

CHAPTER 378

BODIES OF WATER

| | | | |
|--------|---|--------|---|
| 378.01 | Naming lakes, rivers, streams, and bodies of water; petition. | 378.34 | Tax levies. |
| 378.02 | Hearings by county board. | 378.35 | Appropriations; grants. |
| 378.03 | Notices of hearings. | 378.41 | Establishment of lake improvement districts. |
| 378.04 | Hearings; procedure; waters in more than one county. | 378.42 | Creation by county board. |
| 378.05 | Names not to be duplicated. | 378.43 | Petition for creation. |
| 378.06 | Petitioners to give bonds. | 378.44 | Joint action. |
| 378.08 | Land acquired, access to navigable waters; park and playground. | 378.45 | Creation by commissioner of natural resources. |
| 378.09 | Fish screens. | 378.46 | Publication and effective date. |
| 378.20 | Bathing beaches. | 378.47 | Referendum. |
| 378.21 | Guarding ice-cutting. | 378.51 | Board of directors. |
| 378.22 | Water aeration safety. | 378.52 | Financing. |
| 378.31 | Water and related land resources management. | 378.53 | Voting. |
| 378.32 | Water surface use regulation. | 378.54 | Enforcement of ordinances. |
| 378.33 | Advisory assistance. | 378.55 | Expansion of the boundaries of a lake improvement district. |
| | | 378.56 | Termination. |
| | | 378.57 | Annual meeting of district. |

378.01 NAMING LAKES, RIVERS, STREAMS, AND BODIES OF WATER; PETITION.

When it is desired to change the name of, or give a name to, any unnamed lake, river, stream, or body of water located within the boundaries of this state, the commissioner of natural resources, or any 15 or more legal voters residing within the county where all or any part of such body of water is located, may petition the county board of the county wherein the petitioners reside, or in which the body of water is located, to change the name of, or to give a name to, any previously unnamed lake, river, stream, or other body of water, however designated. The petitioners shall describe, in their petition with reasonable correctness, the location of any such lake, river, stream, or other body of water; the name, if any, by which it may then be known, or if without any name, such fact shall be stated; the name or names which the petitioners desire given to the body of water; and the reason for such change of name or for giving the designated name to any previously unnamed body of water. The petitioners shall set out after each of their names, as signed to the petition, their place of residence. No name of any lake, river, stream, or other body of water, which name has existed for 40 years, shall be changed under the provision of sections 378.01 to 378.06.

History: 1925 c 157 s 1; 1937 c 35 s 1; 1971 c 25 s 23 (751-2)

378.02 HEARINGS BY COUNTY BOARD.

On the filing of such petition with the auditor of the county wherein the petitioners reside, or in which the body of water is located, and presenting therewith the necessary copies thereof hereafter required, such auditor shall present the petition to the county board of the county, which board shall by order fix the day and place of hearing on the petition to be held more than 30 days thereafter, of which hearing at least three weeks' published notice shall be given in the newspaper designated by the county board as the official newspaper for the county; provided that the hearing may be held at any convenient place within the county, as shall be determined by the board. On the day fixed for the hearing any legal voters in the county, or any municipality, may appear, by attorney or in person, and file an answer to the petition, setting out in plain concise language why the prayer of the petitioners should not be granted in whole or in part, and, may in the answer pray the county board to give another or different name to the lake, river, stream, or other body of water than the one prayed for in the original petition. The petitioners may include in the petition any number of lakes, rivers,

streams, or other bodies of water, the names of which they may petition to have changed, or any number of previously unnamed lakes, rivers, streams, or other bodies of water which they may desire to have given a name by the board in the proceedings, and the same procedure shall be had on the petition in such event as though only one lake, river, stream, or other body of water be described in the petition.

