

Section 560 - Lake Regulations

560.01 Public Nuisances Affecting Lakes or Other Bodies of Water. The following shall be declared to be public nuisances affecting the waters of any lake or other body of water within the limits of the City:

- A. Interfering with, obstructing or tending to obstruct a body of water within the limits of the City. Rendering dangerous for passage or for use a body of water within the limits of the City.
- B. Depositing of sewage in public waters within the limits of the City.
- C. Depositing of refuse, waste, other deleterious, poisonous or injurious substances within the waters of this City, provided, however, that weed control measures shall not be prohibited when carried out pursuant to a permit issued by an authorize governmental agency. One copy of the permit shall be on file at the office of the City Administrator prior to beginning work authorized within the permit.
- D. The failure to equip and to operate a boat, vessel or watercraft in accordance with the provisions of Chapter 86B of Minnesota Statutes, amended, which statutes are hereby adopted and incorporated herein; provided however, that these additional requirements shall be met by all owners and operators of watercraft within the waters described herein, namely:
 - 1. All watercraft in use or under way between sunset and sunrise shall be equipped with and have in operation red and green running lights in the forward section of the boat, and a white lite at the stern or on the superstructure, which white light shall be visible on a dark night with clear atmosphere for a distance of two miles from any direction. Provided, however, that motor powered watercraft under 16 feet in overall length may use portable lights, which shall be clamped on the watercraft when in use; and non-powered watercraft may use a portable single white light which shall be visible from any direction for a distance of two miles on a dark night with clear atmosphere.
 - 2. All watercraft when at anchor or drifting shall show a white light visible from any direction for a distance of one mile, and the light shall be lit from sunset to sunrise, except that a watercraft anchored in a cove within one hundred feet of shore and 200 feet away from normal navigation, and any watercraft anchored at a dock or pier need not have the white light.

3. All watercraft when in use shall have on board and readily accessible life preservers, vests or other similar buoyant devices capable of keeping every person on board afloat.
 4. No watercraft other than an authorized Water Patrol Boat or other police watercraft shall use or display a police, sheriff or law enforcement officers flag, or any device designed to simulate such a flag.
 5. No person shall board, use, damage or tamper with a watercraft, except when done by the owner or with the owner's consent.
 6. No person under fifteen years of age shall operate a watercraft powered by a motor of ten horse power or more, unless accompanied by a competent person fifteen years of age or older.
 7. No watercraft shall cause a wake to be created after sunset on any day of the week.
- E. Water skiing or surfboarding within 100 feet of an occupied craft, public or private dock and careless or reckless act on water skis or a surfboard except during the takeoff or the landing of a skier. No water skiing shall be allowed before sunrise or after sunset on any day of the week. For the purposes of this Subdivision, both the person or persons operating the watercraft and the person or persons being towed shall be deemed equally guilty if convicted of a violation hereof.
- F. The overtaking or passing of any craft in a channel or narrow passage by the operator of any motor boat, speed boat, or of any vessel under power, so as to endanger other craft; and all craft shall proceed through all channels and narrow passage of water at no wake speeds.
- G. Obstructing or interfering with the passage of a boat or vessel through a channel or narrow water passageway.
- H. Operating a boat or vessel in a careless or reckless manner, in or about a public swimming beach or within 100 feet of a private or public dock, except for the purpose of launching, docking or removing the boat or vessel from the water.
- I. Swimming in a channel, or jumping or diving from a channel bridge.

560.02 Speed.

Subd. 1 Scope. This Subsection shall apply to the bodies of water in the City known as Lake Mitchell and Big Lake.

Subd. 2 Direction. All watercraft exceeding a slow-no wake speed shall travel in a counter-clockwise direction.

Subd. 3 Speed.

A. The maximum speed limit of watercraft shall be forty miles per hour (40 m.p.h.) at all times except with the exception of those areas and times listed in Sections 560.02, Subd.3.B. and 560.02, Subd.3.C.

B. Maximum speed limit of watercraft shall be fifteen miles per hour (15 m.p.h.) sunset to sunrise all year.

C. A slow-no wake speed shall be maintained in the area extending one hundred fifty feet (150') from the shore. Watercraft launching or landing water skiers by the most direct route to open water shall be exempt from this provision.

Subd. 4 Violation. Any watercraft operator who violates any provision of this Ordinance shall be guilty of a misdemeanor.

Subd. 5 Definition. “Slow-no wake” means operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than five miles per hour (5 m.p.h.).

Subd. 6 Enforcement. Primary enforcement of this Ordinance shall rest with the Sherburne County Sheriff’s Office.

Subd. 7 Posting Regulations. The City of Big Lake shall be responsible for marking the public accesses and lakes with signs and buoys explaining the rules and regulations of this Ordinance.

