

6110.3700 WATER SURFACE MANAGEMENT STANDARDS.

Subpart 1. **Purpose.** To promote uniformity of ordinances or rules on the use of watercraft on surface waters of this state, to encourage compliance and to ease enforcement, the commissioner and any government unit formulating such ordinances or rules shall follow these standards. When formulating an ordinance or rule, it is not required that all the standards listed below be incorporated into every ordinance or rule. Rather, the commissioner or governmental unit shall select from the standards listed below such standard(s) as are needed to regulate the surface use of waters.

Subp. 2. **Watercraft type and size.** Controls may be formulated concerning the type and/or size of watercraft permissible for use on surface water body(ies) or portions thereof.

Subp. 3. **Motor type and size.** Controls, if any, concerning the maximum total horsepower of motor(s) powering watercraft on surface waters shall utilize one or more of the following horsepower cutoffs or motor types: 25 hp; 10 hp; electric motors; no motors.

Subp. 4. **Direction of travel.** Directional controls, if used, shall mandate watercraft to follow a counterclockwise path of travel.

Subp. 5. **Speed limits.** Controls, if any, concerning the maximum speeds allowable for watercraft on surface waters shall utilize one or more of the following miles-per-hour cutoffs:

A. "Slow-No Wake" means operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than five mph.

B. 15 mph.

C. 40 mph.

Subp. 6. **Effective time.** Controls must use one or more of the following time periods.

A. sunrise to sunset or sunset to sunrise the following day;

B. 9:00 a.m. to 6:00 p.m. or 6:00 p.m. to 9:00 a.m. the following day;

C. noon to 6:00 p.m. or 6:00 p.m. to noon the following day;

D. all 24 hours of the day.

Controls must be in effect during one of the following calendar divisions: all year; Memorial Day weekend through Labor Day weekend; on all weekends and legal holidays occurring within Memorial Day weekend through Labor Day weekend.

Controls governing the use of watercraft may be adopted which are placed into effect based upon specific water elevations.

Subp. 7. **Area zoning.** Controls shall clearly specify which portion of the water body is affected by such controls.

Area controls may be formulated concerning any of the subject matter covered in the water surface management standards in subparts 2 to 9.

Controls concerning a "Slow-No Wake" shall be established for the entire water body or portion thereof according to the following criteria: within 100 feet or 150 feet from the shore; or where watercraft speed or wake constitutes a hazard to persons, property, or the natural resources; or where it has been determined that such control(s) would enhance the recreational use and enjoyment of the majority of users.

Subp. 8. **Conduct of other activities on a body of water.** Controls formulated by a governmental unit which restricts other activities (such as swimming or scuba diving) shall conform to part 6110.3200.

Subp. 9. **Emergencies.** In situations of local emergency, temporary special controls may be enacted by a county, city, or town for a period not more than five days without the commissioner's approval. The commissioner shall be notified, however, as soon as practicable during this five-day period.

Subp. 10. **Additional evidence.** A government unit may submit additional evidence if it feels that variance from the afore-stated standards is necessary to best address a particular problem. The commissioner will review such evidence and shall grant a variance if there are circumstances peculiar to the body or bodies of water in question of such magnitude as to overshadow the goal of uniformity.

Statutory Authority: *MS s 361.25*

Published Electronically: *October 8, 2013*