



CITY OF INDEPENDENCE
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE NO. 2016 - 01

AMENDING CITY CODE SECTION 915 -REGULATION OF LAKE SARAH AND LAKE
INDEPENDENCE SURFACE USE

THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, HENNEPIN COUNTY,
MINNESOTA, ORDAINS:

Section 1. Section 915 of the City Code is amended as follows (additions shown as **bold/double underline**; deletions shown as ~~striketrough~~):

Section 915 - Regulation of Lake Sarah and Lake Independence Surface Use
(Added, Ord. 00-11)

915.01. Authority to regulate water surface use. Pursuant to Minnesota Statutes, sections 86B.205 and 459.20, the city has entered into a joint powers agreement with the city of Greenfield for the purpose of regulating the surface use of the body of water known as Lake Sarah. This section 915 is effective until repealed or until the joint powers agreement is terminated.

915.03. Definitions. Subdivision 1.

- (a) Terms used in this section related to boating, including "slow no-wake," are defined in Minnesota Statutes, section 86B.005.
- (b) Lake Sarah is that body of water designated by the Minnesota Department of Natural Resources as lake #27-191. It is located in: sections 1 and 2, township 118, range 24; and in sections 34 and 35, township 119, range 24, Hennepin County, Minnesota.

915.05. Slow no-wake zone on Lake Sarah. Subdivision 1. No-wake in channel. No person shall operate a watercraft, including aircraft, in excess of slow no-wake speed in the channel

separating the northerly and southerly halves of Lake Sarah as delineated by markers, buoys, or other aids to navigation placed by the city. (Amended, Ord. No. 2002-09)

Subd. 2. No-wake at high water level. Whenever the waters of Lake Sarah reach or exceed 981.1 feet above sea level, for a period of three consecutive days or more, as measured by the water level gauge set by the State Department of Natural Resources on Lake Sarah, the city administrator-clerk or designee may, **at their discretion**, upon notifying the Hennepin county sheriff, establish a slow no-wake zone on those portions of the lake within the city. ~~The no-wake restriction shall become effective upon a date specified by the city administrator-clerk and shall remain in effect until the water level for the lake has receded below 981.1 feet above sea level.~~ Both the implementation and removal of these restrictions must be done in coordination with similar actions by the city of Greenfield. The city administrator-clerk or designee shall notify the public of both the implementation and removal of the no-wake restriction by ~~publishing a notice in the official newspaper~~, posting the restriction at all public lake access points prior to and during the time the restriction is in place, and posting the restriction at city hall, and by such other means as the administrator-clerk determines to be reasonable. (Added, Ord. No. 2002-09)

Subd. 3. No-wake regulation. No person shall operate a water craft, including aircraft, in excess of slow no-wake speed 24 hours per day when the high water slow no-wake restrictions in subdivision 2 are in effect. ~~Such restrictions shall become effective upon publication in a local daily newspaper as a news item or on a specified date, whichever is later.~~ (Added, Ord. No. 2002-09)

Subd.4. Effective Date of slow no-wake regulation. A slow no-wake restriction shall become effective upon the date specified by the city administrator-clerk and shall remain in effect until the water level for the lake has receded below 981.1 feet above sea level for at least three consecutive days.

915.07. Notification. The City is responsible for providing adequate notification to the public, ~~which shall include p.~~ The City will work with the Lake Sarah Improvement Association to place Placement of a sign at each public watercraft access outlining essential elements of this section, as well as the placement of necessary buoys and signs.

915.09. Exemption. Enforcement, resource management and emergency personnel, while in the performance of their official duties, are exempt from the provisions of subsection 915.05.

915.11. Penalties. Any person violating this section, upon conviction, is guilty of a misdemeanor and subject to a maximum fine or a maximum period of imprisonment, or both, as specified by Minnesota Statutes, section 609.03.

915.13. Enforcement. The Hennepin County sheriff's department and special deputies appointed and sworn by the sheriff have primary responsibility for enforcing the provisions of this section, but that does not preclude enforcement by other licensed peace officers, including aircraft except during landings and take-offs, in excess of slow no-wake speed on the entire lake when the high water slow no-wake restrictions are in effect. Both the implementation and removal of these restrictions must be done in coordination with action by the city of Medina. (Amended, Ord. 2014-02)

915.15. Authority to regulate water surface use. Pursuant to Minnesota Statutes, sections 459.20, 471.59 and 86B.205, Independence has entered into a joint powers agreement with the city of Medina for the purpose of regulating the surface use of the body of water known as Lake

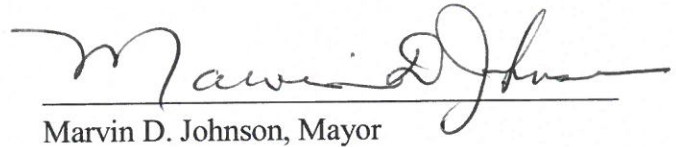
Independence. This section shall be effective after adoption and publication and after adoption of a similar ordinance by Medina. This section shall remain in effect until repealed or until the joint powers agreement is terminated. (Added, Ord. 2006-05)

915.17. Definitions. Subdivision 1. The terms used in this section related to boating, including "slow no-wake," shall have the meanings given to them in Minnesota Statutes, section 86B.005. (Added, Ord. 2006-05)

Section 2. The City Administrator is hereby directed to amend the City of Independence City Code in accordance with the foregoing amendment.

Section 3. Effective date. This ordinance shall be and is hereby declared to be in full force and effect after its passage and publication according to law.

Adopted this 26th day of July, 2016.


Marvin D. Johnson, Mayor

ATTEST:


Mark Kaltsas, City Administrator