History: 1925 c 157 s 2; 1937 c 35 s 1 (751-3)

378.03 NOTICES OF HEARINGS.

Notice of the time and place of hearing on any such petition shall also be served on the commissioner of natural resources and personally on the chairman of the town board of any town, on the president of any statutory city board of trustees, and on the mayor of any city within or adjoining limits of which political subdivision any such lake, river, stream, or other body of water involved in the hearing may be located and it shall be the duty of such official on whom the notice of hearing shall be served, to present such notice to the board or council who shall take such action thereon as they shall deem to be for the public interest.

History: 1925 c 157 s 3; 1937 c 35 s 1; 1971 c 25 s 24; 1973 c 123 art 5 s 7 (751-4)

378.04 HEARINGS; PROCEDURE; WATERS IN MORE THAN ONE COUNTY.

At the time fixed by the notice of hearing on the petition, or at any time to which the hearing may be adjourned by the county board, the board shall hear all parties desiring to be heard thereon and shall make an order, by resolution, fixing and determining the name which any lake, river, stream, or other body of water described in the petition shall have and bear, and the name so fixed by the board shall be the name of such lake, river, stream, or other body of water and such designation shall thereafter be used and followed as its legal name. If any petition so filed shall describe a lake, river, stream, or other body of water located within the boundaries of more than one county, then the county boards of the several counties affected shall act jointly and as one body, a majority of such joint body being sufficient to determine upon a name: the county auditor with whom such a petition shall be filed shall forward by mail a certified copy of the same to the auditor of each of the counties so affected, who shall present same to the respective county boards, and the notice of hearing thereon determined upon by the joint body shall be published in each such county as provided in section 378.02. The auditor of the county in which the petition was filed shall make and file certified copies of the resolution so adopted in the office of the county recorder of each county affected at the expense of the petitioners.

History: 1925 c 157 s 4; 1976 c 181 s 2 (751-5)

378.05 NAMES NOT TO BE DUPLICATED.

In choosing and fixing the name of any river, lake, stream, or other body of water, the county board or boards shall, as far as possible, not duplicate names of existing lakes, rivers, streams, or other bodies of water, and shall select and approve such names therefor, as shall in their judgment be for the permanent good and best interests of the county or counties affected. To that end, the auditor of the county wherein a petition shall be filed shall cause a copy thereof, together with a copy of the notice of hearing thereon, to be forwarded by mail to the director of waters, soils and minerals, who shall compare the names suggested in the petition with the names of other lakes, rivers, streams, or bodies of water within the state and report back to the auditor before the date of the hearing, his findings and recommendations.

History: 1925 c 157 s 5; 1967 c 905 s 5 (751-6)

378.06 PETITIONERS TO GIVE BONDS.

Before any such petition shall be acted upon or the notice of hearing given, the petitioners shall give a bond to be approved by the county attorney of the county wherein the petition has been filed, conditioned upon the full payment of all reasonable expenses which the county or counties shall incur in such proceeding; provided, that the commissioner of natural resources shall not be required to give bond hereunder.

History: 1925 c 157 s 6; 1937 c 35 s 1; 1971 c 25 s 25 (751-7)

378.07 [Repealed, 1947 c 123 s 7]

378.08 LAND ACQUIRED, ACCESS TO NAVIGABLE WATERS; PARK AND PLAYGROUND.

The county board of any county may acquire by purchase, gift, or devise, land contiguous to the meander line of any navigable lake or stream wholly or partly within such county but not entirely within the corporate limits of any city, and not exceeding ten acres in area, for public access to such lake or stream, and may improve, equip, and maintain the same as a park and playground.

History: 1925 c 254; 1973 c 123 art 5 s 7 (751-1)

378.09 FISH SCREENS.

When the whole or major part of any navigable lake which has been stocked with fish by the United States government is situated in a single county, the county board thereof, in order to maintain such fish therein and prevent their escape therefrom, may erect and maintain, at the inlets and outlets thereof, screens necessary for such purpose, and such county board shall have power to appropriate from the county treasury all necessary moneys for the erection and maintenance of such screens; when such lake is situated in two or more counties, the county boards thereof may jointly provide for the erection and maintenance of such screens, the expense thereof to be borne equally between such counties, and such county boards shall have power to appropriate from the county treasury of their respective counties all necessary moneys for such purpose.

