

APPENDIX E
SHRWD RULES



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Amended Rules of Sand Hill River Watershed District...

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Section I. Introduction and General

Policy.

The rules of the Sand Hill River Watershed District are to effectuate the purposes of Minnesota Statutes, Chapter 112, 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 Statutes,

Chapter 112, or other applicable law, the provisions of said Chapter 112 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. Adoption of Rules.

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

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

- b. The proposed rules shall be adopted by a majority vote of the Managers.
- c. The original copy of 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, and Town Board Chairmen in the District, and any other interested persons requesting the same.
- d. Every rule adopted by the Managers shall have the force and effect of law.

Section 3. Definitions

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

- A. District means the Sand Hill River 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.
- D. Public Corporation means a county, town, school district, or a political division or subdivision of the state.
- 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. Drainageway means an artificial or natural channel which provides a course for water flowing continuously or intermittently.
 - J. Legal drainage system means a watershed, county, or judicial drainage system.
 - K. Private drainage system means an individual or mutual drainage system.
 - L. A plan is a map or drawing and supporting data for proposed works.
 - 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. All permits when issued shall be signed by the President and Secretary of the Board of Managers or their designates.
- B. No works or use requiring a permit shall be commenced prior to the issuance of the permit.
- C. Unless specified in the permit, works for which a permit is given must be completed within one (1) year. The Managers further require as a condition of all permits, that they be notified when said improvement is completed.
- D. Application for a permit will be acted upon within sixty (60) days from the date the Managers receive the application and required data.
- E. If a permit application is refused or granted subject to conditions, the applicant may within thirty (30) days, demand a Hearing on the application.
- F. Obtaining a permit from the managers does not relieve the applicant from the responsibility of obtaining any other additional authorization required.
- G. Applications for a permit may be filed with the Managers at their regular monthly meeting or mailed to:

Sand Hill River Watershed District
 PO Box 584
 Fertile, MN 56540.

- H. A plat or drawing shall accompany the application, and the Managers may request additional information. All applications shall be substantially in the following form:

APPLICATION FOR PERMIT

Permit No. _____
To the Board of Managers of the Sand Hill River Watershed District:
Your Applicant, _____
whose address is _____
telephone number _____
represents:

1. That he is the owner of _____ situated in _____
2. That he proposes to do the following work: _____
3. That said work is necessary because:
4. That attached hereto is all pertinent information relative thereto, including a map or drawing of the area showing the proposed construction.
5. That said work is in accordance with the purposes and overall plan of the District.
6. That he hereby applies for a permit to proceed with said work, and that, if granted a Permit, he intends to commence on or about the ___ day of _____, 20__, and upon completion Report at the bottom of this page.

Dated: _____
Signed: _____

ACTION OF THE BOARD OF MANAGERS OF THE SAND HILL RIVER WATERSHED DISTRICT

Permit No. _____
The above Application for Permit is
-approved -disapproved -this ___ day of _____, 20__.

SAND HILL RIVER WATERSHED DISTRICT

BY:
President
And:
Secretary

COMPLETION REPORT

Permit No. _____
TO: Sand Hill River Watershed District
PO Box 584
Fertile, MN 56540
I hereby give notice that I completed the work for which the above numbered Permit was granted to me by the Board of Managers, on the _____ day of _____, 20__.
Name _____
Address _____

Section 5. Flood Control and Drainage

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

Surface water shall not be artificially removed from upper land to and across lower land without adequate provision being made on the lower land for its passage, nor shall the natural flow of surface water be obstructed so as to cause an overflow onto the property of others.

- A. No person or public corporation shall cut an artificial drainageway across a subwatershed and thereby deliver water into another subwatershed without a permit from the Managers.
- B. No person or public corporation shall divert water to or cast water by any artificial means into any legal drainage system from any land not assessed to said drainage system without complying with the proper statutory procedure therefore and securing a permit from the Managers.
- C. No landowner or occupant nor any contractor or equipment operator shall undertake to construct or improve any private drainage system which shall have the effect of draining an area in excess of a five (5) acre watershed without a permit from the Board of Managers. No repair or alteration of any legal drainage system shall be done without a permit from the Managers.

