

**WATER SURFACE USE ORDINANCE
REGULATING LAKE BYLLESBY RESERVOIR**

**STATE OF MINNESOTA
COUNTY OF DAKOTA**

ORDINANCE NO. 128

AN ORDINANCE REGULATING THE SURFACE USE OF LAKE BYLLESBY

WHEREAS, the waters of Lake Byllesby are located within the boundaries of Dakota and Goodhue Counties; and

WHEREAS, the Counties, acting through their respective Boards of Commissioners, have entered into an agreement in accordance with the provisions of Minn. Stat. §471.59 for the purpose of adopting and enforcing an ordinance regulating the surface use of the waters of Lake Byllesby pursuant to the provisions of Minn. Stat. §86B.205 to promote the health, safety and welfare of all persons using the lake as well as to protect the lands surrounding the lake from damage during high water conditions;

NOW, THEREFORE, after public hearing duly noticed, the Board of Commissioners of Dakota County does hereby adopt the following Ordinance:

Section 1: PURPOSE, INTENT AND APPLICATION: As authorized by Minn. Stat. §86B.205 and Minn. Rules 6110.3000-6110.3800 as now in effect and as hereafter amended, this Ordinance is enacted for the purpose and with the intent to control and regulate the use of the waters of Lake Byllesby in Dakota and Goodhue Counties, Minnesota, to promote its fullest use and enjoyment by the public in general and the citizens of Dakota and Goodhue Counties in particular, to insure safety for persons and property in connection with the use of said waters; to harmonize and integrate the varying uses of said waters; and to promote the general health, safety and welfare of the citizens of Dakota and Goodhue Counties.

Section 2: DEFINITIONS: Terms used in this Ordinance related to boating are defined in Minn. Stat. §86B.005, which terms are incorporated into this Ordinance by reference as though fully set forth herein.

Section 3: SURFACE ZONING OF LAKE BYLLESBY BY RESTRICTING SPEEDS DURING CERTAIN CONDITIONS.

(a) It shall be unlawful to operate any watercraft on the surface of Lake Byllesby at speeds faster than "Slow - No Wake" when the lake level exceeds 858.2 feet above mean sea level as measured at the gauge located at the Byllesby Dam.

(b) "Slow - No Wake" means the operation of a watercraft at the slowest possible speed necessary to maintain steerage, but in no case greater than five miles per hour.

(c) Speed restrictions shall be in effect when notices to that effect have been posted at the public accesses to Lake Byllesby. In addition to posting notice at the public access points, a warning flag will be displayed at the Lake Byllesby Regional Park in Dakota County, and news releases will be distributed to the public media in the geographic area around the lake.

(d) "Slow - No Wake" speed restrictions shall remain in effect 24 hours per day until the posted notices have been removed from the public access points by the County Sheriff's Department. When the posted notices are taken down, the warning flag will also be removed.

Section 4: ENFORCEMENT: The primary responsibility for enforcement of this Ordinance shall rest with the Goodhue County Sheriff's Department and the Dakota County Sheriff's Department. This, however, shall not preclude enforcement by other licensed peace officers.

Section 5: EXEMPTIONS: All authorized resource management, emergency and law enforcement personnel, while acting in the performance of their assigned duties, are exempt from the foregoing restrictions.

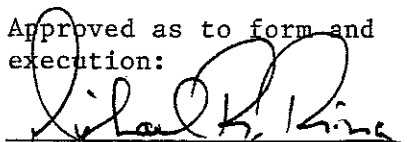
Section 6: NOTIFICATION: It shall be the responsibility of both Dakota County and Goodhue County to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access as well as the placement of a warning flag.

Section 7: PENALTIES: Any person who shall violate Section 3(a) of this Ordinance shall be guilty of a misdemeanor.

Section 8: EFFECTIVE DATE: This Ordinance shall be in effect from and after the date of its passage and publication.

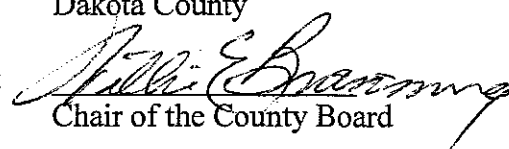
Passed by the Dakota County Board of Commissioners on this 23rd day of April, 2003.

