Chapter 78

WATERWAYS*

***State law reference—**Water safety and watercraft, Minn. Stats. ch. 86B.

ARTICLE I. IN GENERAL

Sec. 78-1. Harbor limits.

(a) *Enumerated.* The geographical and jurisdictional limits of the city in, on and over navigable waters in or adjacent to the city shall extend to the harbor limits of any adjoining municipality or other governmental unit.

(b) *Primary harbor limit.* 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 shall be known as the "primary harbor limit."

(c) *Secondary harbor limit.* The area extending from 300 feet of 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 any adjoining municipality or other governmental unit shall be known as the "secondary harbor limit."

(d) *Jurisdictional limit.* The harbor limits of this city shall be deemed not to extend beyond a point halfway between the shores of the body of water over which this city has jurisdiction and the shores of the body of water located in another city or governmental unit.

(Code 1987, §§ 160.01—160.15)

Sec. 78-2. Provisions of state law adopted.

The provisions of Minn. Stats. ch. 86B, with reference to the definition of terms, conditions or operation, restrictions, and provisions relating to the use and operation of watercraft and the use of public waters are adopted and made a part of this chapter as if set out in full.

(Code 1987, § 1015.01)

Sec. 78-3. Provisions of LMCD regulations adopted.

The regulations of the Lake Minnetonka Conservation District (LMCD) with reference to the definition of terms, conditions of operation, restrictions, and provisions relating to the use and operation of watercraft and the use of public waters are adopted as if set out in full.

(Code 1987, § 1015.05)

Sec. 78-4. Limitation of fish houses.

No person shall place or allow any fish house, warming house, or other similar structure to remain on any frozen public waters within the harbor limits of this city unless there is legibly painted thereon in letters three inches in height the following information:

(1) Name of owner;

(2) Address of owner; and

(3) Telephone number of owner, or if the owner has no telephone, the words "No Phone";

unless the door of such structure can be opened from the outside at all times when the same is in use.

(Code 1987, § 1015.10)

Sec. 78-5. Seasonal removal of fish houses.

No person shall allow any fish house, warming house, or other similar structure to remain upon any frozen public waters within the harbor limits of the city, or upon private land within the city, without the owner's written consent, after March 1 of any year.

(Code 1987, § 1015.15)

Sec. 78-6. Seasonal watercraft launch areas.

(a) There shall be no launching, mooring, or docking of watercraft from June 1 through September 15 of any year in the beach areas of Pembroke, Wychwood, Chester Park Beach, Three Points Beach, and Centerview Beach. These beach areas shall be posted as follows:

"Swimming Beach Only No Launching of Boats from June 1 through September 15"

(b) The City Council, by resolution, may designate additional public beaches at which the launching, mooring, and docking of watercraft will be prohibited, and may by resolution provide for the posting of appropriate signs.

(Code 1987, § 1015.20)

Sec. 78-7. Public bathing beach.

It shall be unlawful to swim, wade, or bathe from any city public lands, public parks, public commons, or other public property, except where such property has been designated as a public bathing beach by the City Council, by resolution, and is designated as such by appropriate signs, buoys, and markers.

(Code 1987, § 1015.25)

Sec. 78-8. Public bathing beach, hours.

Public bathing beaches within the city shall be closed at 10:00 p.m., and any person found swimming, wading, bathing, or loitering on any such beach between the hours of 10:00 p.m. and 5:00 a.m. shall be guilty of a misdemeanor.

(Code 1987, § 1015.30)

Sec. 78-9. Finding and determination.

Due to inherent risk of injury to persons engaged in boating and pedestrian activities within the relatively confined and congested areas of the Lost Lake greenway and pier, the City Council has determined that it is necessary to, in the interest of public heath, safety and welfare, to prohibit certain activities at certain portions of the Lost Lake greenway and pier. In order to preserve the peace, quiet, good order and in order to reduce the city's liability, certain activities will be prohibited on all docks owned by the City of Mound, including multiple slip dock complexes, and that portion of the Class D and Class E commons shoreline where an Abutting Residence parcel of land is contiguous with the commons shoreline. The Centerview Beach Fishing Pier and dock program licensees who own their own dock complex are exempt from this language.

(Code 1987, § 903.00; Ord. No. 01-2004, 6-6-2004; Ord. No. 09-2004, 10-10-2004; Ord. No. 2-2015; 04-05-2015)

Sec. 78-10. Prohibited activities.

(a) The following are hereby declared to be prohibited activities from any public dock, pier, or other city regulated or owned structure or on any city lands at that portion of the Lost Lake Channel described in city Resolution 03-28, which resolution is on file in the office of the City Clerk, and areas as stated in Sec. 78-09:

1. No fishing. The term fishing shall include fishing with a line, taking fish by means of snagging, spearing, harpooning, archery or by dip net.

2. No Swimming, diving, possession of open alcohol, or glass containers.

3. No mooring or docking of any boat or watercraft at any designated public dock or pier on weekdays from 12:00 a.m. until 5:00 a.m., and on weekends and holidays from 1:00 a.m. to 5:00 a.m., excluding multiple slip dock complexes which shall follow the procedures contained in City Code Chapter 78, Article V. Dock and Slip Licensing.

4. Mooring or docking any boat or watercraft at any designated public dock or pier for longer than eight (8) hours per twenty-four (24) hour period, excluding multiple slip dock complexes which shall follow the procedures contained in City Code Chapter 78, Article V. Dock and Slip Licensing.

(b) Abatement. Violations related to public docks and commons usage as described in this subsection shall follow the procedures contained in City Code Section 78-103 Regulations and Section 78-104 Enforcement.

(Code 1987, § 903.05; Ord. No. 01-2004, 6-6-2004; Ord. No. 09-2004, 10-10-2004; Ord. No. 2-2015, 04-05-2015; Ord. No. 01-2018, 04-22-2018)

Sec. 78-11. Signs to be posted.

Signs shall be posted at suitable locations within the regulated area of city lands at that portion of the Lost Lake Channel as described in city Resolution 03-28 and at or near the entry of multiple slip dock complexes that contain 10 or more multiple slip sites, informing the public that fishing is prohibited, along with other prohibited activities, within the area where signage is posted.

(Code 1987, § 903.10; Ord. No. 01-2004, 6-6-2004; Ord. No. 09-2004, 10-10-2004; Ord. No. 2-2015, 04-05-2015)

Secs. 78-12—78-30. Reserved.

ARTICLE II. COMMERCIAL BOATS

Sec. 78-31. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Hire means the asking or receiving of compensation in the form of money, good, or thing of value.

Motor boat includes any watercraft of any type whatsoever and propelled by motor.

Passenger means any human being.

Transportation means the moving of any human being from one place within the limits of the city or from the shoreline of Lake Minnetonka within the city to another place, either within or without the city limits, or offering to do so.

(Code 1987, § 435.01)

Sec. 78-32. Transport license required.

No person shall engage in the business of transporting persons for hire by motor boat within the limits of the city or upon the shoreline of Lake Minnetonka within the city or from the shoreline of Lake Minnetonka within the city without first having received a license therefor as hereinafter provided.

(Code 1987, § 435.05)

Sec. 78-33. Tow license required.

No person shall engage in the business of operating or shall operate any motor boat within the limits of the city upon or from the shoreline of Lake Minnetonka within the city which said motor boat shall tow or pull any person upon water skis, surf boards, or other devices, in cases where such motor boat is operated for hire or where compensation in the form of money, goods, or things of value is asked or received from the person so towed or pulled, either for the act of so towing or pulling or for instructions or lessons in the riding, handling, or operating of such motor skis, surf boards, or other devices, without having first received a license therefor as hereinafter provided.

