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CHAPTER VI - BOATS, DOCKS AND WATERWAYS

Section 600: General provisions

600.01. Intent.

The waters within the city and their associated shoreline are unique, highly valued and limited resources which offer much to the citizens of the city and surrounding communities. The waters and shoreline provide recreational opportunities, natural beauty, increased valuation, and important environmental functions. Yet, these many benefits are threatened and may be ultimately lost if the use of waters and shoreline is not regulated. Uncontrolled activities diminish the aesthetic and recreational qualities of the waters and shoreline, increase congestion along the shoreline, endanger the safety of users of the waters, reduce the total area of water surface available for public use, adversely affect wildlife and their habitats on the waters and along the shoreline, pollute the waters and their shoreline, decrease valuation, and cause conflicting water and land uses. These existing problems will be further aggravated by more intense shoreline development, unless properly controlled.

To conserve and use water resources in the city in the best interest of its citizens, and to promote the public health, safety, and welfare, it is the intent of the city to establish regulations which will eliminate the negative impacts on the waters and shoreline and thus allow for the safe, enjoyable, attractive, and environmentally sound use of them. The objectives of this chapter are to promote safety, prevent overuse of the waters and shoreline, protect the environmental quality of the waters and shoreline, promote attractive shoreline, maintain and enhance existing valuations, promote the character and preserve and enhance the stability of neighborhoods, regulate structures in the waters and on the shoreline, avoid conflicting water and land uses, and promote the enjoyable use of the waters and shoreline.

600.03. Harbor limits.

The geographical and jurisdictional limits of this city in, on and over navigable waters in or adjacent to it will extend to the harbor limits of any adjoining municipality or other governmental unit. The area within 300 feet of the water line on the shore of any lake or other body of water in or adjacent to the city will be known as the "primary harbor limit". The area extending from 300 feet to the water line on the shore of any lake or other body of water in or adjacent to the city and to the harbor limits of an adjoining municipality or another governmental unit will be known as the "secondary harbor limit". The harbor limits of the city will be deemed not to extend beyond a point half way between the shores of the body of water over which it has jurisdiction and the shores of the body of water located in another municipality or governmental unit.

600.05. Definitions.

The words, terms and phrases, when used in this chapter, shall have the following meanings:

Authorized dock use area means that area in the water which may be used for docks, mooring areas, watercraft storage, and which may be enclosed on three sides for any of these purposes.

Boathouse means a permanent year-round boat shelter.

Boat slip means an area of water adjacent to a dock or slip structure or within a mooring area which is used for storage of one watercraft.

Commercial dock means a dock or dock structure used in conjunction with a commercial or other revenue producing enterprise including a private club, but not including apartments or any such businesses involving the leasing of real property for residential use.

Deck means a structure other than a dock or a portion of a dock, measuring more than six feet in length or width, located above the surface of the water and designed for use as a platform, floor, cover, or any combination.

Dock means any wharf, pier, or other structure or combination of wharfs, piers, or other structures constructed or maintained on the water whether floating or not, including all "L's," "T's," or posts, whether affixed or adjacent to the principal structure.

Joint dock or mooring area means a single common dock or mooring area used by two adjoining property owners for their own private uses, providing no more than four watercraft are stored there.

Lot means a tract, plot or portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership or for construction or use of a dock or mooring area.

Mooring area means an area of water in which buoys, posts, structures or other devices are placed to which watercraft may be secured and which is surrounded by navigable water.

Motorboat means a watercraft propelled in any manner by machinery, including watercraft temporarily equipped with detachable motors.

Multiple dock or mooring area means any dock or mooring area constructed or maintained for the storage of five or more watercraft, other than commercial docks.

Outlot means a platted lot which is intended for public or private use or structures including docks or mooring areas, but which is not intended as a lot on which a dwelling would be constructed.

Permanent dock means any dock constructed or maintained in the water year-round or which is pile driven.

Person means any individual, corporation, partnership, homeowners or beach association, unincorporated association of individuals, such as a club, or any other legal entity.

Private club means an incorporated organization organized under the laws of the state of Minnesota for civic, fraternal, social, or business purposes, for intellectual improvement, or for the promotion of sports, or a congressionally chartered veterans' organization, which:

- (1) has more than 30 members;
- (2) has owned or rented a building or space in a building for more than one year that is suitable and adequate for the accommodation of its members;
- (3) is directed by a board of directors, executive committee, or other similar body chosen by the members at a meeting held for that purpose.

The term does not include a homeowner's association, an outlot association or other similar organization whose membership is restricted to, or comprised in a major part of, owners of property not abutting the water who have an interest in or right to use an outlot or similar tract or parcel of land located on the water.

Roof means a permanent dock cover.

Slip structure means a structure designed solely to secure a watercraft for the purpose of protecting it from damage from sun, wind, storm, or rain. The term does not include boathouses, decks, roofs, or other similar structures.

Watercraft means any contrivance used or designed for navigation on water.

Waters of the city means waters capable of substantial beneficial public use and waters to which the public has access that are within the territorial limits of the city.

