

# PERMIT AND DRAINAGE RULES OF THE RED LAKE WATERSHED DISTRICT

## Section 1. INTRODUCTION

The Rules of the Red Lake Watershed District shall be in compliance with Minnesota Statutes, Chapter 103D, and the rules adopted by the Board shall be consistent with the provisions of these Statutes and shall have the full force of the law.

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 103D, or other applicable law, the provisions of said Chapter 103D or other applicable law shall govern.

## Section 2. GENERAL POLICY

The Managers accept the responsibilities with which they are charged as a governing body. While there is no intention to infringe upon or interfere with the authority or responsibilities of other agencies or governing bodies, the manager will not ignore 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 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 3. DEFINITIONS

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

- A) District means the Red Lake Watershed District.
- B) Managers means the Red Lake Watershed District Board of Managers.
- C) Person means individual, firm, partnership, association, or corporation but does not include public or political subdivision.
- D) Public corporation means county, town, city, school district, a political division or subdivision of the state, or a duly authorized agency of the federal government.
- E) Public health involves any actions or issues tending to improve the general sanitary conditions of the District.
- F) General welfare includes any action or issues 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, or a state drainage system now taken over as a judicial or county 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.
- N) Domestic purposes refers to the use of water for the common household and farm uses. The number of individual people served at any time is limited to twenty-five (25).
- O) Administrator means the Administrator of the Red Lake Watershed District.
- P) District Engineer means the Engineer of the Red Lake Watershed District.

## Section 4. WORKS PAID BY ASSESSMENT

Revoked by Board of Managers May 12, 1977.

## Section 5. PERMITS

The requirements for a permit from the Managers for certain uses of water or work 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 ensure that developments of the natural resources are orderly and in accordance with the overall plan for the District.

- A) All permits issued by the District shall be signed by the President or the Administrator or such other officers designated by the Board of Managers. No permit shall be issued until there has been consultation with the District Engineer and the Manager representing that part of the District where the work is to be done.
- B) No work or use requiring a permit shall be commenced prior to the issuance of the permit.
- C) Unless specified in the permit, work for which a permit is given must be completed within one year. The Managers further require as a condition of all permits that they be notified when said improvement is completed.
- D) If a permit application is refused or granted subject to conditions, the applicant may within thirty (30) days demand a hearing

on the application before the Board of Managers.

- E) Obtaining a permit from the Managers does not relieve the applicant from the responsibility of obtaining any other additional authorization or permits required by law.
- F) All applications for permits shall be filed with the Administrator at the District Office in Thief River Falls, Minnesota. Upon receipt and within thirty (30) days of filing, the permit shall be acted upon.
- G) H) and I) Revoked by Board of Managers December 14, 1978.
- J) A plan supporting the data should accompany the application.
- K) If additional information is required by the Managers or District Engineer to act upon a permit, such information must be returned to the District within thirty (30) days of request or the permit application will become void. If further review is needed in the opinion of a Manager or District Engineer, a permit application may be presented at a scheduled meeting of the Managers. If deemed necessary, the Managers may schedule a formal hearing on the permit in question.
- L) That an "after the fact" permit may be considered by the Managers and granted to an individual, if the "after the fact" permit submission is the first submission that has been provided to the District by said person or entity. If a person or entity has had a prior written warning given to them in regard to their failure to follow the permitting rule requirements, a \$500.00 late filing fee shall be assessed against said person or entity in regard to any "after the fact" permit application submitted to the District. Said late filing fee assessment is in addition to any other conditions or requirements that may be ordered by the District in regard to repair or restoration of non-permitted work by said persons or entity, concerning the approval or disapproval of said "after the fact" permit application. In addition to the remedies provided in Minnesota Statute 103D.545 and other remedies provided in these rules, and 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 may require the applicant pay the actual engineering and attorneys' fees incurred by the District in dealing with the un-permitted work as a condition to granting an "after the fact" permit.

All applications shall require the following information:

### APPLICATION FOR PERMIT

Name \_\_\_\_\_  
Telephone No. \_\_\_\_\_  
Address \_\_\_\_\_  
Project location \_\_\_\_\_  
Type of work proposed (attach all necessary reports, maps, drawings, etc. to support permit application)

Permit requested for \_\_\_\_\_  
Description of work to be done \_\_\_\_\_  
Work is necessary because \_\_\_\_\_  
Signature \_\_\_\_\_  
Date \_\_\_\_\_

## Section 6. FLOOD CONTROL AND DRAINAGE

All persons shall use their land reasonably in disposing of surface water and may turn into a natural drainageway all the surface water that would naturally drain there, but they 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 and securing a permit from the Managers.
- C) No work or alteration shall be undertaken nor shall any repair of any legal drainage system or drainageway under the jurisdiction of the Managers be done without a permit from the Managers.
- D) No marsh containing five (5) acres or more shall be drained without a permit from the Managers.
- E) No dike which affects the flow of water may be constructed, altered, or removed without a permit from the Managers.
- F) No reservoir for the impoundment of water larger than five (5) acres in size may be constructed, removed, or abandoned without a permit from the Managers; nor shall any work be done which would alter the effectiveness of a reservoir without a permit from the Managers.

