

CHAPTER 6110
DEPARTMENT OF NATURAL RESOURCES
WATER SAFETY; WATER SURFACE USE

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BOAT AND WATER SAFETY

6110.0100 APPLICATION FOR WATERCRAFT LICENSE.

Application for watercraft license shall be made to the commissioner of natural resources or authorized agents on a form the commissioner shall provide. The commissioner may specify the information required on the application, including that which may be required by federal regulation. A watercraft license number and certificate shall be issued by the commissioner upon receipt of the fee prescribed by law.

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

History: *15 SR 2430*

6110.0200 DISPLAY OF LICENSE CERTIFICATE.

No person shall operate or use a watercraft, except a nonmotorized canoe, kayak, sailboat, sailboard, paddle boat, or rowing shell required to be licensed unless the license certificate for such watercraft is on board and available for inspection by authorized enforcement officers. Owners of nonmotorized canoes, kayaks, sailboats, sailboards, paddle boats, or rowing shells shall produce the license certificate for such watercraft within a reasonable time upon request of authorized enforcement officers. The owner of rental watercraft may keep the license certificate available for inspection on the premises from which the watercraft is rented, provided that the owner's business is legibly printed on the rear half and on both sides of the watercraft in the same size and manner as required for the license number in part 6110.0300.

Statutory Authority: *MS s 361.25*

History: *7 SR 1121*

6110.0300 DISPLAY OF LICENSE NUMBER AND VALIDATION DECAL ON MOTORIZED WATERCRAFT.

The license number on all watercraft, except nonmotorized canoes, kayaks, sailboats, sailboards, paddle boats, and rowing shells shall be securely affixed on each side of the forward half of the watercraft for which it was issued in such a position as to provide clear and legible identification. The letters and numerals must be of a color that contrasts with the background and may be decals or metal or may be painted. The letters and numerals shall read from left to right and shall not be less than three inches in height, of block type, of a stroke not less than one-half inch or more than three-fourths inch in width, not including a border. The license number shall be maintained so that it is clearly visible and legible, and the letter groups must be separated from the numeral groups by a space of not less than three inches nor more than four inches. Adjacent letters and numerals within each group must be spaced not less than one-half inch nor more than three-fourths inch apart. A state validation decal for the current license period must be affixed toward the stern of the boat and not more than four inches from the first or last letter of the license number on each side of the boat.

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

History: *7 SR 1121; 15 SR 2430*

6110.0400 MARKING OF NONMOTORIZED CANOES, KAYAKS, PADDLE BOATS, AND ROWING SHELLS.

All nonmotorized canoes, kayaks, paddle boats, and rowing shells shall display decals furnished by the Department of Natural Resources for such watercraft. These decals shall be securely affixed on each side of the forward half of the watercraft for which the decal was issued, in such a position as to provide clear and legible identification.

Statutory Authority: *MS s 361.25*

History: *7 SR 1121*

6110.0500 MARKING OF NONMOTORIZED SAILBOATS AND SAILBOARDS.

All nonmotorized sailboats and sailboards shall display the decals furnished by the Department of Natural Resources for such watercraft. These decals shall be securely affixed on each side of the forward half of the watercraft for which it was issued, in such a position as to provide clear and legible identification. If it is impossible to display such decals on the forward half of such watercraft so as to provide clear and legible identification both decals must then be affixed to the stern of such watercraft.

Statutory Authority: *MS s 361.25*

6110.0600 EXPIRED VALIDATION DECAL.

All expired or otherwise invalid state validation decals shall be removed from the watercraft for which they were issued or completely covered by placement of the current decal so that only the current decal is visible.

Statutory Authority: *MS s 361.25*

6110.0700 OTHER INSIGNIA.

No person shall operate any watercraft, except a nonmotorized canoe, kayak, rowing shell, sailboard, paddle boat, or sailboat, which has any number, letter, design, or insignia displayed on either side thereof which is closer than 24 inches to any part of the watercraft license number or validation decal.

Statutory Authority: *MS s 361.25*

History: *7 SR 1121*

6110.0800 DEALER LICENSE NUMBERS.

The last two characters of all dealers' license numbers shall be the letters DD. No other license number shall include both such letters. Dealers' license numbers shall be

displayed in accordance with part 6110.0300, except that such numbers may be so affixed as to be readily detachable and must be attached to any watercraft owned by the dealer when such watercraft is being used for demonstration purposes or any other purpose incident to the usual and customary conduct of the business of manufacturing, selling, or trading of watercraft. A dealer may use as many detachable sets of numbers as is necessary in the conduct of the business.

Statutory Authority: *MS s 361.25*

History: *17 SR 1279*

6110.0900 STATE LICENSE NUMBERS.

The last two characters of all license numbers issued for watercraft owned by the state of Minnesota or a political subdivision thereof shall be the letters XX. No other license number shall include both such letters. Application for such licenses shall be made directly to the commissioner of natural resources.

Statutory Authority: *MS s 361.25*

6110.1000 ENFORCEMENT PENNANT.

The pennant required under Minnesota Statutes, section 86B.805, subdivision 2, shall be triangular in shape and of the following dimensions: four inches in depth at the staff and one foot in length. The pennant shall be of a blue background and bear a three-inch replica of the Minnesota state seal.

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

History: *15 SR 2430*

6110.1100 RENTAL OF WATERCRAFT.

Subpart 1. **Condition and equipment of rental watercraft.** Condition and equipment of rental watercraft:

A. No watercraft which is in a broken, rotten, or otherwise hazardous condition shall be rented or offered for rent. No watercraft shall be rented or offered for rent unless all oars, oarlocks, and paddles rented or made available for use with the watercraft, are free of cracks, splits, and breaks.