(Code 1987, § 435.10)

Sec. 78-34. Application form.

Application for such license shall be made to the City Clerk in such form as shall be approved by the City Council. Such application shall give such information as to the licensee and the proposed business as the Council may desire.

(Code 1987, § 435.15)

Sec. 78-35. Approval by Council.

Said application shall be presented to the City Council and the license shall be granted if the Council deems such person a responsible party and does not believe that the granting of such license shall be detrimental to the public welfare or constitute a nuisance.

(Code 1987, § 435.20)

Sec. 78-36. License term, nontransferability.

Licenses granted under this article shall be for the term of one boating season, provided that all such licenses shall expire on April 1 of each year. Licenses shall not be transferable with respect to either the name of the licensee or to the boat license. No license fee for a license issued hereunder shall be refunded or prorated for any reason, including discontinuance of use.

(Code 1987, § 435.25)

Sec. 78-37. Conditions of license.

Any license granted hereunder is subject to the condition that all boats shall operate in a quiet and orderly manner in compliance with state law, and subject to the rules as to hours of operation and general regulations established by the Council by ordinance or resolution from time to time.

(Code 1987, § 435.30)

Sec. 78-38. License fee.

Every application for a license under this section shall be accompanied by fees as established by the city. Upon the granting of any license hereunder, said fees shall be transmitted by the clerk to the Finance Director and credited to the general fund. If the license is denied, the fee shall be returned to the applicant.

(Code 1987, § 435.35; Ord. No. 01-2001, 2-25-2001)

Sec. 78-39. Inspection.

The Council may cause the Chief of Police or other employee on behalf of the city to thoroughly and carefully examine each boat herein before a license is granted to operate the same. No boat shall be licensed that is not in a thoroughly safe condition for the transportation of passengers. Inspection and tests of boats hereunder may be ordered by the Council from time to time as it may deem advisable, and the Council shall maintain a constant vigilance to see that all such boats are kept in fitness for public service.

(Code 1987, § 435.40)

Sec. 78-40. Insurance policy.

Before a license shall be delivered hereunder or shall be deposited with the City Clerk, a policy of an insurance company duly licensed to transact such business in the state, insuring the operator of any such boat to be licensed against loss from liability imposed by law for damages on account of bodily injuries or death, or for damages to property resulting from the ownership, maintenance, or use of any boat to be owned or operated under such license and agreeing to pay to any judgment creditor to the extent of the amount specified by reason of such liability, shall be obtained. The policy shall be approved by the City Attorney as to form and compliance with this article. The limit in any such insurance policy or such liability of the insurer on account of the ownership, maintenance, and use of such boat shall not be less than $100,000.00 for bodily injuries or death of one person and $300,000.00 on account of any one accident resulting in injuries to and/or death of more than one person, and a total of $100,000.00 liability for damage to property of others arising out of any one accident. Each such insurance policy shall contain a provision that the insurance company shall give the City Clerk 30 days' notice of cancellation by registered mail. The form and sufficiency of such policy and the surety thereon shall be subject to the approval of the City Council.

(Code 1987, § 435.45)

Secs. 78-41—78-50. Reserved.

ARTICLE III. COMMERCIAL BOAT DOCKS

Sec. 78-51. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized commercial dock use area means that area in the lake which may be used for commercial boat docks, moorings, boat storage, or which may be enclosed on three sides for any of these purposes.

Business of docking or storing of boats means renting or otherwise providing space for docking, anchoring, or storing three or more boats or floating structures belonging to persons other than the owner of the dock or property upon which said boat or structures are docked or stored or adjacent to which said boats are moored.

Commercial boat dock means providing space for docking, mooring at buoy, or otherwise keeping or storing of boats, barges, or other floating structures used in a trade or business or providing through the joint use of lakeshore property such space for boats or watercraft belonging to persons or families who are part of a group or association.

Dock means any wharf, pier, or other structure constructed or maintained in the lake, whether floating or not, including all "Ls" or "Ts" or posts which may be a part thereof, whether affixed or adjacent to the principle structure.

Mooring means any buoy, post, structure, or other device at which a watercraft may be moored and which is surrounded by navigable water.

Site means any shoreline lot, parcel, or other piece of property legally subdivided and recorded in the office of the county recorder or registrar of titles.

Stored means any boat or other watercraft docked or moored for more than 12 hours.

(Code 1987, § 436.01)

Sec. 78-52. License required.

No person, association of persons, or families, whether incorporated or not, through any arrangement, whether through common or corporate ownership or otherwise, shall operate, carry on, or be engaged in the trade or business of docking, mooring, anchoring, keeping or storing of boats or make any arrangement for the use or joint use of lakeshore property for such dockage of boats and watercraft within the corporate limits of this city without having first obtained a license. Any person desiring such a license shall make application in writing to the City Council, which application shall be signed by the applicant and filed with the City Clerk. The application shall set forth the name and residence of the applicant, exact location at which the applicant proposes to carry on his business or use of lakeshore property, and whether he is then or has heretofore been engaged in a similar business. The application shall be accompanied by a sketch of the proposed facilities, including location and type of buoy to be used therewith and the parking facilities as well as a statement outlining the manner, extent, and degree of use contemplated. The clerk shall present the application to the City Council at its next regular meeting after the filing thereof.

(Code 1987, § 436.05)

Sec. 78-53. Regulation of commercial boat docks.

In the event boat storage facilities are provided, any person owning or operating a commercial boat dock shall comply with the following minimum standards:

(1) *Fire hazards.* All watercraft shall be stored in such a manner that they do not create a fire hazard.

(2) *Gasoline storage.* Any gasoline offered for sale or stored on the premises shall be placed in tanks or containers as may be required by the City Council and by city and state fire regulations, and such tanks or containers shall be stored underground or such distance from the storage facilities so as not to create a danger in the community.

(3) *Gasoline sales.* Gasoline sales shall not be made from the dock at which customer's watercraft are stored.

(4) *Buoys.* The location and marking of all buoys shall be subject to the regulation of the Council.

(5) *Orderly maintenance.* The premises shall at all times be maintained in a neat and orderly manner.

(6) *Parking.* Off-street parking shall be provided as follows: one off-street parking stall for each three rental boat stalls, buoys, or slips available to customers or joint users.

(7) *No residential use.* No boat or other floating structure tied up or connected to such dock facilities shall be used as a permanent, temporary, or seasonal residence.

(Code 1987, § 436.10)

Sec. 78-54. Limitation of commercial dockage.

No person shall anchor, keep, moor, dock, or store a boat, canoe, raft, barge, or other watercraft within the harbor limits of the city except at a dock or buoy which is in compliance with the terms of this article, except, however, that a riparian owner may dock or store boats and other watercraft in the natural body of water adjoining his property in a manner which will not interfere with boat traffic or legitimate use of the lake or infringe upon the riparian rights and privileges of abutting property owners.

(Code 1987, § 436.15)

Sec. 78-55. Regulation of commercial boat docks.

(a) *Prohibition.* No person shall use any area of the lake as an authorized commercial dock use area, for commercial docks, moorings, or boat storage unless such use is specifically permitted and licensed under the provisions of this article.

