the buoyant-device worn is not a U.S. Coast Guard approved personal flotation device, a U.S. Coast Guard approved personal flotation device must also be on board and readily accessible to the person being towed.

Subd. 4. Number Towed. Not more than three persons may be towed at one time, except with the written permission of the Sheriff.

Subd. 5. Length of Tow. No person shall be towed by rope, cable, or other towing device longer than 85 feet, except with the written permission of the Sheriff.

Subd. 6. Distance. No person shall operate a watercraft when towing a person, and no person being towed shall come within 150 feet of any bathing area, skin, or scuba diver's warning flag, swimmer, raft, watercraft, dock, or pier except the raft, dock or pier from which he is operating.

Subd. 7. Empty Tow. No person shall drag an unoccupied tow line behind a watercraft for an unreasonable length of time.

Subd. 8. Towing in Channels. No person shall tow or be towed into or through any marked channel connecting two bodies of water of the Lake.

9-1.03. Scuba Diving. Any person engaging in scuba diving on the Lake shall comply with the requirements of this Section.

Subd. 1. Diver's Flags. Every person swimming in the Lake while wearing or carrying any apparatus for breathing while under water shall tow a diver's flag, displayed above the surface of the water, which shall be attached to a device capable of supporting such swimmer and the swimmer's equipment upon the surface of the water.

Subd. 2. Remaining Near Flag. Every person who causes a diver's flag to be displayed shall remain within 50 feet thereof, measured on the surface of the water.

Subd. 3. One Person Per Flag. A diver's flag shall not be towed by more than one person.

Subd. 4. Improper Location of Flag. No person shall display a diver's flag so as to cause unlawful obstruction to navigation.

Subd. 5. Group Diving. If a group of divers is operating in an area, the outside of the perimeter shall be marked and shall be outside of the normal area of navigation.

9-1.05. Bowfishing.

Subd. 1. Prohibition. No person shall engage in bowfishing on the Lake, except in compliance with the limitations set forth in this Section.

Subd. 2. Compliance with Laws. Bowfishing must be conducted in compliance with all state laws, rules, regulations, and local ordinances including, but not limited to, Minnesota Statutes, section 97C.376 and Minnesota Rules, part 6262.0600.

Subd. 3. Prohibited Times and Dates. Bowfishing is prohibited during the following times and dates:

(a) From one-half hour after sunset to sunrise; and

(b) From November 15th through May 1st.

Subd. 4. Prohibited Areas. Bowfishing is prohibited from Memorial Day through Labor Day from 10 a.m. on Friday through sunrise on Monday, and on public holidays in the following areas:

(a) High traffic areas including, but not limited to, anchorages, commercial marinas, public or municipal docks, charter boat ports-of-call, public launch ramps, and public swimming beaches;

(b) The anchorage commonly known as Cruiser's Cover on the northeast side of Big Island;

(c) The anchorage to the northeast of the channel between Maxwell Bay and Crystal Bay; and

(d) Goose Island in Spring Park Bay.

Subd. 5. Orders of Law Enforcement Officers. The Sherriff and the law enforcement officers of any municipality bordering the lake are authorized to order a person to cease bowfishing at any specified location on the Lake whenever, in the judgment of such law enforcement officer, it is in the interest of the public peace and safety to do so. Failure to comply with any such lawful order is a misdemeanor.

Subd. 6. Disposal of Fish and Fish Remains. Disposal of fish or fish remains is prohibited in any of the following areas:

(a) Anywhere on the waters of the Lake, its channels, tributaries or wetland area;

(b) Within 300 feet of the shoreline, except in private refuse containers or where remains are used as buried fertilizer by residents of the property; or

(c) At any public access point, except in containers designed for and specifically signed to allow fish disposal.

CHAPTER 2
SPECIAL EVENTS

9-2.01. Permit Required. No person shall carry on or sponsor a special event on the Lake without first securing a permit therefor from the LMCD or from the Sheriff as provided in this Chapter. An application for a permit shall be submitted at least 30 days prior to the scheduled date of the special event unless the deadline is waived by the issuing authority.

9-2.03. Obtaining a Permit.

Subd. 1. LMCD. Applications for a permit issued by the LMCD shall be submitted and processed as provided in Section 6-5.03.

Subd. 2. Water Patrol. The Board may authorize the issuance of special events permits by the Sheriff. Such authority shall be granted by resolution and shall be subject to such terms, conditions, and limitations as are specified in the resolution. Upon the effective date of such authorization, the Sheriff becomes the issuing authority and special event permits shall only be issued by the Sheriff. The Board may, after providing at least 10 days written notice to the Sheriff, revoke the authorization by resolution.

ARTICLE 10
PUBLIC HEALTH AND SAFETY REGULATIONS

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CHAPTER 1
HIGH WATER DECLARATION

10-1.01. Findings and Purpose.

Subd. 1. Findings. The Board finds the operation of watercraft at normal speeds on the Lake during periods of high water as declared under this Section, has serious adverse effects on the shoreline of the Lake and structures existing on the shoreline. Furthermore, the restriction of watercraft wakes during periods of high water is essential to the conservation of the shoreline of the Lake and the overall quality of the Lake as a natural resource.

Subd. 2. Purpose. It is the purpose of this Chapter to provide reasonable regulation of watercraft wakes during periods of high water, to establish a mechanism for enforcing those limits, and to inform Lake users of the existence and need for the regulations. Once a high water declaration is made, a watercraft speed limit and minimum wake requirement is in place and is enforceable in certain areas of the Lake as provided in Section 10-1.07.

10-1.03. High Water Declaration.

Subd. 1. Authority. The Executive Director is authorized and directed to determine from authoritative sources the Executive Director deems reliable the water level of the Lake from time to time. The Executive Director has the authority to make a high water declaration as provided in this Section.

