

## CHAPTER 161

### PUBLIC LAKE ACCESS REGULATIONS

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**161.01 PURPOSE.** The purpose of this chapter is to establish policies and regulations governing the use of public lake access areas so that fairness, uniformity and consistency may be applied in the issuance of dock and hoist permits extending from these access areas, to designate maintenance responsibilities and to define the rights of the general public and those persons to whom permits have been issued.

**161.02 DEFINITION.** A public access means a tract of land of any dimension adjacent to and fronting on a body of water that has been dedicated to the use of the general public and is by matter of record under the control of the City, except those areas commonly known as the Town Bay, Crescent Beach and Camp Crescent, on which no docks or other appurtenances are permitted unless owned by the City.

**161.03 PROCEDURES FOR ISSUANCE OF PERMITS.** The applicants for a dock site extending from a public access must complete an application form by filling in the information requested, submitting the required fee and submitting evidence of liability insurance in an amount not less than \$1,000,000.00, with the City named as an additional insured party. The application form, fee and evidence of insurance are to be submitted to the City. Applications will be presented before the Planning & Zoning Commission who may approve or deny the issuance of new permits.

**161.04 CRITERIA FOR DOCKS AND RELATED STRUCTURES.** The City shall require the permittees to comply with the criteria set forth below:

1. **Materials and Dimensions.** Docks shall conform to DNR Rule 571-16.
2. **Auxiliary Equipment and Facilities.** Hoists will be permitted only if specifically authorized in the "dock assignment and permit". A permitted hoist must be placed beside the permitted dock and no hoist shall be allowed adjacent to a portion of a dock that is more than six feet wide. The number of hoists located on a public dock shall not be limited

unless the number so located interferes with ingress and egress of private docks on either side or interferes with boat access on the public dock itself. Steps and handrails necessary to permit safe access from the top of the bank to the dock site are permitted.

3. Other Appurtenances. Other appurtenances may be permitted providing they are included on the application and their placement does not in anyway interfere with ingress and egress of private docks on either side. In any case, the assigned permittees named on the application shall be solely responsible for the safe condition of the dock and appurtenances at all times and specifically shall further agree to save harmless and indemnify the City, the DNR and the State of Iowa, their officers and employees for any damage done to personal property, or any personal injury resulting from accident on or about the dock facility. The following structures are not allowed on public lands in the Crescent Park Addition: rafts, diving boards, swings, slides, toys or other types of playground equipment, clotheslines and poles, sundials, rock gardens or any other item that is not necessary for access and that creates the appearance of private ownership.

4. Permit Duration, Nontransferability and Cancellation. The dock assignment permit will be for a period not to exceed five years. Certificates of insurance and the appropriate fee must be filed with the City annually prior to the dock being placed in the water. A contact person will be designated by the applicants of each dock with whom the City shall communicate and notice to such agent on any matter shall constitute notice to all designated permittees. The contact person shall at all times keep the City informed as to all persons who are sharing in dock expense and using the facility for boat hoist storage or tie-up. A dock assignment permit may be cancelled by the City at anytime for failure to comply with regulations or when in the best interests of the public as determined by the City. Dock assignments are not transferable except by issuance of a new permit.

5. Winter Storage of Dock Materials. Docks shall be removed from the lake by November 15 each year. All dock materials stored on the lakeshore public area must be stored in a neat, safe and orderly manner so as not to obstruct public pedestrian access along the walkway or from the walkway to the shoreline. Docks must be placed in the lake or removed from public land by Memorial Day each year. Boat hoists stored on public land during the winter shall meet the same requirements stated above or shall be stored on private property at another location if these requirements cannot be met.

6. Permitees Responsible for Construction and Maintenance. Permitees are responsible for construction, installation and removal of docks. The assigned permittees named on the application shall be solely responsible for the safe condition of the dock at all times and specifically further agree to maintain and keep the access free of weeds, litter and other debris. Maintenance of the access shall at all times be comparable with private properties on either side of the access.

7. Electrical Facilities. Electric facilities must include ground fault interrupter systems and installation must comply with the National Electric Code (NFOA).

8. Bulk Fuel. No bulk fuel, explosive, hazardous material, or fuel distribution line will be permitted on public property.

9. Retaining Walls. Retaining walls and terrace walls intended to control bank erosion or otherwise stabilize the bank shall be constructed of CCA-treated timbers, native stone, or limestone wall stone, landscape block or poured concrete. Materials containing creosote are not allowed. Existing retaining walls may be used if maintained in good repair and if safe for public use. *(Ord. 382 – Mar. 04 Supp.)*

10. Storage Buildings. Storage buildings of any type, including boat storage buildings and yard/tool sheds, are not permitted on public access areas.

**161.05 FEES.** Fees for dock and hoist permits shall be as follows:

1. Dock Fee. The permit fee for a dock shall be \$100.00. If the adjacent property owner agrees to maintain the public property abutting their private property, \$75.00 of the fee shall be waived, resulting in a cost to the applicant of \$25.00.

2. Hoist Fee. A \$30.00 permit fee shall apply for each hoist.

**161.06 ELIGIBILITY, WAITING LISTS AND RIGHTS.**

1. Eligibility. Dock and hoist privileges on public access areas are reserved to residents and property owners of the City. However, this reservation does not preclude the right of the general public from the use of the access, dock or any appurtenances except boat hoists.

2. Limitations. At each dock site, there shall be allowed a maximum of two families or entities to share that dock site. At each dock site, the maximum number of hoists is the number needed to accommodate no more than two boats and four personal water crafts or other small crafts. *(Ord. 384 – May 04 Supp.)*

3. Waiting Lists. Lake View residents and property owners applying for dock or hoist privileges may be placed on a waiting list if these accesses have already reached capacity as determined by previous provisions herein. Names shall be placed on the list in numerical order as they are filed and received by the City and the resident or the City shall then notify the property owner when a vacancy occurs or when space becomes available.

4. Rights of the General Public. Public use of docks will be governed by DNR Administrative Rule 571-16.

**161.07 COMMERCIAL USE PROHIBITED.** Commercial use of any dock or appurtenances extending from a public access is prohibited. Commercial use shall mean the exchange of goods or services on any dock on or over waters under the jurisdiction of the DNR in which the exchange of goods or services involves a fee, either directly or indirectly.

*(Ord. 334 – June 99 Supp.)*

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