- D. No landowner or occupant nor any contractor or equipment operator shall undertake the construction, alteration, repair or removal of any dike without a permit from the Board of Managers.
- E. No landowner, occupant, nor any contractor or equipment operator 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. Any plat which includes land abutting upon any lake or stream within the District or which includes any land within the flood plain of the Sand Hill River Watershed District shall be submitted to the Managers for their approval to insure the protection of the bed, banks and shore of said lakes and streams from improper encroachment for the purpose of preventing pollution and alleviating damage by flood waters.
- G. To control and alleviate land and soil erosion and the siltation of the watercourses of the District.

- a. 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.

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

Plans and specifications relating to the matters covered by this paragraph shall be submitted to the Managers for their consideration and approval prior to construction and installation of any of the foregoing works.

- H. In the interest of sanitation and public health and to prevent pollution to the waters of the District, all septic tanks and drainfields which outlet directly or indirectly into the waters of the District shall be constructed and maintained in accordance with the rules and recommendations of the State Board of Health and the Minnesota Pollution Control Agency. No septic tank or other waste disposal facility shall outlet directly into any lake, watercourse or public or private drainage system.

No refuse, garbage or obnoxious materials shall be dumped in or within fifty (50) feet of any public waters in said district or shall be dumped or placed in any location where the same would by natural run-off or overflow drain into and be cast upon public waters.

- I. To preserve the same for beneficial use, no marsh shall be drained without a permit from the Managers.
- J. Copies of plans and specifications for the repair of any public drainage system, for the construction, improvement, and repair of any private drain shall be filed with the Managers and no work thereon shall be undertaken without a permit from the Managers. Repairs of an emergency nature on a public drainage system by a public body, not in excess of Five Hundred (\$500.00) Dollars, shall not require a permit, however, the Board of Managers shall be notified of the proposed work prior to the commencement thereof and the reasons necessitating emergency action.
- K. No irrigation project, public or private, serving an area in excess of five (5) acres shall be constructed by anyone, without a permit from the Board of Managers.
- L. No installation of new drain pipes nor alteration of existing drain pipes shall be undertaken by anyone without a permit from the Board of Managers.
- M. The spoil banks, starting one mile east of highway No.9 at Beltrami proceeding west to the westerly reaches of the Improved project of 1954 in Hubbard Township should not be farmed in such a manner as to leave the banks in an unprotected state. The spoil banks can be hayed but a protective and vegetative cover should be maintained in this area.

Cultivation should cease at the point where the level farmland comes in contact with the base of the spoil bank.

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. In the interest of public health and to prevent pollution to the waters of the District, the applicable county ordinances and rules of the State Board of Health and the Minnesota Pollution Control Agency regarding the disposal of wastes, are by references hereby adopted as rules of the District within the limits of the statutory authority granted to the Managers.

- B. Copies of proposed county, municipal and town ordinances relating to surface water drainage, land use zoning, shoreland use and flood plain zoning, as applied to changes within the flood plain shall be submitted to the Managers thirty (30) days prior to the first public hearing date for review and comment.
- C. Ordinances relating to surface water drainage, land use zoning, shoreland use and flood plain zoning shall be submitted to the Managers within forty-five (45) days after passage.
- D. The Board of Managers will endeavor to inform and assist any resident of the District with regard to filing necessary applications for State and Federal permits for projects approved by the Board of Managers.

Section 7. Alteration of Natural Drainageways, Lakes, and Marshes.

Management of natural drainageways, lakes, marshes and their abutting lands 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 drainageways, lakes, or marshes without a permit from the Managers.
- B. To prevent obstructions in the natural drainageways, landowners shall remove any trees cut along the banks. No wastes shall be disposed of directly or indirectly into the drainageways.
- C. Any excavations, grading or filling near any natural drainageway, lake or marsh shall be done in such a manner so as to minimize any detrimental effect to them. A permit is required from the Managers. This is not to be constructed to include maintenance of roadways.

Section 8. Enforcement.

Any provision of these Rules or any 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 112.43, Subdivision 2, 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 112.89 of the Minnesota Statutes.

Adopted by the Board of Managers of the Sand Hill River Watershed District this 3rd day of October, 1978.

Roland Gullekson, Chairman

ATTEST:

Daniel Wilkens, Secretary
Published May 2, 1979

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