CITY OF TONKA BAY
ITEM NO. 9A

Memo

To: Honorable Mayor and City Council

From: Joseph Kohlmann, City Administrator

Date: October 23, 2012

Re: 2012-2013 De-icing Permits

The de-icing permits from Tonka Bay Marina, The Caribbean and Gary Ehrreich (35 Lakeview Avenue) are up for annual renewal. The applications and ordinance are attached for your review.

Council Action Requested:
Motion to approve the annual de-icing permits.

CHAPTER V. HARBOR AND WATERWAY REGULATIONS
SECTION 500
HARBOR LIMITS AND PUBLIC NUISANCES THEREIN

500.01 INCORPORATION OF THE LAKE MINNETONKA CONSERVATION DISTRICT CODE OF ORDINANCES

The Lake Minnetonka Conservation District Code of Ordinances (hereinafter referred to as LMCD) is hereby incorporated by reference. Where the Tonka Bay Code of Ordinances imposes a more stringent regulation than state law rule or regulation, or more stringent regulations than those set out in LMCD Code it is the intent of the City Council that the provisions of the Tonka Bay Code prevail to the extent permitted by law. Those regulations established in the most recently amended LMCD Code shall control.

500.02 HARBOR LIMITS

Subd. 1 Harbor Limits

The geographical and jurisdictional limits of the City in, on and over navigable waters in or adjacent to the City shall extent to the harbor limits of any adjoining municipality or other geographical unit.

Subd. 2 Primary Harbor Limit

The area with three hundred (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".

Subd. 3 Secondary Harbor Limit

The area extending from three hundred (300) feet of the water line on the shore of any lake or other body of water in or adjacent to the City and the harbor limits of any adjoining municipality or other governmental unit shall be known as the "Secondary Harbor Limit".

Subd. 4 Jurisdictional Limit

The harbor limits of the City of Tonka Bay do not extend beyond a point halfway between the shores of the body of water over which Tonka Bay has jurisdiction and the shore of the body of water located in another government unit.

Subd. 5 Map

The geographical and jurisdictional limits of the respective harbor limits will be illustrated on a map attached hereto known as "Appendix A".

Subd. 6 Conflict

Where there is any conflict between the harbor limits as defined in this section and harbor limits established by the LMCD code, those harbor limits established by the LMCD code shall apply.

500.03 NUISANCES PROHIBITED

Subd. 1 Nuisances Prohibited

No person shall commit or maintain a public nuisance in or upon the water of any lake or other body of water within the jurisdiction of the City; nor shall any person let, permit, or any other person to use any boat, dock, craft or structure or portion thereof, knowing or having reason to know that it is intended to be used to commit or maintain

any public nuisance. No person shall willfully prevent, hinder, oppose or obstruct a public official in the performance of his duty in carrying out the provisions of this ordinance, or in removing or abating a public nuisance.

500.04 NUISANCES DEFINED

Subd. 1 Nuisances Defined

A public nuisance is a crime, punishable as a misdemeanor, and consists of unlawfully doing an act or omitting to perform a duty, which act or omission shall:

(a) Injure or endanger the safety, health or comfort of the public; or,

(b) Offend public decency; or,

(c) Unlawfully interfere with, obstruct, or tend to obstruct or render dangerous for use or passage, a body of water within the harbor limits of the City.

500.05 SPECIFIC PUBLIC NUISANCE DEFINED

The term "Public Nuisance" shall be deemed to include the following:

Subd. 1 Anything declared to be a public nuisance by an ordinance of the City of Tonka Bay.

Subd. 2 The depositing of refuse, waste or other deleterious, poisonous, noxious, or injurious substance within the harbor limits of the city.

Subd. 3 The depositing of sewage within the primary harbor limits of the city.

Subd. 4 The erection or maintenance of any dock or structure which interferes with, obstructs, or tends to obstruct or render dangerous for use the waters within the primary harbor limits of the City.