Subd. 2. Discretionary Declaration. The Executive Director may make a high water declaration when the Lake elevation has been at or above elevation 930.0 NGVD for a period of five consecutive days; provided, readings show an elevation of 930.0 NGVD or more on the first day and the fifth day (or next day thereafter when readings are available), at least one such reading between the first and last reading, and no intervening readings below 930.0 NGVD.

Subd. 3. Mandated Declaration. The Executive Director shall make a high water declaration when the Lake elevation either:

(a) Has been at or above elevation 930.0 NGVD for a period of eight consecutive days; provided, readings show an elevation of 930.0 NGVD or more on the first day and the eighth day (or next day thereafter when readings are available), at least two such readings between the first and last reading, and no intervening reading below 930.0 NGVD; or

(b) The Lake elevation has reached or exceeded 930.25 NGVD.

10-1.05. Notifications and Actions Upon Declaration. Upon making a high water declaration, the Executive Director shall do each of the following:

(a) Notify the Hennepin County Sheriff's Water Patrol that a high water declaration has been made and that the wake regulations of this section are in effect as of a specific date and time;

(b) Notify, by any practicable means, marina operators, associations and other interested persons that a high water declaration has been made; and

(c) Take whatever action the Executive Director deems necessary to disseminate as widely as possible the fact that a high water declaration has been made and that the wake regulations of this Chapter are in effect.

10-1.07. Rules During High Water. When a high water declaration has been made, it is unlawful for a person to operate a watercraft in violation of this Section.

Subd. 1. Exceed Minimum Wake. To operate a watercraft at a speed that results in more than a minimum wake.

Subd. 2. Speed Limit in Regulated Areas. To operate a watercraft at a speed of more than five miles per hour in any of the following areas:

(a) All of the surface area of Emerald Lake, Libbs Bay, Seton Lake, Bay St. Louis, Black Lake, Coffee Cove, Big Island Passage, Robinson's Bay, Tanager Lake, Forest Lake, Carson's Bay, Excelsior Bay, Priest's Bay, St. Alban's Bay, Gray's Bay, Stubb's Bay, and Jenning's Bay; and

(b) The surface area of the Lake within a distance of 600 feet of the shoreline on all parts of the lake not included in paragraph (a) above.

Subd. 3. Exceptions. The prohibitions of this Section do not apply to the Sheriff or other law enforcement officers while engaged in the performance of their duties, or to seaplanes during a landing or takeoff.

10-1.09. Termination of Declaration. When the Executive Director determines from authoritative sources that the Lake level has fallen and remained below elevation 930.0 NGVD for a period of three consecutive days, the Executive Director shall take the same steps set out in Section 10-1.05 to notify such persons that the high water declaration is terminated and that the wake regulations of this Chapter are no longer in effect.

CHAPTER 2
LOW WATER DECLARATION

10-2.01. Declaration and Cancellation.

Subd. 1. Board Declaration. When the Lake level falls below elevation 928.0 NGVD, the Board may declare low water conditions by resolution. The resolution shall identify the effective date of the declaration. Upon such declaration, the Executive Director shall take appropriate steps to notify the public of the low water conditions.

Subd. 2. Cancellation. The Board may provide for the cancelation of the low water conditions declaration in its resolution or may act by separate resolution to cancel the declaration. If not cancelled earlier, the declaration shall automatically be cancelled if the Lake level is above 928.6 NGVD for five consecutive days. The Executive Director shall take appropriate steps to notify the public of the cancellation of low water conditions.

10-2.03. Temporary Extension of Residential Docks.

Subd. 1. Temporary Extension Allowed. During periods of declared low water conditions, the owner of a residential dock may temporarily extend the dock pursuant to a general permit issued by the LMCD for the Lake without needing to obtain an individual permit, but only upon compliance with the requirements of this Section. Any dock that does not qualify for a temporary extension under this Section may apply for a temporary low water dock extension permit under Section 10-2.05 and in accordance with Section 6-5.05.

Subd. 2. Eligibility and Limitations. A temporary extension of a residential dock during declared low water conditions may only occur upon compliance with all of the following:

(a) Seasonal Dock. The extension must be a temporary, seasonal type dock. No extensions may be on pile-driven or permanent year-round docks;

(b) Length of Extension. The dock may be extended into the Lake up to 30 feet beyond the authorized dock use area if the Lake level is below elevation 928.0 NGVD and up to 60 feet beyond the authorized dock use area if the Lake level is below 927.0 NGVD. No dock may extend farther into the Lake than the point at which the water depth is five feet when the Lake elevation is at 928.0 NGVD;

(c) Conformance. The dock must meet all requirements of the Code other than the length limitation;

(d) Watercraft Density. The extension, together with the original dock, must not be used to provide storage for a greater number of watercraft than are authorized under this Code;

(e) Navigation. The extension must not impair navigation or reasonable access to other authorized dock use areas or create a hazard to navigation;

(f) Inspection. The landowner must grant LMCD staff permission, at all reasonable times, to inspect the dock to determine compliance with this Code;

(g) No Past Variances. The site must not have received a variance from the provisions of this Code in the past;

(h) Visibility. All sections of the dock and extension must be so designed, constructed, elevated, lighted, or reflectorized that they are readily visible to boaters;

(i) Secured. All sections of the dock and extension must be so constructed that dock sections do not float away during high water or wave conditions; and

(j) Registration. Prior to construction of the temporary dock extension, the landowner or the landowner's authorized agent must register the dock extension with the Executive Director on a form provided by the LMCD. A new registration is required for each calendar year.

Subd. 3. Standards and Removal. The requirements of this subdivision apply to temporary dock extensions constructed in accordance with this Section.

(a) Compliance. Construction and maintenance of a temporary dock extension that does not meet all conditions of this Code is a violation of this Code and, in addition, is grounds for revocation of the low water extension permit and a determination of ineligibility for permits in the future.

