

ORDINANCE REGULATING THE SURFACE USE OF THE BOWSTRING RIVER

State of Minnesota
County of Itasca
Ordinance No. 1
Page 1

Recorded on Sep 24, 1998 at 11:50 a.m.
Document No. 496654
Signed by Larry A. Unger

STATE OF MINNESOTA
COUNTY OF ITASCA DATE
ORDINANCE NO. 1

Be it ordained and enacted by the Itasca County Board of Commissioners, State of Minnesota, that these amendments following, by this act, hereby replace and nullify those like numbered clauses now existing and a part of the Itasca County Ordinance No. 1 or are newly enacted sections which, upon their enactment, become a part of Itasca County Ordinance No 1.

Section 1: PURPOSE, INTENT, AND APPLICATION: As authorized by Minnesota Statutes 86B.201, 86B.205, and 459.20, and Minnesota Rules 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 the Bowstring River in Itasca County, Minnesota, said bodies of water being located entirely within the boundaries of Itasca County to promote its fullest use and enjoyment by the public in general and the citizens of Itasca 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; to protect the wild rice resources of the Bowstring River during its growing season, and to promote the general health, safety and welfare of the citizens of Itasca County, Minnesota.

Section 2: DEFINITIONS: Terms used in this ordinance related to boating are defined in MS 86B.005. The following words and phrases when used in this ordinance shall have the meanings set forth below:

- (1) "Persons" includes an individual, partnership, corporation or any body of persons whether incorporated or formed into an association or not.

ORDINANCE REGULATING THE SURFACE USE OF THE BOWSTRING RIVER

State of Minnesota
County of Itasca
Ordinance No. 1
Page 2

- (2) "Operate" means to navigate or otherwise use a watercraft.
- (3) "Watercraft" has the meaning given in M.S. 86B.005, Subd. 18.
- (4) "Slow-no wake" means the operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than 5 m.p.h.
- (5) "Bowstring River" means the portion of the Bowstring River beginning at the outlet of Bowstring Lake and continuing to the confluence of Dinner Creek.

Section 3: SURFACE ZONING OF THE BOWSTRING RIVER BY RESTRICTING SPEEDS DURING CERTAIN HOURS: Slow-no wake speed 24 hours per day from Memorial Day weekend to Labor Day weekend annually. All public watercraft accesses shall be posted prior to and during the time restrictions are in place. In addition, notice of said restrictions shall also be posted at the Itasca County Courthouse.

Section 4: ENFORCEMENT: The primary responsibility for enforcement of this ordinance shall rest with the Itasca County Sheriff's Department. This, however, shall not preclude enforcement by other licensed peace officers; including State and Leech Lake Reservation Tribal Conservation Officers.

Section 5: EXEMPTIONS: All authorized Resource Management, Emergency and 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 Itasca County to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access out essential elements of the ordinance, as well as the placement of necessary buoys and signs.

Section 7: PENALTIES: Any person who shall violate any

ORDINANCE REGULATING THE SURFACE USE OF THE BOWSTRING RIVER

State of Minnesota
County of Itasca
Ordinance No. 1
Page 3

of the provisions of this ordinance shall be guilty of a misdemeanor, "creating a wake in a no wake zone," punishable by a \$150.00 fine.

Section 8: EFFECTIVE DATE: This Ordinance shall be in effect from and after the date of its passage and publication. Passed by the Itasca County Board of Commissioners on this 16th Day of June, 1998. Published: 9/6/98

{Robert Williams]
Robert Williams, Chairperson
County Board

[Robert R. Olson]
Robert Olson, Clerk
County Board

GRAND RAPIDS HERALD-REVIEW

AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA }
 } SS.
COUNTY OF ITASCA }

STATE OF MINNESOTA COUNTY OF ITASCA
ORDINANCE NO. _____
AN ORDINANCE REGULATING THE SURFACE
USE OF THE BOWSTRING RIVER.

Be it ordained and enacted by the Itasca County Board of Commissioners, State of Minnesota, that these amendments following, by this act, hereby replace and nullify those like numbered clauses now existing and a part of the Itasca County Ordinance No. or are newly enacted sections which, upon their enactment, become a part of Itasca County Ordinance No. _____

Section 1. PURPOSE, INTENT, AND APPLICATION. As authorized by Minnesota Statutes 86B.201, 86B.203, and 459.20, and Minnesota Rules 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 the Bowstring River in Itasca County, Minnesota, said bodies of water being located entirely within the boundaries of Itasca County to promote its fullest use and enjoyment by the public in general and the citizens of Itasca 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; to protect the wild rice resources of the Bowstring River during its growing season, and to promote the general health, safety and welfare of the citizens of Itasca County, Minnesota.

