

transported in any quantity, provided that for the safety of humans and domestic stock, poison may not be used in the taking thereof, except in the manner authorized by Minnesota Statutes 1961, Sections 18.021 to 18.035, and acts amendatory thereof, ~~and steel traps may not be used in the taking of bear, except when and in the manner prescribed by the commissioner. The taking of bear may be prohibited by order of the commissioner in such areas of the state and during such periods as he may deem necessary.~~ Raccoon are unprotected animals on May 21, 1965, and all of the provisions of this subdivision are applicable to such animals except that they may be taken with the aid of artificial lights in the manner provided by law under section 100.29, subdivision 10. It shall be unlawful to intentionally drive, chase, run over or kill with any motor propelled vehicle any unprotected animals. The taking of any species of bear may be permitted by order of the commissioner without a license therefor in such areas of the state and during such periods as he may deem necessary, upon a determination that the predation of bear represents a threat to livestock or other property.

Sec. 5. Minnesota Statutes 1969, Section 100.27, is amended by adding a subdivision to read:

Subd. . Bear may be taken in such areas of the state, under such restrictions, and on such dates as the commissioner may, by order, provide. Nothing in this subdivision shall prevent a person from taking a bear to protect his property. Such taking shall be reported to a conservation officer within 48 hours. Bear so taken may thereafter be disposed of in the same manner as provided in Minnesota Statutes, Section 97.50, Subdivision 5, for the disposition of wild animals unlawfully taken.

Sec. 6. **REPEALER.** Minnesota Statutes 1969, Section 348.073, is repealed.

Approved May 17, 1971.

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## CHAPTER 355—S.F.No.824

[Not Coded]

*An act relating to lakes; permitting the creation of a lake conservation district for White Bear Lake; establishing powers and duties of such district.*

Be it enacted by the Legislature of the State of Minnesota:

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**Section 1. WHITE BEAR LAKE CONSERVATION DISTRICT.** For the purposes of this act, the term "municipality" means any of the following: The city of White Bear Lake, the town of White Bear, the village of Birchwood, the village of Mahtomedi, or the village of Dellwood.

**Sec. 2. Subdivision 1.** When four of the governing bodies of the municipalities bordering on White Bear Lake, after public hearings thereon, determine that a lake conservation district shall be established under this act, the municipalities bordering the lake shall establish such a lake conservation district. The decision of a town shall be made by the board of supervisors of the town.

**Subd. 2.** The lake conservation district shall be governed by a board composed of members elected by the governing bodies of the municipalities included in the district. Each municipality shall elect one member. The term of office of each member shall be three years.

**Sec. 3.** Subject to the provisions of Minnesota Statutes, Chapters 98, 105, 106, 110, 112, and 115, and the rules and regulations of the respective agencies and governing bodies vested with jurisdiction and authority hereunder, the lake conservation district shall have the following powers:

- (a) To regulate the types of boats permitted to use the lake;
- (b) To regulate, maintain, and police public beaches, public docks, and other public facilities for access to the lake within the territory of the municipalities.
- (c) To limit by rule the use of the lake at various times and the use of various parts of the lake;
- (d) To regulate the speed of boats on the lake and the conduct of other activities on the lake to secure the safety of the public and the most general public use;
- (e) To contract with other law enforcement agencies to police the lake and its shores;
- (f) To regulate the construction, installation, and maintenance of permanent and temporary docks and moorings consistent with federal and state law;
- (g) To regulate the construction and use of mechanical and chemical means of deicing the lake and to regulate the mechanical and chemical means of removal of weeds and algae from the lake;
- (h) To regulate the construction, configuration, size, location, and maintenance of commercial marinas and their related facilities

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including parking areas and sanitary facilities. The regulation shall be consistent with the applicable municipal building codes and zoning ordinances where said marinas are situated;

(i) To contract with other governmental bodies to perform any of the functions of the district;

(j) To undertake research to determine the condition and development of the lake and the water entering it and to transmit their studies to the pollution control agency and other interested authorities; and to develop a comprehensive program to eliminate pollution;

(k) To receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them;

(l) To petition a board of managers of any watershed district in which the lake conservation district may be situated for improvements under Minnesota Statutes, Section 112.48; no bond shall be required of the lake conservation district.