(b) Modification. A temporary dock extension constructed under the general permit issued by the LMCD is subject to modification or revocation if the Board determines that such modification or revocation is needed to preserve reasonable access to other authorized dock use areas and docks, safety, or general public navigation or that the dock does not meet the requirements of this Code. The LMCD shall provide the owner notice to the owner and conduct a public hearing prior to acting to modify or revoke a permit for the dock.

(c) Removal. Once lawfully constructed in accordance with the requirements of this Section, temporary dock extensions may be left in place until November 15th of that year, even if the declaration of low water conditions is canceled.

10-2.05. Temporary Extensions for All Other Docks. During periods of declared low water conditions, an owner of a dock that does not qualify for a temporary extension under Section 10-2.03 may apply to the LMCD for temporary low water dock extension permit in accordance with Section 6-5.05.

CHAPTER 3
DEICING EQUIPMENT AND THIN ICE

10-3.01. Licensing.

Subd. 1. Required. It is unlawful for any person to install, operate, maintain or use deicing equipment on the Lake without a license. All applications for a deicing equipment license shall be submitted and processed in accordance with Section 6-5.09.

Subd. 2. License Renewals. A deicing equipment license shall be renewed annually as provided in Section 6-5.09.

10-3.03. Eligible Structures. A deicing equipment license may only be issued for the following structures:

(a) Commercial multiple docks;

(b) Commercial single docks;

(c) Docks that were issued deicing licenses for the winters of 2002/2003, 2003/2004 or 2004/2005; and

(d) Permanent docks initially issued permanent dock permits between August 17, 2003 and August 10, 2005.

10-3.05. Licensing Exceptions.

Subd. 1. Use After March 1st. No license shall be required for installation and operation of deicing equipment during that part of the winter season occurring after March 1st, provided warning signs with the message "Thin Ice", of a size and type approved by the Executive Director, are installed and maintained at least each 50 feet along the affected shoreline. Anyone initiating the operation of deicing equipment between March 1st and March 15th under this exception shall, prior to such operations, entirely enclose the area to be deiced with snow fence that is at least four feet in height and place at least six reflectorized “Thin Ice” signs on the fence with a minimum of one sign for every 50 feet.

Subd. 2. Permanent Dams. Permanent dams which are licensed by the Department of Natural Resources and operated by a municipality or political subdivision of the state shall not be required to secure a special license under this Section providing the following conditions are met:

(a) A snow fence four feet in height shall be provided which encloses all open water or dangerously thin ice in the vicinity of the dam;

(b) A minimum of six reflectorized warning signs shall be provided at intervals not exceeding 75 feet; and

(c) Appropriate steps shall be taken, either by obtaining insurance or otherwise to hold the LMCD and its officers and employees harmless from any damage or injury arising out of the operation of the dam.

10-3.07. Hazard. It is unlawful for any person to install, operate, maintain, or use deicing equipment on the Lake, with or without a license therefor, which constitutes a hazard to the safety of persons on the Lake. For purposes of this Section, deicing equipment shall be deemed to constitute such hazard whenever any of the following circumstances exist without being specifically authorized in a current or valid license for the facility:

(a) Except as provided in paragraph (d) of this Section, the entire area of open water or weakened ice is not enclosed by a semi opaque fence which is at least four feet in height;

(b) The entire fence, the area enclosed by the fence and the area deiced is not lighted from one-half hour before sunset to one-half hour after sunrise;

(c) The entire fenced area is not marked by reflectorized warning signs at least every 50 feet around the perimeter of the fence; or

(d) During the periods prior to the generally accepted total Lake freezeover in the fall and following the beginning of the final thaw in the spring, the shoreline along the area deiced is not fenced with a semi opaque fence which is at least four feet in height and marked by reflectorized warning signs visible from 50 feet and installed every 50 feet along the shoreline.

10-3.09. Maintenance of Equipment. Persons granted a license under this Section shall maintain the safety facilities and equipment in a safe, neat, and orderly condition during the season, and upon termination of the license, the equipment shall be removed completely and the surrounding area cleared of all related materials and equipment.

10-3.11. Barriers Around Thin Ice or Open Water.

Subd. 1. Placement by Sheriff. The Sheriff may place markers, signs, barriers, fences, barricades, or obstructions around or adjacent to thin or dangerous ice or open water when such placement is deemed necessary by the Sheriff to protect the public safety.

Subd. 2. Prohibition. It shall be unlawful to:

(a) Drive or walk or pass over, through or around any such barriers, fences, barricades, or obstructions;

(b) Disobey any such signs; or

(c) Move, remove, deface, damage, or tamper with any such markers, signs, barriers, fences, barricades, or obstructions.

ARTICLE 11
ENVIRONMENTAL CONTROLS

Chapter 1. Pollution and Weeds Page

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11-1.03. Weeds; Introduction and Removal Prohibited 11-1
11-1.05. Zebra Mussel; Introduction Prohibited 11-2

CHAPTER 1
POLLUTION AND WEEDS

11-1.01. Pollution of Waters of the Lake.

Subd. 1. Prohibition. It is a violation of this Code for any person to pollute the surface waters of the LMCD 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 waters, any sewage, septage, industrial waste, garbage, rubbish, or other waste.

Subd. 2. 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 LMCD or on the shoreline of such waters.

Subd. 3. 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. 4. 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 this Code and state and federal laws, rules, and regulations.

11-1.03. Weeds; Introduction and Removal Prohibited.

Subd. 1. Definition. For purposes of this Section, the term "weed" means any plant or any cutting, part, or fragment of any plant.

Subd. 2. Prohibitions. No person shall do any of the following:

(a) Introduce weeds into the Lake or remove weeds from the Lake to a point more than 50 feet from the shoreline of the Lake; or

(b) Introduce into the Lake or remove from the Lake to a point outside the defined boat launch area or 200 feet, whichever is less, any vehicle, boat, trailer, or any other object which is capable of holding or carrying weeds without first carefully and thoroughly inspecting such vehicle, boat, trailer, or other object for weeds and removing all weeds discovered.

