

6110.1600 MARKING OF LEGALLY DESIGNATED SWIMMING AREAS.

Subpart 1. **Individual private areas.** The owner or lessee of shoreline property may place white markers defining a swimming area adjacent to the property for personal use. This area shall not exceed 2,500 square feet in area and shall not extend more than 50 linear feet along the lake frontage of the owner or lessee. These markers must have no less than six inches but no more than 14 inches showing above the waterline. Markers in the form of a cylinder must have a diameter of at least five inches and not larger than nine inches. Markers with a shape other than a cylinder may not have a length or width greater than 14 inches. Each such marker shall bear on opposite sides a one-half inch wide band of international orange color forming an upright diamond at least five inches in outside width, dissected vertically and horizontally by a one-half inch wide strip of international orange color. The border of the diamond and cross outline shall not be less than one-half inch in width. These markers may not be spaced more than 15 feet apart and must outline all of the swimming area.

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 direct the landowner or lessee to change the boundaries of the swimming area or have the markers removed. The landowner or lessee may appeal such a directive to the commissioner of natural resources.

Subp. 2. **Other areas.** Swimming areas in public waters maintained or designated by governmental subdivisions, private corporations, private clubs, nonprofit organizations, or businesses offering public swimming facilities in any body of water where operation of motor-powered watercraft is not prohibited shall be marked in the following manner:

A. The entire perimeter of the water area shall be marked with white marking buoys no less than nine inches in diameter and extending no less than 36 inches above the surface of the water. Each marking buoy must contain two horizontal bands of orange, one such band at the top, and the other just above the waterline. Each marking buoy must also contain two diamond shapes with crosses which means "boats keep out." These diamond shapes must have a vertical diagonal of not less than 14 inches. The borders of the diamond and cross outline shall not be less than two inches in width. The color of these borders shall be orange. The diamonds shall be placed midway between the horizontal bands. The words "swim area" should also appear on each marker in no less than two-inch letters.

B. Marking buoys must not be spaced more than 75 feet apart and in no case may less than three markers be used to establish a boundary line.

C. Smaller markers may be used to add definition to the area boundaries. These smaller markers must be all white in color.

Subp. 3. [Repealed, 15 SR 2430]

Statutory Authority: *MS s 86B.211; 361.25*

History: *15 SR 2430; 17 SR 1279*

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