

SECTION 703
PUBLIC WATERS

SUBSECTIONS:

- 703.100:** CHAPTER
- 703.200:** PURPOSE, INTENT AND APPLICATION
- 703.300:** DEFINITIONS
- 703.400:** SPEED LIMITATIONS
- 703.500:** ADDITIONAL RESTRICTIONS
- 703.600:** EXEMPTIONS
- 703.700:** NOTIFICATION
- 703.800:** ENFORCEMENT
- 703.900:** PENALTIES

703.100: **TITLE:** This Section shall be known and cited as the *PUBLIC WATERS* Code.

703.200: **PURPOSE, INTENT, AND APPLICATION:** ~~Consistent with authority provided to the City pursuant to~~ As authorized by Minnesota Statutes 86B.201, 86B.205, and 459.20, and Minnesota Rules 6110.3000 – 6110.3800, as ~~may be now in effect and as hereafter~~ amended ~~from time to time, this Ordinance is enacted for~~ the purpose ~~of this section is intended~~ and with the intent to control and regulate the use of the waters of ~~Upper and Lower~~ Prior Lake and Spring Lake in ~~the City of Prior Lake,~~ Scott County, Minnesota; to promote to the fullest extent possible the public's use and enjoyment of ~~Upper and Lower Prior Lakes~~ said bodies of water; to promote and protect the safety of persons and property in connection with the use of these waters; to harmonize and integrate the varying uses of these waters; and to promote the public health, safety and welfare on ~~Upper and Lower Prior Lakes~~ said bodies of water.

703.300: **DEFINITIONS:** For the purposes of this Section, the definitions set out in Minnesota Statute Section 86B.005 are incorporated herein and made part of this Section. Terms not defined by said Statute shall have the following meanings:

High Water: An elevation of 903.9' or greater above mean sea level on Prior Lake, as determined by the Prior Lake/Spring Lake Watershed District gauge. ~~An elevation of 912.8' or greater above mean sea level on Spring Lake, as determined by the Prior Lake-Spring Lake Watershed District gauge. The Ordinary High Water (OHW) of 903.9 mean sea level has been established by law.~~

Prior Lake: The body of water given that name and assigned the lake numbers ~~72-26P and 72-22P~~ 70002600 and 70007200 by the Department of Natural Resources. ~~(Ord. Amd. 110-05, publ. 10/9/10)~~

Shore: The line separating land and water which shifts as lake levels increase and

decrease.

Slow No-Wake: The operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than five (5) miles per hour.
~~(Ord. Amd. 110-05, publ. 10/9/10)~~

Spring Lake: The body of water given that name and assigned the lake number 70005400 by the Minnesota Department of Natural Resources.

Watercraft: Any contrivance used or designed for navigation on water, except: 1) a duck boat during the duck hunting season; 2) a rice boat during the harvest season; or 3) a seaplane.

703.400: WATERCRAFT SPEED LIMITATIONS:

~~703.401 **Towing Restrictions:** No watercraft towing a person on water skis, inner tube, aquaplane or similar device shall be operated at any time within one hundred fifty feet (150') of shore; provided, however, that any watercraft launching or landing a person on water skis, inner tube, aquaplane or similar device by the most direct and safe route to open water or shore shall be exempt from this provision.~~

703.~~402~~401 **General Speed Limit:** No person shall operate a watercraft, at any time, greater than a slow no-wake speed within one hundred fifty feet (150') from shore. Any watercraft launching or landing a person on water skis, wakeboards, kneeboards, or barefoot by the most direct and safe route to open water or shore shall be exempt from this provision.

703.~~403~~402 **Daytime Speed Limit:** No person shall operate a watercraft at greater than forty (40) miles per hour, from sunrise to one-half hour after sunset, on all weekends and legal holidays occurring from Memorial Day weekend through Labor Day weekend.

703.~~404~~403 **Nighttime Speed Limit:** No person shall operate a watercraft at greater than twenty (20) miles per hour, from one-half hour after sunset to sunrise the following day, at any time during the year.

703.~~405~~404 **High Water Slow No-Wake:** No person shall operate a watercraft at greater than a slow no-wake speed on the entire surface of Prior Lake when the water level in said water body reaches ~~nine hundred four feet (904.0')~~ sea level, as measured by the City at the Prior Lake/Spring Lake Watershed District gaugeits High Water elevation, as defined in Section 703.300.

No person shall operate a watercraft at greater than a slow no-wake speed on the entire surface of Spring Lake when the water level in said water body reaches its High Water elevation, as defined in Section 703.300.