(b) *Authorized commercial dock use area.* An authorized commercial dock use area is described as follows:

(1) *Length.* The authorized commercial dock use area for sites bordering on the lake extends into the lake a distance equal to the site lake frontage to be measured at right angles to the side site lines and, except as provided herein, shall not extend into the lake a distance greater than 200 feet to be measured in a line parallel to the side site line as extended into the lake. Notwithstanding the provisions of this subsection, commercial docks in existence or authorized by other governmental agencies and under construction on the effective date of the ordinance from which this article is derived shall be considered nonconforming uses and may continue in existence without the necessity for the granting of a variance under the provisions of section 78-59. Said nonconforming docks shall be subject to the provisions and limitations set forth in section 129-35 and of all regulations subsequently adopted regarding nonconforming uses.

(2) *Width.* The authorized dock use area for sites bordering on the lake is limited in width by the setback limitations prescribed herein. The setback from side site lines as extended in the lake shall be as follows: For that portion of the length of the authorized commercial dock use area which extends from the shore, the setback shall be:

a. Zero to 50 feet: ten feet.

b. 50 to 100 feet: 15 feet.

c. 100 to 200 feet: 20 feet.

(c) *Structures not to obstruct.* No licensed dock, mooring, or other structure shall be so located as to obstruct a navigable channel, or so as to obstruct reasonable access to any other

dock, mooring area, or similar structure authorized under this article. No dock, mooring area, or similar structure shall be located or designed so that it unnecessarily requires or encourages boats using it to encroach into any other authorized commercial dock use area or into individually owned private dock areas.

(d) *Space between boats.* Reasonable space shall be provided in mooring areas to allow navigation freely between moored watercraft.

(e) *Extensions.* No commercial dock or mooring area shall extend across the extended zone line between sites zoned differently by the city.

(f) *Unusual configurations.* Where the provisions of this article would cause the authorized commercial dock use area of two or more sites 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 sites as the use of the same area of the lake for docks, mooring areas, or other structures or for reasonable access thereto, the owner of any of the affected sites may apply to the Council for a variance.

(g) *Construction, repair and maintenance standards.*

(1) *General rule.* All commercial docks, mooring, and other structures shall be constructed and maintained as provided in this article.

(2) *Materials.* Docks, moorings, and other structures, whether temporary or permanent, shall be constructed of such materials and in such a manner as the owner determines, provided that they shall be so built and maintained that they do not constitute a hazard to the public using the waters of the lake.

(3) *Safety.* Commercial docks or mooring areas may be constructed of such materials and in such a manner as the owner determines provided that such dock or mooring area shall be so built and maintained as to be safe for use by the public.

(4) *Lighting.* Commercial docks shall be suitably and adequately lighted in accordance with City regulations. No oscillating, rotating, flashing or moving sign or light may be used on any dock. Dock lighting shall not be directed toward the lake in such a manner that it impairs the vision of or confuses operators of watercraft.

(5) *Signs.* No advertising signs may be displayed from any dock other than an identifying sign, which shall be no larger than six square feet in area.

(6) *Fuel and power supply.* Installation of electrical and fueling facilities on commercial docks, moorings, and other structures shall be in accordance with applicable building codes and subject to state and local inspection procedures. Persons making such electrical or fueling installations shall maintain records of compliance with state and local codes and regulations.

(7) *Factors considered.* In exercising its discretion in granting or denying licenses, the Council may consider, among other things, the following:

a. Whether the commercial dock or mooring area will be structurally safe for use by the intended users.

b. Whether the facility will comply with the regulations contained in this article.

c. Whether the proposed facility will create a volume of traffic on the lake in the vicinity of the facility which will tend to be unsafe or which will cause an undue burden of traffic upon the lake in the vicinity of the facility.

d. Whether the proposed facility will be compatible with the adjacent development.

e. Whether the proposed facility will be compatible with the maintenance of the natural beauty of the lake.

f. Whether the proposed facility will affect the quality of the water of the lake and the ecology of the lake.

g. Whether the proposed facility, by reason of noise, fumes, or other nuisance characteristics, will tend to be a source of nuisance or annoyance to persons in the vicinity of the facility.

h. Whether adequate sanitary facilities will be provided in connection with the proposed facility.

(Code 1987, § 436.20)

Sec. 78-56. License fee and license applications.

(a) *Expiration and fee.* Any license issued by the Council pursuant to this article shall expire on April 1 next following its issuance. The base fee for new applications and for renewal applications, plus an additional fee for each boat accommodation, shall be as established by the city.

(b) *License applications for docks.* License applications shall be obtained at the city offices. Such applications shall state completely the information required by section 78-52 and by the City Manager or the dock inspector.

(c) *Application filing.* Applications for licenses shall be filed with the dock inspector at the city offices, who shall recommend to the City Council that the license be approved or denied. No license will be recommended or authorized until the dock inspector determines that the proposed dock complies substantially with the terms of all city ordinances.

(d) *Application deadlines.* Applications for dock licenses shall be made between January 1 and the last day of February of each year.

(e) *Late applications.* All applications received on or after March 1 shall be subject to a late fee as established by the city.

(Code 1987, § 436.25; Ord. No. 01-2001, 2-25-2001)

Sec. 78-57. Issuance of license.

(a) Any license issued by the Council pursuant to this article may contain restrictions as the Council deems necessary to protect the health, welfare, and safety of the general public from overburdening the primary harbor limits of this city and the lakeshore at any particular location, having in mind (among other things) parking problems, safety requirements for docking and mooring, and contamination of the lake for boat traffic of all kinds. Each license, when issued, shall contain a statement of the restrictions and conditions, and said license with such restrictions and conditions shall be conspicuously posted on the licensed premises.

(b) No license shall be issued by the Council pursuant to this article authorizing a commercial boat dock or boat docking or storage upon property within the confines of the city contrary to the regulations and limitations applying to said property set forth in the city's zoning

ordinance.

(Code 1987, § 436.30)

Sec. 78-58. Inspection.

The City Council or such officer as may be designated by the Council for the purposes may, at reasonable times, inspect or cause to be inspected any such licensed commercial boat dock, and if it shall appear that such dock has not been constructed or is not being maintained or used in accordance with the license issued by the Council, or in accordance with the terms of this article, the Council, by its City Manager, shall notify the owner thereof in writing of the way such dock does not comply with the license required in this article, after which the owner shall have ten days to remove the dock or make the same comply with the terms of the license and this article. If the violation is not corrected within the allotted time, the Council shall revoke the license. Notification under this article shall be made in writing to the owner of the dock at the address given in the application. Failure to have a valid license in force shall be prima facie evidence of a violation of this article.

(Code 1987, § 436.35)

Sec. 78-59. Variances.

(a) *When granted.* Where practical difficulties or particular hardships occur, the Council, upon application of a person affected, may permit a variance from the requirements of this article or may require a variance from what is otherwise permitted by this article, provided that such variance with whatever conditions are deemed necessary by the Council does not adversely affect the purposes of this article, the public health, safety, and welfare, or reasonable access to or use of the lake by the public or riparian owners.

(b) *Application.* Applications for variances shall be filed with the City Manager. The application shall contain:

(1) The name and address of the applicant;

(2) The description and location of the property for which the variance is sought;

(3) The variance for which the application is made;

(4) The names and addresses of the owners of abutting sites;

(5) A map or plat of the site for which the variance is sought, and of abutting or other affected sites, showing any existing docks, moorings, or other structures or the proposed location or relocation of any such structures;

(6) The consent of the applicant permitting officers and agents of the city to enter upon the applicant's premises at reasonable times to investigate the application and to determine compliance with any variance which may be granted;

(7) Such other information, such as surveys and photographs, as the City Manager may require to assist the Council in consideration of the application.

(c) *Fee.* The variance application shall be accompanied by an application fee as established by the city. Such fee shall not be refunded at any time after the processing of the application has been commenced.