History: 1913 c 87 s 1 (752)

378.10 [Local, Hennepin county]

378.11 [Local, Hennepin county]

378.12 [Local, Hennepin county]

378.13 [Local, Hennepin county]

NOTE: Sections 378.10 to 378.13 are not applicable to Ramsey county. See Laws 1974, Chapter 435, Article 7, Section 1.

378.14 [Repealed, 1965 c 45 s 73]

378.15 [Repealed, 1965 c 45 s 73]

378.16 [Repealed, 1965 c 45 s 73]

378.17 [Repealed, 1965 c 45 s 73]

378.18 [Repealed, 1961 c 561 s 17]

378.19 [Repealed, 1961 c 561 s 17]

378.20 BATHING BEACHES.

Subdivision 1. **Bathing beach.** A public bathing beach, as the term is used in this section, shall be taken to mean any public land, road or highway adjoining public waters, which have been or may be used for bathing or swimming, or any privately owned place which the public is permitted to frequent or use for bathing.

Subd. 2. **Hennepin county, unlawful to bathe at public beaches at certain times.** In all counties which now have or shall hereafter have a population of 450,000 or more, it shall be unlawful for any person to frequent a public bathing beach or public waters upon which the same immediately borders for the purpose of swimming or bathing, or congregating with others, or to swim or bathe or congregate thereat, between the hours of 10:30 p.m. and 5:00 a.m. of the day following.

Subd. 3. **Hennepin county, regulatory ordinances.** The governing bodies or boards of all counties having a population of more than 450,000, and all cities and towns situated within such counties, shall have authority, by ordinance, resolution, or bylaw, to regulate the use of public bathing beaches and public waters immediately bordering thereon for the purpose of bathing or swimming or congregating with the others thereat, within their respective territorial limits, not inconsistent herewith.

Subd. 4. **May close beaches.** If any such body or board shall reasonably determine that the safety, health, morals, or general welfare of the public shall so require, it may, by ordinance, resolution, or bylaw, provide that any such public bathing beach shall be closed to bathing, swimming, and congregating after the hour of 9:00 p.m., or after any time between 9:00 a.m. and 10:30 p.m. of any day.

Subd. 5. **Not restrictive.** Nothing in this section shall limit or abrogate any of the existing powers of any body or governing board of any county, city, or town.

Subd. 6. **Penalty.** Any person violating any of the provisions hereof shall be guilty of a misdemeanor.

History: 1933 c 364 s 1-5,7; 1973 c 123 art 5 s 7 (10278-3, 10278-4, 10278-5, 10278-6, 10278-7, 10278-9)

378.21 GUARDING ICE-CUTTING.

Every person cutting ice in or upon any waters wholly or partly in the state, for the purpose of removing the ice, at or before the time of commencing such cutting, shall surround the cuttings and openings with fences or guards sufficient to warn all persons of the same, and shall maintain such fence or guard until the ice has again formed in such openings to the thickness of at least six inches. Every such person who shall fail to comply with any requirement of this section shall be guilty of a misdemeanor.

History: RL s 5006 (10268)

378.22 WATER AERATION SAFETY.

Subdivision 1. **Warning signs.** Any permittee operating an aeration system on public waters within the state shall comply with the sign posting requirements of this section and applicable rules and orders of the commissioner of natural resources.

Subd. 2. **Posting requirements.** Where an aeration system is used on the ice of public waters, signs shall be posted by the permittee at a height of from four to six feet in a rectangular pattern at each corner of the open water, with at least two additional signs between the corner signs on any side exceeding 100 feet in length.

Additional signs shall be posted by the permittee on the shoreline of the public waters at each public access point and other areas commonly used by the public for access to the lake. The signs shall comply with the applicable order of the commissioner of natural resources.