Subd. 5 The failure to equip and operate a boat, vessel or watercraft in accordance with the provisions of Minnesota Statutes Chapter 361, as amended, which statutes are incorporated and made a part of this code by reference. Provided, however, that any additional requirements as established by the LMCD Code shall be met by all owners and operators of watercraft within the harbor limits.

Subd. 6 The failure to tow or to operate a watercraft towing one or more persons behind a watercraft on water skis, aqua plane, surfboard, saucer, or similar device; except in compliance with regulations as established by the LMCD Code.

Subd. 7 The towing of any person(s) into or through a marked channel connecting two bodies of water.

Subd. 8 The overtaking and/or passing of any craft in a channel or narrow passage by the operator of any motorboat, speedboat, or of any other vessel under power, so as to endanger other craft; and all craft shall proceed through all channels and narrow passages of water at safe speeds, otherwise the operator thereof shall be deemed to have committed a public nuisance.

Subd. 9 The failure to equip and maintain lights, and to have such lights lighted when the boat or vessel is operating within the harbor limits of the City at night.

Subd. 10 Obstructing or interfering with passage of a boat or vessel through a channel or narrow water passageway.

Subd. 11 Operating a boat or vessel in a careless or reckless manner in or about a public swimming beach.

Subd. 12 Swimming in a channel, or jumping or diving from a channel bridge.

Subd. 13 Operating a watercraft, automobile, vehicles or power propelled device on the open water, or upon an ice covered body of water, in such a manner as to endanger life, limb or property.

Subd. 14 No person or corporation shall install, operate, maintain or use a machine, mechanism, device or substance to prevent or restrict the normal formation of ice or to hasten the melting of ice on public waters within the harbor limits of the City of Tonka Bay without a permit. Application for the issuance of said permit shall be made to the City Council and said permit shall be granted upon the following conditions:

(a) that any open water shall not extend closer than eight (8) feet to the property lines of the applicant as extended into the water;

(b) snow fencing shall be erected and maintained in an upright condition by means of suitable stakes or posts and said fencing shall surround the entire de-iced area completely; the fencing shall not extend beyond the property lines of the applicant as extended into the water;

(c) reflective material or flashing lights shall be placed at suitable locations and intervals on the outside of the fencing to warn vehicles and persons in the area;

(d) the area for which the permit shall be granted shall be completely cleaned up of all fencing posts, stakes, boards, wiring, fencing material etc. all of which shall be removed entirely no later than April 1st of each year;

(e) that if the conditions of this subdivision are violated, the City Council may revoke the permit upon five (5) days' notice in writing to the applicant.

(f) that the applicant comply with the provisions of Section 3.12 of the LMCD Code.

CITY OF TONKA BAY
4901 Manitou Road
Tonka Bay MN 55331
Phone: 952-474-7994
www.cityoftonkabay.net

2012-2013 DE-ICING PERMIT

DATE OF APPLICATION	10/17/12
NAME OF APPLICANT	Tonka Bay Marina
LOCATION OF INSTALLATION	220 Tonka Bay Rd
PHONE NUMBER DURING THE DAY	(952) 474-0292
TYPE OF INSTALLATION: Aerator pumps with snow fence enclosing dock area.	

1. This installation will not under any circumstances be detrimental to the health, safety and welfare of the public.
2. Open water will not extend closer than eight (8) feet to the property lines of the applicant as extended into the water.
3. Snow fencing will be erected and maintained in an upright condition and will surround the entire de-iced area completely. Fencing will not extend beyond the property lines of the applicant as extended into the water.
4. Reflective material or flashing lights will be placed at suitable locations and intervals on the outside of the fencing to warn vehicles and persons in the area.
5. The area for which the permit shall be granted will be completely cleaned up of all fencing posts, stakes, boards, wiring, etc., and all will be removed entirely no later than April 1 of each year.
6. I agree that if any conditions are violated, the permit will be immediately revoked upon a five (5) day notice in writing from the City Administrator.
7. I agree to hold the City of Tonka Bay and its employees harmless from and against any or all claims, suits or damages.