(d) *Hearings.* Upon receipt of a completed variance application, the City Manager shall schedule a hearing by the Council on the application. The Council may grant a variance

from the literal provisions of this article in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of this article. The Council may impose conditions on the riparian owners and users of the lake.

(e) *Violations.* Locating, constructing, installing, or maintaining a commercial dock, mooring, or other structure in a manner different from the terms and conditions of a license or variance which is ordered or permitted is a violation of this article and grounds for rescission of the variance.

(f) *Relation to Lake Minnetonka Conservation District and other governmental agencies.* The provisions of this article shall not supersede any ordinance of the Lake Minnetonka Conservation District or other governmental agencies that are more restrictive in their provisions and application to commercial boat docks and dockage. This article shall not relieve the applicant from obtaining licenses and permits required by other governmental agencies.

(Code 1987, §§ 436.40, 436.45; Ord. No. 01-2001, 2-25-2001)

Secs. 78-60 - 78-72. Reserved.

ARTICLE IV. CHARTER BOAT USE OF MUNICIPAL DOCKS

Sec. 78-73. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Charter boat means any boat or watercraft which is used for the transportation of passengers for a few.

Pilot means the person operating any charter boat.

Greenway municipal dock means the municipal transient mooring located nearest to the Shoreline Drive and Auditors Road intersection and excludes the dockage included in the Commons program for the Villas on Lost Lake Subdivision.

Sec. 78-74. Permit and application required.

Charter Boat shall be parked, moored, stored, placed, kept or tied up to the Greenway dock without first having secured a Charter Boat License from the City of Mound.

Any person desiring to secure such a permit shall make application on a form supplied by the City. Each application shall state, among other things, his or her name, address, type, size and horsepower of the boat(s) for which the application is made, boat license number(s), maximum number of passengers including crew, and other information as requested in the application form. Each such application shall be accompanied by the annual fee and evidence of insurance.

On an initial application for a Charter Boat License, the applicant shall pay with his or her application, a non-refundable investigation fee, and the city shall conduct a preliminary background and financial investigation of the applicant. The application in such case shall be made on a form prescribed by the State Bureau of Criminal Apprehension and contain such additional information as the City may require. If the City deems it in the public interest to have an investigation made on a particular application for renewal of a Charter Boat License, it shall so determine. If the City determines that a comprehensive background and investigation of the applicant is necessary, it may conduct the investigation itself or contract with the Bureau of Criminal Investigation for the investigation. No license shall be issued, transferred, or renewed if the results show to the satisfaction of the City that issuance would not be in the public interest.

Sec. 78-75. Insurance.

Each application shall be accompanied by an annual fee and by evidence of liability insurance coverage with a minimum limit of $1,000,000 per occurrence. The policy shall provide that no payment of any claim by the insurance company will in any manner decrease the coverage provided for any other claim(s) brought against the insured or the insuring company. The policy shall provide that no cancellation for any cause shall be made by either the insured or the insuring company without 30 days prior written notice to the City. The policies shall be issued in the name of all partners if the licensee is a partnership and in the name of the corporation of other organization if the licensee is a corporation or other organization. The policy shall name the City as an additional insured, shall be filed with the City Manager, shall be subject to approval of the City Manager as to form and content and shall be issued by companies duly licensed to do business in the State of Minnesota.

Sec. 78-76. Fee.

The fee for the Charter Boat License shall be as established by the city. The permit fee(s) shall be paid by the applicant to the City at the time the application is submitted.

Sec. 78-77. Non-transferability.

Permits issued under this ordinance shall be non-transferable.

Sec. 78-78. Responsibility of charter boat owner.

Every Charter Boat owner is responsible for the conduct of its pilots while docking, departing, or doing business at any municipal dock. Any violation of this Ordinance by a Pilot shall also be considered as an act of the Charter Boat owner for the purpose of imposing a penalty under this Ordinance.

Sec. 78-79. Garbage/refuse disposal.

Collection and disposal of garbage/refuse is the responsibility of the Charter Boat owner. Garbage/refuse shall not be placed in the public garbage receptacles near the dock, but shall be removed from the premises by Charter Boat owner or designee.

Sec. 78-80. Alcohol prohibited.

No owner, employee or agent of a licensed Charter Boat which has been issued an “on-sale liquor” or “on-sale wine” license by the Lake Minnetonka Conservation District shall sell, serve, or allow to be consumed any alcoholic beverage while that boat is at the Mound Greenway municipal dock.

Sec. 78-81. License required.

No Charter Boat can utilize the Greenway municipal docks until all appropriate permits have been procured and copies of all licensed have been provided to the City of Mound. This list includes, but is not limited to, the LMCD charter boat license, LMCD liquor license, and Department of Health food permits. It shall be a violation of this Ordinance to begin Charter Boat operations without first having procured any and/or all involved agency permits.

Sec. 78-82. Issuance of permit.

Charter Boat docking permits shall be issued by the City Manager upon submission of a complete and accurate application, submittal of the required insurance information, and copies of any and/or all involved agency permits, including but not limited to, the LMCD Charter Boat permit, the LMCD liquor license, etc. and payment of the permit Charter Boat license fee by the applicant. The granting of a permit under this Section does not assure the holder of a location on the Greenway Municipal Dock, nor give the holder any priority in usage of the slips on the dock.

Sec. 78-83. Prohibited acts.

It shall be a violation of this Ordinance for the owner and/or person operating any boat to do any of the following:

(a) Dock a charter boat at the Greenway municipal dock without a permit.

(b) Dock any boat at the Greenway municipal dock which exceeds any limitations as set forth in a conspicuously posted notice.

Sec. 78-84. Use and display of permit.

Holder of valid Charter Boat permits shall be authorized to dock at a specified Greenway municipal dock for a period of not more than 30 minutes at any one time. Permits shall be displayed on Charter Boats in a prominent location.

Sec. 78-85. Restriction of hours.

All boating, pedestrian or vehicular traffic at the Greenway municipal dock and adjacent public land and docks is prohibited between the hours of 10:30 PM and 5 AM of the following day. No overnight mooring is allowed.

Sec. 78-86. Permit expiration date.

Permits issued under this Ordinance shall expire on December 31 of each year.

Sec. 78-87. Revocation.

Permits may be revoked by the City Council. Grounds for such revocation shall include, but shall not be limited to, any alcohol-related offenses committed by the permit holder or any of his/her agents or employees while operating a charter boat or any other watercraft.

(Code 1987 §437.02; Ord. 12-2006, 7-9-06; Ord. 12-2008, 12-7-08)

Sec. 78-88 - 78-99 Reserved.

ARTICLE V. DOCK AND SLIP LICENSING

Sec. 78-100. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting Residence means a residence, with extended lot lines to the shoreline, which fall within the City designated dock or slip location as indicated on the approved Dock Location Map and Addendum.

Applicant means any resident of Mound who completes any of the Dock Program applications, whether they were a site holder from the prior year or submitting an application for the first time.

Boat Lift Canopy means an enclosure which consists of a fabric cover supported by framing which is attached to a boat lift.

DCC means Docks and Commons Commission.

Dock means any wharf, pier, boat ramp, mooring buoy or other structure constructed or maintained in, upon, or into the water of a lake from publicly controlled shore land.

Dock Administration means the Finance and Administration Department of the City, the Department's employees, and the Department's designees**.**

Dock Cover means an enclosure consisting of fabric supported by framing which is attached

to a dock structure and is meant to protect a watercraft.