560.03 Public Lakeshore, Lakeshore Rights of Way and Docks.

Subd. 1 Definitions. For purposes of this section, the following terms shall have the meaning given them.

- A. “Dock” shall mean any wharf, pier, boat ramp, boat slip, or other structure constructed or maintained in, upon, or into the water of a lake from either public property or public rights of way.
- B. “Public property or public rights of way” shall mean all publicly owned property and all public rights of way that are immediately adjacent to a lakeshore, as designated on the dock location map to be maintained at all times by the City pursuant to this Section.
- C. “Dock accessories” shall mean all structures and materials used in conjunction with a dock including but not limited to boat lifts, buoys, fences or other obstructions and permanent or semi-permanent steps, ramps or other structures leading to the shoreline.
- D. “Dock site” shall mean the property designated in the license issued pursuant to this Section and as designated on the dock location map to be maintained by the City.

Subd. 2 License required. No person shall erect, place, keep, or maintain a dock or other structure from public property or public rights of way without a dock license.

Subd. 3 Applications. Applications for dock licenses shall contain the following information and such other information as the Council deems necessary:

- A. Full name of applicant;
- B. Address;
- C. Preferred dock location on the dock location map and dock specifications;
- D. Boat license number of any boats to be moored at the dock.

An application fee shall be set by the City Council and shall be paid with the application. The application fee shall be refunded if the applicant is not awarded a dock license.

Subd. 4 Eligible applicants. All owners of property within the City of Big Lake

whose primary residence parcel is located within 750 feet of any dock site are eligible to apply for a dock license for said site or sites. Only one individual per household may apply for a dock license and only one license shall be issued per parcel.

Subd. 5 Shared docks. All parties that have an existing shared dock license may renew the license. The Dock Site License Agreement must be signed by each of the property owners. In the event that one of the parties fails to renew or otherwise abandons the dock license, the remaining licensee shall have the opportunity to assume the license for that dock site.

Subd. 6 Application approval and denial. The Dock Administrator shall approve or deny all applications. No application shall be approved if there are any outstanding non-compliance orders against the applicant or if the proposed dock will not comply with all terms of the City Code.

A. Vacant dock sites. A vacant dock site shall be awarded according to the following rules.

1. First Priority. Dock site applicants who own property closest to the dock site shall have first priority for a vacant dock site except as provided in the next section. In case of a tie based upon distance, the license shall be awarded by lottery.
2. Not Eligible. Property owners who declined to participate in the City's dock area vacation proceedings shall not be eligible for dock licenses at any location.

B. License renewals. Dock license applicants who are applying to renew an existing dock license for another one year term shall have priority over all other applicants.

C. Waiting list. The City shall maintain a waiting list for dock licenses. Applicants will fill the waiting list according to an initial lottery and after that, in the order they submit applications. In the event that a current license holder does not renew their license, the dock license site does not become vacant until each individual on the waiting list has had an opportunity to obtain a license for that site. The Council shall adopt by resolution procedures for conducting the lottery and administering the waiting list.

Subd. 7 Terms of License. Before a dock license is issued, the applicant must sign a license agreement containing the following terms and conditions and other provisions as the Council may require.

A. Rights and Liabilities. Except as otherwise provided, a City dock license entitles the license holder to the exclusive use and control of the dock site and the same rights, obligations and liabilities as a private property owner. In addition to the provisions of this Section, all dock license sites shall fully comply with Sections 1020 and 1065 of this Code and all applicable state laws and regulations.

B. Indemnification. Dock license holders shall be solely responsible for the dock license site and all activities thereon. The license holder shall indemnify, defend and hold the City, its officers, boards, commissions, agents and employees harmless from and against any and all lawsuits, claims, causes of action, liability, and costs, of any nature that the City may at any time, directly or indirectly, suffer, sustain in any way connected with the grant of a dock license or activities on the dock license site.

C. Docks. The license holder shall maintain only one dock at the dock license site.

D. License plates. Dock license plates shall be issued by the City after approval of the license application. The license plate must be securely fixed to the shoreland end of the licensed dock. License plates shall be maintained by the licensee and shall remain the property of the City.

E. Transferability. Dock licenses may not be sold, assigned, licensed, or otherwise transferred in any way to any person, partnership or corporation, except that the license may be transferred to a purchaser of the license holder's residential property within the City.

F. Removal of docks. Upon termination of a dock license, the license holder must completely remove the licensed dock and all accessory items, including but not limited to stairs leading to the dock from the public property or public right of way. Any dock or accessory item that has not been removed will be removed by the City and all costs the responsibility of the last license holder for that dock site.