Subd. 3. **Publication of notice.** Advance public notice of the commencement of any aeration system, authorized by a permit from the commissioner of

natural resources during periods of ice cover on public waters, shall be given by the permittee. Minimum notice shall consist of publication of the location and date of commencement of the system in a newspaper of general circulation in the area where the system is proposed to be operated at least two times between five and 20 days prior to commencement.

Subd. 4. **Evidence.** In any action for negligence arising out of the conduct of aeration operations authorized by a permit from the commissioner of natural resources during periods of ice cover on public waters, evidence of compliance with the posting and publication requirements of this section and applicable rules, orders and permit provisions of the commissioner of natural resources shall be prima facie evidence of the exercise of due care by the permittee.

History: 1981 c 256 s 1

378.31 WATER AND RELATED LAND RESOURCES MANAGEMENT.

Subdivision 1. In order to preserve and protect the lakes of the state of Minnesota and to increase and enhance the use and enjoyment of these lakes it is in the public interest that there is established a statewide lake improvement program to: preserve the natural character of lakes and their shoreland environment as feasible and practical; improve the quality of water in lakes; provide for reasonable assurance of water quantity in lakes, where feasible and practicable; and to assure protection of the lakes from the detrimental effects of man's activities and certain natural processes which are detrimental to protection of the lakes.

Subd. 2. The county board of every county shall have the powers set forth in this section with respect to any bodies of water situated wholly or partly within the boundaries of the county and not situated entirely within the boundaries of a single city or lake conservation district established by law. Upon approval by the affected city or lake conservation district, a county board may assume and thereafter exercise the powers set forth in this section with respect to bodies of water lying wholly within that city or lake conservation district. All programs undertaken pursuant to such powers shall be consistent with the statewide water and related land resources plan prepared under the direction of the commissioner of natural resources, and with regional water and related resources plans. No body of water shall be improved under this section unless the public has access to some portion of the shoreline thereof. The county boards shall have power:

Subd. 3. To acquire, in the name of the county, by gift or purchase or by condemnation under chapter 117, any existing dam or control works that may affect the level of such waters;

Subd. 4. To construct and operate water control structures when approved by the commissioner of natural resources pursuant to section 105.42;

Subd. 5. To undertake projects to change the course current or cross section of public waters when approved by the commissioner of natural resources pursuant to section 105.42;

Subd. 5a. To improve navigation and to acquire by gift or purchase land, equipment or other facilities for this purpose;

Subd. 6. To contract with a board of managers of any watershed district within the county or the board of supervisors of any soil and water conservation district within the county for improvements under chapters 40 and 112;

Subd. 7. To undertake research to determine the condition and development of the body of water and the water entering it and to transmit these studies to the pollution control agency and other interested authorities; to develop a comprehensive plan to eliminate water pollution; to conduct a program of water improvement and conservation; and to implement the comprehensive plan to eliminate

water pollution, provided that construction of any water, sewer, or water and sewer system shall be undertaken in the manner provided by section 444.075 or other applicable laws and not pursuant to this section;

Subd. 8. To receive financial assistance from and join in projects or enter into contracts with federal and state agencies for the study and treatment of pollution problems and demonstration programs related to them;

Subd. 9. To maintain public beaches, public docks and other public facilities for access to the body of water;

Subd. 10. To make cooperative agreements with the United States or state government or any other county or city for the purpose of effecting the provisions of this section.

Subd. 11. To require that any projects to change the course, current or cross section of public waters within unincorporated areas be approved by the county before submitting an application for a permit to the commissioner as required by section 105.42.