Dock Use Area (DUA) means the area for use of installation of dock, lifts, mooring of watercraft and navigation of their watercraft to/from such dock, lift or mooring. Shoreline DUA and extension into lake of the DUA may not be the same lineal footage.

Immediate Family means one's spouse or partner, parents, grandparents, children, siblings and immediate in-laws who reside in the same residence of a boat/slip license holder.

LMCD means the Lake Minnetonka Conservation District.

License means yearly permission from the City of Mound that allows an applicant to either have a dock or moor a watercraft to a City-owned slip, all on City controlled shoreline.

License year means March 1st thru the last day of February of the following year.

Lottery means the method of establishing Third Priority and Fourth Priority applicants beginning position on the Wait List.

Moor(ed) means parking of a watercraft at a dock or slip.

Multiple Slip Dock means the City of Mound owned marina-type docking complex.

Non-abutting resident means a resident of Mound residing in an inland property from Lake Minnetonka or a Lake Minnetonka shoreline property on non-dockable shore.

Primary Site Holder means an individual resident to whom the City issues the Dock or Slip license.

Primary Watercraft means the first watercraft declared on a Dock License Application.

Secondary Site Holder means an individual resident who shares a dock site with a Primary Site Holder.

Secondary Watercraft means all additional watercraft declared in excess of the Primary Watercraft and/or belonging to the secondary site holder.

Slip means the mooring location of a watercraft on a City owned multiple slip dock complex.

Site #(Dock) means the shoreline lineal footage marking that represents the center of a Dock Use Area along the shoreline.

Site #(Slip) means the shoreline lineal footage that could indicate either the slip complex access point or the center of the slip complex.

Slip Use Area means the area for use and mooring of declared watercraft. Area means horizontal measurement from the foremost to the aftermost and port to starboard of the watercraft including the bowsprits, decks, anchors, platforms, motors and other equipment and attachments in their normal operating position.

Wait list means the list of current, Third Priority and Fourth Priority, applicants waiting for a dock or slip.

Watercraft Registration means the Watercraft Registration issued by the DNR or US Coast Guard documentation.

(Ord. No. 02-2013, 3-31-13; Ord. No. 05-2013, 5-19-13; Ord. No. 08-2014, 10-26-2014; Ord. No. 07-2017, 12-24-17)

Sec. 78-101. Application procedure.

*(a)Application Form***.** Applications for Dock and Multiple Slip Licenses shall be filed yearly with the Dock Administration at the City offices. Such applications must include:

(1) Full name of the applicant.

(2) Address. Applicant must provide evidence establishing to the reasonable satisfaction of the Dock Administration that the applicant is a resident of the City of Mound and resides at the address shown on the application. A current Minnesota Driver's License or Minnesota Identification Card showing residency at the address may be, but is not necessarily, evidence of residency. Other evidence sufficient to establish residency includes proof that the applicant resides at the address shown on the application in the summer months, that the property is owned by the applicant, and that the property is not occupied during other times of the year by anyone other than applicant or applicant's immediate family, or both.

(3) Phone number(s) of the applicant.

(4) Signature of the applicant. Signature of the license holder shall guarantee that the applicant will remove the dock and all appurtenances at the expiration, suspension, or revocation of the license if the license is not renewed at expiration. The applicant shall agree that if they do not remove everything, the City is authorized to have them removed and the applicant agrees to pay to the City any and all costs incurred by the City in removal and disposal. The applicant also shall agree that if the City removes the dock, the City is authorized to dispose of any materials or parts which are left on public lands or in public waters and the applicant shall forfeit any right or claim to the materials left on the dock site.

(5) Declaration of Watercraft. At the time of submitting the annual Dock or Multiple Slip License Application, the applicant will also declare all watercraft that the applicant intends to moor at the dock. Required information for all declared watercraft shall be pursuant to Sec. 78-103 (a).

(6) Watercraft liability insurance company and policy # showing that the insured is in the name of the Multiple Slip license applicant.

(7) Fees Paid. The annual application fee and license fee shall be that as established the City Code. Lake Minnetonka Conservation District fees, as established by that organization, must also be paid.

(b) Application Deadlines. All applications shall be made between the first business day in January and must be received at City offices by the last day of February or must have the postmark of the United States Post Office by the last day of February.

(1) Mailing requirements: Mailing is timely under this section if the application, including payment, was in an envelope or other appropriate wrapper, proper prepaid postage and properly addressed and bears the postmark of the United States Postal Service. If the application, including payment, is sent by United States registered mail, the date of registration is the postmark date. If the application, including payment, is sent by the United States certified mail, the date of the United States Postal Service postmark on the receipt given to the person presenting the application, including payment for delivery is the date of mailing.

(2) Mailing, or the time of mailing, may also be established by other available evidence except that the postmark of a private postage meter will not be used as proof of a timely mailing made under this section.

(c) Late Applications.

(1) *Abutting Applicants*: Late fees will be in effect as established by the City.

(2) *New abutting applicants*. A late fee, as established by the City, will only be assessed if the application and fees are not submitted within 30 days after which an abutting resident moves into the City.

(3) *Non-Abutting Applicants*: Primary Site Holders will be given a one-time exception for missing the deadline. The Primary Site Holder will be required to pay a $100 late fee for applications received from March 1st through March 15th. If the application is received after March 15th, or if this is the second time late, the Primary Site Holder will not be allowed to retain their Second Priority status and must relinquish their dock site. They may, however, apply to be a waitlist applicant if the waiting list application and fees are submitted to City Hall by March 15th.

(4) *Waitlist Applicants:* They will not retain their position on the waitlist.

(d) Refund of Submitted Fees/Surrender of License. An applicant/licensee who is withdrawing from the program and surrendering the dock license may request a refund of fees paid less an administrative fee as established by the City, if a request to terminate is made in writing to the Dock Administration. Requests must be received at City offices by/on March15th or must have the postmark of the United States Post Office by March 15th of the boating season. If an abutting property is sold between March 16th and December 31st, any fees paid by the seller will be credited to the new owner and the seller will not be entitled to any refunds.

e) One Application per Individual Resident. The owner of an apartment building, rental home or multiple dwelling shall not apply for dock licenses for their renters or lessees. The renter or leasee is entitled to make application for a dock license for them self if they are a resident of the City.

(g) Wait List Applicants: First time wait list applicants beginning position on the wait list shall be by lottery in accordance with such process as the City Council shall from time to time determine by resolution.

(Code 1987, 439; Ord. No.08-2009, 12-20-2009; Ord. No. 03-2013, 3-31-13; Ord. No.02-2015, 04-05-2015; Ord. No. 07-2017, 12-24-17)

Sec.78-102. Licenses.

(a) *License Required*. No person shall moor a watercraft at a City-owned Multiple Slip or shall erect, keep, or maintain a dock on or abutting upon any public street, road, park, or commons without first receiving a license from the City in accordance with the provisions of this section. Licensees should assume that meeting the requirements of Section 78-101 Application Procedure constitutes a license unless otherwise notified by the Dock Administration.

(b) *Licenses Non-Transferable.* Dock licenses issued by the City are personal in nature and may be used only by the Primary or Secondary Site Holder approved by the City, or members of their households. Slip licenses issued by the City are personal in nature and may be used only by the site holders or members of their households. No dock or slip licensed by the City may be rented, leased, or sublet to any person, partnership or corporation. If a licensee rents, leases, sublets, or in any manner charges or receives consideration for the use of his or her dock or slip, his or her license shall be revoked.