When the water level of Prior Lake and/or Spring Lake reaches ~~904.0' sea level~~ High Water elevation, as defined in Section 703.300, the City Manager or designee

shall arranged to have notice of the high water slow no-wake provision-restriction ~~televised-posted~~ on the City's ~~channel~~website. The high water slow no-wake restriction shall become effective as of the ~~first televised notification~~posting. All public water accesses shall be posted ~~prior to and~~ during the time the restrictions ~~are~~is in place. ~~In addition, notice of said restrictions shall be posted at Prior Lake City Hall.~~

When high water levels have subsided and have remained below a ~~n~~ High Water elevation ~~of nine hundred four foot (904.0') sea level, as defined in Section 703.300,~~ for ~~three (3)~~72 consecutive ~~days~~hours, said restriction shall be promptly removed by removing the posting on the City's website.

703.~~406~~405 **Marked Slow No-Wake Zones:** No person shall at any time operate a watercraft at a speed greater than slow no-wake speed in any marked no-wake ~~channel~~/zone. The City of Prior Lake or ~~the County of Scott~~ County Sheriff's Office shall install or cause to be installed buoys marking ~~navigable channels and~~ slow no-wake zones. ~~These channels and~~Marked slow no-wake zones are intended to maintain a safe lake environment and protect the lives and property of all lake users and owners. ~~These channels~~Slow no-wake zones shall be ~~posted~~marked at the following locations on Prior Lake:

- The navigational ~~C~~channel located ~~directly N~~orth and ~~S~~south of the County Road 21/Eagle Creek Avenue Bridge ~~starting and ending at the navigational red and green channel markers placed at both ends.~~
- The navigational channel ~~marked by red and green navigational channel markers and no wake buoys located~~ to the ~~East south~~ of Reed's Island.
- The navigational channel ~~marked by slow no wake buoys at both ends located~~ ~~N~~orth and ~~S~~south of the Lords Street Bridge.
- The navigational channel ~~marked by slow no wake buoys entering and exiting from~~ located at the entrance/exit of Boudin's Bay, ~~including and~~ the entire surface ~~area~~ of Boudin's Bay.
- The navigational channel located at the entrance/exit ~~entire surface area~~ of Candy Cove, ~~starting and ending at the no wake buoy placed approximately one hundred fifty (150) foot West of the entrance point to and the entire surface of~~ Candy Cove.
- The navigational channel located at the entrance/exit ~~point to of~~ Mud (Crystal) Bay, ~~marked by slow no wake buoys at either end of the navigable channel at said entrance/exit point.~~
- The navigational channel located at the entrance/exit of Paradise Bay, and the entire surface of Paradise Bay.

703.500: ADDITIONAL RESTRICTIONS: ~~No person shall use an inflatable water toy, air mattress or inner tube more than one hundred fifty feet (150') from shore, unless accompanied by a watercraft. No person shall swim more than one hundred fifty feet (150') from shore, unless accompanied by a watercraft.~~

703.501 **Swimming:** No person shall use an inflatable water toy, air mattress or inner tube more than one hundred fifty feet (150') from shore, unless accompanied by a watercraft. No person shall swim more than one hundred fifty feet (150') from shore, unless accompanied by a watercraft.

703.502 Towing Restrictions: No watercraft towing a person on water skis, inner tube, aquaplane or similar device shall be operated at any time within a marked slow no-wake zone.

703.600: EXEMPTIONS: All authorized resource management, emergency, and enforcement personnel, while acting in the performance of their assigned duties, are exempt from the restrictions set forth in this Section.

A temporary exemption from the restrictions set forth in subsection 703.~~404~~502 may be allowed under certain circumstances. To qualify for a temporary exemption, an application for a permit must be completed, which shall include: the purpose of the exemption, the organization or persons being exempted, the location of the exemption, and the date and time of the exemption. The temporary exemption permit shall be issued by the Scott County Sheriff's ~~Department~~Office.

703.700: NOTIFICATION: The City shall notify the public of this Section, which shall include but not be limited to placing a sign at each public watercraft launching facility outlining the essential elements of this Section, as well as placing other necessary buoys and signs.

703.800: ENFORCEMENT: The enforcement of this Section shall be ~~the primary~~primarily the responsibility of the Scott County Sheriff's ~~Department~~Office. Other licensed peace officers, including conservation officers of the Minnesota Department of Natural Resources, are also authorized to enforce the provisions of this Section.

703.900: PENALTIES: Any person who violates any provisions of this Section shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment of not more than ninety (90) days, or both.