

2009 Revised RULES OF BOIS DE SIOUX WATERSHED DISTRICT

Section 1. Introduction and General Policy.

The rules of the Bois de Sioux Watershed District are to effectuate the purposes of Minnesota Statutes, Section 103D, and the authority of the Managers therein prescribed. These rules are deemed necessary to implement and make more specific the law administered by them.

If any part of these rules is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of these rules.

Changes to these rules may be made by the Managers. Any interested person may petition the Managers for a change in these rules.

If any rule is inconsistent with the provisions of Minnesota Statute, Section 103D, or other applicable law, the provisions of said Section 103D or other applicable law shall govern.

The Managers accept the responsibilities with which they are charged as a governing body. While there is no intention to usurp the authority or responsibilities of other agencies or governing bodies, neither will they shirk their responsibilities. They will cooperate to the fullest extent feasible with persons, groups, state and federal agencies and other governing bodies.

It is the intention of the Managers that no person shall be deprived or divested of any previously established beneficial use or right, by any rule of the District, without due process of law, and that all rules of the District shall be construed according to said intention.

It is the intention of the Managers to promote the use of the waters and related resources within the District in a provident and orderly manner so as to improve the general welfare and public health for the benefit of its present and future residents.

Section 2. Amendment or Rules.

The Managers shall comply with the following steps in amending rules:

A. A copy of any proposed amendment to the rules shall be submitted to each Manager at least thirty (30) days before its adoption by the Managers.

B. An amendment to the rules shall be adopted by a majority vote of the Managers.

C. The original copy of the rules and any amendments to the rules shall be kept in the files of the Managers, and in addition, copies shall be prepared for distribution to the County Auditors, County Commissioners, Soil and Water Conservation Districts, Farm Service Agencies, and Township Board Chairmen in the District, and any other interested persons requesting the same.

D. Every rule and amendment thereof adopted by the Managers shall have the force and effect of the law.

Section 3. Definitions.

For the purpose of these rules, certain words and terms are herein defined as follows:

A. District means the Bois de Sioux Watershed District.

B. Managers means the District Board of Managers.

C. Person means an individual, firm, partnership, association, or corporation, but does not include public or political subdivisions. It specifically includes, but is not limited to, landowners, occupants, contractors or equipment operators.

D. Public Corporation means a county, town, school district, or a political division or subdivision of the state or federal government.

E. Public Health includes any act or thing tending to improve the general sanitary conditions of the District.

F. General Welfare includes any act or thing tending to improve or benefit or contribute to the safety or well being of the general public or benefit the inhabitants of the District.

G. Work or Works means any construction, maintenance, repairs or improvements.

H. The word shall is mandatory, not permissive.

I. Drainage way means a natural or artificial channel or tile which provides a

course for water flowing continuously or intermittently.

J. Legal drainage system means a watershed, county or joint county drainage system.

K. A plan is a map or drawing and supporting data for proposed works.

L. Maintenance, as referred to for dikes, drainage ditches and sewers, shall mean restoring the system as near as practicable to its original condition or as subsequently improved.

M. Normal high water mark means a mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape. Commonly, it is that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Section 4. Permits.

The requirement for a permit from the Managers for certain uses of water or works within the District is not intended to delay or inhibit development. Rather, the permits are needed so that the Managers are kept informed of planned projects, can advise and in some cases provide assistance, and to insure that developments of the natural resources are orderly and in accordance with the Overall Plan for the District.

A. The Board shall designate a person to serve as Permit Officer. Said Officer shall facilitate the permit review process, and have the authority to deem a permit application incomplete, to require the applicant provide additional information, and to use all Watershed resources, including the District Engineer, Attorney and individual Managers in the application Review. Said Officer shall either issue a permit, issue a permit with conditions, or deny the permit, giving written notice to the applicant.

B. No works or use requiring a permit shall be commenced prior to the issuance of the permit.

In addition to the remedies provided in Minnesota Statute 103D.545 and Section 8, infra, in those instances where work has been done before a permit is granted, the District may require that the property be returned to its original condition before considering the permit; and

The District shall require applicant pay an After-The-Fact permit fee in the amount of \$250, plus the actual engineering and attorneys fees incurred by the District in dealing with the un-permitted work, as a condition to granting a permit.

C. Unless specified in the permit, work for which a permit is given must be completed within one (1) year. The District further requires, as a condition of all permits, that it be notified when an improvement is completed by returning a COMPLETION REPORT card.

D. If a permit application is denied or granted subject to conditions, the Applicant may, upon paying a permit hearing fee of \$300, ask the Board to hold a hearing on the permit application. Notice of such hearing shall be given to all persons expressing an interest in the proposed project.

E. Any applicant or other person or public corporation dissatisfied with either the Permit Officer's decision, or the Boards decision on any permit application must appeal the said decision to the District Courts of the State of Minnesota within ninety (90) days from and after the date of its issuance.

F. No fee shall be charged for a permit application except the fees hereinabove described.

G. Applications for a permit must be filed personally:

Bois de Sioux Watershed District
704 South Highway 75
Wheaton, MN 56296
(320) 563-4185/P
(320) 563-4987/F

H. The Permit Officer shall provide an application form setting forth the necessary information. This form must be completely and accurately filled out before the permit is deemed submitted.

