

**Ordinance No. 091222**

**AN ORDINANCE RELATING TO THE USE OF LAKE ACCESS ROAD IN THE TOWN OF DEAD LAKE, OTTER TAIL COUNTY, MINNESOTA, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.**

**THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF DEAD LAKE ORDAINS:**

**SECTION 1. TITLE AND PURPOSE.** This Ordinance may be cited as the **“LAKE ACCESS ROAD ORDINANCE FOR THE TOWN OF DEAD LAKE, OTTER TAIL COUNTY, MINNESOTA.”** This Ordinance is enacted for the purpose of regulating the use, operation, no parking and protection of Dead Lake Township’s Lake Access Road.

**SECTION 2. DEFINITIONS.** For the purpose of this Ordinance, terms defined herein shall have the following meaning ascribed to them.

**2.1 TOWN.** Town shall mean Dead Lake Township or any authorized agents or employees.

**2.2 BOARD.** Board shall mean and refer to the Board of Supervisors of Dead Lake Township.

**2.3 LAKE ACCESS ROAD.** The Lake Access Road is the section of land between Abbeywood Resort, LLC (formerly known as Pocahontas Resort) and Hart Beach Resort just off of County Highway 35 on the north side of Dead Lake. The Lake Access Road is a 4-rod road (66’) in width from County Highway 35 to the water’s edge of Dead Lake. This land was given to Dead Lake Township in 1946 in perpetuity by R. Rhineland, property owner at that time, to ensure there would always be a public access to the north side of Dead Lake. In a court case in District Court, Seventh Judicial District, Otter Tail County, State of Minnesota, the Supervisors of Dead Lake Township attempted to give away this access, but were informed that Lake Access Road cannot be sold, bartered or given away for perpetuity according to the parameters of the initial gift.

**2.4 LAW ENFORCEMENT OFFICER.** Law Enforcement Officer shall mean and refer to any person duly deputized or commissioned by the State of Minnesota or the Board of Otter Tail County Commissioners.

**2.5 NEGATIVE SIGN.** Negative sign shall mean and refer to any sign or posted notice installed by the Town which prohibits a general or specific activity, function or use.

**2.6 PERSON.** Person shall mean and refer to any individual, firm, partnership, corporation and association of persons. Person shall include an individual, partnership, corporation, the state or its agencies and subdivisions, and any persons whether incorporated or not.

**2.7 WATERS.** Waters shall mean and refer to water of Dead Lake where it meets the Lake Access Road ending at Dead Lake.

**2.8 WATERCRAFT/TRAILERS.** Any licensed watercraft/trailer used or designed to assist for navigation on water.

**2.9 RECREATIONAL MOTOR VEHICLES.** Recreational motor vehicles shall mean any self-propelled vehicles and any vehicle propelled or drawn by a self-propelled vehicles used for recreational purposes, including but not limited, to trail bike or other all-terrain vehicle, hovercraft or motor vehicles licensed for highway operation which is being used for off-road recreational purposes, specifically excluding snowmobiles.

**2.10 POSITIVE SIGN.** Positive sign shall mean and refer to any sign or posted notice installed by the Town which authorizes a general or specific activity, function or use.

**SECTION 3. LAKE ACCESS ROAD REGULATIONS AND PROHIBITED USES.** It shall be unlawful to commit or do any of the following within the confines of Lake Access Road and public dock.

**3.1** Post or affix any printed or written bill, plaque or notice or other paper or sign upon any tree or structure by anyone other than those authorized by the Town Board of Supervisors of Dead Lake Township.

**3.2** Discard, throw away or otherwise dispose of any bottles, paper, food or other debris, except into a designated container if one is present.

**3.3 Camping and Parking.** No person shall establish or maintain any camp or other temporary lodging or sleeping place on Lake Access Road. No one is allowed to park any vehicle/trailer on Lake Access Road after a boat has been launched or trailored.

**3.4 Defacement, Destruction of Property and Resources.**

**3.4.1** No person shall tamper with, climb on, injure, deface, destroy, disturb, damage or remove any part of any fencing, signs, or other property found therein.

**3.4.2** No person shall deface, disturb or remove in any manner any soil, cement, artifact, fossil, rock or other mineral resource.

**3.4.3** No person shall saw, cut, gather or remove any deadfall tree litter or standing tree remnants from the site except with written permission of the Town Board.

**3.5 BOATING.**

**3.5.1** No person shall launch or land any watercraft on or from the shoreline except at a location specifically designed for such purposes.

**3.5.2** No person shall leave any watercraft unattended except after launching and watercraft is tied to the dock so the vehicle and trailer can be exited from Lake Access Road and before loading if watercraft is tied to the dock so the vehicle and trailer can be retrieved to load the watercraft.

**SECTION 4. PENALTIES.** Any violation of this ordinance shall constitute a misdemeanor offense and shall be punishable by up to 90 days in jail, a \$1,000.00 fine, or both.

**SECTION 5. TRESPASSING ORDER.** Upon a majority vote of the Town Board, any person who violated any provision of this ordinance may be subject to a trespass order prohibiting any such person from utilizing Lake Access Road.

**SECTION 6. SEVERABILITY.** Should any section, subdivisions, clause or other provision of this Ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or of any part thereof, other than the part held to be invalid.

**SECTION 7. NOTICE TO THE PUBLIC.** The publication of this Ordinance in the official newspaper in which the County Board of Commissioners proceeding are published shall constitute notice to the general public and Lake Access Road users that the principle of positive signing or use designation shall prevail. In the absence of positive signing, negative signs need not be posted to ensure authority of this Ordinance.

**SECTION 8. EFFECTIVE DATE.** This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of Dead Lake Township, Otter Tail County, Minnesota, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Justin Kirchenwitz, Chairperson

ATTEST:

\_\_\_\_\_  
Cheryl Harris, Clerk/Treasurer

Published in the \_\_\_\_\_ on  
\_\_\_\_\_, 2022