600.07. Waters of the city.

The provisions of this chapter shall apply to all lakes, streams, ponds, marshes, watercourses, waterways and other bodies of water, natural or artificial, public or private, which are contained within the corporate limits of the city, specifically including but not limited to Whaletail Lake (27-184P), Ox Yoke Lake (27-178P), Little Long Lake (27-179P), Dutch Lake (27-181P), Saunders Lake (27-185W), Six Mile Marsh (27-960W), Six Mile Creek and Unnamed Basins (10-144P; 10-145W; 10-146P; 27-1095W; 27-1096W; 27-183W; 27-921W; 27-926P; 27-927W; 27-928W; 27-929W; 27-931W; 27-933W; 27-934W; 27-935W; 27-937W; 27-938W; 27-939W; 27-940W; 27-941W; 27-942W; 27-943W; 27-947W; 27-952W; 27-954W; 27-955W; 27-956W; 27-957W; 27-958W; 27-959W; 27-961W; 27-962W; 27-963W; 27-964W; 27-967W; 27-968W; 27-971W).

Section 605: Docks and other structures

605.01. Multiple docks and joint docks policy.

The city will encourage the clustering of boat slips in joint docks and a few multiple docks rather than scattering those boat slips at a variety of locations throughout many individual docks. Though the city has encountered problems with multiple docks in the past, joint docks and multiple docks offer a distinct advantage to the city, if properly controlled. Multiple docks and joint docks encourage creative and innovative planned unit development designs, promote aesthetics since they preserve more public and private open space and greenery, offer an attractive amenity to residents, increase valuations, and provide for better security. Multiple and joint docks also offer many environmental benefits, including the preservation of sensitive environmental features, such as steep slopes and wetlands, protection of wildlife habitats, preservation of vegetation, and the improvement of water quality. Multiple and joint docks, however, will be carefully controlled by the city by limiting their density. The minimum length of shoreline per boat slip will be the minimum residential lot width in the applicable zoning district. The city will also use easements, covenants and restrictions, homeowner's associations, and other tools to regulate a variety of issues.

605.03. Docks and mooring areas.

Subdivision 1. Construction and maintenance.

A dock or mooring area, whether temporary or permanent, must be constructed and maintained in a safe, clean, attractive, and environmentally sound manner and must not constitute a hazard to the public. A lot on which or in front of which a dock or mooring area is placed must be maintained in a safe, clean, attractive and environmentally sound manner, including the construction and maintenance of proper erosion control measures, and must not constitute a hazard to the public.

Subd. 2. Timing of construction.

The construction of a dock or mooring area on or in front of a lot shall be allowed prior to construction of a dwelling or other structure on that same lot.

Subd. 3. Winter storage.

Winter storage of a dock or mooring materials on shoreline will be allowed providing they:

- (a) Are stored in a safe, proper and neat manner;
- (b) Are stored above the ordinary high water level; and
- (c) Have setbacks of at least 15 feet from side lot lines.

Subd. 4. Lighting.

No oscillating, rotating, flashing or moving light may be used on a dock or mooring area. Dock and mooring area lighting must not be directed toward the water in such a manner that it impairs the vision of or confuses operators of watercraft. No lighting in the area of a lake will be installed or directed so as to affect adjoining dock use areas or create a hazard to navigation.

Subd. 5. Signs.

No sign will be displayed from any dock or mooring area except an area identification sign which must not exceed two square feet in area.

Subd. 6. Dimension limits for docks.

A dock may exceed six feet, excluding posts, in either its length or width, but not both.

Subd. 7. Extensions.

No multiple dock or mooring area will extend across the extended zone line between lots zoned differently by the city.

Subd. 8. Shoreline requirements.

- (a) No docks or mooring areas shall be constructed or established which provide space for or are used for mooring or docking a greater number of watercraft than one for each 50 feet of continuous shoreline. When measurements determining the number of watercraft allowed result in the provision of a fractional watercraft, any fraction up to and including one-half will be disregarded, and fractions over one-half will allow one additional watercraft.
- (b) Two or fewer watercraft may be kept at any dock or mooring area which is otherwise in compliance with all city ordinances.
- (c) Three or four watercraft may be kept at any dock or mooring area which is otherwise in compliance with all city ordinances providing watercraft storage permit is obtained in accordance with section 610.03 of this chapter and the number of watercraft does not exceed one per 50 feet of continuous shoreline in accordance with clause (a) above.

Subd. 9. Unusual configurations.

Where the provisions of this section would cause the authorized dock use area of two or more lots to overlap, or where there is any other unusual configuration of shoreline or extended lot lines, which causes a conflict between the owners of two or more adjacent or nearby lots as to the use of the same area of the water for docks, mooring areas or structures or for reasonable access to the water, the owner of any of the affected lots may apply to the city for a variance pursuant to this chapter. A variance may permit the applicant to locate a dock, mooring area or structure in a location different from that permitted by this chapter or to permit or require the owner of any adjacent or nearby lot to do so.

Subd. 10. Space between boats.

Reasonable space must be provided in mooring areas to allow navigation freely between moored boats.

605.05. Nonconforming docks and mooring areas.

Subdivision 1. Generally.

Any docks or mooring areas existing upon May 3, 1983, which do not conform to the provisions of this section must immediately comply with all provisions of this section, except that specific existing docks and mooring areas are allowed to continue as is with variances being hereby granted to specific docks and mooring areas as in accordance with resolutions No. 25-83, 26-83, 27-83, 28-83, 29-83, 30-83, and 31-83. The variances must be automatically renewed each year subject to the conditions in this section.

Subd. 2. Inspection.

Upon construction of the nonconforming multiple dock or mooring area, the applicant will notify the city. Upon such notification, the city must inspect the dock or mooring area and the land on which or in front of which the dock or mooring area is located to assure compliance with this section and variances.

Subd. 3. Expansion.

The nonconforming multiple dock or mooring area must not be expanded, enlarged, or extended to occupy a greater height or area of land or water or involve a greater number of boat slips or storage of watercraft, except in conformance with the provisions of this section.