Approved as to form and execution:

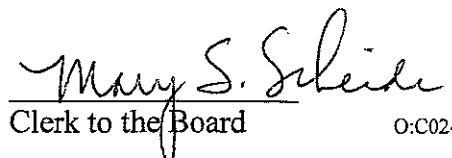

Assistant County Attorney

Dakota County

By:


Chair of the County Board

By:


Clerk to the Board

O.C02-72

The Rosemount Town Pages

AFFIDAVIT OF PUBLICATION

Chad Richardson, being duly sworn, on oath says that he is an authorized agent and employee of the publisher of the newspaper, known as *The Rosemount Town Pages*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statutes 331A.02, 331A.07 and other applicable laws, as amended.

(B) The printed Summary of Proceedings
April 22, 2003

which is attached, was cut from the columns of said newspaper, and was printed and published once each week for one successive weeks; it was first published on Friday, the 9th day of May, 2003 and was thereafter printed and published on every Friday, to and including Friday, the _____ day of _____, 2003; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

By: [Signature]

subscribed and sworn to before me on this 9th day of May, 2003.

[Signature]
Notary Public

AFFIDAVIT



WATER SURFACE USE ORDINANCE REGULATING LAKE BYLLESBY RESERVOIR AN ORDINANCE REGULATING THE SURFACE USE OF LAKE BYLLESBY

WHEREAS, the waters of Lake Byllesby are located within the boundaries of Dakota and Goodhue Counties; and WHEREAS, the Counties, acting through their respective Boards of Commissioners, have entered into an agreement in accordance with the provisions of Minn. Stat. §471.59 for the purpose of adopting and enforcing an ordinance regulating surface use of the waters of Lake Byllesby pursuant to the provisions of Minn. Stat. §86B.205 to promote the health, safety and welfare of all persons using the lake as well as to protect the lands surrounding the lake from damage during high water conditions;

NOW, THEREFORE, after public hearing duly noticed, the Board of Commissioners of Dakota County does hereby adopt the following Ordinance:

Section 1: PURPOSE, INTENT AND APPLICATION: As authorized by Minn. Stat. §86B.205 and Minn. Rules 6110.30 and 6110.3800 as now in effect and as hereafter amended, this Ordinance is enacted for the purpose and with the intent to control and regulate the use of the waters of Lake Byllesby in Dakota and Goodhue Counties, Minnesota, to promote its full use and enjoyment by the public in general and the citizens of Dakota and Goodhue Counties in particular; to insure safety for persons and property in connection with the use of said waters; to harmonize and integrate the varying uses of said waters and to promote the general health, safety and welfare of the citizens of Dakota and Goodhue Counties.

Section 2: DEFINITIONS: Terms used in this Ordinance related to boating are defined in Minn. Stat. §86B.005, which terms are incorporated into this Ordinance by reference as though fully set forth herein.

Section 3: SURFACE ZONING OF LAKE BYLLESBY BY RESTRICTING SPEEDS DURING CERTAIN CONDITIONS
(a) It shall be unlawful to operate any watercraft on the surface of Lake Byllesby at speeds faster than "Slow - No Wake" when the lake level exceeds 858.2 feet above mean sea level as measured at the gauge located at Byllesby Dam.

(b) "Slow - No Wake" means the operation of a watercraft at the slowest possible speed necessary to maintain steerage, but in no case greater than five miles per hour.

(c) Speed restrictions shall be in effect when notices to that effect have been posted at the public access points to Lake Byllesby. In addition to posting notice at the public access points, a warning flag will be displayed at Lake Byllesby Regional Park in Dakota County, and news releases will be distributed to the public media in the geographic area around the lake.

(d) "Slow - No Wake" speed restrictions shall remain in effect 24 hours per day until the posted notices have been removed from the public access points by the County Sheriff's Department. When the posted notices are taken down, the warning flag will also be removed.

