



4646 Dakota Street S.E.
Prior Lake, MN 55372-1714

POLICY GUIDING THE PLACEMENT OF PERSONAL DOCKS IN THE CITY OF PRIOR LAKE Adopted March 7, 2008

The purpose of this policy is intended to clarify language published in DNR documents, whether written or electronic, that is difficult to understand and at times confusing. The City is adopting this policy to guide the size, location and use of single docks or mooring areas located on individual riparian lots on Prior Lake and on the portion of Spring Lake within the Prior Lake city limits. Multiple docks, such as homeowner's association docks, and commercial docks or marinas are regulated under the City of Prior Lake Zoning Ordinance and the Minnesota Department of Natural Resources rules. Multiple and commercial docks require permits from the City, the DNR, or both entities before they can be established.

In adopting this policy, the city is not intending to assume any responsibility to resolve disputes between neighbors.

RIPARIAN RIGHTS / GOOD NEIGHBOR

Under most circumstances, lakefront properties have a right to reasonable access to the water, including placing modest docks and watercraft lifts in the water to provide that access. These are referred to as *riparian rights*, using a legal term for shoreline. Access can only be limited for important public reasons, such as safety, navigability, etc. All riparian properties share the right to a reasonable dock space. Access to the water may not be limited or impaired by the placement of docks and lifts. This policy provides guidance to help neighbors share the shoreline and maintain the right to a reasonable dock area.

DEFINITIONS

Dock: A narrow platform or structure, whether temporary or permanent, extending toward the water from the shoreline, whether floating or not, including all "Ls," "Ts" or posts which may be a part thereof, whether affixed or adjacent to the principal structure. A dock may provide access to moored watercraft or seaplanes or to deeper water for swimming, fishing, or other water-oriented recreational activities. (*Minnesota Rules 6115.0170, subp. 7*)

Single Dock: An authorized dock which abuts a single family residential site, for the storage of six or fewer restricted watercraft. .

Multiple Dock: Any dock or mooring area constructed or maintained for the storage of seven or more restricted watercraft, other than commercial docks. Homeowner's association docks are included in this category.

Commercial Dock: A dock or dock structure used in conjunction with a commercial or other revenue producing business enterprise including a private club.

Marina. Either an inland or offshore commercial mooring facility for the concentrated mooring of seven or more watercraft or seaplanes wherein commercial ancillary services common to marinas are provided. (*Minnesota Rules 6115.0170, subp. 20*)

Watercraft: Any vessel, boat, canoe, raft, barge, sailboard, or any similar device used or useable for carrying and transporting persons on the lake.

Restricted Watercraft: Any boat or vessel for use on or stored on the public waters on the Lake except for unrestricted watercraft as defined in this section.

Unrestricted Watercraft: Any boat or vessel for use on or stored on the public waters of the lake which is:

- a. 16 feet or less in length and unmotorized; or
- b. 16 feet or less in length and which uses a motor of 10 horsepower or less; or
- c. 20 feet or less in length and unmotorized, and which is propelled solely by human power.

Boat Lift: A structure or device, without walls that is designed to lift watercraft above the level of the public water or ground elevation when not in use. This definition also includes rail systems or track systems extending from the land bed to the shore. A boat lift may be designed to include a watercraft canopy. (*City Ordinance 1101.400*)

Riparian Lot: A lot directly abutting a lake or waterway.

INSTALLATION GUIDELINES APPLYING TO SINGLE DOCKS

The rule of straight line extension of property lines into the water will provide good guidance in some situations, especially where the shoreline is relatively straight and the lots are platted with regular boundaries. However, this method fails to balance the lake access rights of all owners in situations of sharp shoreline curves, inlets, coves, bays, channels, or in situations of unusual property plats. On Prior Lake, these unusual situations are very prevalent due to the shape of the lake and the nature of the original platting of much lakeshore property in the late-19th and early-20th centuries. In these situations, the method of extending the property lines, perpendicular to shore, or to the center of the lake or bay may provide better guidance. In this method, lot boundaries are determined by estimating an extension of the lot boundary into the water perpendicular to the shore from the point where the lot line reaches the shore.

In all cases, these rules only offer guidance. The absolute rule is that all riparian lot owners have a right to access the water and a reasonable use of the shoreline, including placing docks and watercraft lifts to gain that access. These rights must be respected by all riparian lot owners when establishing access to the water. This policy establishes limits and rules for size, setbacks, and uses of dock structures that are in compliance with DNR rules, and respect the rights of riparian property owners.

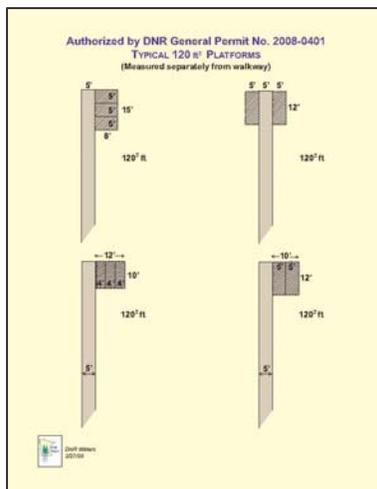
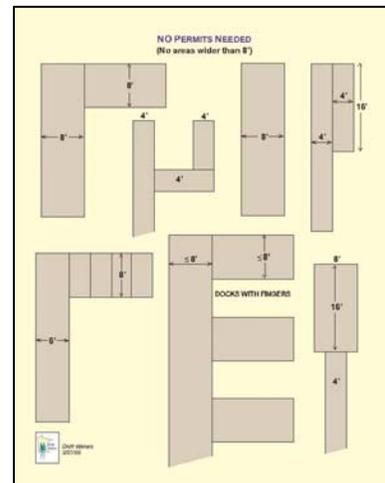
No dock, mooring or other structure, nor the watercraft using the structure, shall be so located as to:

- (1) Obstruct navigable waters;
- (2) Obstruct reasonable use or access to any other dock, mooring or other structure authorized under this ordinance;
- (3) Present a potential safety hazard;
- (4) Unreasonably or unnecessarily encroaches on other docks, or
- (5) Comes within ten feet of any other structure.

The following are DNR required limitations for the size of single docks. Any dock exceeding the following limitations requires a permit from the DNR.

- The structure, other than a watercraft lift or watercraft canopy, is not more than 8 feet wide and is not combined with other similar structures so as to create a larger structure.
- The number of mooring slips on the dock is six or less.

Docks exceeding these guidelines require a permit from the Minnesota Department of Natural Resources.



In January, 2008, the Minnesota Department of Natural Resources issued General Permit No. 2008-0401, authorizing larger platforms, not to exceed 120 square feet, as shown on the drawing to the left. This permit expires November 20, 2012, or when new regulations are adopted.

The following are guidelines to be used for the placement of single docks:

- The dock should be no longer than needed to achieve its intended use: to reach navigable water depth.
- The dock should be located at least 5' from any side property line, as measured at the Ordinary High Water Elevation.