Subd. 4. Maintenance.

Normal maintenance of a nonconforming multiple dock or mooring area is permitted, including necessary nonstructural repairs and incidental alterations which do not extend the nonconforming use. Nothing in this section will prevent the placing of a structure in a safe condition after it has been declared unsafe by the building official of the city.

Subd. 5. Future regulations.

The use of the nonconforming multiple dock or mooring area will remain subject to such regulations and conditions and restrictions as the city and other regulatory authorities from time to time will find necessary in the public interest.

605.07. Authorized dock use area.

Subdivision 1. Limits.

An authorized dock use area is described as follows:

- (a) The authorized dock use area for lots bordering on the water extends into the water a distance equal to the lot water frontage to be measured at right angles to the side lot lines and, except as provided herein, must not extend into the water a distance of greater than 100 feet to be measured on a line parallel to the side lot lines as extended into the water.
- (b) The authorized dock use area for lots bordering on the water is limited in width by the setback limitations prescribed in this section. The setback from side lot lines as extended in a water must be as follows:

For that portion of the length of the authorized dock use area which extends from the shore	Side Setback (Feet)
Zero to 50 feet	10
50 to 100 feet	15

Where boat slips open toward a side lot line, the side setback provided must be at least equal to the slip depth, but must not be less than 20 feet. In any case, side setbacks will be doubled for all multiple docks or mooring areas on each side where such multiple docks or mooring areas are not located adjacent to another multiple dock or mooring area.

- (c) The authorized dock use area must be measured from the point which forms the shoreline when the body of water is at its ordinary high water mark. During periods when water level falls below the ordinary high water mark and when so declared by resolution of the city council, the city may issue permits for temporary dock extensions beyond the authorized dock use area subject to the following limitations:
- (1) Need for the temporary dock extension must be demonstrated by the applicant.
 - (2) The extension must be a temporary, seasonal type dock. No extensions may be on pile driven or permanent year-round docks.
 - (3) The extension must meet all requirements of this section other than the length limitation described in section 605.03, subdivision 6.
 - (4) The extension must only be permitted during the time a water level is below the ordinary high water mark and, at any given time, must be permitted only to the extent of the equivalent dockage and comparable depth existing at a water elevation of the ordinary high water mark.
 - (5) The extension, together with the original dock, must not be used to provide storage space for a greater number of watercraft than are authorized under this section or for a greater number of watercraft than are licensed or permitted, if a license or permit for the dock is required under this section.
- (d) A joint dock or mooring area does not have to maintain side setbacks from the common side lot line shared by the two adjoining lots, but in any event must observe side setbacks at the outer lines of the combined lots involved in such a joint use.

- (e) A lot which has a water frontage of 40 feet or more, but less than 60 feet, may have a dock extending up to 60 feet into the water. Any such lot which has a water frontage of less than 40 feet may have a dock which extends beyond the authorized dock use area to the point necessary to reach a water depth of three feet, and no further; provided that no such dock will be located or extended more than 60 feet into the water. Side setback requirements must be observed unless a variance is granted by the city council under section 610.05 of this chapter or the conditions set forth in clause (f) below are met.
- (f) The authorized dock use area, in the case of lots 50 feet in width or less, may be expanded to a side setback of five feet, provided that such side setback in no way impairs access to neighboring docks.
- (g) The length limitations prescribed by this section may be adjusted under the variance provisions of section 610.05 to allow the construction and maintenance of a dock in a water to a water depth of three feet at the outer end of such dock to provide adequate water depth for navigation and to protect the environmental quality or natural habitat of the water adjacent to the dock.

Subd. 2. Water use restrictions.

No person will use any area of a body of water outside an authorized dock use area, for docks, mooring areas or watercraft storage, unless such use is specifically permitted by this section. No person will use any area of a body of water within any authorized dock use area for docks, mooring areas or watercraft storage, without the consent of the riparian owner. No person who is in charge or control of any property on a body of water whether as owner, tenant, occupant, lessee, or otherwise, will allow any sunken, wrecked, junked, or discarded watercraft within any dock use area for a period of longer than one week.

Subd. 3. Selling, renting, or leasing of space.

No person will sell, rent, or lease for the storage of watercraft any space within dock use areas. Such space may only be rented or leased at docks of apartments or planned unit developments solely for the storage of watercraft owned by residents of the apartment or planned unit development and providing an annual dock license is obtained in accordance with section 610.01.

605.09. Boat slips and slip structures.

Subdivision 1. Permitted.

Boat slips or slip structures may be erected in a water. Such structures must be of no greater height, area, volume or mass than is necessary to secure and protect the number of watercraft which it is designed to shelter. The structure must be so constructed to permit the use of a fabric canopy in conjunction with necessary poles, rigging and appurtenances necessary to support the canopy.

Subd. 2. Setback.

A slip structure must have a side setback of at least 20 feet.

605.11. Public waters access lots.

Lots intended as controlled accesses to public waters or as recreation areas for use by owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:

- (a) Public water access lots must meet the width and size requirements for residential lots within the zoning district in which it lies, and be suitable for the intended uses of controlled access lots;
- (b) The number of allowed slips allowed on a multiple dock will be determined by standards established in this section;
- (c) The public waters access lots must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot; and
- (d) The city council must approve protective covenants regulating recreational use of said lot, maintenance and multiple dock configuration. The covenants must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

605.13. Fish houses, warming houses.

- (a) No person will place any fish house, warming house, or other similar structure on any frozen public waters within the harbor limits of this city unless:
 - (1) The following information is legibly painted on such structure in letters three inches in height:
 - a. Name of owner;
 - b. Address of owner;
 - c. Telephone number of owner, or if the owner has no telephone, the words: "No phone"; and
 - (2) The door of such structure can be opened from the outside at all times when the same is in use.
- (b) No person will leave any fish house, warming house or other similar structure on any frozen waters within the harbor limits of this city after February 28 of any year.
- (c) No person will use any fish house, warming house, or other similar structure for any unlawful purpose.