B. No watercraft shall be rented or offered for rent unless its rear transoms are strongly constructed and capable of standing the strains imposed by fully reversing the motors attached or to be attached.

C. No metal or fiberglass watercraft shall be rented or offered for rent unless it is equipped with air chambers or other buoyancy devices and is capable of sustaining complete buoyancy for capacity load in the event the craft is capsized.

D. No watercraft shall be rented or offered for rent unless it is free of spilled gasoline and oil.

E. No watercraft which has been rented shall be permitted to depart from the premises at which it was rented if it is loaded beyond its safe carrying capacity or powered beyond its safe power capacity.

F. No other number, letter, design, or insignia shall be displayed on either side of any such watercraft which is closer than 24 inches to any part of the watercraft license number or validation decal.

G. No watercraft shall be rented or offered for rent unless it is equipped with a pair of oars and oarlocks, or with a paddle, or with a pole, in serviceable condition.

H. The owner of a business which rents, leases, or hires out watercraft shall provide for each person on board the watercraft a lifesaving device required by law or these rules, as well as all other required safety equipment for each watercraft.

Subp. 2. **Persons to whom watercraft may be rented.** No watercraft shall be knowingly rented or offered for rent to any person who is under the influence of alcohol or a controlled substance.

Statutory Authority: *MS s 361.25*

6110.1200 NAVIGATION OF WATERCRAFT ON THE WATERS OF THE STATE; SAFETY EQUIPMENT.**Subpart 1. Rules of the road.** Rules of the road:

A. When watercraft are running in the same direction, the watercraft being overtaken has right-of-way and must hold course and speed. The watercraft which is astern shall pass only when there is sufficient distance so the maneuver can be done safely and only at such speed that its wash or wake will not endanger the watercraft being passed or its occupants. No person operating a watercraft shall abruptly change its course without first determining that it can be safely done without risk of collision.

B. When watercraft are approaching each other head on, or nearly so, each shall turn to the right a sufficient distance so that they will safely pass. When the course of an approaching craft is so far to the right as not to be considered as meeting head on, each shall maintain its course and pass clear.

C. When watercraft are crossing courses, or approaching each other obliquely or at right angles, so as to involve risk of collision, the craft which has the other on its own right shall yield right-of-way.

D. A nonmotorized watercraft has right-of-way over a motor-powered watercraft except when it is the overtaking watercraft. Motor-powered watercraft should always keep clear and pass astern of nonmotorized watercraft.

E. Small watercraft shall not insist on the right-of-way, nor unnecessarily impede the passage of large commercial vessels, which are restricted in their ability to maneuver by size, draft, or speed.

F. When watercraft are in a narrow channel, each shall keep as far to the right as may be safe or practical.

G. All watercraft shall yield the right-of-way to enforcement or other authorized emergency watercraft displaying a red or blue flashing light.

Subp. 2. Mode of operation of watercraft. Mode of operation:

A. No person shall operate a watercraft in such a manner that its wash or wake will endanger, harass, or unnecessarily interfere with any other person or property.

B. No person shall operate a watercraft in any manner as to intentionally obstruct or interfere with the takeoff, landing, or taxiing of any aircraft.

C. No person shall operate a watercraft within 150 feet of a diver's warning flag (described in Minnesota Statutes, section 86B.601).

D. No person shall operate a watercraft in the vicinity of a lock and dam on the Mississippi River from Upper St. Anthony Falls through Lock and Dam Number Eight in violation of the following:

(1) In the marked restricted area 600 feet upstream or 150 feet downstream of the dam, including auxiliary locks not in service.

(2) At greater than a slow-no wake speed in the lock or lock approach area. "Slow-no wake," means the operation of a watercraft at the slowest possible speed necessary to maintain steerage, and in no case greater than five miles per hour.

(3) Enforcement, emergency, resource management, and other government personnel or contractors are exempt from this part when performing official duties or authorized work.

E. The operator of any watercraft, when signaled to do so by a conservation officer, sheriff, or sheriff's deputy shall bring the watercraft to a stop or maneuver it in a manner which will allow the officer to come alongside.

Subp. 3. Personal flotation (lifesaving) devices. Flotation devices:

A. Every person on board a watercraft or duck boat shall wear or have readily accessible a U.S. Coast Guard approved Type I, II, or III personal flotation device. In addition to these devices, watercraft and duck boats 16 feet or more in length, except canoes and kayaks, must also carry at least one U.S. Coast Guard approved Type IV

personal flotation device. A U.S. Coast Guard approved Type IV personal flotation device may be carried in lieu of any personal flotation device required by this part, on nonmotorized watercraft operated by lifeguards within a marked swimming area, as defined in part 6110.1600.

B. A U.S. Coast Guard approved Type V personal flotation device may be carried in lieu of any personal flotation device required in this rule, if the Type V personal flotation device is approved:

- (1) for the activity in which the watercraft is being used; and
- (2) as a substitute for the type of personal flotation devices required to be on board the watercraft.

C. Persons being towed by a watercraft on water skis or other devices shall be considered to be on board the towing watercraft for the purpose of personal flotation device requirements. A U.S. Coast Guard approved Type I, II, or III personal flotation device must be either carried in the towing watercraft or worn by the person being towed.

