

# APPENDIX H

## RULES

# **RULES OF BUFFALO-RED RIVER WATERSHED DISTRICT**

## **Section 1. Introduction and General Policy.**

The rules of the Buffalo-Red 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. Amendment of Rules.**

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

- a. A copy of any proposed amendments 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, Agricultural Stabilization and Conservation Service Offices, and Town 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 law.

## **Section 3. Definitions.**

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

- a. District mean the Buffalo-Red 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. 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.

n. 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.

o. Wetlands are lands described as wetlands by Circular 39, Wetlands of the United States, published by the United States Department of Interior.

#### **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 at the first regular meeting after thirty (30) days from the date the Managers receive the application and required data. The Board will expedite permit applications for emergency flood protection works.

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:

Buffalo-Red River Watershed District  
PO Box 341  
Barnesvilles, MN 56514

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 and shall be submitted in one copy with supporting data:

**APPLICATION FOR PERMIT**

Permit No. \_\_\_\_\_

To: The Board of Managers of the  
Buffalo-Red 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 applied for a permit to proceed with said work, and that, if granted a Permit, he intends to commence on or about the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and upon completion thereof he will send in the Completion Report as included hereon.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

ACTION OF THE BOARD  
OF MANAGERS OF THE  
BUFFALO-RED RIVER WATERSHED DISTRICT

Permit No. \_\_\_\_\_

The above Application for Permit is approved/disapproved this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_.

BUFFALO-RED RIVER WATERSHED DISTRICT

By \_\_\_\_\_

President

And \_\_\_\_\_

Secretary

COMPLETION REPORT

Permit No. \_\_\_\_\_

To: Buffalo-Red River Watershed District

PO Box 341

Barnesville, Minnesota 56514

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 \_\_\_\_\_, 19\_\_\_\_.

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 the 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 therefor and securing a permit from the Managers.

c. No landowner, occupant, contractor or equipment operator shall undertake to construct or improve any private drainage system which shall have the effect of draining area in excess of a five (5) acre watershed without a permit from the Board of Managers. Existing field drains may be cleaned but may not be deepened or enlarged without a permit.

d. No person or public corporation shall construct, alter, repair or remove any dike without a permit from the Board of Managers. Repairs of an emergency nature to restore a dike system to its original configuration 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 the emergency action.

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 landowner, occupant, contractor or equipment operator shall undertake land-forming, which is the reshaping surface topography on a given tract of land without a permit from the Managers.

g. Any plat not covered by existing county flood plain regulations which includes land abutting upon any lake or stream within the District or which includes any land within the flood plain of the Buffalo-Red 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.

h. To control and alleviate land and soil erosion and the siltation 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.

i. To preserve the same for a beneficial use, no wetlands shall be drained without a permit from the Managers.

j. 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. Repairs of an emergency nature on a public drainage system by a public body 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. Maintenance and repair of public drainage systems as permitted by Chapter 106, Minnesota State Statutes, may be made by ditch authorities without a permit, however, the Board of Managers shall be notified of the proposed work prior to the commencement thereof.

k. A copy of all permits prepared for the Department of Natural Resources to appropriate waters of the State for irrigation and other purposes shall be forwarded to the Board of Managers for comment.

l. No installation or alteration of drainage structures which will increase the capacity of the structure shall be undertaken by anyone without a permit from the Board of Managers.

### **Section 6. Municipal Drainage.**

In order to reduce sediment transport, where feasible storm water 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 storm sewer construction costs. Open drainage ditches shall make maximum use of vegetation to reduce channel erosion.

a. Copies of municipal ordinances relating to surface water drainage for municipalities within the District shall be filed with the Managers.

b. Within two years after these rules are enacted, municipalities having populations greater than 1000 persons shall prepare a municipal drainage plan for the management and transportation of surface waters resulting from urban development. The drainage plan will include an inventory of all existing surface water removal installations, together with recommended improvements for a planning period of not less than 20 years. This drainage plan will address the utilization of marshes and low land areas, land use, floodwater detention, sediment control, storm water pollution, and the maintenance of public ditches and water courses within the corporate limits of the municipality. The drainage plan shall also address the removal of storm water from land whose character shall be changed by future development over the study period.

c. All projects affecting runoff shall require a permit from the Board of Managers. Maintenance, as defined in these rules, of existing facilities shall not require a permit. Installation of interior drainage facilities for previously developed areas will not require a permit provided the area drained is not greater than 4 acres.

### **Section 7. 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 of 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 8. Alteration of Natural Drainageways, Lakes, and Wetlands.

Management of natural drainageways, lakes, wetlands 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 wetlands 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 wetland, 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 construed to include maintenance of roadways.

**Section 9. 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 Buffalo-Red River Watershed District  
this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

\_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Secretary