605.15. Prohibited structures.

The following must not be erected on a water:

- (a) Boathouses;
- (b) Decks;
- (c) Roofs;
- (d) Any structure above the horizontal plane of a dock except boat slips and slip structures; and
- (e) Commercial docks.

605.17. Structures not to obstruct.

No dock, mooring area, or structure will be so located as to obstruct a navigable channel, or so as to obstruct reasonable access to any other dock, mooring area or structure authorized under this section. No dock, mooring area or structure shall be located or designed so that it requires or encourages watercraft using it to encroach into any other authorized dock use area. A dock, mooring area or structure is "authorized" if it is automatically permitted under this chapter or if a variance has been granted under section 610.05.

605.19. Retaining walls, steps, decks, and other structures.

The construction of retaining walls, steps, stairways, decks, and other similar structures on land relating to docks, mooring areas, and general shoreline use, must meet the conditions of all city ordinances.

605.21. Storage.

Unless otherwise specifically permitted by this section, no structure on the water may be used for the storage of any materials or items other than watercraft except for throw-out life preservers and fire extinguishers which must be properly stored in an orderly manner on racks provided for that purpose.

605.23. No vested rights.

Nothing in this section or any license, permit, or variance related thereto will confer upon any person or to the benefit of any property any vested right to use the water and the shoreline in the manner permitted by this section or any license, permit, or variance. The use of the water and shoreline must remain subject to such regulations and conditions and restrictions of any license, permit, or variance as the city and other regulatory authorities will find necessary from time to time in the public interest.

Section 610 – Licenses, permits and variances

610.01. Annual dock license.

Subdivisions 1. Required.

No person will use an outlot for a dock or mooring area; locate, construct, install, use or maintain or offer, sell, lease, or make any agreement or arrangement for a multiple dock or mooring area; or alter or modify a dock or mooring area on an outlot or any multiple dock or mooring area, unless an annual dock license has been approved by the city for that person and that activity, in accordance with this section.

Subd. 2. Application.

A complete application for an annual dock license must include the following:

- (a) 17 copies of the completed application form;
- (b) 17 copies of an accurate site plan, drawn to scale, or survey of the lot on which or in front of which the dock or mooring area is proposed to be located showing:
 - (1) The location, size and configuration of the dock or mooring area;
 - (2) Lot lines;
 - (3) Setbacks of the dock or mooring area from side lot lines;
 - (4) Terrain and vegetation features such as steep slopes, woods, and wetlands;
 - (5) Driveways and public and private roadways;
 - (6) Existing buildings and structures; and
 - (7) Easements, including easements for roads, access, open space, views and utilities. The city reserves the right to require a certificate of survey or topographical survey, as found necessary;
- (c) Two copies of any documents or agreements regarding the use, maintenance, or ownership of the land, shoreline, dock or mooring area, including but not limited to easements, covenants and restrictions, association articles of incorporation and association bylaws. In any case, the city reserves the right to require a current title opinion addressed to the city setting forth all legal interests in the lot;
- (d) A current list of members' names and addresses of the corporation, association, whether incorporated or not, or entity requesting the annual dock license;

- (e) Payment of application fee, miscellaneous fees, and late fee (if application is submitted after January 31, of the year for which the license is requested) as established by resolution and section 610.09;
- (f) Any additional information found necessary by the city.

Subd. 3. Renewal.

If a renewal of an annual dock license is being applied for with no changes from the annual dock license issued by the city for the previous year, the applicant may submit a written statement that there have been no changes in the site plan, survey, documents, or agreements last submitted, in lieu of the information listed in subdivision 2(b) above.

Subd. 4. Timing.

A complete application for any annual dock license must be made no later than January 31, of the year for which the license is requested and at least 19 days before the next regularly-scheduled planning commission meeting or, if a renewal of an annual dock license is being applied for with no changes from the annual dock license issued by the city for the previous year, the complete application must be made at least 14 days before the next regularly-scheduled city council meeting.

Subd. 5. Review by city council and planning commission.

- (a) Upon submittal of a completed application, the zoning administrator must schedule a public hearing at the next planning commission meeting at which time the planning commission will consider the application for an annual dock license and make recommendations to the city council. The city council must then approve, approve with modifications, or deny the application for an annual dock license by resolution which must set forth in detail any conditions and restrictions to which the approval is subject or reasons for denial.
- (b) If a renewal of an annual dock license is being applied for with no changes from the annual dock license issued by the city for the previous year, the zoning administrator may approve the application.

Subd. 6. Review standards.