D. All personal flotation devices required by this subpart shall be:

- (1) approved by the United States Coast Guard;
- (2) legibly marked with the approval number issued by the United States Coast Guard;
- (3) in serviceable condition free of tears, rot, punctures, or waterlogging, and with all straps and fasteners present and in good condition;
- (4) either readily accessible or worn with the following exceptions:
 - (a) those Type V devices which are required to be worn to be accepted as United States Coast Guard approved;
 - (b) those cases designated by statute where wearing a Coast Guard approved Type I, II, III or V personal flotation device is mandatory; and
 - (c) Type IV personal flotation devices must be immediately available.

“Readily accessible” means easily retrievable within a reasonable amount of time in an emergency. “Immediately available” means easily reached in time of emergency. Personal flotation devices located in locked containers, under heavy objects or left in shipping bags are not considered readily accessible or immediately available;

- (5) of the appropriate size for the intended wearer, if the device is designed to be worn.

Subp. 4. **Sound producing devices.** Sound producing devices:

A. All motorboats 16 feet or more in overall length shall carry a power-, hand-, or mouth-operated horn, or whistle capable of producing a sound for at least two seconds which is audible for at least one-half mile.

B. All motorboats 26 feet but less than 40 feet in overall length shall be equipped with a hand- or power-operated horn or whistle capable of producing a sound for at least two seconds which is audible for at least one mile.

C. All motorboats 40 feet or more in length shall be equipped with a power-operated horn or whistle capable of producing a sound for at least two seconds which is audible for at least one mile.

Subp. 5. **Fire extinguishers.** Fire extinguishers:

A. All motorboats less than 26 feet in length with construction permitting the entrapment of explosive or flammable gases or vapors must have at least one B-I type hand portable U.S. Coast Guard approved fire extinguisher fully charged and in serviceable condition on board and readily accessible.

B. All motorboats 26 feet to less than 40 feet in length must have at least two B-I U.S. Coast Guard approved hand portable fire extinguishers, or at least one B-II type U.S. Coast Guard approved hand portable fire extinguisher on board in serviceable condition, fully charged, and readily accessible.

C. All motorboats 40 feet to not more than 65 feet in length must have at least three B-I type U.S. Coast Guard approved fire extinguishers; or at least one B-I type plus one B-II type approved hand portable fire extinguisher on board. These fire extinguishers must be fully charged, in serviceable condition and readily accessible.

D. All motorboats over 65 feet in length must have at least three B-II type U.S. Coast Guard approved fire extinguishers on board. These fire extinguishers must be fully charged, in serviceable condition, and readily accessible.

E. When a motorboat is equipped with a U.S. Coast Guard approved fixed fire extinguishing system installed in the engine compartment, one less B-I extinguisher is required. The fixed system must be in serviceable condition and fully charged.

Subp. 6. Ventilation equipment. Ventilation equipment:

A. All motor-powered watercraft, except open watercraft, on which construction or decking-over is commenced after January 1, 1972, and which use fuel having a flash point of 110 degrees Fahrenheit or less, shall have at least two ventilator ducts, filled with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness so as to prevent displaced fumes from being recirculated.

B. As used in this section, the term "open watercraft" means those motor-powered watercraft with all engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from these compartments may flow, open to the atmosphere and so arranged as to prevent the entrapment of such gases and vapors within the watercraft.

C. Alterations necessary to make existing motor-powered watercraft comply with these requirements shall be accomplished as soon as practicable but in any case shall be completed by July 1, 1972.

Subp. 7. Lighting equipment. Lighting equipment:

A. All motorized watercraft must display the correct lights for their class from sunset to sunrise when underway or at anchor.

Red and green lights must be visible at a distance of one mile and white lights at a distance of two miles.

B. The following terms are defined for the purpose of these rules:

(1) "Aft" means to the rear of the midlength measured from end to end of the hull over the deck excluding sheer.

(2) "All-round light" means a white light visible in an unbroken horizontal arc of 360 degrees.

(3) "Combination light" means a single fixture showing green to starboard and red to port, visible in an unbroken horizontal arc from dead ahead to 22.5 degrees abaft the beam on its respective side.

(4) "Forward" means forward of the midlength measured from end to end of the hull over the deck excluding sheer.

(5) "Masthead light" means a white light visible in an unbroken horizontal arc of 225 degrees, placed at or near the centerline of the watercraft. The light must be visible from dead ahead to 22.5 degrees abaft the beam on both sides of the watercraft. On motorboats less than 40 feet in length, this light must be at least three feet higher than the red and green lights. On motorboats 40 feet or more in length, this light must be at least nine feet above the gunwale.

(6) "Side lights" means separate fixtures, the one on the starboard side showing green and the one on the port side showing red, visible in an unbroken horizontal arc from dead ahead to 22.5 degrees abaft the beam on its respective side.

(7) "At the stem and at the stern" means as nearly as practicable at the stem and at the stern, respectively.

(8) "Stern light" means a white light placed at the stern, visible in an unbroken horizontal arc of 135 degrees. The light must be visible from dead astern to 22.5 degrees abaft the beam on both sides of the watercraft.

(9) "Visible," when applied to lights, means visible on a dark night with clear atmosphere. The prescribed visibility means minimum visibility, and does not restrict greater distance of visibility, provided that the navigation lights are primarily intended for navigation purposes and will not be confused with other lights.

C. The lighting system on each watercraft must be chosen from either subitem (1) or (2):

(1) Motorboats less than 40 feet in length must display the following:

(a) a combination light or separate sidelights and an all-round light at the stern when underway and not anchored; and

(b) an all-round light when anchored.