(c) *Dock Administration to Issue Licenses.* The Dock Administration shall review all applications. No license shall be issued by the Dock Administration until he or she has first determined that the proposed dock configuration and boat sizes are suitable for the specific dock location as identified on the approved Dock Location Map Addendum. No license shall be issued until Dock Administration has first determined that the boat size as listed on the application is in

compliance with the Slip Use Area limitations on the approved Dock Location Map Addendum.

(d) *License Priorities*. The Dock Administration shall assign all locations to the applicants upon compliance with this ordinance and subject to reasonable conditions. The following priorities govern the issuance of all dock and multiple slip licenses except the Lost Lake slips:

(1) First Priority: An abutting resident has first priority for a City designated location within his or her lot lines extended to the shoreline on Lake Minnetonka.

(2) Second Priority: Non-abutting primary site holder applicant or qualified secondary site holder.

(3) Third Priority: Wait list applicants. As determined by the lottery and resulting waitlist.

(4) Fourth Priority: Residents living in a home that has dockable, private lake frontage on Lake Minnetonka shall have the last priority each year for a dock on public lands and last priority to become a Secondary Site Holder.

(e) *License Priorities for Lost Lake Slips ("Lost Lake Slips").* The Dock Administration shall assign all locations to the applicants upon compliance with this ordinance and subject to reasonable conditions. The number of slip licenses available in each of these categories will be determined by the Dock Administration on an annual basis. Every Lost Lake townhome located on Lost Lake Lane or Lost Lake Court in Mound, Minnesota ("Lost Lake Resident"), will be offered one Lost Lake Slip to be charged on an annual basis at the Lost Lake Resident Rate for Primary Slip Holders as established in the City of Mound Fee Schedule. If any Lost Lake Resident declines a Lost Lake Slip, it will be included in the pool of slips rented at the higher rates as established in the City of Mound Fee Schedule.

The following priorities govern the issuance of Lost Lake Slip licenses available in the pool to be issued on an annual basis through the enrollment period ending the last day in February of each year. Beginning March 1st of each year, the Lost Lake Slips will be assigned on a first come-first serve basis until all Lost Lake Slips are rented. The Lost Lake slips in the pool will be rented at the rates established in the City of Mound Fee Schedule for Lost lake Slips at the Non-Lost Lake Resident and Lost Lake Resident Second Slip Rates:

(1) *First Priority:* Mound residents on the current City of Mound Dock Program Wait List who rented a Lost Lake slip in the prior season, based on seniority on the City of Mound Dock Program Wait List.

(2) *Second Priority:* Mound residents on current City of Mound Dock Program Wait List who did not rent a Lost Lake Slip in the prior season, based on seniority on the City of Mound Dock Program Wait List.

(3) *Third Priority:* Mound residents not on the City of Mound Dock Program Wait List, with priority given to those who held a Lost Lake Slip in the prior season.

(4) *Fourth Priority:* The general public, including non-Mound residents, with priority given to those who held a Lost Lake Slip in the prior season.

(Code 1987, 439; Ord. No. 09-2012, 11-25-12; Ord. No. 02-2013, 3-31-1 3; Ord. No. 05-2013, 5-19-13; (Ord. No. 03-2014, 3-23-14; Ord. No. 08-2014, 10-26-2014; Ord. No. 07-2017, 12-24-17)

Sec. 78-103. Regulations.

(a) *Declaration of Watercraft – Requirements.* Watercraft that are moored at a City dock or multiple slip site must be declared on the Dock License or Multiple Slip License Application. The applicant must provide the City with a copy of the current DNR Watercraft Registration or US Coast Guard documentation or recently applied for DNR Watercraft Registration or US Coast Guard documentation for each watercraft, at the time of application. This DNR Registration or US Coast Guard documentation must verify that the watercraft is in the name of the site holder(s) at a City of Mound address and all owners listed on the registration shall be residents of the City who are eligible to moor a boat in the dock program. The holder of a dock license shall not keep more than one declared Primary Watercraft at the licensed dock. Secondary Watercraft to be moored at the licensed dock must first be declared with the City of Mound Dock Program. If a declared watercraft is removed from the City dock program, the site holder may substitute a replacement watercraft upon providing the City with required documentation as stated above. Newly declared replacement watercraft may be subject an additional LMCD fee.

(b) *Allowable Mooring of Non-Owned Watercraft*. Mooring of watercraft not owned by the dock licensee (Primary Site Holder or Secondary Site Holder) is permitted for a period of up to 48 hours, two times in a calendar year. Mooring of watercraft not owned by the dock licensee (Primary Site Holder or Secondary Site Holder) is not permitted for a period in excess of 48 hours unless a Temporary Visiting Dockage Permit has been first obtained by the licensee from the City and the fees established by the City have been paid. All Temporary Visiting Dockage Permits shall contain the DNR registration number or US Coast Guard documentation (and copies of same) of the boat and shall be limited to 21 days. No more than one Temporary Visiting Dockage Permit may be issued in any calendar year to an individual dock licensee.

Unless permitted under the preceding two subsections, no watercraft shall be moored at a City dock site.

(c) *Dock Structure and Dimensions.* Licensed docks shall be erected and maintained by the licensee at his or her sole expense and liability for same. Docks shall not be less than 24" wide or more than 48" in width with the exception that one 72" x 72" section is allowed. All dock structure configurations must stay within the licensee's dock use area as stated on the approved dock location map addendum and shall not infringe on an adjacent city controlled dock site. Further, all dock use areas must conform to current LMCD setbacks from private property. Docks shall not exceed 24 feet in length except where necessary to reach a water depth of 48", using Lake Minnetonka elevation levels of 929.40 feet above sea level. The Dock Administration may also limit the length of a dock if navigability is limited for boats attempting to access their nearby dock site. Channel docks, where navigation is limited and docks must be installed parallel to the shoreline, cannot be less than 24" wide or more than 72" in width. The length shall be limited to current LMCD regulations and shall not infringe on an adjacent dock site. All docks extensions into the lake shall be placed perpendicular to the shoreline unless conditions warrant otherwise. This shall be at the discretion of the Dock Administration. All docks should be built of sound, aesthetically pleasing materials and be constructed of a standard that is safe for the public's health, safety and welfare as determined by the City. Docks and other appurtenances shall not be unsightly or create a public nuisance. No tire or tires shall be hung or attached on dock posts, dock poles, or on dock hardware.

The Dock Administration may grant exceptions to the provisions of this section in instances where it is found that the exception is necessitated due to unusual circumstances, and if granted would not have a detrimental impact on the public safety or welfare.

(d) *Dock Use Area Maintenance.* The licensee is responsible for the maintenance of

their shoreline dock use area. Maintenance shall include, but not limited to, grass cutting and weed removal. If aquatic vegetation is removed from the shoreline and placed in an upland area the site holder is required to dispose of it in a timely manner. Failure to adhere to this could cause for revocation of the license or recommendation for non-renewal of their application.

(e) *Dock Use Area Combining.* Two adjoining, Primary Site Holders may combine their dock use areas into one combined larger dock use area for the installation of one dock. They must, however, continue to apply for and pay for their separate dock site locations. Upon notice to the City of their termination of participation in the combined dock facility, they shall each be entitled to return to such separate dock site locations.

(f) *Secondary Site Holder.* Primary Site Holders may elect to add a Secondary Site Holder. A Secondary Site Holder is a user on a dock that is licensed to a Primary Site Holder. The Secondary Site Holder is not a licensee, and may continue to use the licensed dock only at the discretion of the Primary Site Holder, and subject to the provisions of this section and the following conditions:

(1) The dock site is considered by the Dock Administration as being a shareable location. This is subject to their discretion and can change as boat sizes change or other unforeseen issues arise.