- (a) In acting upon an application for an annual dock license, the city must consider the following criteria:
 - (1) Surrounding land and water uses;
 - (2) Sensitive environmental features, including lakes, steep slopes and wetlands, especially regarding the water quality and the possibility of erosion;
 - (3) Structural safety of the dock and other structures on the lot on which or in front of which the dock or mooring area is proposed to be located;

- (4) Safety requirements of individuals using the dock or mooring area, the lot on which or in front of which the dock or mooring area is proposed to be located, and adjacent docks, mooring areas, or lots;
- (5) Watercraft densities, which are not to exceed one boat slip per 50 feet of shoreline frontage, as required by subdivision 8(a) of section 605.03, and which may be restricted further if found necessary by the city;
- (6) Vehicle parking and traffic patterns and volumes;
- (7) Watercraft docking and traffic patterns and volumes;
- (8) Design, size, location and configuration of the dock or mooring area;
- (9) Design, size, location and configuration of the lot on which or in front of which the dock or mooring area is proposed to be located;
- (10) Maintenance of the dock or mooring area;
- (11) Maintenance of the lot on which or in front of which the dock or mooring area is proposed to be located;
- (12) Sanitary facilities;
- (13) Nuisances, including noise, glare, odors, and dust;
- (14) Aesthetics, including the appearances of the dock or mooring area and the lot on which or in front of which the dock or mooring area is proposed to be located, and scenic views from surrounding properties;
- (15) Consistency with the city's comprehensive plan, and compliance with all city ordinances;
- (16) Other criteria found relevant by the city.

- (b) The applicant must prove that the use as proposed in the annual dock license application will not result in any detrimental effects, as per the criteria listed above.

Subd. 7. Conditions of approval.

In approving an application for an annual dock license, the city may attach conditions and restrictions as it finds necessary, including, but not limited to, the following:

- (a) Execution of restrictive easements and covenants and restrictions addressing the use and maintenance of the dock or mooring area and the lots on which or in front

of which the dock or mooring area is to be located. In case that the annual dock license involves the transfer of dock or mooring rights or the clustering of docks or mooring areas at a density exceeding the standard of one watercraft per each 50 feet of continuous shoreline, the city must require a restrictive easement and covenants and restrictions over a portion of the shoreline which is not to be used for docking or mooring, with such easements and covenants assuring the continued open space of that shoreline, the exclusion of docking or mooring from that area, and the preservation of an overall density of one watercraft per 50 feet of continuous shoreline. Restrictive easements and covenants and restrictions may also be required to address other conditions, such as dock configuration, setbacks, number of boats, winter storage, boat storage, screening, accessory structures, amount of hard-cover, size of boats, noise, fire protection, pollution control, sale of gas and fuel, dock design, erosion control, and launching and retrieving of watercraft;

- (b) Execution of easements granting vehicle and/or pedestrian access and conservation easements assuring protection of sensitive environmental features;
- (c) Establishment of a homeowners' or beach association to administer and maintain the use of the dock or mooring area and the lot on which or in front of which the dock or mooring area is to be located;
- (d) Construction and maintenance of improvements on the lot on which or in front of which the dock or mooring area is to be located, such as parking areas, sanitary facilities, stormwater control devices, and temporary and permanent erosion control devices.

Subd. 8. Expiration.

The annual dock license shall expire on December 31 of the year for which it is issued.

Subd. 9. No vested rights.

It may become necessary in the future for the city to make an allocation or apportionment of multiple dock and mooring area privileges on and within a water, on an equitable basis, in order to avoid overcrowding, and in order to balance the many conflicting demands upon the water. In order to give notice to applicants that the annual dock license does not create any vested rights and that future regulatory actions by the city may necessitate modifying or discontinuing the facility for which the license is granted, each annual dock license must state that the multiple dock or mooring area is subject to existing and future policies and regulations adopted by the city.

610.03. Permit.

Subdivision 1. Required.

A permit under this section is required for the following structures:

- (a) Joint docks. No person will locate, construct, install, use or maintain or offer, sell,

lease, or make any agreement or arrangement for a joint dock or mooring area or alter or modify a joint dock or mooring area, unless a joint dock permit has been approved by the city for that person and that activity, in accordance with this section.

- (b) Watercraft storage. No person will keep more than two watercraft at any dock or mooring area unless a watercraft storage permit has been approved by the city for that person, in accordance with this section, providing that no such permit will be required of docks requiring an annual dock license, as per section 610.01, or a joint dock permit in accordance with clause (a) above.
- (c) Permanent docks. No person will locate, construct, install, use or maintain or offer, sell, lease, or make any agreement or arrangement for a permanent dock or alter or modify a permanent dock unless a permanent dock permit has been approved by the city for that person and that activity, in accordance with this section.

Subd. 2. Application. A complete application for a joint dock permit, watercraft storage permit, or permanent dock permit must include the following:

- (a) A completed application form;
- (b) An accurate site plan, drawn to scale, or survey of the lots on which or in front of which the dock or mooring area is proposed to be located showing:
 - (1) The location, size, and configuration of the dock or mooring area;
 - (2) Lot lines;
 - (3) Setbacks of the dock or mooring area from side lot lines;
 - (4) Terrain and vegetation features, such as steep slopes, woods and wetlands;
 - (5) Driveways and public and private roadways;
 - (6) Existing buildings and structures; and
 - (7) Easements, including easements for roads, access, open space, views, and utilities.

The city reserves the right to require a certificate of survey, as found necessary.

- (c) A copy of any documents or agreements regarding the use, maintenance, or ownership of the land, shoreline, dock, or mooring area, including but not limited to easements, covenants and restrictions, association articles of incorporation, and association bylaws;

- (d) Registration numbers for all watercraft;
- (e) Payments for all application fees, as established by resolution and section 610.09.
- (f) Any additional information found necessary by the city.

Subd. 3. Review and issuance.