(2) Motorboats of any length must display the following:

(a) a combination light or separate sidelights, a masthead light, and a stern light when underway and not anchored; and

(b) an all-round light when anchored.

D. All nonmotorized watercraft when under way or anchored, between sunset and sunrise, shall carry aboard but not necessarily fixed to any part of the watercraft a minimum of one lantern or flashlight capable of showing a white light visible all around the horizon at a distance of two miles or more. The light or lantern shall be displayed in sufficient time to avoid collision with another watercraft.

E. When a watercraft is moored to a buoy authorized by a permit issued under part 6110.1800 it shall not be required to display the anchor light required in items C and D.

Statutory Authority: *MS s 86B.211; 86B.501; 361.25*

History: *10 SR 2346; 15 SR 2430; 20 SR 759*

6110.1300 CAPACITY PLATE INFORMATION REQUIREMENTS FOR WATERCRAFT CONSTRUCTED FROM JANUARY 1, 1972 TO JULY 31, 1980.

For watercraft constructed from January 1, 1972 through July 31, 1980:

A. The manufacturer's capacity plate required by law shall contain the following information: safe maximum horsepower; maximum number of persons at 150 pounds per person; properly located maximum weight in pounds of persons, motor, and gear.

B. The formula for determining the maximum weight for watercraft manufactured for sale in Minnesota, 19 feet and under, except canoes, kayaks, and sailboats, shall be the recommended practices for watercraft load capacity Project H-5 (adopted) or Project H-5a (proposed) contained in the American Boat and Yacht Council Incorporated publication "Safety Standards for Small Craft 1971-72".

C. The formula for determining the maximum horsepower for watercraft manufactured for sale in Minnesota, 19 feet and under, shall be the "recommended Practices and Standards Covering Safe Powering of Small Craft" Project P-11 (proposed) contained in the American Boat and Yacht Council, Incorporated publication "Safety Standards for Small Craft 1971-72".

Statutory Authority: *MS s 361.25*

6110.1400 CAPACITY PLATE INFORMATION REQUIREMENTS FOR WATERCRAFT CONSTRUCTED ON OR AFTER AUGUST 1, 1980.

Subpart 1. **Information required.** The manufacturer's capacity plate required by law shall contain the following information:

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A. For outboard boats: maximum persons capacity in pounds or persons; maximum weight capacity (persons, motor, and gear) in pounds; maximum motor horsepower or maximum horsepower with and without remote steering.

B. For inboard, inboard/outdrive, and boats without mechanical propulsion: maximum persons capacity in pounds or persons; maximum weight capacity (persons and gear) in pounds.

Subp. 2. **Method to determine capacity information.** The method used for determining capacity information shall comply with the U.S. Coast Guard Safe Loading and Powering Standards as set forth in Code of Federal Regulations, title 33, part 183.

Subp. 3. **Definitions.** The terms "safe power capacity" and "safe carrying capacity" used in Minnesota Statutes, section 86B.311, subdivision 1, shall be that capacity displayed on the manufacturer's capacity plate. If no such plate exists, the method referred to in either part 6110.1300, items B and C, or 6110.1400, subpart 2 shall be used to determine the capacity.

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

History: *15 SR 2430*

6110.1500 WATERWAY MARKERS.

Subpart 1. **In general.** Except as hereinafter provided, or as otherwise provided by law, all waterway markers placed in or upon the waters of the state by public authority or under a permit issued by the sheriff of any county for the purposes hereinafter set forth shall have the form, size, lighting, reflectorization, and coloration prescribed therefor.

Subp. 2. **Channel marker buoys.** Channel marker buoys:

A. Every channel marker buoy shall have the external form of a cylinder having a circular transverse cross-section not less than nine inches in diameter. Channel markers must extend at least 36 inches above the water.

B. Where channel marker buoys are placed to indicate the location of a well defined boating channel, an all green buoy and an all red buoy shall be placed in opposition to each other to indicate the course of the channel is located between them. The red buoy or marker shall be situated on the right side of the channel when heading towards shore, or when heading upstream. A green flashing light shall be used in conjunction with a green buoy if it is to be lighted. When reflectorization is used with a green buoy, it shall be green in color and no less than a three-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be odd. A red flashing light shall be used in conjunction with a red buoy if it is to be lighted. When reflectorization is used with a red buoy, it shall be red in color and no less than a three-inch wide strip shall completely surround the buoy and shall be located at the top of the buoy. Number designations shall be even.

Subp. 3. **Other navigational buoys.** A buoy indicating that a watercraft should not pass between it and the nearest shore shall have a circular transverse cross-section measuring not less than nine inches in diameter and shall extend at least 36 inches above the surface of the water. Each such buoy shall be marked with alternating vertical red and white stripes. White reflectorization may be used on a minimum of the upper four inches of the white vertical stripe. Red reflectorization may be used on a minimum of the upper four inches of the red vertical stripes. A white quick-flashing light shall be used if the buoy is lighted.

Subp. 4. **Mooring buoys.** Every buoy placed in the waters of the state for use in anchoring or mooring watercraft may be of any practicable size or shape, but must have at least eight inches extending above the waterline. No anchoring buoy may have a diameter of over 24 inches circular or a width of more than 24 inches if some other shape. No mooring or anchor buoy may be placed in any public water if it obstructs access to any public or private property or creates a navigational hazard. No mooring or anchor buoy may be placed in or upon the water of the state except by public authority or under a permit issued by the sheriff of the county. Every such buoy shall

be colored white and shall be encircled by a visible blue band at least one inch wide. Mooring buoys must have a minimum total of 16 square inches of white reflectorization, part of which must be visible from any direction. Mooring buoys, if lighted, shall show a flashing white light.

