

BECKER COUNTY BUOY AND SURFACE WATER USE ORDINANCE

OVERVIEW

The Becker Sheriff Office's Boat and Water Safety Division (BWSO) has jurisdiction over all public waters in Becker County and enforces state laws and county ordinances relating to boat registration, licensing, personal flotation devices, navigation lights, fire extinguishers, unsafe operation of watercraft, and safety inspections of boats at resorts. The BWSO responds to complaints of unsafe watercraft use and watercraft accidents and assists the Becker County Dive Team with search, rescue and recovery operations.

The most recent activity report is available at:

[http://www.co.becker.mn.us/dept/sheriff/PDFs/Boating%20Safety%20Activity%20Report\(2014\).pdf](http://www.co.becker.mn.us/dept/sheriff/PDFs/Boating%20Safety%20Activity%20Report(2014).pdf)

There are 510 lakes in Becker County that are 20 acres in area or larger. Seventy-five of these lakes and the Otter Tail River have a public access. 10 accesses are carry-in or only open during the hunting season. http://files.dnr.state.mn.us/maps/water_access/counties/becker.pdf

PERMITS REQUIRED TO PLACE BUOYS OR OTHER STRUCTURES IN WATERS OF THE STATE

No regulatory, navigation, or information buoys may be placed on a lake or river in Becker County without first obtaining a permit from the Becker County Sheriff BWSO.

No buoy or other structures may be placed in a water of the state between the hours of sunset and sunrise without an approved permit from Becker County Sheriff BWSO. Structures include, swim rafts, swim areas, slalom ski courses, mooring buoys and ski jumps, etc. Water related events (both on open water and ice) also require a permit from the BWSO. All buoys must have the form, size, lighting, reflectorization, and coloration prescribed in Minnesota Rules 6110.1400, or successor rules.

Permit application and requirements accessed at

<http://www.co.becker.mn.us/dept/sheriff/forms.aspx>

MARKING OF LEGALLY DESIGNATED SWIMMING AREA:

The owner or lessee of shoreline property may place white markers defining a swimming area directly in front of his or her property for personal use in accordance to Minnesota Rules 6110.1600 or successor rules.

No swimming marker may obstruct watercraft traffic or unduly interfere with public use of the water. If in the opinion of the local sheriff, the sheriff's water patrol officer, or conservation

officer, such conditions exist, they may require the boundaries of the swimming area be changed or have the markers removed.

BUOYS AND SURFACE WATER USE ORDINANCES

The Becker County BWSO maintains a program of search, rescue, buoying or marking, patrol, removal of hazards to navigation, and inspection of watercraft for rent, lease, or hire. All markers placed under the authority of the Sheriff comply with Minnesota Statute 86B.111 and Minnesota Rules 6115.1500, or successor rules.

The marking of certain hazards to navigation on, in, or adjacent to the waters of the state by a governmental agency does not incur a duty to mark all navigational hazards by the agency or another agency.

All waterbodies have inherent risks to navigation. The ultimate responsibility for safety lies not with the government but with the individual boater. Bathometric maps and lake information maps are available at: www.dnr.state.mn.us/lakefind/index.html.

The owner and operator of a watercraft are jointly and severally liable for any injury or damage caused by the negligent operation of a watercraft whether the negligence consists of a violation of the provisions of the statutes of this state or neglecting to observe ordinary care in the operation as the common law requires.

Marking or Removal of Hazards to Navigation

The County will investigate reported hazards to navigation and shall determine on a "case by case" basis if the reported hazard can be removed, ameliorated, or will be marked.

Prevention of the Spread of Invasive Species

To the extent practicable, buoys and other water related equipment will not be moved between waterbodies. Prior to transport off site, all aquatic macrophytes and invasive species shall be removed from any buoy or water related equipment

Removal and Damage to Buoys Prohibited

Except as authorized by the County Sheriff or the State Commissioner of Natural Resources, a person may not obstruct, remove, damage, or destroy a buoy or structure legally placed in the waters of this state.

Enforcement of Existing Surface Water Ordinances:

BWSO places bouys and signage on the following water bodies for hazard/channel markings to improve watercraft navigation and safety and to enforce the Surface Water Use Ordinances:

Straight Lake:

<http://www.co.becker.mn.us/government/ordinances/PDFs/Ordinance%2012%20-%20Regulating%20Surface%20Use%20of%20the%20Water%20of%20Straight%20Lake%201991.pdf>

Slow-no wake speed in the "Narrows"

St. Clair Lake:

<http://www.co.becker.mn.us/government/ordinances/PDFs/Ordinance%2016%20-%20Regulating%20the%20Surface%20use%20of%20St.%20Clair%20Lake%202005.pdf>

No motors

The City of Detroit Lake is responsible for the placement of buoys on Detroit Lake in the following areas: <http://cityweb.lakesnet.net/main/ordinances/>

Slow-no wake speed:

- City Beach Zone
- Long Bridge Zone
- Pelican River Outlet Zone
- Designated channel between Big Lake and Little Detroit Lake

Middle Cormorant Lake:

County Park/Swim Area on County Highway 5, Section 22, Cormorant Township.

Citizen Petitions for Establishment of New Surface Water Use Ordinance:

Citizens may petition the County to enact ordinances to regulate the surface use of bodies of water located entirely or partially within the county. Similarly, citizens may petition a city for waterbodies that are located entirely within the boundary of a single city.

The petition process is facilitated through the Planning and Zoning Department. The process begins with the citizen's submitting a petition, on prescribed forms, to the Planning and Zoning Department. A public hearing is then scheduled before the Becker County Planning Commission. The recommendations of the Planning Commission are forwarded to the County Board of Commissioners for final action.

Application for a surface water use ordinance is available at:
www.co.becker.mn.us/dept/planning_zoning/forms.aspx

Individuals petitioning for a surface water use ordinance will be responsible for all permitting, hearing costs, and recording fees, as well as any buoys and signage that may be required.

Any proposed surface use zoning ordinance must be submitted to the Commissioner of Natural Resources for review and approval before adoption.