Upon submittal of a complete application, the city must grant a joint dock permit, watercraft storage permit, or a permanent dock permit provided that the watercraft, the dock or mooring area and the lot on which or in front of which the dock or mooring area is proposed to be located will be in compliance with city ordinances. The city review must include, but not be limited to, setbacks, boat densities, size and configuration of the dock or mooring area, road and pedestrian access, environmental constraints, and impact on neighboring properties. If the city refuses to issue the permit, the city must state the reasons for refusal to the applicant in writing.

Subd. 4. Expiration.

A watercraft storage permit will expire on December 31 of the year for which the permit is issued. A joint dock permit or permanent dock permit will expire upon a change in ownership of the lot or lots on which or in front of which the dock or mooring area is located.

610.05. Variance.

Subdivision 1. Generally.

A person may request a variance from the requirements of this chapter or from what is otherwise allowed by this chapter, where practical difficulties or undue hardships exist because of circumstances unique to the individual property under consideration.

Subd. 2. Application.

A complete application for a variance shall be made no later than 19 days before the next regularly scheduled planning commission meeting and must include the following:

- (a) 17 copies of the completed application form.
- (b) 17 copies of an accurate site plan, drawn to scale, or survey of the lot on which or in front of which the dock or mooring area is proposed to be located showing:
 - (1) The location, size and configuration of the dock or mooring area;
 - (2) Side lot lines;
 - (3) Setbacks of the dock or mooring area from side lot lines;
 - (4) Terrain and vegetation features, such as steep slopes, woods, and wetlands;
 - (5) Driveways and public and private roadways;

- (6) Existing buildings and structures; and
- (7) Easements, including easements for roads, access, open space, views, and utilities.

The city reserves the right to require a certificate of survey or topographical survey, as found necessary.

- (c) 17 copies of a letter addressing the review criteria, as found in subdivision 4 of this section.
- (d) Payment of application fees and miscellaneous fees, as established by city resolutions and section 610.09.
- (e) Any additional information found necessary by the city.

Subd. 3. Review by city council and planning commission.

Upon submittal of a completed application, the zoning administrator must schedule a public hearing at the next planning commission meeting at which time the planning commission will consider the application for a variance from this chapter and will make recommendations to the city council. The city council must then approve, approve with modifications, or deny the application for a variance by resolution which must set forth in detail any conditions and restrictions to which the approval is subject or reasons for denial. The city council may waive the requirements for planning commission review and public hearing.

Subd. 4. Review standards.

In approving an application for a variance, the city must find and the applicant must prove:

- (a) The existence of a practical difficulty or undue hardship which precludes the lot in question from being put to a reasonable use if used under conditions allowed by this chapter;
- (b) The practical difficulty or undue hardship is caused by this chapter and has not been caused by any person having an interest in the lot or dock or mooring area;
- (c) The practical difficulty or undue hardship is not based solely on economic considerations if reasonable use of the lot exists under the terms of this chapter;
- (d) The practical difficulty or undue hardship is due to circumstances unique to the lot and is not generally applicable to other lots or docks or mooring areas on that lake and will not result in the setting of an adverse precedent;
- (e) The variance does not alter the essential character of the neighborhood and is not detrimental to the public welfare or injurious to other lots or improvements in the neighborhood in which the lot and dock or mooring area is located;
- (f) The variance is in keeping with the spirit and intent of this chapter;

- (g) The variance is consistent with the city's comprehensive plan, and all city ordinances; and
- (h) The variance does not increase congestion on public streets, increase the danger of fire, endanger the public safety, substantially diminish property values in the neighborhood, or otherwise detrimentally affect the general health, safety, and welfare of the city.

Subd. 5. Conditions of approval.

In approving an application for a variance from this chapter, the city may attach conditions and restrictions as it finds necessary.

610.07. Inspection and revocation of licenses, permits, and variances.

The city may at any time inspect the dock or mooring area or the lot on which or in front of which the dock or mooring area is located to determine if there is compliance with the annual dock license, joint dock permit, watercraft storage permit, permanent dock permit, and/or variance and the conditions and restrictions of that license, permit, or variance.

610.09. Fees.

The applicant for an annual dock license, joint dock permit, watercraft storage permit, permanent dock permit, or variance must pay an application fee in the amount established by resolution. The applicant must also pay for any costs or expenses incurred by the city during the processing and reviewing of the application, which exceed the application fee. Such expenses must include, but are not limited to, direct city payroll and overhead costs, fees paid to consultants and other professionals and the cost of printing, mailing, and supplies.

Such fees will become due and payable immediately upon notification by the city. The city must provide, upon the request of the applicant, a breakdown of the various expenses incurred by the city. The city may withhold any final action on an application for an annual dock license, joint dock permit, watercraft storage permit, permanent dock permit, or variance and/or rescind prior actions until all fees are fully paid. The city may require additional deposits, above and beyond the application fee, if found necessary.

Section 615: Public nuisances

615.01. Definition.

A public nuisance is a crime, punishable as a misdemeanor, and constitutes an act or failure to perform a legal duty, which act or failure:

- (a) Injures or endangers the safety, health, or comfort of the public;
- (b) Offends public decency; or,
- (c) Unlawfully interferes with, obstructs, or tends to obstruct or render dangerous for use or passage, a body of water within the harbor limits.

The term "public nuisance" includes anything declared to be a public nuisance by ordinance.

615.03. Prohibited conduct.

Subdivision 1. Generally.

No person will commit or maintain a public nuisance in or upon the waters of any lake or other body of water within the jurisdiction of the city, nor will any person let, permit, or enable any other person to use any boat, dock, craft, or structure, or portion thereof, knowing that it is intended to be used for committing or maintaining a public nuisance.