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(1) "Persons" includes an individual, partnership, corporation or any body of persons whether incorporated or formed into an association or not.

(2) "Operate" means to navigate or otherwise use a watercraft.

(3) "Watercraft" has the meaning given in M.S. 86B.005, Subd. 18.

(4) "Slow-no wake" means the operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than 5 m.p.h.

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Section 3. SURFACE ZONING OF THE BOWSTRING RIVER BY RESTRICTING SPEEDS DURING CERTAIN HOURS. Slow-no wake speed 24 hours per day from Memorial Day weekend to Labor Day weekend annually. All public watercraft accesses shall be posted prior to and during the time restrictions are in place. In addition, notice of said restrictions shall also be posted at the Itasca County Courthouse.

Section 4. ENFORCEMENT. The primary responsibility for enforcement of this ordinance shall rest with the Itasca County Sheriff's Department. This, however, shall not preclude enforcement by other licensed peace officers, including State and Leech Lake Reservation Tribal Conservation Officers.

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Section 6. NOTIFICATION. It shall be the responsibility of Itasca County to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access out essential elements of the ordinance, as well as the placement of necessary buoys and signs.

Section 7. PENALTIES. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, "creating a wake in a no wake zone," punishable by a \$150.00 fine.

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

Passed by the Itasca County Board of Commissioners on this 16th Day of June, 1998.

H.R. September 6, 1998

No. 8439

Ronald L. Oleheiser, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as the Grand Rapids Herald-Review, 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 qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Water Surface Use Ordinance -
Bowstring River Legal 8439

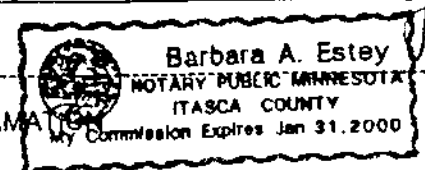
which is attached was cut from the columns of said newspaper, and was printed and published once each week, for One successive weeks: it was first published on Sunday the 6th day of September, 1998, and was thereafter printed and published on every _____ to and including _____, the _____ day of _____, 19____: and printed below is a copy of the lower case alphabet 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: Ronald L. Oleheiser
TITLE: General Manager

Subscribed and sworn to before me on this 10th day of September, 1998.

Barbara Estey
Notary Public



RATE INFORMATION

- (1) Lowest classified rate paid by commercial users for comparable space.....\$ 1.16 per 1-col. line 6-point regular
- (2) Maximum rate allowed by law for the above matter.....\$ 1.40 per 1-col. line 6-point regular
- (3) Rate actually charged for the above matter.....\$.57 per 1-col. line 6-point regular

498654

PUBLIC HEARING
ITASCA COUNTY BOARD OF COMMISSIONERS
OFFICIAL PROCEEDINGS
June 16, 1998
4:30 p.m.

The Itasca County Board of Commissioners held a Public Hearing on an Ordinance Regulating the Surface Use of the Bowstring River on Tuesday, June 16, 1998, in the Itasca County Boardroom with the following members present: Chairperson Bob Williams (District #5) and Commissioners Mary Ives (District #4), Leo Trunt (District #3), Tom Saxhaug (District #2), and Bob Wilhelm (District #1).

PUBLIC HEARING

Chairperson Williams opened the public hearing on an Ordinance Regulating the Surface Use of the Bowstring River at 4:30 p.m.

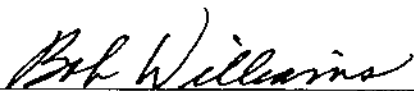
Commissioner Saxhaug moved to close the above public hearing. Commissioner Ives seconded the motion. Motion carried: Ayes - Districts #1, #2, #3, #4, #5; Nays - None.

Commissioner Wilhelm moved to amend the Water Surface Use Ordinance to state the "No Wake Zone" is to be between Bowstring Lake and Dinner Creek on the Bowstring River in Unorganized Township 147 R26 and Sand Lake Township 148 Range 26 and adopt the above Water Surface Use Ordinance as amended. The Ordinance will be effective upon Minnesota Department of Natural Resource's approval. Commissioner Trunt seconded the motion. Motion carried: Ayes - Districts #1, #2, #3, #4, #5; Nays - None.

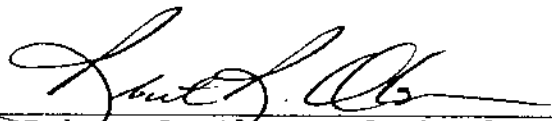
ADJOURNMENT

Chairperson Williams adjourned the meeting at 4:50 p.m.

ATTEST



Bob Williams, Chairperson of the County Board



Robert R. Olson, Clerk of the County Board