Sec. 4. The duties of the district may be executed by employees of the municipalities and the expenses of the district shall be borne by the municipalities. The portion of the expenses of the district borne by each municipality shall be in proportion to its assessed valuation; provided, no municipality shall bear more than 25 percent of the total expense, and such portion shall be not less than \$200 per year.

Sec. 5. The board of directors of the district shall, on or before July 1 each year, prepare a detailed budget of its needs for the next calendar year and certify the budget on that date to the governing body of each municipality in the district together with a statement of the proportion of the budget to be provided by each municipality. The governing body of each municipality in the district shall review the budget, and the directors, upon notice from any municipality, shall hear objections to the budget and may, after the hearing, modify or amend the budget, and then give notice to the municipalities of modifications or amendments. It shall be the duty of the governing body or board of supervisors of each municipality in the district to provide the funds necessary to meet its proportion of the total cost to be borne by the municipalities as finally certified by the directors, the funds to be raised by any means within the authority of the municipalities and to pay the funds into the treasury of the district in amounts and at times the treasurer of the district may require. The municipalities may each levy a tax not to exceed one mill on the taxable property located therein to provide said funds. Said levy shall be within all other limitations provided by law.

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Sec. 6. The municipalities included in the lake conservation district shall immediately file a notice with the secretary of state, the commissioner of natural resources, and the water resources board. The notice shall set an effective date for the organization of the district and a name for the district. The district shall be a body corporate and politic from that effective date, may sue and be sued, enter into contracts and hold real and personal property for its purposes.

Sec. 7. The members of the governing board of the district shall, at the organization meeting of the board, adopt a seal, bylaws for the regulation of the affairs of the district, and rules of procedure to govern their actions that shall not be inconsistent with law.

Sec. 8. Subdivision 1. The governing board of the district shall, at its organization meeting, elect from its membership a chairman to serve for a period of one year from the first meeting of the board, and shall also elect a secretary and a treasurer. They shall hold office at the pleasure of the board, and shall receive compensation as fixed by the board.

Subd. 2. The treasurer shall receive and be responsible for all moneys of the district, from whatever source derived, and they shall be considered public funds. Before taking office the treasurer shall give bond to the district in an amount to be determined by the governing board of the district. He shall disburse the moneys of the district in accordance with rules set by the governing board of the district. Whenever there are moneys in the possession of the treasurer not currently needed, the treasurer may invest the amount or any part thereof in treasury bonds, certificates of indebtedness, bonds or notes of the United States of America, or bonds, notes, or certificates of indebtedness of the state of Minnesota, all of which must mature not later than three years from the date of purchase. Whenever it shall appear to the governing board that any invested funds are needed for current purposes before the maturity dates of the securities held, they shall certify the fact to the treasurer and it shall then be the duty of the treasurer to order the sale or conversion into cash of the securities in the amount certified. All interest and profit on investments shall be credited to and constitute a part of the funds of the district. The treasurer shall keep an account of all moneys received and disbursed by him, and at least once a year, at times to be designated by the district, file with the municipalities forming the district a financial statement of the district showing in appropriate and identifiable groupings the receipts and disbursements since the last approved statements; moneys on hand and the purposes for which the same are appropriated; and shall keep an account of all securities purchased, the funds from which purchased and the interest and profit which may be accrued thereon, and shall accompany the financial statement with a statement setting forth the account. The district may pay to the treasurer compensation in an

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amount it may determine to cover clerk hire to enable the treasurer to carry out the duties imposed upon him.