Subd. 3. Exceptions. The provisions of subdivision 2 of this Section do not apply to any of the following:

(a) The introduction of weeds into the Lake or the removal of weeds from the Lake pursuant to license from the DNR Commissioner; or

(b) The removal of weeds from the shoreline or beaches of the Lake or the lawful harvesting of weeds for weed control purposes, provided the weeds so removed or harvested are composted beyond 150 feet of the shoreline, are transported and disposed of by an authorized hauler of refuse or yard waste, or are transported and disposed of in a manner designed to ensure that such weeds will not be introduced into any other waters of the State.

11-1.05. Zebra Mussel; Introduction Prohibited. No person shall introduce into the Lake or operate on the Lake any vehicle, watercraft, trailer or other object which has had affixed or attached any zebra mussels (any species of the genus Dreissena) until such vehicle, watercraft, trailer or other object has been cleaned of all visible or discoverable mussels and either:

(a) Fifteen days have elapsed after such cleaning before it is introduced to the Lake during which time it shall remain dry; or

(b) The owner has secured the opinion of a person recognized as qualified by the Minnesota Department of Natural Resources or the LMCD that there are no viable zebra mussels or any of the life stages thereof on such vehicle, watercraft, trailer, or other object.

LAKE MINNETONKA CONSERVATION DISTRICT
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TO: LMCD Board of Directors

FROM: Vickie Schleuning, Executive Director

DATE: August 28, 2019

SUBJECT: Executive Director Update

The following items are highlights of ongoing LMCD projects and Lake-related current events and activities.

- **Watercraft Inspection Program**
  As the summer winds down, so does the watercraft inspection program coordinated with Three Rivers Park District. It concludes Labor Day weekend. The inspection schedule rotated among the public accesses at Halsted, Wayzata and Carson Bays. While a final report will be provided at the end of the year inspectors ensured corrective actions were taken by boaters when weeds or water was identified on watercraft entering or exiting Lake Minnetonka. Proper steps such as Clean Drain Dry and Dispose is important in preventing the spread of AIS.

- **Lake Water Levels**
  The watershed posted a lake water level reading of 929.45 feet on August 28, 2019. Ordinary high water is 929.4 feet. According to the National Weather Service, the Twin Cities has received 31.08 inches of precipitation since the start of the year, which is 9.39 inches higher than normal. This year is the second wettest year to date since record keeping began in 1871. The normal precipitation for the Twin Cities is approximately 30.61 from January 1 to December 31.

- **Eurasian Watermilfoil Management on Christmas Lake**
  Research has occurred over the years to determine the effectiveness of a weevil, as a biological control, for Eurasian watermilfoil. Two articles, MPR and Star Tribune, are attached about a research project in Christmas lake with volunteers and student researchers. These researchers capture and rerelease the rice-size weevils, which started early this summer. As the summer goes on, the students report some success, having more difficulty finding Eurasian watermilfoil. Information from MAISRC about the Milfoil weevil is attached. A link is https://www.maisrc.umn.edu/milfoil-weevil.

- **James J Hill Days**
  Join board members at James J Hill Days on Saturday September 7, 2019 from 10:00am to 6:00pm and Sunday, September 8, 2019 from 10:00am to 2:00pm. Learn about important initiatives to protect the lake and the safety of those who enjoy the lake.

- **Update Upcoming Lake Events**
  Several events are planned over the next couple of weeks through special event permits coordinated through water patrol.

  Weekend of Aug. 30th
  Upper Minnetonka Yacht Club 2019 Sailboat Racing Regattas ***Various Days***
  Location: East and West bays of the Upper Minnetonka Lake depending on wind. Buoys will be placed on the water to indicate start and finish – windward and leeward rounding's.

  Aug. 31st and Sept. 1st
  Wayzata Yacht Club Annual Races Sat. 10:00 a.m.– 1:00 p.m. & Sun. 2:00 p.m.- 4:30 p.m.
  Location: Wayzata Bay and around Big Island Saturday mornings, taking place around temporary buoys and/or around Big Island. Inflatable buoys to be placed temporarily in the water

  Aug. 31st and Sept. 1st
  Minnetonka Yacht Club Kite & Sailboat Races – Sat. and Sun. 10:00 a.m. – Sunset
  Location: Lake Minnetonka Near MYC Clubhouse on Lighthouse Island includes kite racing and sailboat racing with buoy markers for the racecourse.

  Sept. 1st
  Lafayette Club Labor Day Celebration – Sun. 8:30 p.m. – 9:30 p.m.
  Location: Crystal Bay, with fireworks display offshore.

  Sept. 7th
  44th Annual Lake Minnetonka Real Runabout Rendezvous—Sat. 10:00 a.m.- 3:00 p.m.
  Location: Lord Fletchers, with a viewing of collectible old wooden boats at the docks.

  Sept. 7th
  Wayzata James J. Hills Days- Sat. 9:00 p.m., Fireworks display offshore.

Enjoy the remaining summer! Please let me know if you have questions.

Minnesota Aquatic Invasive Species Research Center (MAISRC)

The milfoil weevil (*Euhrychiopsis lecontei*) is a small, herbivorous aquatic beetle, belonging to the family Curculionidae, that is native to North America. It is a watermilfoil (*Myriophyllum spp.*) specialist, meaning that it feeds and develops only on plants in this genus. Its original host before the introduction of Eurasian watermilfoil (//www.maisrc.umn.edu/about-eurasianwatermilfoil) (*Myriophyllum spicatum*) was the native northern watermilfoil (*M. sibiricum*). The weevil completes all life stages fully submersed, feeding and developing on milfoil, and the larvae are stem miners. These characteristics make it unique, as specialist herbivores are very rare among aquatic insects. These characteristics are why the milfoil weevil has shown the most promise as a potential biocontrol agent for Eurasian watermilfoil and why it has been the subject of much research. Several other herbivores, such as the lepdidopterans *Acentria ephemerella* and *Parapoynx spp.*, and the midge *Cricotopus myriophylli*, can damage and control milfoil and may be important in some locations, but have not shown as much potential as the milfoil weevil.