Section 4: ENFORCEMENT: The primary responsibility for enforcement of this Ordinance shall rest with the Goodhue County Sheriff's Department and the Dakota County Sheriff's Department. This, however, shall not preclude enforcement by other licensed peace officers.

Section 5: EXEMPTIONS: All authorized resource management, emergency and law enforcement personnel, while acting in the performance of their assigned duties, are exempt from the foregoing restrictions.

Section 6: NOTIFICATION: It shall be the responsibility of both Dakota County and Goodhue County to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access as well as the placement of a warning flag.

Section 7: PENALTIES: Any person who shall violate Section 3(a) of this Ordinance shall be guilty of a misdemeanor.

Section 8: EFFECTIVE DATE: This Ordinance shall be in effect from and after the date of its passage and publication.

**BOARD OF COUNTY COMMISSIONERS
DAKOTA COUNTY, MINNESOTA**

April 22, 2003

Resolution No. 03-208

Motion by Commissioner Krause

Second by Commissioner Gaylord

Adoption of Water Surface Use Ordinance Regulating Byllesby Reservoir and Authorization to Execute Joint Powers Agreement with Goodhue County for Lake Byllesby Water Surface Use Ordinance

WHEREAS, Byllesby Reservoir provides recreation opportunities accommodating an array of watercraft; and

WHEREAS, occasional high water conditions within the reservoir result in abundant floating debris which can pose a hazard to boaters and can aggravate shoreland erosion; and

WHEREAS, a water surface use ordinance regulating Byllesby Reservoir could protect the public from the hazard of floating debris and reduce shoreland erosion; and

WHEREAS, the Byllesby Parks Committee is recommending that a water surface use ordinance provide no wake regulation on Byllesby Reservoir when the elevation exceeds 1.5 feet above the normal pool elevation of 856.7 feet; and

WHEREAS, state law requires that, to be effective, the Dakota and Goodhue County Boards must enter into a joint powers agreement for the purpose of adopting a water surface use ordinance; and

WHEREAS, on March 4, 2003, the Byllesby Parks Committee recommended that Dakota and Goodhue County Boards enter into a joint powers agreement that defines the administrative and enforcement responsibilities of the ordinance; and

WHEREAS, on March 4, 2003, the Byllesby Parks Committee recommended that an identical water surface use ordinance be forwarded to the Dakota and Goodhue County Boards for public hearings; and

WHEREAS, pursuant to Resolution No. 03-168 (March 25, 2003), a public hearing was held on April 22, 2003, to receive comments on the proposed Water Surface Use Ordinance Regulating Byllesby Reservoir; and

WHEREAS, notice of the public hearing was published in the official County newspaper on April 11, 2003.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby adopts the Water Surface Use Ordinance Regulating Byllesby Reservoir, as presented on April 22, 2003; and

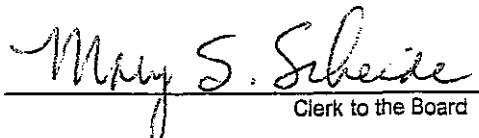
BE IT FURTHER RESOLVED, That the County Board Chair is hereby authorized to execute the Joint Powers Agreement for Lake Byllesby Water Surface Use Ordinance with Goodhue County that provides for the mutual administration and security of the ordinance, subject to approval by the County Attorney's Office as to form.

STATE OF MINNESOTA
County of Dakota

	YES		NO
Harris	<u> X </u>	Harris	<u> </u>
Gaylord	<u> X </u>	Gaylord	<u> </u>
Bataglia	<u> X </u>	Bataglia	<u> </u>
Schouweiler	<u> X </u>	Schouweiler	<u> </u>
Turner	<u> X </u>	Turner	<u> </u>
Krause	<u> X </u>	Krause	<u> </u>
Branning	<u> X </u>	Branning	<u> </u>

I, Mary S. Scheide, Clerk to the Board of the County of Dakota, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Dakota County, Minnesota, at their session held on the 22nd day of April 2003, now on file in the County Administration Department, and have found the same to be a true and correct copy thereof.

Witness my hand and official seal of Dakota County this 28th day of April 2003.


 Clerk to the Board