Applicant

This permit is subject to all conditions listed above.

CITY OF TONKA BAY

DATE: _____ BY: _____
City Administrator

OFFICE USE ONLY			
PAYMENT MADE ($75)	10-18-12	COUNCIL MEETING DATE	10/23/12
APPROVED		NOT APPROVED	

CITY OF TONKA BAY
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2012-2013 DE-ICING PERMIT

DATE OF APPLICATION	10/11/12
NAME OF APPLICANT	Curly's Minnetonka Marina, Inc. d/b/a the Caribbean
LOCATION OF INSTALLATION	135 Lakeview Ave + 110 Sunrise Ave
PHONE NUMBER DURING THE DAY	952-474-6825
TYPE OF INSTALLATION:	Aereator

1. This installation will not under any circumstances be detrimental to the health, safety and welfare of the public.
2. Open water will not extend closer than eight (8) feet to the property lines of the applicant as extended into the water.
3. Snow fencing will be erected and maintained in an upright condition and will surround the entire de-iced area completely. Fencing will not extend beyond the property lines of the applicant as extended into the water.
4. Reflective material or flashing lights will be placed at suitable locations and intervals on the outside of the fencing to warn vehicles and persons in the area.
5. The area for which the permit shall be granted will be completely cleaned up of all fencing posts, stakes, boards, wiring, etc., and all will be removed entirely no later than April 1 of each year.
6. I agree that if any conditions are violated, the permit will be immediately revoked upon a five (5) day notice in writing from the City Administrator.
7. I agree to hold the City of Tonka Bay and its employees harmless from and against any or all claims, suits or damages.

Gordon N. Koch
Applicant

This permit is subject to all conditions listed above.

CITY OF TONKA BAY

DATE: _____ BY: _____
City Administrator

OFFICE USE ONLY			
PAYMENT MADE ($75)	10-12-12	COUNCIL MEETING DATE	10/23/12
APPROVED		NOT APPROVED	

LICENSING/DEICING/FORMS

CITY OF TONKA BAY
4901 Manitou Road
Tonka Bay MN 55331
Phone: 952-474-7994
www.cityoftonkabay.net

2012-2013 DE-ICING PERMIT

DATE OF APPLICATION	10/12/12
NAME OF APPLICANT	Gary Ehrreich
LOCATION OF INSTALLATION	35 Lakeview Avenue
PHONE NUMBER DURING THE DAY	(952) 470-4002
TYPE OF INSTALLATION:	De-Icing, Residential LMCD approved

1. This installation will not under any circumstances be detrimental to the health, safety and welfare of the public.
2. Open water will not extend closer than eight (8) feet to the property lines of the applicant as extended into the water.
3. Snow fencing will be erected and maintained in an upright condition and will surround the entire de-iced area completely. Fencing will not extend beyond the property lines of the applicant as extended into the water.
4. Reflective material or flashing lights will be placed at suitable locations and intervals on the outside of the fencing to warn vehicles and persons in the area.
5. The area for which the permit shall be granted will be completely cleaned up of all fencing posts, stakes, boards, wiring, etc., and all will be removed entirely no later than April 1 of each year.
6. I agree that if any conditions are violated, the permit will be immediately revoked upon a five (5) day notice in writing from the City Administrator.
7. I agree to hold the City of Tonka Bay and its employees harmless from and against any or all claims, suits or damages.

Applicant

This permit is subject to all conditions listed above.

CITY OF TONKA BAY

DATE: _____ BY: _____
City Administrator

OFFICE USE ONLY			
PAYMENT MADE ($75)	10-12-12	COUNCIL MEETING DATE	10/23/12
APPROVED		NOT APPROVED	

LICENSING/DEICING/FORMS