Milfoil weevils affect Eurasian watermilfoil mainly by boring through the stem and consuming the cortex. This results in reduced plant buoyancy and accumulated carbohydrate stores, which may ultimately decrease overwinter survival and competitive ability. Because milfoil declines have often occurred over winter and in early summer or have persisted over several years, it is likely that longer term effects, such as reduced overwinter survival or reduced competitive abilities are important to sustained control of Eurasian watermilfoil. Our observations suggest that plant community response, i.e., the ability of other species to occupy space left by damaged milfoil or the stress imposed by competition with other plants, is also important to successful biological control.

Research on the operational use of the milfoil weevil is continuing and incomplete. Although we know milfoil weevils can control milfoil, we are currently unable to predict when and in what lakes this will occur. More work is needed to determine what controls milfoil weevil and other milfoil herbivore populations and what role plant competition plays in successful control.

Where they're found

The milfoil weevil appears widespread across the northern U.S. and southern Canada and occurs in many lakes in Minnesota and Wisconsin. It is found in lakes that have Eurasian watermilfoil and lakes with the native northern watermilfoil that have not yet been infested with Eurasian watermilfoil. Recent surveys in Wisconsin indicate that the milfoil weevil likely occurs in most lakes that have northern or Eurasian watermilfoil.

In the Midwest, milfoil declines have been associated with the milfoil weevil in Fish Lake, Wisconsin and a less well-documented decline in McCullom Lake, Illinois. In Minnesota, documented declines have been associated with the weevil in sites at four lakes (Auburn, Cenaiko, Otter and Smith's Bay of Lake Minnetonka); in some cases the declines persisted and in other cases suppression only lasted a few years.

In several lakes of the Minneapolis Chain of Lakes, milfoil weevil densities are very low and milfoil is not controlled. Experimental evidence suggests that a density of 100-200 weevils per square meter of bottom may be required to affect a decline. At many sites in Minnesota, weevil densities have failed to reach such levels, although 25-75 weevils per square meter (or less) may be adequate to cause declines if they persist through the summer. We are currently investigating factors that influence weevil density; fish predation appears to be an important factor at sites with low weevil populations. Mechanical harvesting of milfoil over large areas can reduce weevil abundance, but harvesting was not occurring at many sites we have studied.

Life cycle

Like many insects, the milfoil weevil develops through 4 stages: egg, larva, pupa and adult. The complete life cycle of the milfoil weevil takes 21-30 days at 20-25 degrees C, with survival ranging from 20-70%; there is a positive linear relationship between development rate and temperature.

Egg (//www.maisrc.umn.edu/files/weevileggsjpg)

The milfoil weevil lays its eggs on milfoil plants, usually on apical meristems within a few feet of the water surface. Female weevils lay single eggs that they stick to the plant, and generally lay one to several eggs on a meristem. However, up to 29 eggs have been laid on a single apical meristem when no other options were available. Eggs are a yellow-cream color, elliptical, and approximately 0.5 mm long. The egg stage lasts about 3-6 days at typical mid-summer temperatures of 20-25 degrees C. Hatching success has been reported to be between 65-100%.

Larva (//www.maisrc.umn.edu/files/larvaeonstem12png)

After hatching, first instar larvae feed on meristem tissues for 3 to 5 days, while older larvae spend the majority of their time inside the stem where they feed on cortical and vascular tissues. Larvae are generally found in the top 1 m of the plant. Stems that have been hollowed-out by weevil larvae appear darkened, are less buoyant due to gas leakage,

and are weaker than undamaged stems. Occasionally, larvae will bore out of the stem, travel up or down the stem in a spiral path, and bore back into the stem. This behavior is most common when a larva reaches the end of an internode. Late instar larvae reach a length of about 4.5 mm. Development time through the larval stage ranges from 7-10 days at 20-25 degrees C and larvae damage about 15cm of stem from their feeding. Survival through the larval stage has been recorded at 78-90%.

Pupa (//www.maisrc.umn.edu/files/pupaechamber2png)

The milfoil weevil pupates (metamorphoses) inside of milfoil stems in a pupal chamber. Generally, they are found further down the stem than larvae (> 0.5 m), possibly because a larger diameter stem is preferred for pupation. However, successful pupal development has been recorded on stems as narrow as 1 mm. Typical development times through the pupal stage are 8-12 days at mid-summer water temperatures (20-25 degrees C). Survival through the pupal stage has been recorded at 69-80%.

Adult (//www.maisrc.umn.edu/files/adultelon2png)

Adult milfoil weevils are usually located on the upper 1 m of milfoil plants. They are weak swimmers, and will usually remain on a plant even after it has been disturbed. Adult weevils primarily eat milfoil leaves, but will also consume stem tissues. This is the only stage of the weevil that can exit the water. However, they appear to only leave the water in fall when they migrate to shore and over winter terrestrially in leaf litter near the shoreline. It remains unclear if the weevil swims or flies on this short migration to shore, but many raft in on milfoil fragments. They possess wings, but weevils are rarely observed in flight, which appears restricted to the terrestrial phase. Adult milfoil weevils are approximately 2-3 mm in length and have lived as long as 162 days in captivity. Females lay an average of 1 to 5 eggs per day (3/day over lifetime), and total egg production by captive females ranged up to 562 eggs.

Water temperature, host plant, and host plant quality have been shown to affect development time and success. This life cycle period allows for three or more generations per summer. Adults leave the shore in spring and return to the water after ice out, between mid-April and mid-May in Minnesota; they do fly at this time and may disperse to other lakes in the spring.

