

**BROWN COUNTY
ORDINANCE NO. 1993-04
AERATION REGULATION**

An ordinance regulating the surface use of Clear Lake, Lake Hanska, Sleepy Eye Lake, and Wellner/Hageman Reservoir.

SECTION 1: **PURPOSE, INTENT AND APPLICATION:** As authorized by Minnesota Statutes 86b.201, 86b.205, and 459.20, 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 Clear Lake, Lake Hanska, Sleepy Eye Lake, and Wellner/Hageman Reservoir, in Brown County Minnesota, said bodies of water being located entirely within the boundaries of Brown County, to promote its fullest use and enjoyment by the public in general and the citizens of Brown County 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 Brown County, Minnesota.

SECTION 2: **DEFINITIONS:** The following words, terms, and phrases, for the purpose of this Ordinance, shall have the following meanings:

- 1) Person shall include an individual, partnership, corporation, or any other entity whether incorporated or formed into an association or not.
- 2) Open Water, shall mean water upon a lake without coverage of ice.
- 3) Clear Lake, Lake Identification number 8-11, is that body of water which is located in Sigel Township, Sections 11 and 14 of Brown County.
- 4) Lake Hanska, Lake Identification number 8-26, is that body of water which is located in Lake Hanska Township Sections 19, 28, 29, 30, 32, and 33, Albin Township Sections 13, 14, 15, 16, 23, and 24 of Brown County.
- 5) Sleepy Eye Lake, Lake Identification Number 8-45, is that body of water which is located in South Home Township Section 30 of Brown County.
- 6) Wellner/Hageman Reservoir is that body of water created by the Wellner-Hageman Dam, which is located in Stately Township Sections 30 and 31 of Brown County.

SECTION 3: **ADOPTION AND INCORPORATION BY REFERENCE OF MINNESOTA WATERS AND WATERCRAFT SAFETY LAWS, AND BOAT AND WATER SAFETY RULES PROMULGATED BY THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES:** The Minnesota Waters and Watercraft Safety Laws, Minnesota Statute, Section 86b.001-.015, as they now exist and are hereafter amended and the State of Minnesota Department of Natural Resources, Minnesota Rules parts 6110.0100-.2300 as the same now exist and are hereafter amended, are hereby adopted, incorporated herein by reference, and made a part hereof as if set forth in their entirety. At least three copies of said Waters and Watercraft Safety Laws and Boat and Water Safety Rules and Regulations, so adopted, shall be marked as official copies and filed in the office of the County Auditor, along with this Ordinance.

SECTION 4: **VIOLATIONS OF THE MINNESOTA WATERS AND WATERCRAFT SAFETY LAWS, AND BOAT AND WATER SAFETY RULES PROMULGATED BY THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES:** Any person violating the Minnesota Waters and Watercraft Safety Laws, and the Boat and Water Safety Rules and Regulations promulgated by the Minnesota Department of Natural Resources, adopted and incorporated herein by reference, shall be subject to the penalties and punishment hereinafter provided.

SECTION 5: **SURFACE ZONING OF WELLNER/HAGEMAN RESERVOIR BY RESTRICTING SPEEDS:**

- 1) On Wellner/Hageman Reservoir, motorboats shall be subject to speed limits of 5 mph and be operated at speeds within the safety framework of Section 3 of this Ordinance.

SECTION 6: **USE OF ICE SAILBOATS AND MOTOR VEHICLES ON ICE:**

- 1) **DEFINITIONS:** the following words, terms, and phrases, for the purpose of this Ordinance shall have the following meanings:
 - a) Motor vehicle shall mean any self-propelled vehicle not operated exclusively upon railroad tracks, including snowmobiles and ice boats, and any other vehicle propelled or drawn by a self-propelled vehicle.
 - b) Ice Sailboats, shall mean a boat with runners having a sail or sails by means of which it is propelled.
 - c) Person, includes an individual, partnership, corporation, or any body or persons, whether incorporated or formed into association or not.
 - d) Park, means stationary, whether attended or unattended, occupied or unoccupied.

SECTION 7: **IN THE INTERESTS OF PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE, FOLLOWING REGULATIONS ARE HEREBY IMPOSED UPON ALL ICE SAILBOATS AND MOTOR VEHICLES, INCLUDING SNOWMOBILES AND MOTORIZED ICE BOATS, OPERATED, PLACED, OR MAINTAINED IN OR UPON CLEAR LAKE, LAKE HANSKA, SLEEPY EYE LAKE, AND WELLNER/HAGEMAN RESERVOIR WHENEVER AN AERATION SYSTEM IS OPERATING OR SCHEDULED FOR OPERATION UNDER A PERMIT FROM THE DEPARTMENT OF NATURAL RESOURCES:**

- 1) No person shall operate or park an ice sailboat or motor vehicle, which shall include snowmobiles and motorized ice boats, within the marked areas whenever there is ice formed and the aeration system is operating or scheduled for operation.

SECTION 8: **DURING A PERIOD WHEN THERE IS ICE ON THE LAKES,** no person shall enter the area marked by signs indicating THIN ICE.

SECTION 9: **NO PERSON SHALL MOVE OR REMOVE THIN ICE SIGNS** on a lake unless authorized by Brown County.

SECTION 10: **ENFORCEMENT:** The enforcement of this Ordinance shall be primary responsibility of the peace officers of the Brown County Sheriff's Department. Other licensed peace officers including Conservation Officers of the Department of Natural Resources of the State of Minnesota are also authorized to enforce this Ordinance.

SECTION 11: All authorized Resource Management, Emergency and Enforcement Personnel, while acting in the performance of their assigned duties are exempt from the foregoing restrictions.

SECTION 12: It shall be the responsibility of Brown County to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft launching facility outlining essential elements of the Ordinance, as well as the placement of necessary buoys and signs.

SECTION 13: **PENALTIES:** Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Seven Hundred Dollars (\$700) or by imprisonment of not more than ninety (90) days, or both.

SECTION 14: **EFFECTIVE DATE:** This Ordinance shall be in effect from and after the date of its passage and publication.

Passed by the Brown County Board of Commissioners, on this 2nd day of November, 1993.