

RESOLUTION

17-Apr-07 County Board Meeting

Moved by C/Bryant, seconded by C/Samuelson, and carried to approve the following resolution and Revised Goodhue County Dock Ordinance:

WHEREAS, Goodhue County adopted a Dock Policy 17-Feb-04; and

WHEREAS, the Goodhue County Public Works Department, County Attorney's Office and Sheriff Department working under the direction of the County Board of Commissioners cooperatively enforce the policy for the County; and

WHEREAS, changes to the policy have been initiated by the enforcing agency; and

WHEREAS, a public hearing has been held to gather input from the public regarding said changes.

NOW, THEREFORE BE IT RESOLVED, that the Goodhue County Board of Commissioners have adopted the following GOODHUE COUNTY DOCK ORDINANCE:

GOODHUE COUNTY DOCK ORDINANCE

Definition

Dock means any wharf, pier, or other structure, whether floating or not, constructed or maintained in Lake Byllesby. Seasonal dock means a dock so designed and constructed in order that it may be removed on a seasonal basis.

Scope

It is unlawful for any person to build or place any dock upon, in, or over the waters of Lake Byllesby from or on any public property except as provided.

Seasonal Dock Permits

1. The Goodhue County Board shall determine where seasonal docks are permitted. Seasonal docks are permitted where the fee owner's property adjoins Goodhue County owned property on Lake Byllesby.

2. Seasonal dock permit applications will be accepted beginning January 2 of each applicable year.

3. Application and renewal for a seasonal dock permit shall be filed with the Goodhue County Department of Public Works and shall be accompanied by the currently required fee of \$40.00 and proof of insurance or insurance binder: \$300,000 per claim, \$1,000,000 per occurrence. The permit holder must at all times when their dock is located on County Property maintain in force liability insurance in the currently required minimum amount, and must submit verification of insurance renewals

to Goodhue County Public Works if the renewal occurs before the next permit application. Failure to maintain such insurance shall result in automatic revocation of the permit. The permit holder must notify the Department of Public Works if the insurance is cancelled or lapses for any reason. The permit holder shall be liable for his/her own acts and the results thereof and shall hold Goodhue County harmless against any and all liability, loss, costs, damages, expenses, claims or actions, including attorney's fees, which it may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of the permit holder, his/her agents, servants or employees in the performance or failure to adequately perform its obligations pursuant to this Ordinance.

4. A permit shall not be issued if the adjacent property landowner who held the dock permit the previous year was found guilty of violating this ordinance.

5. A seasonal dock permit shall expire on June 1 of the following applicable year.

Compliance

Conformance with the following is a condition of the individual use and enjoyment of a dock space:

(1) Seasonal dock permits shall not be transferable.

(2) The permittee shall be responsible for the removal from the lake, the lakeshore, and the public property any dock upon the termination of his/her annual permit by June 1 if the permit is not renewed, when the required insurance is dropped, or upon the revocation of his/her permit. Failure of the permittee to do so within ten days shall constitute abandonment of the permittee's property rights in the property. The County is authorized to remove such property which is deemed abandoned according to the terms of this subsection. The County is authorized to take the steps necessary to collect the costs of removal from the permittee. The owner may reclaim the property removed by exhibiting satisfactory proof of ownership and paying the County any removal, storage, and maintenance costs incurred by it in regard to the reclaimed property. If the property remains unclaimed in the possession of the County for 60 days, the property shall be sold by the County at public auction after two weeks' published notice setting forth the time and place of the sale and the property to be sold. The

proceeds from the sale less the costs of storage and the proportionate costs of published notice and other costs of sale shall be applied to any amount the permittee owes the County for the removal of the property. The proceeds of the sale shall be placed in the general fund of the County. If the former owner makes application and furnishes satisfactory proof of ownership within six months after the sale of his property, he shall be paid the proceeds from the sale of his property less the costs of removal, storage, and the proportionate part of the cost of the published notice and other costs of sale.

(3) No dock shall be permitted which is hazardous or which affects the health, safety, and general welfare of the public in its use and enjoyment of Lake Byllesby and the access thereto. All such docks shall be maintained in good repair. For a violation of this subsection, the permittee will be given written notice to comply within ten days. If the permittee fails to comply within that period, the County may take action to revoke his/her permit.

(4) The dock shall not be a hazard to navigation or endanger the public health and safety.

(5) The site on which the dock is situated shall not be a posted fish spawning area.

(6) The dock shall not include fuel handling or sewage facilities.

(7) The dock shall not be used for human habitation.

(8) The dock shall allow for free flow of water beneath it.

(9) Docks shall conform to all Department of Natural Resources rules and regulations.

Revocation of Permits

A permit issued under this article may be revoked by the County Board at any time for violation. Unless the violation is found by the County Board to be willful, flagrant, or a matter of immediate hazard, a notice shall be given at least 12 days prior to the next regular meeting by registered mail to the permittee at his address as given on his application, which notice shall provide that the permittee appear before the County Board at the meeting with reference to his permit.

Permit Rights

No person to whom a permit has been issued under this article shall have a vested right to such a permit or to a renewal thereof.

Misdemeanor

Violation of this ordinance is deemed to be a misdemeanor and penalties may be assessed up to 90 days in jail and/or a \$1,000 fine.