Host plant choice

The milfoil weevil is highly specific to milfoil plants (*Myriophyllum spp.*) Because the weevil is endemic to North America, and Eurasian watermilfoil probably was not established in North America until the 1940s, it is evident that the original host was northern watermilfoil on which it is commonly found. However, with the introduction and spread of Eurasian watermilfoil across much of North America, the milfoil weevil was exposed to a novel plant that is closely-related to its natural host. When both plants are present, weevil densities are usually higher on Eurasian watermilfoil and host choice tests indicate a strong preference for Eurasian watermilfoil and performance (survival, time to complete development, and size) is generally better on Eurasian than northern watermilfoil. It is clear the milfoil weevil has undergone a host range expansion to include and prefer Eurasian watermilfoil.

Biocontrol potential

As indicated above, Eurasian watermilfoil declines have been associated with the occurrence of the milfoil weevil and other herbivorous insects at numerous locations. Declines of Eurasian watermilfoil associated with these insects have been documented in several lakes in Vermont, New York and Massachusetts, Fish Lake Wisconsin, a lake in Washington state, several sites in Minnesota, and several sites in Illinois.

Smaller scale experimental manipulations, in field enclosures and outdoor tanks have shown substantial and significant effects of these herbivores on Eurasian watermilfoil. These observations all indicate that the herbivores can control Eurasian watermilfoil, however, research has yet to determine when, where and how these herbivores will be effective or where their densities will be sufficient to control the plant.

Researchers have predicted that densities of 100-200 weevils per square meter (or approximately 0.5-2 weevils per stem) may be needed to effectively control Eurasian watermilfoil. More recent observations suggest that control may occur at lower densities (<0.5/m2), however, control clearly does not consistently occur at these lower densities unless they persist throughout the summer. Several issues appear to be important but need more investigation. First, factors that limit weevil density and abundance must be determined and ameliorated. Second, a positive plant community response after milfoil suppression appears important. Lastly, the mechanisms by which long term control occurs is not clear.

Keep in mind that successful weed biocontrol aims to reduce pest populations to tolerable levels and that low densities of the pest are needed to maintain control agent populations. Successful biocontrol of Eurasian watermilfoil would reduce its abundance, eliminate surface matting and promote healthy native plant communities but would not eliminate the plant (or its native relative) from the lake.

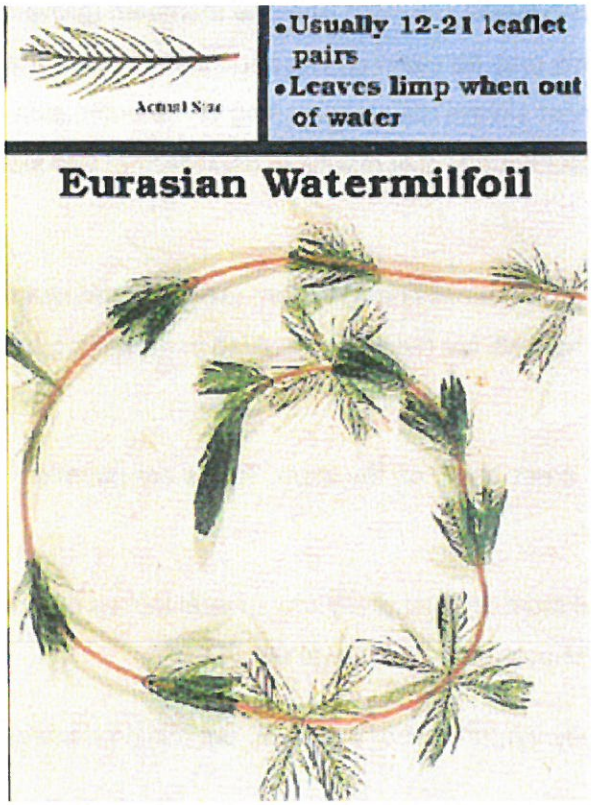
Do you have milfoil weevils in your lake?

Many people have asked how to get milfoil weevils (*Euhrychiopsis lecontei*) or if they have milfoil weevils in their lake. EnviroScience (http://enviroscienceinc.com/) of Stow, Ohio marketed milfoil weevils and a control process (Milfoil Solution (http://enviroscienceinc.com/es-discontinue-milfoil-solution-services/)) for over 15 years but ceased providing this service in 2015. We are not aware of any other similar services although some local and state governments have supported weevil stocking and may continue. There are legitimate concerns about moving weevils and milfoil within and between states. Currently our best advice is to determine if you have weevils in your lake and take steps to conserve or promote weevil populations and native plant communities. If, for example, sunfish are limiting your herbivore populations, stocked herbivores will likely be eaten before they can develop sufficient populations. **This is what you are looking for:**

(//www.maisrc.umn.edu/files/weevilscombinedpng)

General search approach:

To search for weevils you need to be able to locate watermilfoil plants in your lake; northern and Eurasian are the two most common species in the upper Midwest:



Once you have located a milfoil bed the simplest things to look for are signs of weevil damage - weevil damage is more quickly spotted than adult weevils. Searching is easiest by snorkeling, but can also be accomplished by examining stems while wading or least efficiently from a boat. Milfoil weevils live in the top three feet, more typically top foot, of healthy milfoil plants - avoid flowering plants and look for plants that are submersed, several inches to a foot below the surface. Search in 3-8 feet of water. Examine the top foot of plants under the water or grab clumps of milfoil a foot or two beneath the surface for examination.

Weevil-damaged plants will have darkened and hollowed stems contrasting, as seen below, with healthy golden or green stems.

(//www.maisrc.umn.edu/files/damagestem2png)

Occasional small holes should also be present in the darkened stem. The larvae will mine from the meristem (growing plant tip) downward; depending on the extent of damage, only meristems may be missing, a few inches may be mined and darkened, or several feet of a stem may be damaged. Weevils almost always cause darkening of the entire stem circumference - damage by other insects such as midges (*Chironomidae*) usually only results in darkening of one side of the stem.

(//www.maisrc.umn.edu/files/damagedmilfoilintubejpg)This plant shows a missing meristem (dense green clump of leaves at the tip of the plant) and extensive mining damage (mining hollows out the stem resulting in darkening and lack of structural integrity).

