

**CLEAR LAKE TOWNSHIP  
SHERBURNE COUNTY  
STATE OF MINNESOTA**

**ORDINANCE NO. 2023-04-18**

**ORDINANCE REGULATING THE SURFACE USE OF ELK LAKE**

Be it ordained and enacted by the Town Board of Clear Lake Township, Sherburne County, State of Minnesota, as follows:

**Section 1: PURPOSE, INTENT AND APPLICATION:** As authorized by Minnesota Statutes 86B.201, 86B.205, and 459.20, and Minnesota 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 Elk Lake in Sherburne County, Minnesota, said bodies of water being located entirely within the boundaries of Clerk Lake and Palmer Townships, Sherburne County to promote its fullest use and enjoyment by the public in general and the citizens of Sherburne County in particular, to ensure 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 Sherburne County, Minnesota.

**Section 2: DEFINITIONS:** Terms used in this ordinance related to boating are defined in Minnesota Statutes § 86B.005. “Slow-No Wake” is defined by Minnesota Statute and Rule as the minimum speed necessary to operate a watercraft but no more than five (5) miles per hour (See Minn. Stat. 86B005.sub.16a or Minn. R. part 6110.3700 for exact definitions).

**Section 3: SLOW-NO WAKE:** Slow-no wake speed 24 hours per day shall be required on Elk Lake when any of the following conditions are met:

- A. When Elk Lake’s water elevation exceeds 962.2 feet elevation, datum: (NGVD1929), as determined from a benchmark established and maintained by the Clear Lake Town Board. The elevation of said benchmark is to be verified annually by the County Surveyor before high water events or as determined by the Board; or
- B. When the Minnesota Department of Natural Resources’ gauge monitoring Elk Lake is at or above the height as determined by said Department.

All public watercraft accesses on to Elk Lake shall be posted prior to and during the time restrictions are in place. In addition, notice of said restrictions shall be posted at the Clear Lake Town Hall. When high water levels have subsided and have remained below said elevations stated above for three (3) consecutive days, said restrictions shall be promptly removed.

**Section 4: ENFORCEMENT:** The Primary responsibility for enforcement of this ordinance shall rest with the Sherburne County Sheriff's Department. This, however, shall not preclude enforcement by other licensed peace officers.

**Section 5: EXEMPTIONS:** All authorized Resource Management, Emergency and Enforcement Personnel, while acting in the performance of their assigned duties are exempt from the foregoing restrictions.


**Section 6: NOTIFICATION:** It shall be the responsibility of Clear Lake Township to provide for adequate notification of the public, which shall include placement of a sign at each public watercraft access outlining essential elements of the Ordinance, as well as the placement of necessary buoys and signs.

**Section 7: PENALTIES:** Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor.

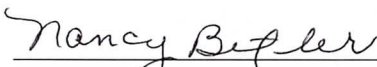
**Section 8: REPEALER.** All parts of Ordinances in so far as they are inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 9: EFFECTIVE DATE:** This Ordinance shall be in effect from and after the date of its passage and publication.

Passed and approved this 18<sup>th</sup> day of April 2023, by the Clear Lake Township Board of Supervisors.

  
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Lloyd Bud Stimmler, Chair

ATTEST:

  
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Nancy Betzler, Clerk