(2) Before being eligible to be a Secondary Site Holder, that individual must have been on the waiting list the previous season and must have renewed their waiting list application for the current season.

(3) No Secondary Site Holder shall have past due property taxes, municipal utility fees, including but not limited to water and sewer bills, and penalties and interest thereon.

(4) The application be amended adding the Secondary Site Holder and includes all information as is stated in Sec.78-101. All applicable fees must be paid at time of adding Secondary Site Holder.

(5) On non-abutting dock sites, a Secondary Site Holder can claim priority rights to become that sites' Primary Site Holder when all of the following have occurred:

a. The Primary Site Holder does not renew his or her application within the timeframe listed within this Section.

a. The Secondary Site Holder has participated in the program a minimum of two consecutive full boating seasons on the site not being renewed. The full boating season requirement is met when the secondary site holder is added between January 1st and May 31st of the license year.

If both of these criteria have not occurred, the City is not obligated to provide a dock or slip to the Secondary Site Holder.

(6) On non-abutting dock sites, a Secondary Site Holder who has shared the same non-abutting dock site with the same Primary Site Holder for 15 full boating seasons or more may request to be a Primary Site Holder on a vacant site.

(g) *Public Lands and Public Water Storage and Removal and Reinstallation*.

(1) Docks and lifts or portions thereof and accessory items shall be removed from the water or public land not later than November 1 if they conflict with the following uses:

- Slide area
- Snowmobile crossings
- Skating rinks
- Trails
- Road access
- Other conditions or circumstances that are determined by the Council to have an adverse affect on adjacent properties.

(2) Unless subject to the removal requirements of paragraph (1), docks and lifts located in channels, protected bays and other areas not generally susceptible to ice flows or ice heaving in the judgment of the Dock Administration may be left in the waters during the winter months. Such docks and lifts may be partially removed, provided that those sections left in public waters are complete. No poles, posts, stanchions or supports standing alone shall remain in public waters.

Docks and lifts must be brought up to the construction standards outlined in Sec.78-103(c) and are required to be fully installed at their designated dock location by June 15th. If the dock does not meet construction standards or the June 15th deadline, the procedures as specified in Sec.78-104 will apply.

Storage shall be restricted to dock materials, dismantled docks and dismantled boat lifts on City land designated for dock locations as shown on the approved Dock Location Map and Addendum. Storage shall be done in an orderly, compact, and unobtrusive manner. Storage shall not include watercraft or trailers.

In all areas other than Class C Commons (as indicated on the approved Dock Location Map and Addendum), all docks and associated hardware and lifts must be installed in public waters or removed from public lands between June 15th and September 1st of each year.

(3) All docks, lifts, and accessory items not addressed in paragraphs (1) or (2) above shall be removed from the waters of Lake Minnetonka not later than January 1.

All docks, lifts and accessory items required to be removed under the preceding provisions, and which are not removed by the stated dates are deemed illegal and subject to removal by the city. The cost of removal by the city and any associated storage costs will be the responsibility of the licensee. Removed items not claimed by the licensee within 30 days after removal will be deemed abandoned to the city, and subject to disposal.

(h) *Docks/Lifts/Accessory Items Installed Without a License*. All docks, lifts and accessory items located on controlled shoreline for which a licenser was not issued is deemed

illegal and subject to removal under this subdivision. All installed items will be removed by the city or a designated contractor. Costs of removal/storage/disposal will be the responsibility of the owner of removed materials and must be claimed within 30 days of removal. All items unclaimed after 30 days of removal will be deemed abandoned by the city.

(i) *Removal of Docks Following End of License.* Upon non-renewal or revocation of a dock license, the Primary Site Holder must completely remove the dock, accessory items and lifts from public waters and public land. Items not removed will be deemed abandoned to the City and will be removed by the City or a designated contractor and all costs of removal and disposal will be the responsibility of the last licensee for that dock site.

(j) *Watercraft Declaration and Use Required by/on June 15th.* A licensee must declare the watercraft they intend to moor at a City installed multiple slip or a non-abutting dock site on or before June 15th. Further, the declared watercraft for the licensed slip must be moored at the slip or non-abutting dock site no later than June 15th of the boating season for which the license was issued. If inspections disclose that the site holder has not complied with this usage requirement, the City may revoke the license by written notice to the licensee. The site holder will forfeit any fees paid to the City for the slip. The site holder has the right to appeal the revocation.

(1) Any such appeal must be filed in writing with the City Manager within 10 days after mailing of the City's notice of revocation. The appeal must specify reasons objecting to the City's decision and any mitigating circumstances or other facts relating to the site holder's failure to declare a watercraft or moor the declared watercraft at the slip. The appeal will first be referred to the Docks and Commons Commission (DCC) for review and recommendation.

(2) Following receipt of the DCC review and recommendation, the City Council will hear the appeal at a regular meeting and will consider any written or oral information presented by the site holder, the public and City staff. After consideration of such information, the City Council will affirm or reverse the decision to revoke the license. If the decision is affirmed, the City will re-issue the slip to a qualified person upon payment of the full fee for the license. Fee refunds of revoked licenses may be issued at the discretion of the City Council.

(k) *Exception to Watercraft Declaration or Use Requirement.* At any time prior to the deadlines stated in (j) the slip or dock license holder may request an exception from the June 15th declaration and use provisions by written request to the Dock Administration stating the facts, circumstances and hardships which would support the requested exception. If the Dock Administration determines that there are circumstances that would create undue hardships for the dock or slip license holder if the June 15th provisions are strictly enforced, the Dock Administration may grant an appropriate exception to the dock or slip license holder. The exception may be limited to a specific watercraft and may be subject to time limitations or other conditions as may be imposed.

(l) *Voluntary Suspension of Dock or Slip License.* A licensee may voluntarily suspend the right to a license for one boating season by written notice to the Dock Administration on or before March 15th of the boating season for which the license is issued. A refund of their paid fees, less administrative fees as established by the City, will be issued in a timely manner. The City will sublet the dock or slip to a person from the waiting list. The person who sublets the dock or slip for the season remains on the wait list with the same priority. The original licensee will be entitled to apply for that dock or slip the following year. No person shall be allowed to voluntarily suspend their slip license for two consecutive boating seasons.

A licensee who does not comply with the provisions of, or obtain an exception under the regulations of this section, or does not provide written request of voluntary suspension by or on March 15th, will lose all dock or slip rights.

(m) *Multiple Slip Complex Regulations*. The City multiple slip complexes are intended for giving licensed slip holders access to their moored watercraft. Slips shall not be used by people for any other purposes such as swimming or fishing. Watercraft shall be stored entirely within the area of the slip for which it is licensed.

(1) *Spring Installation:* The City's multiple slip complexes will be installed as weather permits and on the contracted installers schedule. Generally, installation is complete by the Friday of Memorial weekend. Once a complex is completely installed with bumpers, the licensed slip holders may begin mooring of their declared watercraft to the slip site.

(2) *Fall Removal:* Slip Holder's watercraft and all items must be removed from the multiple slip complexes by the end of the day on October 15th of each year regardless of what day of the week the 15th falls on. Watercraft moored at the slip complex after the deadline will be subject to a penalty as established by the City. Further, watercraft may be impounded and all associated costs will be the responsibility of the watercraft owner and/or licensee. Other items not removed by the site holder will be removed by the City and disposed of.

(3) *Personal items on Slip Complexes*. There shall be no storage or attachment of personal items on the slip complex. This includes but is not limited to: boat lifts, canopies, storage boxes, benches, canoe or kayak racks unless expressly authorized by Dock Administration.