History: 1973 c 123 art 5 s 7; 1973 c 702 s 4; 1974 c 392 s 1; 1975 c 147 s 1,2

378.32 WATER SURFACE USE REGULATION.

Subdivision 1. The county board of every county may by ordinance regulate the surface use of any bodies of water situated wholly or partly within the boundaries of the county and not situated entirely within the boundaries of a single city or lake conservation district established by law, except that where a body of water lies in more than one county no such ordinance shall be effective until adopted by the county boards of all the counties in which the body of water lies pursuant to section 471.59 or placed into effect by order of the commissioner of natural resources pursuant to section 361.26. With the authorization of the affected city or lake conservation district, a county board may assume and exercise the powers set forth in this section with respect to bodies of water lying wholly within that city or lake conservation district. The regulation by the county of the surface use of any portion of a body of water situated within the boundaries of a city shall be consistent with any regulation existing on May 25, 1973 of the surface use of that portion of the body of water, by the city. After January 1, 1975, any such ordinance shall be consistent with the provisions of chapter 361 and rules and regulations of the commissioner promulgated pursuant to section 361.25. Any surface use zoning ordinances adopted pursuant to this section by a local governmental unit subsequent to May 25, 1973 is invalid unless it is approved by the commissioner. Proposed surface use zoning ordinances shall be submitted to the commissioner for his review and approval prior to adoption. The commissioner shall approve or disapprove the proposed ordinance within 120 days after receiving it. If the commissioner disapproves the proposed ordinance, he shall return it to the local governmental unit with a written statement of his reasons for disapproval. The county board shall have power:

Subd. 2. To regulate and police public beaches, public docks and other public facilities for access to the body of water, except that a county board may not regulate state accesses and a municipality may by ordinance forbid the exercise of this power within its jurisdiction;

Subd. 3. To regulate the construction, configuration, size, location and maintenance of commercial marinas and their related facilities including parking areas and sanitary facilities. The regulation shall be consistent with state law and the regulations of the department of natural resources, the pollution control agency, and the department of health, and with the applicable municipal building codes and zoning ordinances where the marinas are situated;

Subd. 4. To regulate the construction, installation and maintenance of permanent and temporary docks and moorings consistent with state and federal law and sections 105.42, 361.07 and 361.21;

Subd. 5. To regulate the construction and use of mechanical and chemical means of deicing the body of water and to regulate the mechanical and chemical means of removal of weeds and algae from the body of water consistent with the regulations of the department of natural resources;

Subd. 6. To regulate the type and size of watercraft, as defined in section 361.02, subdivision 7, permitted to use the body of water and set access fees;

Subd. 7. To limit the types and horsepower of motors used on the body of water;

Subd. 8. To limit the use of the body of water at various times and the use of various parts of the body of water;

Subd. 9. To regulate the speed of watercraft on the body of water and the conduct of other activities on the body of water to secure the safety of the public and the most general public use;

Subd. 10. To contract with other law enforcement agencies to police the body of water and its shore.

History: 1973 c 123 art 5 s 7; 1973 c 702 s 5; 1974 c 392 s 2; 1977 c 322 s 1

378.33 ADVISORY ASSISTANCE.

The county board, in connection with water use regulation and improvement, may invite any municipal council or town board or the soil and water conservation district board of supervisors or watershed district board of managers to designate a representative to advise and consult with the county board.

History: 1973 c 702 s 6

378.34 TAX LEVIES.

The county board may levy taxes in order to implement the powers granted under Laws 1973, Chapter 702 upon all taxable property within the county, which may be in addition to any amounts levied within a lake improvement district.

History: 1973 c 702 s 7

378.35 APPROPRIATIONS; GRANTS.

Subdivision 1. The county board is authorized to appropriate money from the general revenue fund of the county for the purpose of carrying out the provisions of sections 378.31 to 378.35 and 378.41 to 378.56.

Subd. 2. The county board may apply for, receive, and disburse federal funds made available to the county by federal law or rules promulgated thereunder for any purpose related to the powers and duties of the county board. The county board shall comply with any and all requirements of federal law or rules and regulations promulgated thereunder in order to apply for, receive, and disburse the funds. The county board is authorized to accept any donations or grants from any public or private concern. All such moneys received by the county board shall be deposited in the county treasury and shall be appropriated for the purposes for which they are received.