Subp. 5. Regulatory and information signs and buoys. Regulatory and information signs and buoys:

A. No regulatory or informational signs or buoys may be placed in or upon the waters of this state, except by public authority or under a permit issued by the sheriff of the county. All such signs and buoys shall be colored white except as hereinafter provided.

When a buoy is used as a regulatory or informational marker (except in private swimming areas), it shall have two orange-colored horizontal bands completely around the buoy's circumference, one such band at the top, and the other just above the waterline. The appropriate geometric shape(s) indicating the buoy's purpose and any lettering or numerals shall be placed between these horizontal bands. The buoy itself shall have a circular transverse cross section of at least nine inches and shall extend at least 36 inches above the surface of the water.

B. Every sign or buoy giving information for the convenience of watercraft operators shall bear a two-inch wide orange-colored band forming an upright rectangle measuring at least 14 inches in height outside dimensions.

C. Signs or buoys indicating danger to watercraft shall bear an orange-colored band of two-inch width forming an upright diamond at least 14 inches in outside height, and such signs shall bear a printed statement of the source of danger.

D. Signs or buoys indicating controlled water areas in which boating, fishing, water-skiing, skin diving, or other water activities are restricted, limited, or otherwise subjected to special rules or regulations shall bear a two-inch wide band forming a circle at least 12 inches in outside diameter. The limitation, restriction, prohibition, or regulation effective within a controlled area shall be printed inside of the orange-colored circle when possible.

Signs or buoys designating state game refuges, wildlife management areas, or spawning areas shall not be subject to the provisions of this order.

E. Signs or buoys directing all watercraft to keep out of a specific water area 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 or buoys designating state game refuges, wildlife management areas, or spawning areas shall not be subject to the provisions of this order.

F. Signs indicating winter ice dangers to persons, motor vehicles, snowmobiles, all-terrain vehicles, ice boats, or any other conveyance used to transport persons over the ice on public waters of the state shall bear a two-inch wide orange-colored band forming an upright diamond at least 14 inches in outside height and such signs shall bear a printed statement of the source of danger.

Where used, except for the marking of aeration systems operating under a permit from the commissioner of natural resources, these signs shall completely line the perimeter of the ice hazard at intervals not exceeding 75 feet and shall be at least 48 inches above the ice. When a permit is issued for an aeration system, the commissioner shall specify the marking requirements for each system as a part of the permit.

G. No person shall operate any motor vehicle, snowmobile, all-terrain vehicle, ice boat, or any other conveyance used to transport persons over the ice on public waters of the state within 150 feet of a diver's warning flag described in Minnesota Statutes, section 86B.601.

H. Written material on any waterway marker sign or buoy shall be printed with black letters at least two inches in height, on a white background.

I. Every waterway marker driven into the bottom of a lake or stream, or attached to a post so driven, shall extend at least 30 inches above the surface of the water. The surface of the water shall be considered to be the normal high watermark during the local boating season.

J. Any sign may be reflectorized or fluorescent provided that the entire displayed surface is uniformly reflectorized or fluorescent.

K. The reflectorized material required by all sections of these rules shall retain 80 percent of its dry weather reflective signal strength when submerged in water.

L. Whenever an emergency situation requires that immediate warning be given of any hazardous condition on any waters of the state, any available object or apparatus may be utilized as a temporary waterway marker to give such warning until the emergency ceases to exist or until a marker complying with these regulations can be substituted therefor.

Subp. 6. [Repealed, 15 SR 2430]

Subp. 7. **Milfoil areas.** Buoys or signs indicating an area that is infested with Eurasian water milfoil may be marked using a solid yellow sign or buoy. If a buoy is used, it shall be no less than four inches in diameter and extend at least 30 inches above the surface of the water. The words "Milfoil" or "Milfoil Area" must appear on opposing sides of the buoy in at least two-inch high black letters. If a sign is used, it shall be no more than 12 inches in width or more than 18 inches in height and extend at least 30 inches above the surface of the water at normal high water level. The words "Milfoil" or "Milfoil Area" must appear on the sign in at least two-inch high black letters.

Subp. 8. **Exceptions.** Whenever an emergency situation requires that immediate warning be given of a hazardous condition, any appropriate marker may be used until such time as the emergency ceases to exist or until a marker complying with these rules can be obtained. In addition, the commissioner or designee may exempt specific types of waterway markers or buoys from the dimensional requirements of this part where safety would not be adversely affected and may also designate buoys or markers for purposes not previously set forth in this part.

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

History: *10 SR 2346; 15 SR 2430*

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 organiza-

tions, 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*

6110.1700 WATER SKIERS; LENGTH OF SKI TOW ROPES.

No person being towed on water skis, aquaplane, saucer, or other device shall be towed with a rope, wire, cable, or other towing device extending more than 150 feet from the towing watercraft without obtaining a permit from the local sheriff.

Statutory Authority: *MS s 361.25*

6110.1800 PLACEMENT OF TEMPORARY STRUCTURES AND BUOYS IN THE WATERS OF THE STATE.

Subpart 1. **In general.** No person shall leave any temporary structure not extending from shore, or any buoy or sign in the waters of this state between the hours of sunset and sunrise without first obtaining a permit in writing therefor from the sheriff of the county. Mooring buoys must be placed as provided in part 6110.1500, subpart 4. Swimming area markers must be placed as provided in part 6110.1600.