Subd. 2. Waste disposal.

No person will deposit refuse, waste or other deleterious, poisonous or injurious substance within the harbor limits. No person will deposit sewage within the primary harbor limits.

Subd. 3. Structures interfering with primary harbor limits.

No person will erect or maintain any dock or structure which interferes with, obstructs, or tends to obstruct or render dangerous for use the waters within the primary harbor limits as defined in section 600.03.

615.05. Enforcement.

Whenever any boat, canoe, or other watercraft, or any fish house, warming house or other similar structure constitutes a public nuisance, any law enforcement officer of this city, or any law enforcement officer of the county or state may order the owner of the above described property to remove or abate the nuisance within a time specified in the notice but no longer than ten days. Notice for abatement or removal may be served on the owner, occupant, or agent of the property by registered mail or in person by authorized city personnel. If the owner is unknown or absent, the notice may be posted on the property for a period of no longer than ten days.

If the property is abandoned and its owner is unknown and not subject to discovery, the property may be destroyed or sold at public auction. If the owner, occupant, or agent fails or neglects to comply with the requirement of the notice for abatement or removal, the city will remove or abate the nuisance. The cost of an enforcement action under this section incurred by the city may be assessed and charged against the owner of the property abated or removed under this section.

615.07. Interference with enforcement.

No person will intentionally prevent, hinder, oppose or obstruct a public official in the performance of the public official's duty in carrying out the provisions of this section, or in removing or abating a public nuisance.

615.09. Other powers and duties established by law.

Nothing in this section limits powers and duties of the city prescribed in other sections.

Section 620 – Water safety regulations

620.01. Compliance with state watercraft laws.

No person will fail to equip and operate a boat, vessel or watercraft in accordance with the provisions of Minnesota Statutes, chapter 361, as amended, which provisions are hereby adopted by reference, as fully as if set out herein.

620.03. Launching unlicensed watercraft.

No person will launch within the harbor limits of this city any watercraft for which a license is required under state law without such a license.

620.05. Watercraft towing skiers.

- (a) No person will tow or operate a watercraft towing one or more persons behind a watercraft on water skis, aquaplane, surfboard, saucer or similar device, except in compliance with Minnesota Statutes, chapter 361 and this section.
- (b) Every person being towed must wear a life vest, belt or other buoyant device, except with written permission of the county sheriff.
- (c) Not more than two persons may be towed at one time, except with written permission of the county sheriff.
- (d) No person will be towed by a rope, cable or other towing device longer than 85 feet, except with a written permit of the county sheriff.
- (e) No person will operate a watercraft when towing a person, and no person being towed will come within 150 feet of any bathing area, skin diver's warning flag, swimmer, or raft, watercraft, dock or pier except that raft, dock or pier from which the person is operating.
- (f) No person will tow or be towed through a marked channel connecting two bodies of water.

620.07. Unauthorized use of, damage to watercraft.

No person will use, damage or tamper with a watercraft within the harbor limits, except when done by the owner or with the owner's consent.

620.09. Use of police flags by watercraft.

- (a) Within the harbor limits no owner or operator of a watercraft will use or display on such watercraft a police, sheriff or law enforcement officer's flag, or any

device designed to simulate such a flag.

- (b) Clause (a) above does not apply to an authorized water patrol boat or other police watercraft.

620.11. Reckless operation of vehicles or watercraft.

No person will operate any watercraft, automobile, vehicle or power propelled device on the open water, or upon an ice covered body of water, in such a manner as to endanger life, limb or property.

620.13. Swimming or diving in channels.

No person will swim in any channel or jump or dive from a channel bridge.

Section 625: Water surface use

625.01. Little Long Lake.

Subdivision 1. Identification of body of water.

The body of water to which the regulations of this subsection shall be applied is located wholly within the city of Minnetrista. The body of water is known locally as "Little Long Lake" and is located partially within Sections 9, 10, 15 and 16, Township 117 North, Range 24 West of the 5th Principal Meridian. The body of water is identified by the Minnesota Department of Natural Resources as 27-179P.

Subd. 2. Intent.

Little Long Lake is located within a relatively small but deep basin, which is bounded by ridges and hills. The 104-acre lake is separated into two basins by a shallow area of cattail growth. The northern basin contains a public access and an informal swimming area. This basin consists only of about 45 acres of open water, but is up to 73 feet deep. The water quality and clarity is excellent and the environment is quite natural.

These physical characteristics have encouraged a variety of low-profile uses such as canoeing, swimming, scuba diving and small-craft fishing. It is the city's intention to encourage the continued serenity and purity of the lake, as well as its existing mixture of low-profile uses.

The ridges and hills surrounding the basin create a natural amphitheater. Any sound within the basin is amplified. Therefore, the existing quietude of canoes, swimming, scuba diving and small fishing craft will be negatively impacted by the loud noise associated with larger gasoline motors.

The speed associated with larger gasoline engines is unnecessary on a body of water the size of Little Long Lake. Furthermore, large boats and motors using the public access will likely conflict with the existing uses near the access. Both swimming and scuba diving occur within several hundred feet of the access.

Subd. 3. Permitted motor types.

In order to further the stated intent of the city, only motors of ten horsepower or less may be used on Little Long Lake.

Subd. 4. Exemptions.

Enforcement, resource management and emergency personnel when in performance of their official duties are exempt from the provisions of subdivision 3 of this section.

625.03. Ox Yoke Lake.

Subdivision 1. Identification of body of water.