History: 1973 c 702 s 8

378.41 ESTABLISHMENT OF LAKE IMPROVEMENT DISTRICTS.

Subdivision 1. In furtherance of the policy declared in section 378.31, the commissioner of natural resources shall coordinate and supervise a local-state

program for the establishment of lake improvement districts by counties and cities for lakes located within their boundaries based on state guidelines and regulations and compatible with all state, regional, and local plans where such plans exist.

In administration of this program the commissioner of natural resources shall consult with and obtain advice from other state agencies on those aspects of the program for which the agencies have specific legislative authority including but not limited to the department of health and the pollution control agency.

Subd. 2. The commissioner of natural resources, before April 1, 1979, shall promulgate rules pursuant to chapter 15 which provide guidelines, criteria and standards for establishment of lake improvement districts by counties and cities.

Subd. 3. In order to finance the development and implementation of programs for water and related land resources management pursuant to sections 378.31 to 378.32, the county board of any county may designate areas within the county, including bodies of water and related land areas, as lake improvement districts.

History: 1973 c 123 art 5 s 7; 1973 c 702 s 9; 1978 c 726 s 2

378.42 CREATION BY COUNTY BOARD.

Subdivision 1. The county board may establish a lake improvement district in a portion of the county by adoption of an appropriate resolution. The resolution shall specify the territorial boundaries of the area, which shall be as consistent as possible with natural hydrologic boundaries, the type or types of water and related land resource management programs to be undertaken in the area, a statement of the means by which the programs will be financed, and a designation of the county officer or agency who will be responsible for supervising the programs.

Subd. 2. Before the adoption of such a resolution, the county board shall hold a public hearing on the question of whether or not a lake improvement district shall be established. Before the date set for the hearing, any interested person may file his objections to the formation of such district with the county auditor. At the hearing, any interested person may offer objections, criticisms or suggestions as to the necessity of the proposed district as outlined and to the question of whether his property will be benefited by the establishment of the district.

Subd. 3. Following the hearing, if it appears to the board, after consideration of all testimony, that the proposed district is necessary or that the public welfare will be promoted by the establishment of the district, that the property to be included in the district will be benefited by the establishment thereof, and that the formation of the proposed district will not cause or contribute to long range environmental pollution, the county board, by formal order, shall declare its findings, shall establish the boundaries and shall declare the district organized and give it a corporate name by which it shall be known.

History: 1973 c 702 s 10; 1978 c 726 s 3-5

378.43 PETITION FOR CREATION.

Subdivision 1. A petition signed by 51 percent of the resident owners as defined in section 112.35, subdivision 21, within the proposed lake improvement district as specified in the petition shall be filed with the county clerk and addressed to the board requesting the establishment of a lake improvement district to develop and provide a program of water and related land resources management. Governmental subdivisions, other than the state or federal governments, owning lands within the proposed district are eligible to sign the petition.

The petition shall set forth the following:

- (1) The name of the proposed district;
- (2) The necessity for the proposed district so that the public health or public welfare will be promoted by the establishment of the district and that the lands to be included therein will be benefited by the establishment or accomplish any of the purposes of a lake improvement district;
- (3) The boundaries of the territory, which shall be as consistent as possible with natural hydrologic boundaries, to be included in the proposed district;
- (4) A map of the proposed district;
- (5) The number of managers proposed for the district. The managers shall not be less than three nor more than five and be selected from a list of ten nominees; and
- (6) A request for the organization of the district as proposed.

Subd. 2. Upon receipt of the petition, and verification of the signatures thereon by the county auditor, the county board shall, within 30 days following verification, hold a public hearing on the question of whether or not the requested lake improvement district shall be established.

Subd. 3. Within 30 days following the holding of a public hearing the county board by resolution shall approve or disapprove the establishment of the requested lake improvement district and give it a corporate name by which it shall be known. A resolution approving the creation of the lake improvement district may contain modifications of the area's boundaries, functions, financing, or organization from what was set forth in the petition.