Subd. 3. The governing board of the district may, as soon after the organization meeting as is practical, appoint an executive director, who shall be the executive and operating officer of the district, shall serve at the pleasure of the governing board of the district, and shall receive compensation as may be fixed by it. Under the supervision of the governing board of the district, he shall be responsible for the operation, management, and promotion of all activities with which the district is charged, together with any other duties prescribed by the governing board of the district. He shall have the powers necessarily incident to the performance of his duties and others as granted by the district, but without authority to incur liability or make expenditures on behalf of the district without general or specific directions by the governing body of the district, as shown by the bylaws or minutes of its meetings.

Subd. 4. The district shall have the power to appoint other officers, agents, and employees who shall perform duties and receive compensation as the district determines and be removable at the pleasure of the district.

Sec. 9. The district established pursuant to this act is an employer within the definition of Minnesota Statutes, Section 176.011, Subdivision 10, and is included in the provisions of Minnesota Statutes, Chapter 176.

Sec. 10. The district established pursuant to this act is a public corporation and a political subdivision of the state. It is also within the definition of Minnesota Statutes, Section 466.01, and is included in the provisions of Minnesota Statutes, Chapter 466.

Sec. 11. The lake conservation district may be dissolved by the decision of the governing bodies of four of the municipalities in the district. The decision of a town shall be made by the board of supervisors of the town.

Sec. 12. Subdivision 1. The lake conservation district shall have the power to adopt rules and regulations to effectuate the purposes of its establishment and the powers granted to the district. Said rules and regulations shall have the effect of an ordinance when so declared by the board of directors of the district. All rules and regulations may be enforced by the district by injunction in addition to any other penalty hereinafter provided.

Subd. 2. Every rule and regulation shall be enacted by a majority vote of all the members of the board of directors. It shall be signed by the chairman and attested by the secretary thereof and published once in official newspapers of Washington and Ramsey

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counties. Proof of publication shall be attached to and filed with the rule and regulation. Every rule and regulation shall be recorded in the rule and regulation book within 20 days after its publication. All rules and regulations shall be suitably entitled and if enacted with the force and effect of an ordinance, it shall so state and be provided therein. A violation of any such rule and regulation so enacted shall be a misdemeanor and punishable by a sentence of not more than 90 days plus costs or a fine of not more than \$300 plus costs.

Sec. 13. Subdivision 1. All prosecutions for violations of rules and regulations shall be brought in the name of the lake conservation district upon complaint and warrant as in other criminal cases. If the accused be arrested without a warrant, a written complaint shall thereafter be made, to which he shall be required to plead, and a warrant shall issue thereon. The warrant and all other process in such cases shall be directed for service to any police officer, court officer, marshal, constable, or sheriff of any of the municipalities in the lake conservation district.

Subd. 2. It shall be a sufficient pleading of the rules and regulations of the district to refer to them by section and number or chapter, or any other way which clearly reflects the rules and regulations which are the subject of the pleading. The rules and regulations shall have the effect of general laws within the district and need not be given in evidence upon the trial of any action. Judgment shall be given, if for the plaintiff, for the amount of fine, penalty, or forfeiture imposed, with costs; and the judgment shall direct that, in default of payment, the defendant be committed to a county jail for such time, not exceeding 90 days, as the court shall see fit. The commitment shall state the amount of judgment, the costs, and the period of commitment. Every person so committed shall be received by the keeper of the jail and kept, at the expense of the county, until lawfully discharged. The committing court may release the defendant at any time upon payment of the fine and costs.

Subd. 3. Appeals may be taken to the district court in the same manner as from judgments of justices of the peace in civil actions; but if taken by the defendant, he shall give bond to the district, to be approved by the court, conditioned that, if the judgment be affirmed in whole or in part, he will pay the judgment, and all costs and damages awarded against him on the appeal. In case of affirmance, execution may issue against both defendant and his sureties. Upon perfection of the appeal, defendant shall be discharged from custody.

Sec. 14. This act shall become effective upon the approval of the governing bodies of White Bear Lake, Birchwood, Mahtomedi, Dellwood, and the town board of White Bear and upon compliance by all municipalities with Minnesota Statutes, Section 645.021.

Approved May 17, 1971.

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