

**CARVER COUNTY, MINNESOTA**

**ORDINANCE 78-2019**

**A TEMPORARY ORDINANCE  
DECLARING EMERGENCY HIGH  
WATER CONDITIONS AND IMPOSING  
RESTRICTIONS ON THE USE OF  
WATERCRAFT ON DESIGNATED LAKES**

**THE COUNTY BOARD OF COMMISSIONERS OF CARVER COUNTY, MINNESOTA HEREBY  
ORDAINS:**

**SECTION 1. TITLE.**

This ordinance shall be known, cited, and referred to as the Carver County Temporary Emergency Slow-No Wake Ordinance 2019.

**SECTION 2. DEFINITIONS.**

For purposes of this Ordinance, the terms as defined in Minnesota Statutes §86B.005 and Minnesota Rules 6110.3700 shall apply.

**SECTION 3. STATUORY AUTHORIZATION AND PURPOSE.**

- (A) This Ordinance is enacted under the general powers delegated to the Counties by the State of Minnesota, pursuant to Minn. Stat. §§ 375.51, 86B.205, and 459.20, and Minnesota Rules 6110.3000-6110.3800 as now in effect and as hereafter amended.
- (B) It is the intent and purpose of this Ordinance to:
  - (1) To promote the full use and enjoyment by all of the people, now and in the future, and to promote safety for all persons and property in connection with the use of waters of Carver County;
  - (2) To conserve the quality of the natural environment;
  - (3) To harmonize and integrate the varying uses of said waters; and
  - (4) To promote the general health, safety, and welfare of the general public.

**SECTION 4. DECLARATION AND DESIGNATED LAKES.**

- (A) The County Board of Commissioners declares a high water emergency on the Designated Lakes as defined by Section 4(B) and imposes a Slow-No Wake restriction pursuant to Minnesota Rule 6110.3700, Subpart 9.
- (B) Designated Lakes. This Ordinance shall control and regulate the use of the waters of the following lakes located in Carver County:

- (1) Lake Bavaria (State Inventory Number 10001900)
    - (a) Slow-No Wake Restriction area includes the entire water body of water of Lake Bavaria.
  - (2) Reitz Lake (State Inventory Number 10005200)
    - (a) Slow-No Wake Restriction area includes the entire water body of water of Reitz Lake.
  - (3) Lake Waconia (State Inventory Number 10005900)
    - (a) Slow-No Wake Restriction area includes the area 150 feet from the shore of Lake Waconia or where watercraft speed or wake constitutes a hazard to persons, property, or the natural resources; or where it has been determined that such control(s) would enhance the recreational use and enjoyment of the majority of users.
- (C) While this Ordinance is in effect, including any extension herein, the Carver County Board of Commissioners hereby grants and delegates to the County Administrator, or his/her designee, the discretion and authority to suspend, remove, modify, or terminate the high water declaration and the Slow-No Wake Restriction *area* and *effective time* with respect to any designated lake; and, to identify and designate additional lakes within the jurisdiction and control of Carver County to be subject to the regulations of this Ordinance.
- (1) Such designation shall be permitted if:
    - (a) the lake elevation reaches or exceeds the Ordinary High Water Mark, as established by the Minnesota Department of Natural Resources Lake Level Minnesota Monitoring Program Gauge; or
    - (b) the lake elevation reaches a level where damage to property is expected.
  - (2) The lake designation as permitted by this section of the Ordinance shall specify whether the Slow-No Wake Restriction area is at 150 feet from the shore or across the entire water body of the designated lake, with the goal of enacting the minimum restriction on watercraft use needed to protect and minimize harm.

#### **SECTION 5. WATERCRAFT SPEED RESTRICTIONS.**

During the period this Ordinance is in effect, including any extensions herein, it shall be unlawful for any person to operate a watercraft at greater than a slow-no wake speed, 24 hours per day, or the designated and identified effective time, within the Slow-No Wake restriction area specified on any Designated Lake.

#### **SECTION 6. REMOVAL OF SPEED RESTRICTIONS.**

Unless the Slow-No Wake Restriction has been previously modified, terminated, or removed pursuant to the authority granted in this Ordinance, the Slow-No Wake Restrictions shall be promptly removed from any Designated Lake, pursuant to this Ordinance, once the water body has been 0.1 feet below the elevation that triggers the Slow-No Wake Restriction for three (3) consecutive days.

**SECTION 7. ENFORCEMENT.**

The primary responsibility for enforcement of this Ordinance shall rest with the Carver County Sheriff's Office. Other licensed peace officers, including conservation officers of the Minnesota Department of Natural Resources, are also authorized to enforce the provisions of this Ordinance.

**SECTION 8. EXCEPTIONS.**

All authored Resource Management, Emergency and Enforcement Personnel, while acting in the performance of their assigned duties, are exempt from the foregoing restrictions.

**SECTION 9. NOTIFICATION.**

It shall be the responsibility of Carver County to provide for adequate notification to the public, which shall include notification on its website and news releases. Carver County is also responsible for placement of a sign at each Designated Lake public watercraft access, outlining essential elements of this Ordinance, as well as placement of necessary buoys and signs.

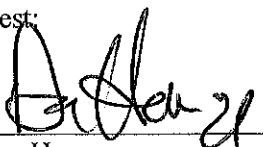
**SECTION 11. EFFECTIVE DATE.**

This Ordinance shall be effective upon passage by the Carver County Board of Commissioners, and, unless extended, shall continue for a period not more than 30 days from the date of passage.

Adopted by the Carver County Board of Commissioners on this 4<sup>th</sup> day of June, 2019.

COUNTY OF CARVER

Attest:

  
\_\_\_\_\_  
Dave Hemze  
County Administrator

Date: 6/4/19

  
\_\_\_\_\_  
Randy Maluchnik, Chair  
Carver County Board of Commissioners

Date: 6/4/19