I. The Board may issue district wide permits on an annual basis for specific

classes of projects where a standard design has been approved by the Board and where the Board is satisfied construction of such projects will be adequately supervised.

1. Each district wide permit shall be subject to such specific requirements as the Board may establish.

2. A hearing shall be held before any district wide permit is issued or renewed.

Section 5. Flood Control and Drainage.

(1) General Rules for the Disposal of Surface Water.

A. Every person shall use his land reasonably in disposing of surface water and may turn into a natural Drainage way all the surface water that would naturally drain there, but he may not burden a lower landowner with more water than reasonable under the circumstances.

B. Surface water shall not be artificially removed from the upper land to and across lower land without adequate provision being made on the lower land for its passage.

C. In order to reduce sediment transport, where feasible drainage shall be discharged through marsh lands, swamps, retention basins or other treatment facilities prior to release into the receiving bodies of public waters. Maximum utilization will be made of temporary storage areas or retention basins scattered throughout developing areas to maximize upstream storage and to reduce peak flows, erosion damage and drainage facility construction costs. Open drainage ditches shall make maximum use of vegetation to reduce channel erosion.

D. To control and alleviate erosion and the situation of the watercourses of the District:

1. All watercourses therein shall be constructed with a side slope, as determined by proper engineering practice, so as to reasonably minimize land and soil erosion, giving due consideration to the intended capacity of the watercourse, its depth, width and elevation, and the character of the soils through which the drain passes.

2. Water inlets, culvert openings and bridge approaches shall have adequate shoulder and bank protection in order to minimize land and soil erosion.

E. Any person who allows dirt to blow from his lands into a drainage is responsible for the removal of same.

F. Flood Control and Drainage (2, E. & F.) are interpreted so that ponds created solely by excavation are not reservoirs nor is the creation thereof reshaping of the surface topography. Therefore, the creation of ponds solely by excavation shall not require a watershed permit.

(2) A permit must be obtained from the Watershed District prior to any work being commenced for the following:

A. Any landowner, occupant, contractor or equipment operator shall be responsible to ascertain that a permit has been obtained before undertaking any of the work hereinafter described requiring a permit from the Board of Managers.

B. No person or public corporation shall cut an artificial Drainage way across a subwatershed and thereby deliver water into another subwatershed without a permit from the Managers.

C. No person or public corporation shall undertake to construct or improve any Drainage way without a permit from the Board of Managers. A permit is required for any deepening or enlarging of existing drainage ways. Any existing Drainage way may be cleaned of debris, cattails, and blown in or washed in sediment without a permit; but any cleaning that involves removing clay or virgin soils or changing the alignment, depth, or cross-section of the Drainage way requires a permit.

D. No person or public corporation shall construct, alter, or remove any dike without a permit from the Board of Managers.

E. No person or public corporation shall undertake the construction, removal or abandonment of any reservoir for the impoundment of water without a permit from the

Managers; nor shall any works be done which would alter the effectiveness of a reservoir without a permit from the Managers.

F. No person or public corporation shall undertake the practice of land forming, which is the reshaping of the surface topography but which does not include the common farming practice of land leveling, on a given tract of land without a permit from the Managers.

G. No Wetland types 3, 4, 5 and 8, as described by Circular 39, Wetlands of the United States, published by the United States Department of the Interior, shall be drained without a permit from the Managers.

H. Construction of new drainage ditches or improvements to existing public drainage ditches shall be administered by the Managers. Plans and specifications for such projects shall be filed with the Watershed District. Maintenance and repair of public drainage systems as permitted by Chapter 103E, Minnesota State Statutes, may be made by ditch authorities without a permit, provided the Board of Managers have been given copies of the plans and specifications for said ditch. The Board of Managers shall be notified of the proposed work prior to the commencement thereof.

I. No person or public corporation shall install or alter any drainage structure which will change the elevation and/or capacity of the structure without obtaining a permit from the Board of Managers.

Section 6. Related Ordinances.

The Managers will cooperate with public corporations and state and federal agencies in the application of ordinances and rules concerning water and related resources within the District.

A. Copies of proposed county, municipal and town ordinances relating to surface water drainage, land use zoning, shore land use and flood plain zoning, as applied to changes within the flood plain, shall be submitted to the Manager thirty (30) days prior to the first public hearing date for review and comment.

B. Ordinances relating to surface water drainage, land use zoning, shore land use and flood plain zoning shall be submitted to the Managers within forty-five (45) days after passage.

Section 7. Alteration of Natural Drainage Way, Lakes and Wetland.

Management of natural drainage ways, lakes, wetlands and their abutting land should be done in such a way so as to reduce their deterioration and to maximize their value for the general welfare of the District.

A. No change may be made in the bed, banks or shores of natural drainage ways, lakes or wetlands without a permit from the Managers.

Section 8. Enforcement.

Any provision of these Rules or an order or stipulation agreement made, or any permit issued, by the Board of Managers of this Watershed District, may be enforced by criminal prosecution, injunction pursuant to Section 103D.545, of the Minnesota Statutes, action to compel performance, restoration, abatement, and other appropriate action.

A violation of these Rules or any order or stipulation agreement made, or a permit issued by the Board of Managers of this Watershed District, is a misdemeanor in accordance with Section 103D.545 of the Minnesota Statutes.

Adopted by the Board of Managers of the Bois de Sioux Watershed District this 20th day of August, 2009.

Secretary, Bois de Sioux Watershed District