(4) *Alteration of Slips or Slip complexes:* There shall be no physical alteration, maintenance or repair of the slip complex or individual slips.

(n) *Compliance with all laws.* All licensees shall be responsible for themselves, any Secondary Site Holders, guests and invitees in observing all applicable laws including, without limitation, those intended to preserve peace, quiet and good order. Conviction for a violation of any law in the course of the use of any dock or slip, will subject the licensee to the enforcement and penalty provisions of this chapter.

(o) *Dock Location Map and Addendum.* Docks shall be located in accordance with the approved Dock Location Map and Addendum. These shall be maintained by the Dock Administration and kept on file in the City Offices. Such Dock Location Map and Addendum shall contain the following information:

(1) City controlled shoreline on Lake Minnetonka.

(2) Lineal footage markings for purposes of establishing dock locations.

(3) Shoreline Classifications and definitions of such.

(4) Addendum shall include: Site #, shoreline classifications, abutting or non-abutting site, shoreline location name, designation of being a dock site or slip site, Slip Use Area, abutting site addresses. Current restrictions on dock site locations such as one-sided dock and site removal at non-renewal, and any information regarding any variance granted by the LMCD or other permitting agency, shall also be listed.

(5) Access points and other relevant information as is necessary to review dock

locations and to allow the City Council and the Dock Administration to protect the public lands and public water.

(l) *Review of Map*. At least once a year, the Dock Administration will present to the Docks and Commons Commission its recommendations for changes to the Dock Location Map and Addendum. This review shall occur between September 1 and December 31 before each new boating season. The DCC's recommended changes must be considered by the City Council on or before January 15. Final approval of the Dock Location Map and Addendum shall be made by the City Council. At any point in time the City Council may make changes to the Dock Location Map and Addendum. These changes may include, but not limited to, removal or addition of sites or slips.

(Code 1987, 439; Ord. No. 08-2009, 12-20-2009; Ord. No. 08-2014, 10-26-2014; Ord. No. 2-2015, 04-05-2015; Ord. No. 07-2017, 12-24-17; Ord. No. 01-2018, 04-22-2018)

Sec. 78-104. Enforcement

(a) *Failure to Declare Watercraft.* Mooring of an undeclared watercraft will result in the imposition of a civil penalty against the dock license holder as established by the City. The civil penalty will be forgiven if the licensee declares the watercraft within 5 business days. If, after such 5 day period, the watercraft is not declared and the watercraft is still moored at the licensed dock or slip the Dock Administration will recommend to the City Manager that the Dock/Slip License and any watercraft declarations issued for all watercraft moored at that dock be revoked for the balance of the Dock/Slip License year, and that the holder not be eligible to apply for a Dock/Slip License for the next following license year. Additionally, no new dock/slip license will be issued following such revocation until all unpaid civil penalties and any delinquent dock program related fees or penalties have been paid in full. Further, watercraft may be impounded and all associated costs will be the responsibility of the watercraft owner.

Mooring of a declared watercraft that does not meet the Slip Use Area criteria must be removed immediately or the Dock Administration will recommend to the City Manager that the slip license and any watercraft declarations issued for watercraft moored at that slip site be revoked. Further, watercraft may be impounded and all associated costs will be the responsibility of the watercraft owner.

(b) *Undeclared Watercraft – Right to Impound*. Undeclared moored watercraft not in licensee's name and not given permission by licensee to be moored are deemed illegal, and will be impounded by the City. Damage to watercraft during impound/storage will not be the City of Mound responsibility. All associated costs of impound/storage will be the responsibility of the watercraft owner and watercraft must be claimed within 30 days of removal. Unclaimed watercraft after 30 days of removal will be deemed abandoned to the City.

(c) *Denial, Suspension or Revocation of License*

(1) No license shall be issued to any applicant with past due property taxes, civil penalties related to Dock Program, and any other delinquent fees or penalties related to the Dock Program, municipal utility fees, including but not limited to water and sewer bills, and penalties and interest thereon. If said past due obligations are not paid by April 15th of the license year, all dock rights will be revoked immediately.

(2) If the licensee has not maintained a previously licensed dock, the Dock Administration may recommend to the City Manager that their existing

license be revoked, and the licensee's priorities under this section be forfeited for the current year and for the next boating season.

(3) The license will be revoked or suspended by the Dock Administration for non-compliance with any of the requirements of this chapter.

(4) If the licensee has not completed a pending correction order concerning a stairway or structure used to access the dock, the Dock Administration may recommend to the City Manager that their existing license be revoked, and the licensee's priorities under this Section 438 be forfeited for the current year and for the next boating season.

(5) The City may at any reasonable time inspect or cause to be inspected any dock erected or maintained upon or abutting upon any public street, road, park, or commons. If it appears that any dock has not been constructed or properly maintained, the area surrounding the dock site has not being maintained in accordance with this section, or dock is not consistent with plans or location approved by the Council, the City shall notify the licensee in writing of such violation(s). The licensee shall have ten days after receiving such notice of violation to remove such dock or make the same comply with the terms of this section. In the event that licensee shall fail, neglect or refuse to remove such dock or make the same comply with the terms of this section within that ten days, the license shall be revoked by the City and notice of such revocation shall be directed to licensee.

(d) *Notices.* All notices of revocation, suspension, non-renewal, or denial herein required shall be in writing by first class, certified mail or by personal service, directed to the licensee at the address given in the application.

(e) *Appeal.*

(1) *To City Manager.* The licensee may appeal the notice to the City Manager at any time within 10 days of the date of receipt by serving a written notice of appeal on the City Clerk. Upon such notice of appeal, the City Manager or the City Manager's designee will conduct a hearing on the matter at a date and time reasonably convenient to the holder, but in no event later than 20 days following the date the notice of appeal is served on the City Clerk. If following the hearing, the City Manager, or designee, finds that the licensee was in violation of the provisions of this section the City Manager or designee may revoke the Dock License of the dock license holder for the current license year, and may disqualify the holder from applying for or receiving a Dock License for the next following license year, and until any civil penalties have been paid in full. The City Manager will notify the licensee by mail of the decision.

(2) *To City Council.* The licensee may appeal the decision of the City Manager to the City Council at any time within 10 days of the date of receipt by serving a written notice of appeal on the City Clerk. Upon such notice of appeal, the City Council will conduct a hearing on the matter at a date and time reasonably convenient to the holder, but in no event later than 20 days following the date the notice of appeal is served on the City Clerk. If

following the hearing, the City Council finds that the licensee was in violation of the provisions of this section the City Council may revoke the Dock/Slip License of the dock license holder for the current license year, and may disqualify the holder from applying for or receiving a Dock/Slip License for the next following license year, and until any civil penalties have been paid in full.

(Code 1987, 439; Ord. No. 08-2009, 12-20-2009; Ord. No. 07-2017, 12-24-17)

Sec. 78-105. Penalty.

Any person or persons who shall violate any of the prohibitions or requirements of this ordinance shall be guilty of a misdemeanor. In addition to any criminal penalties as above provided, the City Council may remove or cause to be removed any dock erected or watercraft moored without a license as required by this Section, or where any license has been revoked as provided by this Section. Removal of unlicensed docks or watercraft or docks which fail to comply with the City Code will be at the expense of the owner or licensee. No person convicted of violating City ordinances relating to docks or slips will be issued a dock license for the present or for the next boating season, and said person forfeits any priorities set forth in this Article.

Sec. 78-106 - 78-125 Reservd.

(Code 1987, 438; Ord. No. 07-2017, 12-24-17)