History: 1973 c 702 s 11; 1978 c 726 s 6,7

378.44 JOINT ACTION.

Where the natural hydrologic boundaries of an area extend into more than one county, the county boards of the counties affected may establish and maintain a lake improvement district jointly or cooperatively as provided in section 471.59, either on their own motion or pursuant to petition.

History: 1973 c 702 s 12

378.45 CREATION BY COMMISSIONER OF NATURAL RESOURCES.

Subdivision 1. Where the county board of one or more of the counties affected has disapproved a petition for creation of a lake improvement district for the area, a petition for creation of a lake improvement district containing information of the kind required by section 378.43 may be submitted to the commissioner of natural resources.

Subd. 2. Upon receipt of the petition by the commissioner and verification of the signatures thereon by the county, the commissioner may, within 30 days following verification, hold a public hearing at the expense of the county board on the question of whether or not the requested lake improvement district shall be established. The commissioner, in determining whether or not to hold a public hearing, shall examine all facts relating to the petition, including the reasons why the petition was disapproved by the county.

Subd. 3. Within 30 days following the receipt of verification by the county if no hearing is to be held or within 30 days following the holding of a public hearing the commissioner by order shall approve or disapprove the establishment of the requested lake improvement district. If the commissioner determines that the establishment of the lake improvement district as requested in the petition would be for the public welfare and public interest, and that the purposes of section 378.41 would be served by the establishment of a lake improvement district, the commissioner shall by order approve the creation of the lake improvement district;

otherwise, he shall by order disapprove the creation. An order approving creation may contain modifications of the area's boundaries, functions, financing, or organization from what was set forth in the petition.

History: 1973 c 702 s 13

378.46 PUBLICATION AND EFFECTIVE DATE.

Upon passage of a county board resolution authorizing the creation of a lake improvement district, the county board or boards shall cause the resolution to be published once in the official newspapers and filed with the secretary of state, the pollution control agency and the commissioner of natural resources. The lake improvement district shall be deemed established 30 days after publication or at such later date as may be specified in the resolution.

History: 1973 c 702 s 14; 1978 c 726 s 8

378.47 REFERENDUM.

Subdivision 1. Upon receipt of a petition signed by twenty-five percent of the resident owners within the territory of the lake improvement district specified in the resolution adopted pursuant to section 378.42 prior to the effective date of its creation as specified in section 378.46, the county board or boards shall hold the creation in abeyance pending referendum vote of all qualified voters and resident owners residing within the boundaries of the proposed lake improvement district.

Subd. 2. The county board or boards shall make arrangements for the holding of a special election not less than 30 nor more than 90 days after receipt of such petition within the boundaries of the proposed lake improvement district specified in the resolution adopted pursuant to section 378.42. If a general election will be held within the time specified, the vote on creation may be held as part of the general election. The county auditor shall administer the election. The question to be submitted and voted upon by the qualified voters and resident owners within the territory of the proposed lake improvement district shall be phrased substantially as follows:

"Shall a lake improvement district be established in order to provide (water and related land resources improvements) financed by (revenue sources)?"

Upon certification of the vote by the county auditor, if a majority of those voting on the question favor creation of the proposed lake improvement district the lake improvement district shall be deemed created.

History: 1973 c 702 s 15; 1978 c 726 s 9,10

378.51 BOARD OF DIRECTORS.

Subdivision 1. After creation of a lake improvement district, the county board or boards shall appoint persons to serve as a board of directors for the lake improvement district. The number, qualifications, terms of office, removal, and filling of vacancies of directors shall be as provided in the resolution creating the board of directors. The initial board of directors shall include persons owning property within the district, at least one of whom is a resident of the district.

Subd. 2. The directors shall serve without compensation but may be reimbursed for their actual expenses necessarily incurred in the performance of their duties in the manner provided for county employees.

Subd. 3. When directed by resolution of the county board or boards creating it, the board of directors shall have, exercise, and perform the powers and duties of the county board under section 378.31, except the power to acquire property by eminent domain.