G. Dock Construction; specifications and dimensions. Docks on dock sites shall comply with the following regulations:

1. docks shall not be less than 24" wide or more than 48" wide;

2. docks shall not be less than 10 feet long or more than 24 feet long, unless otherwise approved by the Dock Inspector;
3. docks shall be constructed of materials approved by the Dock Inspector; docks shall be of plank or rail construction; and all dock posts shall be of equal height above the dock;
4. docks shall not be located closer than 10 feet to a neighboring dock license site or private property line.

The City Council may grant exceptions where there are unusual circumstances and such an exception will not have a detrimental impact on the lake. The City Council may impose conditions on any exception granted under this subsection.

H. Dock accessories. All dock accessories must be approved in writing prior to use at a Dock Site. Dock accessories must comply with Section 1065 of the City Code.

I. Dock Storage. Docks must be removed from the water no later than November 1. Licensed docks may be stored on public land or public rights of way provided the following conditions are met:

1. storage is at least 5 feet from the City sidewalk;
2. storage does not conflict with the following uses as shown on the dock map: slide area, snowmobile crossings, skating rinks, trails and road access;
3. storage is not on those areas shown on the dock location map as having topographical conditions that are too steep, or have fragile flora, or where tree damage may occur.

J. Watercraft. Only properly licensed watercraft may be moored at a licensed dock. No watercraft may be landed, beached or otherwise anchored or tied to the shore within a dock site.

K. Subject to inspections. All licensed docks are subject to inspection at reasonable times by the Dock Inspector or his or her designee.

L. City Access. The City shall be free to enter the dock site for any reason at any reasonable time and to perform maintenance and regulatory functions to be specified in the terms of the dock license agreement.

M. Costs. All costs of maintaining licensed docks and dock accessories are the responsibility of the license holder.

N. Term. All dock licenses shall be valid for three (3) years.

Subd. 8 Administration.

A. Dock Administrator. The City Council shall appoint a Dock Administrator who shall be responsible for the administration of the City Dock Licensing Program to include: processing applications, and maintaining the dock location map.

B. Dock Inspector. The Dock Administrator shall appoint a Dock Inspector who shall be responsible for inspecting all public shoreline and public rights of way. The Dock Inspector shall report to the Dock Administrator for all dock site related items.

C. Dock location map. There shall be on file with the City a map maintained by the Dock Administrator showing the approved locations of docks on public land and public rights of way. The map shall be reviewed annually. The map shall contain the following information:

1. Locations of public property and public rights of way;
2. Specific dock locations;
3. A numerical designation for each dock location to correspond with a list of license holders;
4. Restrictions applicable to certain areas of shoreline;
5. Shoreline access points;
6. Shoreline areas available for winter storage.

D. Inspections; license revocation. The Dock Inspector or designee shall from time to time inspect any dock erected or maintained on public property or public rights of way. If there are any violations of the City Code, state statute or state regulation, the dock license holder shall be notified in writing of the way or ways the dock or dock area does not comply. The license holder shall have fourteen days to remove the dock or otherwise bring the dock license site into compliance. If the violation is not corrected after fourteen days, the license shall be revoked and all property removed from the dock license site unless, within the fourteen

days, the Dock Administrator receives from the license holder a written request for a hearing.

560.04 Use of Greenways.

Subd. 1 Prohibited Activity.

A. Except as otherwise provided for, no person shall: within the designated “Greenways” or public rights-of-way adjacent to Big Lake and Lake Mitchell or any other public body of water within the City, do any of the following:

1. Place or permit the placement of a dock, whether permanent or otherwise;
2. Place or permit the placement of boat lifts within ten feet of the greenway;
3. Place or permit the overnight placement of unattended lawn furniture;
4. Launch, land, anchor on shore or tie-off an unattended motorized watercraft;
5. Park, permit the parking, driving or riding of all motorized vehicles, except that snowmobiles shall be permitted unless the right-of-way is otherwise posted by order of the Council;
6. Erect, build, place, or permit the erection, placement or construction of any structure, fence or obstruction, whether permanent or otherwise;
7. Possess glass containers;
8. Unreasonably infringe on the rights of adjacent property owners;
9. Occupy the greenway or other right-of-way between the hours of 10:00 p.m. and 8:00 a.m.;
10. Engage in activities which result in trespassing onto private property.

560.05 Exemption. Law enforcement officials and state and local resource management personnel are exempt from the provisions of this Section when acting in the performance of their official duties.

560.06 Markings. The City shall be responsible for marking the public accesses and lakes with signs or buoys explaining the rules and regulations of this Section.

560.07 Enforcement. Primary enforcement of this Section shall rest with Sherburne County Sheriff’s Office for water related activity.

560.08 Penalty. Any person who violates this Section shall be guilty of a misdemeanor.