## Section 7. RELATED ORDINANCES

The Managers will cooperate with the public corporations, 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 reference 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 township 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 shall be submitted to the Managers within forty-five (45) days after passage.

## Section 8. BRIDGES, CULVERTS AND DRAINS

No bridge, culvert, drain tile, or drain shall be constructed, reconstructed, laid in, or across any natural or legal drainage system or drainageway without a permit from the Managers. They shall be suitably located, have adequate shoulder and bank protection and have adequate waterway opening.

## Section 9. 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 excavation, 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 said drainageway, lake, or marsh. A permit shall be required from the Managers for any such excavating, grading, or filling. This is not to be construed to include maintenance of existing roadways, but does apply to the construction of new roadways.

## Section 10. EROSION & SEDIMENTATION

Runoff of needed moisture from sloping lands, carrying with it sediment from those fields and from the banks of natural drainageways, constitutes a serious problem. It shall be the policy of the Managers to encourage the adaptation of proper land use practices and other methods as outlined in the Overall Plan of the District.

To control and alleviate soil erosion and the siltation of the drainageways and lakes of the District:

- A) All drainageways therein shall be constructed with a side slope, as determined by proper engineering practice, so as to reasonably minimize soil erosion, giving due consideration to the intended capacity of the drainageway, its depth, width, elevation, and the character of the soils through which the drain passes.
- B) Side slopes above low water mark shall be planted with permanent grass and no agricultural practices other than those required for maintenance of a permanent growth of grass shall be permitted. Harvest of grass in any manner not harmful to the grass or the drainageway shall be the privilege of the owners or their assigns. All work or repair on any drainage system, except private, will also require the foregoing practice. The area to be planted

to grass, as herein provided, is a minimum requirement and may be enlarged in any improvement or new construction.

- C) Sloping of lands abutting drainageways, lakes, ponds, or reservoirs shall be done in such a manner so as to provide reasonable control of sediment.

## Section 11. ENFORCEMENT

In the event of a violation or a threatened violation of these Rules, the Managers may institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations as provided for in Minnesota Statutes.

- A) A violation of these Rules, order, a stipulated agreement, or a violation of a permit issued by the Managers, is a misdemeanor.
- B) Any provisions of these Rules, a stipulated agreement, or a permit issued by the Managers may be enforced by criminal prosecution, injunction, action to compel performance, restoration, or abatement as deemed appropriate by the Managers.

## Section 12. EFFECTIVE DATE

These Rules shall be in full force and effect from and after the date of their adoption, and for all works commenced prior to that date but not completed within three (3) months of said date.

## Section 13. APPEAL

Any party aggrieved by the adoption or enforcement of these Rules or by any order of the Managers thereof may appeal in accordance with the appellate procedure and review as provided in Minnesota Statutes, Chapter 103D.

## Section 14. CHANGES TO THE RULES

Changes in, additions to, or modifications of these Rules may be made by the Board of Managers upon a resolution or resolutions duly adopted at a regular or special meeting of the Board. Written notice of the proposed changes shall be given to the Board members in the notice of meeting at which the proposed changes are to be considered.

Any interested person may petition the Managers for changes or modifications in the Rules. Such petition shall be made in writing and filed with the Secretary of the District. The Secretary of the District shall give written notice to such party of the time and place when the Managers of the District will consider the petition and shall permit the party to appear before the Managers in person to give such information or evidence as the petitioner may desire to present regarding their petition.

Before final adoption of changes in, additions to or modifications of these Rules by the Board of Managers, public notice of hearing hereon shall be given as provided by applicable law.

These Rules are adopted pursuant to Minnesota Statutes, Chapter 112, on this 26<sup>th</sup> day of March, 1975. Amended on the 12<sup>th</sup> day of May, 1978. Amended on this 14<sup>th</sup> day of December, 1978. Amended on the 10<sup>th</sup> day of August, 1989. Reviewed and updated pursuant to Minnesota Statutes Chapter 103D, on the 24<sup>th</sup> day of June, 1993. Amended on this 8th day of April, 2010.

Dale M. Nelson, President  
ATTEST: Orville Knott, Secretary