Note that the mining is not continuous. Also note the darkened circular areas lower on the stem. These are pupation sites - finding these sites are fairly certain signs of milfoil weevil activity.

Pupae and pupal holes will typically be located 2-3 feet down the milfoil stem and generally are several inches or more below the closest stem mining damage. The pupa pictured is metamorphosing from a larva to adult.

Larvae are small and non-descript without visible legs - occasionally they venture out of the stem, but mining damage, pupae or adults are better to search for in the field.

The meristems should also be examined for eggs. Eggs are about 0.5mm in diameter, yellowish and most adhered to or embedded within the meristem.

If you spot damage or eggs in an area you can then search for adults. Adults can be positively identified to species and either adults or very advanced pupae are required for positive identification. As indicated in the above photos, adults are typically near the tops of submersed milfoil and are small. All weevils have a characteristic snout, which in the milfoil weevil looks like an elephant trunk. Milfoil weevils spend the summer submersed; if you find weevils on the shore or on emergent plants or emergent milfoil flow spikes they are almost certainly not milfoil weevils.

If you find weevils in your lake and wish to be certain they are the milfoil weevil, you should preserve several adults in alcohol (70% or stronger rubbing alcohol will suffice) and include a paper label with your name, lake name and county, nearest city and date. The specimens can then later be verified by an expert.

The milfoil weevil undergoes a complete life cycle, egg, larva, pupa and adult, underwater during the summer. In Minnesota, weevils will lay eggs from late May to early September; in October adults migrate to shore where they spend the winter in leaf litter at dry sites right along shore. Populations seem to go in pulses - late June through early August seems to be the best time to locate adult weevils. If you spot damage but no adults, return to the same site in two weeks and check again; repeat throughout the summer if necessary.
For more information, please contact Dr. Ray Newman (//www.maisrc.umn.edu/team-newman).

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ATTACHMENTS

MPR and Star Tribune articles regarding weevils project on Christmas Lake

Weevils a tiny weapon in Christmas Lake's invasives fight

Kirsti Marohn
Excelsior
August 22, 2019 4:00 a.m.

Student researchers study how weevils interact with milfoil inside a lab tent near Excelsior on Aug. 9, 2019.
Evan Frost | MPR News

For the past several weeks, a group of high school students has been on a nature scavenger hunt in the Twin Cities' western suburbs. They're looking for a bug smaller than a grain of rice — underwater, in the middle of a lake.

The group is part of an experiment to control invasive Eurasian watermilfoil on Christmas Lake in Excelsior — without using chemicals or mechanical cutting.

Instead, they're using weevils, a native beetle whose larvae feed on the invasive plant. They collect adult weevils from Eurasian milfoil plants, raise them in tanks until they reproduce, then tie bundles of milfoil with attached weevil eggs to standing plants in the lake.

From left, northern milfoil, hybrid and Eurasian milfoil sit on the deck of a boat after being pulled from Christmas Lake near Excelsior.

Evan Frost | MPR News

The idea is that the hatched and hungry larvae will devour the milfoil stalks, causing the plants to collapse and die off.

William Lager | MPR News

The experiment has been so successful that this summer, it's been a challenge for the students to find Eurasian milfoil plants that haven't already been eaten by the weevils they're trying to collect.

"This is a good problem," said Dena Wetzel, a video producer who grew up on Christmas Lake and is overseeing and documenting the project this summer.

'Like sifting for gold'

Eurasian watermilfoil first showed up in Minnesota lakes three decades ago. Now, hundreds of lakes in the state are infested with the invasive plant, which forms dense mats and chokes out native species.

On a hot August afternoon, a group of students from area high schools who volunteered for the project were ready to go weevil hunting. They leapt off a boat into the lake, wearing wet suits and snorkel masks. They paddled around, peering into the water below for weevils clinging to milfoil plants.

"I thought I saw some, but it's so far down there," said Elizabeth Meyer, a sophomore at Breck School in Golden Valley.

A student diver searches the milfoil of Christmas Lake for weevils earlier this month.
Evan Frost | MPR News

When Meyer spotted one of the tiny insects, she brought the plant to the surface for a closer look.

"I got one," she called. "He's right at the top of the plant, where they usually are."

But with less invasive milfoil in the lake now, Wetzel said it's also harder to find weevils because there's less food for them to eat.

"Now it's more like sifting for gold," she said. "Before, it was like picking berries."

Sallie Sheldon, a professor at Middlebury College in Vermont, pioneered the process for using weevils to control invasive watermilfoil. Sheldon has spent decades researching biological controls for invasive species.

Two lab tents sit near Christmas Lake in early August.
Evan Frost | MPR News

Eurasian watermilfoil was discovered in Christmas Lake in the late 1990s. Before treatment began, it tended to form thick mats on the water's surface by the Fourth of July, said lake resident Joe Shneider.

In 2012, the Minnehaha Creek Watershed District launched a pilot project to put weevils in Christmas Lake using Sheldon's method. But the program was halted when the company hired to do the work pulled out before completing the project, and the invasive plants eventually returned.

Lucy Kiernat prepares to jump into Christmas Lake in search of weevils earlier this month.
Evan Frost | MPR News

Sheldon spent time at Christmas Lake last summer to get the student-led project started, and returned earlier this summer to check on its progress.

Wetzel said the difference from year to year has been astounding.

"Even though we didn't make any big announcements about how great it looked at the beginning of the summer, how little Eurasian watermilfoil there was, I heard a ton of people who live on the lake say, 'Yeah, you know, I haven't seen much,'" she said.

Speeding up nature

After their watery search, the students brought the plants they'd collected back to shore, and carried them inside two temporary greenhouses lined with glass tanks. They rinsed the plants in cold water.

"The cold kind of shocks them a little bit," said Lucy Kiernat, who graduated from the Blake School in Minneapolis last spring. "Then you kind of move the plants around, and hope the weevils just pop off. Then you can see them a lot easier."