Subp. 2. **Permit for temporary structure or buoy.** The sheriff of any county may issue a permit for the placement of any such structure or buoy whenever, in the sheriff's opinion, the structure or buoy will not constitute an undue hazard to or illegal obstruction of navigation.

Each structure or navigational buoy placed pursuant to such permit shall have the permit number painted on it and shall have attached either a light visible in all directions, or sufficient reflectorized material so as to reflect light from all directions, which material shall retain 80 percent of its dry weather reflective signal strength when submerged in water.

Nothing in this part shall be construed to affect the provisions of Minnesota Statutes, section 103G.245, or the requirements for permits from the commissioner of natural resources thereunder, nor shall this part be construed to affect the construction of blinds built according to Minnesota Statutes, sections 97B.805 and 97B.811.

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

History: *15 SR 2430*

6110.1900 REPORTS.

Subpart 1. **Accident reports.** Each county sheriff shall report to the commissioner of natural resources:

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A. each watercraft accident involving either a fatality, personal injury requiring treatment beyond first aid, or property damage that totals more than \$500; and
B. all drownings.

Reports shall be submitted on forms provided by the commissioner and forwarded within ten days of the accident.

Subp. 2. **Other reports.** Each county sheriff shall maintain copies of watercraft citations or written warnings and rental boat inspection reports for a minimum of three years following the year in which they were issued or completed.

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

History: *10 SR 2346; 15 SR 2430*

6110.2000 BOAT AND WATER FUNDS.

Subpart 1. **Separate accounts.** Each county shall maintain a separate account wherein allocations to the county are deposited and from which disbursed.

Subp. 2. **Audits.** Such accounts shall be subject to audit by the Department of Natural Resources.

Subp. 3. **Expenditures.** Such funds shall be used only for direct expenses in connection with enforcement of the Boat and Water Safety Act.

Statutory Authority: *MS s 361.25*

6110.2100 REIMBURSEMENT OF COUNTY SHERIFFS FOR SEARCH AND RESCUE OPERATIONS.

Payments for annual appropriations for search and rescue operations shall be made pursuant to the provisions hereof in order of presentation until expended.

A search and rescue operation resulting from or related to water-related recreational activities will qualify for reimbursement if the incident necessitating the operation is of an unusual and nonrecurring nature. Reimbursable items of expense are those which are over and above the sheriff's regular operating budget, and include rental of private equipment and employment of personnel hired expressly for the search and rescue operation.

Payment by the state is limited to 50 percent of the reimbursable items of expense, subject to maximum state payment of \$2,500 for each search and rescue operation.

A sheriff claiming reimbursement shall submit in duplicate an itemized invoice, verified by the county auditor, together with a statement showing that the operation qualified for reimbursement, to the Department of Natural Resources. All claims will be subject to audit by the state.

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

History: *15 SR 2430*

6110.2200 PENALTIES.

Any person who shall violate any of the provisions of parts 6110.0100 to 6110.2300 shall be guilty of a misdemeanor.

Statutory Authority: *MS s 361.25*

6110.2300 PREVIOUS ORDERS SUPERSEDED.

Parts 6110.0100 to 6110.2300 supersede all previous orders of the commissioner of natural resources relating to boat and water safety.

Statutory Authority: *MS s 361.25*

WATER SURFACE USE MANAGEMENT

6110.3000 POLICY.

It is the policy of this state to promote full use and enjoyment of waters of the state, to promote safety for persons and property in connection with such use, and to promote uniformity of laws relating to such use.

Statutory Authority: *MS s 361.25*

6110.3100 SCOPE.

As part of implementing that policy, Minnesota Statutes, sections 86B.205, subdivisions 2 to 5; 103G.605; 103G.621; and 459.20 authorize counties, cities, and towns to regulate by ordinance the use of surface waters by watercraft, upon approval of any such ordinance by the commissioner. Minnesota Statutes, section 86B.205, subdivision 9, paragraph (a), authorizes the commissioner to regulate such use by rule, upon request of a county, city, or town, and after the rule is approved by the majority of the counties affected. Parts 6110.3000 to 6110.4200, however, shall not apply to units of government other than counties, cities, and towns, or to counties, cities, or towns adopting ordinances identical to and on the same body of water as a lake conservation district ordinance.

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

6110.3200 GOAL OF WATER SURFACE USE MANAGEMENT.

The goal of water surface use management shall be to enhance the recreational use, safety, and enjoyment of the water surface of Minnesota and to preserve these water resources in a way that reflects the state's paramount concern for the protection of its natural resources. In pursuit of that goal, an ordinance or rule shall:

- A. where practical and feasible, accommodate all compatible recreational uses;
- B. minimize adverse impact on natural resources;
- C. minimize conflicts between users in a way that provides for maximum use, safety, and enjoyment; and
- D. conform to the standards set in part 6110.3700.

Statutory Authority: *MS s 361.25*

6110.3300 STATUTORY AUTHORITY.

Parts 6110.3000 to 6110.4200 are required by Minnesota Statutes, section 86B.211. They provide procedures for the development and approval of rules and ordinances for resolving water surface use conflict by regulating:

- A. type and size of watercraft;
- B. type and horsepower of motors;
- C. speed of watercraft;
- D. time of use;
- E. area of use; and
- F. the conduct of other activities on the water body where necessary to secure the safety of the public and the most general public use.

