

# Goodhue County Land Use Management

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TO: Goodhue County Board of Commissioners  
FROM: Lisa M. Hanni, LUM Director / County Surveyor / County Recorder  
DATE: August 11, 2022 County Board meeting  
RE: Water Surface Use Ordinance

## Summary:

Dakota County is working with the DNR, and Goodhue County to revise this Ordinance. The main change is to not allow watercraft between the buoys and the dam (upstream), and between the pedestrian bridge and the dam (downstream).

## Background:

The Water Surface Use Ordinance Regulating Lake Byllesby Reservoir was adopted by Goodhue County at a public hearing on May 6, 2003.

This public hearing is to allow comment on the proposed changes. Comments and the information about the hearing, including the statements of each person who testify, must be submitted to the DNR.

After the public hearing, we will coordinate with Dakota County and the DNR to adopt the ordinance and adopt an updated Joint Powers/Enforcement Agreement.

This public hearing was noticed in the Zumbrota News-Record on July 27, 2022.

## Recommendation:

We recommend the County Board of Commissioners adopt the report and public comment into the record and approve the changes to the Water Surface Use Ordinance.

**WATER SURFACE USE ORDINANCE  
REGULATING LAKE BYLLESBY RESERVOIR AND CANNON RIVER**

**STATE OF MINNESOTA  
COUNTY OF DAKOTA  
AND  
COUNTY OF GOODHUE**

**DAKOTA COUNTY ORDINANCE NO. 128**

**GOODHUE COUNTY ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REGULATING THE SURFACE USE OF LAKE BYLLESBY AND WATERS SURROUNDING BYLLESBY DAM**

WHEREAS, the waters of Lake Byllesby and the Cannon River are located within the boundaries of Dakota and Goodhue Counties; and

WHEREAS, the Counties, acting through their respective Boards of Commissioners, have entered into an agreement in accordance with the provisions of Minn. Stat. §\_471.59 for the purpose of adopting and enforcing an ordinance regulating the surface use of the waters of Lake Byllesby and the Cannon River pursuant to the provisions of Minn. Stat. §\_86B.205 to promote the health, safety and welfare of all persons using the lake as well as to protect the lands surrounding the lake from damage during high water conditions;

NOW, THEREFORE, after public hearing duly noticed, the Board of Commissioners of Goodhue County and Dakota County do hereby adopt the following Ordinance:

Section 1: PURPOSE, INTENT AND APPLICATION: As authorized by Minn. Stat. § 86B.205 and Minn. Rules 6110.3000-6110.3800 as now in effect and as hereafter amended, this Ordinance is enacted for the purpose and with the intent to control and regulate the use of the waters of Lake Byllesby and the Cannon River in Dakota -and Goodhue Counties, Minnesota, to promote its fullest use and enjoyment by the public in general and the citizens of Dakota and Goodhue Counties in particular, to insure safety for persons and property in connection with the use of said waters; to harmonize and integrate the varying

uses of said waters; and to promote the general health, safety and welfare of the citizens of Dakota and Goodhue Counties.

Section 2: DEFINITIONS: Terms used in this Ordinance related to boating and watercraft are defined in Minn. Stat. § 86B.005, which terms are incorporated into this Ordinance by reference as though fully set forth herein.

Section 3: SURFACE ZONING OF LAKE BYLLESBY BY RESTRICTING SPEEDS DURING CERTAIN CONDITIONS.

(a) It shall be unlawful to operate any watercraft on the surface of Lake Byllesby at speeds faster than “Slow - No Wake” when the lake level exceeds 858.2 feet above mean sea level as measured at the gauge located at the Byllesby Dam. No wake will remain in effect until the water elevation measured at the gauge at the dam reaches a level below 858.2 feet for three consecutive days.

(b) “Slow - No Wake” means the operation of a watercraft at the slowest possible speed necessary to maintain steerage, but in no case greater than five miles per hour.

(c) Speed restrictions shall be in effect when notices to that effect have been posted at the public accesses to Lake Byllesby. The no wake will remain in effect until the water elevation measured at the gauge at the dam reaches a level below 858.2 feet for at least three consecutive days. –In addition to posting notice at the public access points, a warning flag will be displayed at ~~the~~ Lake Byllesby Regional Park in ~~Goodhue-Dakota~~ County and Lake Byllesby Park in Goodhue County<sup>[BJ1]</sup>, and news releases will be distributed to the public media in the geographic area around the lake.

(d) “Slow - No Wake” speed restrictions shall remain in effect 24 hours per day until the posted notices have been removed from the public access points by the County Sheriff’s Office. When the posted notices are taken down, the warning flag will also be removed.

Section 4: SURFACE ZONING OF THE WATERS SURROUNDING LAKE BYLLESBY DAM BY RESTRICTING PUBLIC ACCESS.

(a) No person may access or operate a watercraft on the following waters, which are designated as a danger to people and watercraft:

1. The water between the Lake Byllesby Dam and the signs or buoys indicating danger to watercraft located on the west (upstream) side of Lake Byllesby Dam.
2. The water between the Department of Natural Resources pedestrian bridge and the Lake Byllesby Dam located on the east (downstream) side of the Lake Byllesby Dam.

(b) Areas where access and use of watercraft are prohibited shall be marked with such signs or buoys directing all watercraft and persons to keep out of this specific water area and shall bear a two-inch orange-colored band forming an upright diamond at least 14 inches in outside height, dissected vertically and horizontally by an orange-colored strip two inches wide. Signs may be located on the shoreline, on the bridge or other structures, or in the water.

Section 5: ENFORCEMENT: The primary responsibility for enforcement of this Ordinance shall rest with the Goodhue County Sheriff’s Office and the Dakota County Sheriff’s Office. This, however, shall not preclude enforcement by other licensed peace officers, Minnesota Department of Natural Resource Conservation Officers, and the Dakota County Park Rangers.

Section 6: EXEMPTIONS: All authorized ~~resource management~~County, emergency and law enforcement personnel, while acting in the performance of their assigned duties, are exempt from the foregoing restrictions.

Section 7: NOTIFICATION: It shall be the responsibility of both Dakota County and Goodhue County to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access as well as the placement of a warning flag.

Section 8: PENALTIES: Any person who shall violate Section 3(a) or Section 4(a) of this Ordinance shall be guilty of a misdemeanor.

Section 9: REMEDIES: No remedy set forth in this ordinance is intended to be exclusive, but each such remedy shall be cumulative and in addition to other remedies now or hereafter existing at law or in equity. No delay in the exercise of any remedy for violation of this ordinance shall later impair or waive any such right or power by the County.

Section 10: INTERPRETATION: In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Counties and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

Section 11: EFFECTIVE DATE: This Ordinance shall be in effect from and after the date of its passage and publication.

Passed by the Goodhue County Board of Commissioners on this \_\_\_\_\_ day of 2022.

Passed by the Dakota County Board of Commissioners on this \_\_\_\_\_ day of 2022.

Goodhue County

By: \_\_\_\_\_  
Chair of the County Board

By: \_\_\_\_\_  
Clerk to the Board

Dakota County

By: \_\_\_\_\_  
Chair of the County Board

By: \_\_\_\_\_  
Clerk to the Board