The body of water to which the regulations of this section will be applied is located wholly within the city of Minnetrista and is known as Ox Yoke Lake. The body of water is identified by

the Minnesota Department of Natural Resources as 27-178P and is located in Section 5 and Section 6, Township 117, Range 24.

Subd. 2. Intent.

Ox Yoke Lake is located within the city of Minnetrista. The natural environment lake, as defined by the Minnesota Department of Natural Resources, is approximately one mile in length by 900 feet at the widest expanse. The lake is very shallow and has a marsh like shoreline. Access is gained to Ox Yoke Lake from Judicial Ditch No. 20 that extends from Carver County No. 20 through Ox Yoke Lake and particularly in the fall of the year for the purpose of hunting game on the lake. The residents of Ox Yoke Lake have expressed concern that by allowing the access of boats with large motors, eurasian milfoil will be brought into the lake and infest a lake that at this time is free of eurasian milfoil.

Subd. 3. Permitted motor types.

In order to further the stated intent of the city, only boat motors of five horsepower or less may be used on Ox Yoke Lake.

Subd. 4. Exemptions.

Enforcement, resource management and emergency personnel when in performance of their official duties are exempt from the provision of subdivision 3 of this section.

625.04. Six Mile Marsh

Subdivision 1. Purpose, intent and application.

The city is authorized by Minnesota Statutes Sections 86B.201, 86B.205, and 459.20, and Minnesota Rules 6110.3000 - 6110.3800, to enact ordinances to control and regulate the surface use of the waters of Six Mile Marsh. In enacting this ordinance regarding Six Mile Marsh, it is the purpose of the city to protect the environment of the marsh and the lands and waters surrounding it in accordance with the Comprehensive Plan; to ensure the safety of persons and property in connection with the use of its waters; to harmonize and integrate the varying uses of its waters; and to promote the general health, safety and welfare of the citizens of Minnetrista. This ordinance is adopted in recognition that Six Mile Marsh is a shallow body of water located within a fragile ecosystem and that it has experienced only limited development to date. Regulation of the use of watercraft and docks on Six Mile Marsh is necessary to protect the environment of the waters and lands surrounding the marsh.

Subd. 2. Identification of Six Mile Marsh.

Six Mile Marsh is the body of water identified by the Minnesota Department of Natural Resources as public water wetland 27-960W, and is located entirely within the City of Minnetrista. In general terms, Six Mile Marsh is by and large the water body between State Highway 7 and Lake Minnetonka. Six Mile Marsh is divided into two areas based on historical use of the waters within Six Mile Marsh, and based on the historical ability to utilize such waters due to environmental conditions. The portions of Six Mile Marsh located east of a north/south line between Sections 27 & 28 and 33 & 34, T177N-R24W, shall be known as the Lower Marsh as the area west of this point is generally inaccessible to motorized boats without severe impact

to vegetation. The portion of Six Mile Marsh located west of a north/south line between Sections 27 & 28 and 33 & 34, T177N-R24W, shall be known as the Upper Marsh.

Subd. 3. Regulation of the Lower Marsh.

- (a) The Lower Marsh shall be a slow-no wake area for all watercraft. For purposes of this Section, the terms “slow-no wake” and “watercraft” shall have the meanings given to them in Minnesota Statutes Section 86B.005. The slow no-wake restriction shall not apply to authorized law enforcement personnel or governmental resource management personnel in performance of their duties.
- (b) The sheriff or public safety director shall provide for the placement of signs at appropriate areas of Six Mile Marsh and Lake Minnetonka to inform operators of watercraft of the speed and use limitations established by this section.

Subd. 4. Regulation of the Upper Marsh.

- (a) No person shall operate a motorboat on the waters of the Upper Marsh. The prohibition against the use of motorboats on the Upper Marsh shall not apply to authorized law enforcement personnel or governmental resource management personnel in performance of their duties.
- (b) The sheriff or public safety director shall provide for the placement of signs at appropriate areas of Six Mile Marsh to inform operators of watercraft of the motorboat prohibition established by this section.

625.05. Enforcement.

The primary responsibility for enforcement of this section will be the Minnetrista Public Safety Department. Other enforcement agencies, including the Hennepin County Sheriff’s Department are also authorized to enforce this section.

625.07. Notification.

It will be the responsibility of the city to provide for adequate notification to the public, including the placement of necessary signs at access points, within the city and any buoying or signs in the water.

625.09. Penalties.

Any person who will violate any of the provisions of this section will be guilty of a misdemeanor.

Section 630: Public water access

630.01 Purpose.

The city enacts this section for the purpose of facilitating the safe and orderly flow of traffic through public lake accesses and to promote the clean-up of such accesses for the benefit of the citizens of the city.

630.03. Definitions.

The following words, terms and phrases, will have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Public lake access means boat launching areas to public waters that we owned by the city.

Vehicle includes, but not limited to, vehicles and trailers used for launching boats or other recreational watercraft, and any vehicles used for commercial or construction activities or deliveries.

630.05. No obstruction of traffic.

No vehicle may unreasonably obstruct the flow of traffic to any public lake access. In no case may any vehicle remain within any public lake access for more than ten minutes, regardless of the purpose for which the public lake access is being used.

630.07. Weight limitation.

Vehicles in excess of three tons gross axle weight are prohibited in any public lake access.

630.09. Clean-up of access area.

All persons using a public lake access for any purpose must remove after each use all debris, including, but not limited to, paper litter, construction materials, dirt and rock.

630.11. Penalty.

Failure to comply with any provision of this section is a misdemeanor and is punishable as such under state law.