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

6110.3400 JURISDICTION OF COMMISSIONER.

The commissioner shall exercise the commissioner's discretion under Minnesota Statutes, section 86B.205, subdivision 9 to regulate a water body when so requested by a county, city, or town only when the water body:

- A. is traversed by a state or international boundary; or
- B. is within the jurisdiction of two or more counties which cannot agree on the content of ordinances; and
- C. regulation is necessary to achieve the goals in part 6110.3200.

In all other cases, water surface use regulation shall be by county, city, or town ordinance as specified in Minnesota Statutes, sections 86B.205, subdivisions 2 to 5; 103G.605; 103G.621; and 459.20. If a body of water is located within the jurisdiction of

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two or more cities or towns which cannot agree on the content of ordinances, any such city or town may petition the county in which they are located to adopt an ordinance.

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

History: *17 SR 1279*

6110.3500 EXISTING ORDINANCES AND RULES.

All existing ordinances and rules adopted on or after January 1, 1975 affecting water surface use shall be brought into compliance with parts 6110.3000 to 6110.4200 within a reasonable time period after promulgation of these parts.

Statutory Authority: *MS s 361.25*

6110.3600 ASSESSMENT OF CONDITIONS.

Subpart 1. **Factors to consider.** The commissioner of any governmental unit formulating, amending, or deleting controls for surface waters shall acquire and consider the following information, noting factors that are not relevant:

A. Physical characteristics:

(1) size: normal surface acreage, if available, or the basin acreage listed in the Division of Waters Bulletin No. 25, An Inventory of Minnesota Lakes;

(2) crowding potential: expressed as a ratio of water surface area to length of shoreline;

(3) bottom topography and water depth;

(4) shore soils and bottom sediments;

(5) aquatic flora and fauna;

(6) water circulation: for lakes, the existence and locations of strong currents, inlets, and large water level fluctuations; for rivers and streams, velocity and water level fluctuations;

(7) natural and artificial obstructions or hazards to navigation, including but not limited to points, bars, rocks, stumps, weed beds, docks, piers, dams, diving platforms, and buoys; and

(8) regional relationship: the locations and the level of recreational use of other water bodies in the area.

B. Existing development:

(1) Private: to include number, location, and occupancy characteristics of permanent homes, seasonal homes, apartments, planned unit developments, resorts, marinas, campgrounds, and other residential, commercial, and industrial uses.

(2) Public: to include type, location, size, facilities, and parking capacity of parks, beaches, and watercraft launching facilities.

C. Ownership of shoreland: to include the location and managing governmental unit of shoreline in federal, state, county, or city ownership as well as private, semipublic, or corporate lands.

D. Public regulations and management: to include federal, state, or local regulations and management plans and activities having direct effects on watercraft use of surface waters.

E. History of accidents which have occurred on the surface waters.

F. Watercraft use: to include information obtained in the morning, afternoon, and evening on at least one weekday and one weekend day, concerning the number and types of watercraft in each of the following categories: kept or used by riparians, rented by or gaining access through resorts or marinas, using each public watercraft launching facility, in use on the waterbody.

G. Conflict perception and control preferences: to include opinions gained by surveys or through public meetings or hearings of riparians, transients, local residents, and the public at large.

Subp. 2. **Written statement.** Any governmental unit formulating, amending, or deleting controls for surface waters shall submit to the commissioner the following:

A. the information requested in subpart 1, portrayed on a map to the extent reasonable;

B. a statement evaluating whether the information reveals significant conflicts and explaining why the particular controls proposed were selected;

C. the proposed ordinance; and

D. a description of public hearings held concerning the proposed controls, including an account of the statement of each person testifying.

Subp. 3. **Commissioner review and approval.** The commissioner shall require the ordinance proposer to provide additional information of the kind described in subpart 1 when needed in order to make an informed decision. The commissioner shall approve the ordinance if it conforms with these rules.

Statutory Authority: *MS s 361.25*

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.

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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*

6110.3800 ADMINISTRATIVE PROVISIONS.

Subpart 1. Enforcement and penalties. Any government unit adopting ordinances pursuant to Minnesota Statutes, sections 86B.205, subdivisions 2 to 5; 103G.605; 103G.621; and 459.20 shall provide for their enforcement and prescribe penalties for noncompliance. Rules established pursuant to Minnesota Statutes, section 86B.201, subdivisions 1 and 2, or 86B.205, subdivisions 1 and 9, shall be enforced by conservation officers of the Department of Natural Resources and the sheriff of each county.

Rules or ordinances shall contain a provision exempting authorized resource management, emergency, and enforcement personnel when acting in the performance of their assigned duties. They may also provide for temporary exemptions from controls through the use of permits issued by the unit of government adopting the ordinance or rule.

Subp. 2. Commissioner's approval for proposed ordinances. Any governmental unit formulating ordinances or desiring amendments and deletions to existing ordinances shall submit the written statement required by these rules with the proposed ordinance to the commissioner pursuant to Minnesota Statutes, section 86B.205, subdivisions 2 to 5, for approval or disapproval. Determination of approval or disapproval shall be based upon the written statement and the compatibility of the ordinance with these rules. If the proposed ordinance is disapproved by the commissioner and a satisfactory compromise cannot be established, the governmental unit may initiate a contested case hearing to settle the matter.

The commissioner shall notify the governmental unit in writing of approval or disapproval of proposed ordinances within 120 days after receiving them pursuant to Minnesota Statutes, section 86B.205, subdivisions 2 to 5. Failure to so notify shall be considered approval.

Subp. 3. Public notice. Any governmental unit adopting ordinances shall provide for adequate notification of the public, which shall include placement of a sign at each public watercraft launching facility outlining essential elements of such ordinances, as well as the placement of necessary buoys and signs. All such signs and buoys shall meet requirements specified in Minnesota Statutes, chapter 86B, and parts 6110.1500 to 6110.1900.

