

## SECTION 5

### **1405.000. DOCKS ON WINSTED LAKE**

**1405.001. PERMIT REQUIRED.** No person shall construct, install or maintain a dock, wharf, or similar structure on public property or upon public waters abutting public property without first obtaining a permit from the City of Winsted.

**1405.002. TERM.** Permits shall be issued on an annual basis and shall expire on November 31<sup>st</sup> of each year.

**1405.003. INSPECTION.** All docks shall be subject to an annual inspection by the City of Winsted. If a dock does not meet the minimum requirements as listed in this ordinance, it shall be immediately brought into compliance by the permit holder or the permit shall be revoked.

**1405.004. FEE.** Application fees for dock permits shall be set annually by the Winsted City Council.

**1405.005. APPLICATION.** An application for a permit must include the following:

1. Name, Address and Telephone number of the dock owner.
2. Signature upon application binding the applicant to defend, indemnify and hold the City of Winsted harmless for claims arising out of the existence of the dock.
3. Provide proof of liability insurance as required in this ordinance.

**1405.006. RESTRICTED PLACEMENT.** No private docks will be allowed on public property or allowed to be accessed through public property, except for the following location:

Property owners along Kingsley Street, from McLeod Avenue to Sherman Avenue, may place a dock along Winsted Lake, accessing said dock from the east right-of-way of Kingsley Street by submitting an application for a dock permit. Docks must be positioned directly across from the applicant's property on the west side of Kingsley Street.

**1405.007. REQUIREMENTS.**

The following requirements must be provided and in place prior to the issuance of a dock permit:

1. The permit holder must provide and install warning signs in English and Universal symbols indicating “NO SWIMMING” and “NO DIVING”. Additionally, the permit holder must provide and install a warning sign in English and universal symbols indicating “Private Property” or “No Trespassing”;
2. The permit holder must at all times during the period of the permit maintain liability insurance naming the City of Winsted as an additional insured in a minimum amount of \$1,000,000 (per Minnesota State Statute). The permit holder must immediately notify the City of Winsted if this insurance is cancelled or lapses for any reason;
3. The permit holder must defend, indemnify and hold the City of Winsted harmless for claims arising out of the existence of the dock;
4. Docks must be structurally secure, being free of rotting, decaying or severely distressed materials;
5. Permit holders are required to sufficiently maintain the lake bank from Kingsley Street to their access;
6. No permanent or temporary structures may be located along the lake bank (examples include, but are not limited to boat houses, fish houses, etc...); and
7. The permit holder must have their permit affixed to their dock at all times.

**1405.008. WINSTED LAKE AND WATERSHED ASSOCIATION (WLWA).** Nothing in this ordinance shall prohibit the WLWA from placing a dock in any location in the areas permitted as long all requirements under this ordinance are followed.

**1405.009. GRANDFATHER CLAUSE.** The Current property owner of 261 Sherman Avenue West placed a dock in Winsted Lake on public property along Kingsley Avenue, in 2007. The owner of this property is allowed to apply for a permit like other Kingsley property owners may apply herein.

**1405.010 REMOVAL.** In the event that any permit holder or non-permit holder is in violation of this ordinance, the City of Winsted shall have the right to remove a dock or other personal property from the lake or public right-of-way after providing seven (7) days notice to the owner.

The City of Winsted shall be entitled to remove the dock and have all removal and storage costs reimbursed by the offending party. Costs may be either assessed to the violating property owner or in some cases the City of Winsted may bring a cause of action against the violating party.

**1405.011. ENACTMENT.** Property owners seeking to place a dock must make application for a permit within sixty (60) days of the adoption of this ordinance by the City Council.

**1405.012. DURATION AND EFFECT.** This ordinance does not provide anyone with any rights, other than those stated herein, on an annual basis. Each dock permit must be renewed by a separate application in each calendar year that terminates (as indicated above) on November 31 of each said year. The City of Winsted has unlimited discretion and right, to not allow the installation of docks on the public property hereinabove stated at any time hereafter, except that if such decision to not allow docks is made during a calendar year prior to November 30, the City shall give the permittee 60 days prior written notice to remove its dock.

(Ord. 08-04, 05/06/08; Ord. O-18-06, 8/21/18)