Inside the tanks are bundles of Eurasian watermilfoil. The students put the weevils they've collected into the tanks, where they'll breed and lay eggs.

A tiny yellow weevil egg is attached to a section of milfoil pulled from Christmas Lake.
Evan Frost | MPR News

"Once there's a good amount of eggs on the plants, we put them back in the lake," Kiernat said. "So, when the eggs hatch, the larvae will go onto the plants in the lake, and then they dig a hole through the plant stem. And then the whole plant just crashes down, and is dead."

The lack of Eurasian watermilfoil this summer is making the students' research more challenging. But it also means that they're close to their goal: to reach a balance in the lake, with a sustainable population of weevils keeping the invasive plant under control.

Shneider said the project is making a big difference. Years ago, before weevils were introduced, Eurasian milfoil formed thick mats on top of the water by the Fourth of July, he said.

"The nuisance factor is simply gone," Shneider said.

With less Eurasian milfoil in the lake, native plants have started to make a comeback, Shneider said.

"People who have lived on the lake for most of their life would say it's kind of coming back to where it used to be," he said.

Student researchers (from left) Macie Amundson, Anika Kaura and Lucy Kiernat parse through samples of milfoil they collected on Christmas Lake in search of weevils.
Evan Frost | MPR News

Shneider, who is president of the Minnesota Coalition of Lake Associations, hopes other lakes will try using weevils to fight invasive milfoil.

"Everybody's looking for this answer," he said. "This is a biological control that doesn't appear to have any downside. And there's nothing better than that."

The cost — about $4,000 last year and $8,000 this year — is minimal, compared to what lake associations are spending to treat invasives, Shneider said.

Three weevils hang on to a piece of milfoil in a petri dish in a lab tent near Christmas Lake.
Evan Frost | MPR News

"Quite frankly, I don't think lake associations are going to balk at the cost because it's not prohibitive. It is a cheap solution," he said. "You just have to have the willpower to not chemically treat and not harvest, and stay the course for five years."

The Christmas Lake project is expected to wind down after this summer. Wetzel said several other Minnesota lake associations have expressed interest in testing the weevil method.

Student researcher Elizabeth Meyer climbs back onto a boat after collecting milfoil from Christmas Lake.
Evan Frost | MPR News

Minnesota students raise weevils to fight invasive milfoil

On Christmas Lake, students learning to raise tiny insects to control an invasive water milfoil.

By Katie Galioto Star Tribune

JULY 6, 2018 — 11:20AM

GLEN STUBBE – STAR TRIBUNE

Gallery: Students searched for adult weevils in Christmas Lake which will be returned to the lab for breeding.

Greta Bragg stayed as still as possible in the water, moving only to breathe through her snorkel. Raising her hands slowly, she began to scour the leaves of the weeds, one strand at a time.

Her target? A little gold beetle about half the size of a grain of rice.

Bragg, 19, is working with other high school and college students this summer to build a weevil population to combat Eurasian water milfoil in Christmas Lake, located in Shorewood and Chanhassen.

The group of a dozen or so volunteers is being trained to find the weevils, breed them in ideal conditions and spread their eggs throughout the lake. The itty-bitty bugs eat the milfoil, a stringy

green nonnative plant that forms dense mats in lakes across Minnesota, making swimming and boating difficult.

"I've got one," said Bragg, ripping off a strand of the weed with a weevil on it and stuffing it in a plastic bag.

"I've got at least 10," said her brother Jacob, 14, who floated back to deposit his own bag of milfoil on the pontoon serving as the squad's home base on the lake.

GLEN STUBBE • STAR TRIBUNE

Volunteer students equipped with goggles and wet suits searched for adult weevils in Christmas Lake. The itty bitty bugs eat the invasive Eurasian water milfoil.

Equipped with flippers, goggles and wet suits, the Bragg siblings bobbed alongside their brother David, 17, and their neighbor Jerome Newhouse, 18.

Sallie Sheldon, a professor from Middlebury College in Vermont, popped her head out of the water. "I've got 15 or 20," she said. "But I've been doing this for a while."

Sheldon is teaching the group how to locate adult weevils, raise them in tanks and put eggs back into the wild. The weevil larvae eats the milfoil's inside stem, causing the plant to collapse so it drops below the lake's surface and making it less likely to grow back next year.

The group has a makeshift lab set up on the Newhouse family's lawn — six large aquariums, some plastic kiddie pools, hoses, thermometers and microscopes, all under a large white tent.

It's the easiest and cheapest way that Joe Shneider, president of the Christmas Lake Homeowner's Association, can think of to tackle the lake's invasive milfoil problem.

"You spend less money organizing and operating this program than some individual homeowners spend trying to manage milfoil at their dock," he said.

The concept isn't new. Sheldon researched biological controls for Eurasian water milfoil on Christmas Lake in the 1990s while completing her doctorate. After finding weevils to be an effective solution, she helped train employees from EnviroScience, an environmental services company, how to introduce the insects to lakes.

Christmas Lake bought weevils from EnviroScience back in 2013, Shneider said. Three years later, he said, you could barely find any milfoil on the lake's glassy surface. The weevils were seen as an alternative to chemical treatments or mowing down the milfoil.

But EnviroScience stopped offering the treatment at the end of 2014 due to increased regulations and a hike in costs related to climate change. The weed has started to grow back in Christmas Lake.

But Shneider said this program should help fix that — and, more importantly, teach other Minnesotans how to fight milfoil. The group is documenting its work on a video, step-by-step.

"Other lake associations across the state and around the country can do this themselves," Shneider said.

Sheldon will continue to work with the students for a few more days, then she'll fly back home. The kids will be on their own for the rest of the summer, meeting for a few hours each week to count and cultivate the weevils.

Greta Bragg will return to Grand Canyon University in Phoenix this fall with a summer of research under her belt and a lab book to prove it.

"The fact that this is on my lake, the one I live on, makes it even more special," she said.