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The commissioner shall publish and update at the commissioner's discretion a listing of watercraft use rules and ordinances on surface waters of the state for distribution to the public.

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

History: *17 SR 1279*

6110.4000 WATERCRAFT OPERATION ON SQUARE LAKE, WASHINGTON COUNTY.

Subpart 1. **Scope.** This part shall apply to the waters of Square Lake (82-46) T. 31 N., R. 20 W., S. 23 & 26, in Washington County, Minnesota.

Subp. 2. **Restricted speed zone.** There shall be a restricted speed zone between the shoreline and a line approximately following the 40 foot depth contour which shall be clearly marked by the placement of informational buoys, as shown on the map in subpart 5.

No motorized watercraft shall at any time be operated at a speed in excess of five miles per hour in the restricted speed zone.

Subp. 3. **Open speed zone.** There shall be an open speed zone which shall consist of all that portion of the lake surface not included in the restricted speed zone defined in subpart 2 as shown on the attached map.

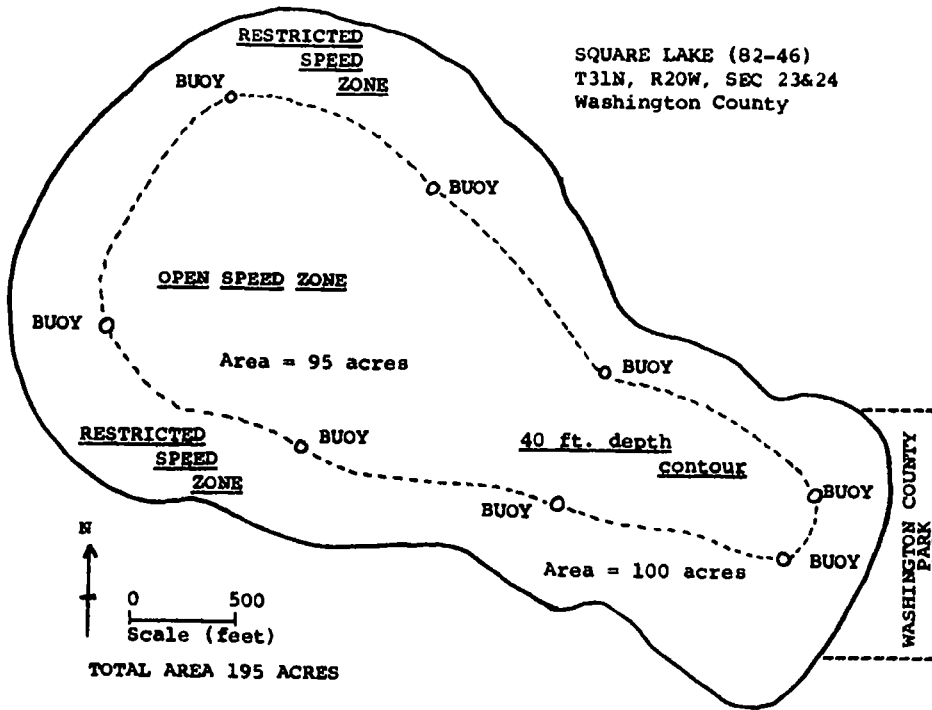
Within the open speed zone, there shall be no speed limit on motorized watercraft during the open speed periods set forth below, but during such periods, all motorized watercraft shall travel in a counterclockwise direction around the lake.

Within the open speed zone, no motorized watercraft shall be operated at a speed in excess of five miles per hour during times other than the open speed periods set forth below.

The open speed periods, during which there is no restriction on the speed of motorized watercraft operating in the open speed zone, are as follows: Monday through Friday, 12:00 noon to 6:00 p.m.; Saturday, Sunday, and holidays, 12:00 noon to 4:00 p.m.

Subp. 4. **Penalties.** Any person who shall violate any of the provisions of these regulations shall be guilty of a misdemeanor and be punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or both.

Subp. 5. Map of Square Lake.



Statutory Authority: *MS s 361.26*

6110.4100 WATERCRAFT OPERATION ON TANNERS LAKE, WASHINGTON COUNTY.

Subpart 1. **Scope.** This part shall apply to the waters of Tanners Lake (82-115) T. 29 N., R. 21 W., S. 31., in Washington County, Minnesota.

Subp. 2. **Speed restriction.** No motorized watercraft shall at any time be operated at a speed in excess of ten miles per hour on the waters of this lake.

Subp. 3. **Penalties.** Any person who shall violate any of the provisions of this part shall be guilty of a misdemeanor and be punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or both.

Statutory Authority: *MS s 361.26 subd 2*

6110.4200 WATERCRAFT OPERATION ON BROWN LAKE, MILLE LACS COUNTY.

Subpart 1. **Scope.** This part shall apply to the waters of Brown Lake (48-15) T. 43 N., R. 27 W., S. 7., in Mille Lacs County, Minnesota.

Subp. 2. **Motorized watercraft restriction.** No watercraft propelled in any respect by machinery, except those watercraft temporarily equipped with a detachable electric motor of less than one-half horsepower rating, shall at any time be operated on the waters of this lake.

Subp. 3. **Penalties.** Any person who shall violate any of the provisions of this part shall be guilty of a misdemeanor and be punished by a fine of not more than \$300, or by imprisonment for not more than 90 days, or both.

Statutory Authority: *MS s 361.26 subd 2*