History: 1973 c 702 s 16; 1978 c 726 s 11

378.52 FINANCING.

Subdivision 1. The county board or boards in order to accomplish the purposes specified in the resolution creating a lake improvement district may undertake projects of improvement consistent with these purposes and assess the costs of the projects upon benefited property within the district in the manner provided in chapter 429, may impose service charges on the users of lake improvement district services within the area, and may levy an ad valorem tax solely on property situated within the lake improvement district, to be appropriated and expended solely on projects of special benefit to the area, or any combination of service charges, special assessments, and taxes.

Subd. 2. The tax provided for by subdivision 1 shall not be subject to any statutory limitation as to amount and shall not affect the amount or rate of taxes that may be levied for other county purposes. Such a tax may be in addition to any amounts levied upon all taxable property in the county for the same or similar purposes.

Subd. 3. Upon adoption of its annual budget, the county board or boards shall include appropriate provisions for the operation of the lake improvement district.

History: 1973 c 702 s 17; 1978 c 726 s 12

378.53 VOTING.

Where a lake improvement district has been established by order of the commissioner of natural resources under section 378.45, voting by county boards on joint actions of the lake improvement district shall be based on proportional representation for each county according to the proportion of the population of the lake improvement district residing within each county, and not on the basis of one vote per county or one vote per county board member unless each county or each board member represents substantially the same number of persons residing within the lake improvement district.

History: 1973 c 702 s 18

378.54 ENFORCEMENT OF ORDINANCES.

Where a lake improvement district has been established by order of the commissioner of natural resources under section 378.45, ordinances and regulations adopted by joint action of the affected county boards may be enforced in any part of the lake improvement district by personnel of any of the affected counties.

History: 1973 c 702 s 19

378.55 EXPANSION OF THE BOUNDARIES OF A LAKE IMPROVEMENT DISTRICT.

A county board, on its own motion or pursuant to petition, may enlarge any existing lake improvement district pursuant to the procedures specified in sections 378.41 to 378.46.

History: 1973 c 702 s 20; 1978 c 726 s 13

378.56 TERMINATION.

Subdivision 1. Upon receipt of a petition signed by 51 percent of the resident owners within the territory of the lake improvement district requesting the termination of the lake improvement district, the county board or boards shall within 30 days after receipt of such a petition, by its order fix a time and place, for a hearing thereon.

If the board or boards determine that the existence of the district is no longer in the public welfare or public interest and it is not needed to accomplish the purpose of sections 378.31 to 378.57 the board or boards shall by its findings and order terminate the district. Upon filing a certified copy of the findings and order with the secretary of state, pollution control agency and commissioner of natural resources the district shall cease to be a political subdivision of the state.

Subd. 2. If a lake improvement district is terminated pursuant to subdivision 1, no additional water and related land resource management programs shall be undertaken with money raised by a special tax within the district, and no additional special water and related land resource management taxes shall be levied within the district. When money raised by past special tax levies within the district has been exhausted, further operation and maintenance of existing programs may be financed by appropriations from the general revenue fund of the county.

History: 1973 c 702 s 21; 1978 c 726 s 14,15

378.57 ANNUAL MEETING OF DISTRICT.

Every lake improvement district shall have an annual meeting. The first annual meeting shall be scheduled during the months of July or August, and shall be held annually thereafter unless changed by vote of the previous annual meeting.

(1) The annual meeting shall be preceded by written notice mailed at least ten days in advance of the meeting to all resident owners within the district and to the pollution control agency and commissioner of natural resources.

(2) The annual meeting shall:

(a) Elect one or more directors to fill vacancies in the district board.

(b) Approve a budget for the coming year.

(c) Approve or disapprove all proposed projects by the district having a cost to the district in excess of \$5,000, by vote of the resident owners within the district.

(d) Take up and consider such other business as comes before it.

History: 1978 c 726 s 16