

# Memo

**To:** Honorable Mayor and City Council  
**From:** Joe Kohlmann, City Administrator  
**Date:** March 27, 2012  
**Re:** Dock Rentals

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There are currently four dock spaces available. The City has exhausted the dock waiting list; had a sign located on County Road 19 notifying vacant dock slips; and currently has three non-residents who are on the non-resident waiting list.

Ice out on was declared on Tuesday March 20<sup>th</sup>.

The order of allocating available docks slips is as follows (*Policy Attached*):

**PERMIT ALLOCATIONS AND APPLICATION DEADLINES**

1. Tonka Bay residents with valid permits for the immediately preceding year.
2. Residents of Tonka Bay on the waiting list subject to the following conditions:
  - a. Non-lakeshore residents
  - b. Lakeshore residents
3. Residents of Tonka Bay.
4. Non-residents of Tonka Bay currently renting a Municipal Dock Slip.
5. Non-residents of Tonka Bay on the waiting list.
6. Non-residents of Tonka Bay.

**WAITING LIST FOR APPLICANTS (addendum)**

4. If the waiting list becomes exhausted and slips are still available for rent, the City will alert Tonka Bay residents to the available slips by means determined by the City. All residents will be given the opportunity to acquire a slip on a first come, first served basis. If slips are still available after the procedure above is exhausted, the City may, at its discretion, offer available slips to non-residents.

**Council Action Requested:**

Authorize staff to offer docks to non-residents at the non-resident rate of \$3200.

**CITY OF TONKA BAY**  
**MUNICIPAL DOCK RENTAL POLICY**  
*(Adopted 4/26/11)*

This Municipal Dock Rental Policy is subject to change without advance notice.

**DEFINITIONS**

**Applicant:**

“Applicant” means a person who has filled out and submitted an application to rent a boat slip from the City

**Dock:**

“Dock” means the municipal docks with slips located in the Lagoon Area.

**Lagoon Area:**

“Lagoon Area” means the area located within a line beginning at the southerly boundary of the channel abutting the North Channel fire lane, the point of beginning, then extending along the westerly and southerly right of way lines of Woodpecker Ridge Road, the easterly right of way line of Manitou Road, the northerly right of way line of Crabapple Lane and ending at the point of beginning.

**Length of Boat:**

“Length of Boat” means the horizontal measurement from tip of bow pulpit to end of swim platform or furthest point away from tip of bow, whichever is longer. Boat Length cannot exceed the designated size limitations for the slip. Size limitations will be designated by the City and may be amended from time to time. Boat length will be verified by City Staff if a boat comes into question.

**Width of Boat:**

“Width of Boat” means the horizontal measurement from the aftermost points of the starboard and port of the watercraft, including all equipment and attachments in their normal operation positions; measured perpendicular to Length of Boat. Boat Width cannot exceed 9 ft. for any slip.

**Owner:**

“Owner” means that person named on the boat registration certificate issued by the DNR. Said registration certificate may not be registered to a corporation or business owner without written approval from the City Administrator.

**Renter:**

“Renter” means that person named on the boat registration certificate issued by the DNR and permitted by the City to store a watercraft at the Municipal Dock site. Said registration certificate may not be registered to a corporation or business without written approval from the City Administrator.

Renter's Guest:

"Renter's Guest" is any person who is in the Lagoon Area at the invitation of a Renter.

**APPLICATION FOR PERMIT**

Subd. 1. Any person desiring to secure a permit shall apply to the City Administrator on the application form adopted by the City Council and amended from time to time.

Subd. 2. An application shall be accepted and a permit shall be issued provided:

- a. The application has been completed as required by the City Administrator
- b. The Applicant's boat meets the length and width requirements
- c. The applicant is the owner of the boat for which the dock permit is requested.
- d. The application and payment of half the required rental fee has been submitted to the city on or before January 15 of the year for which the permit is to be effective.
- e. The balance of the dock rental fee shall be paid on or before March 1 of the same year.

Subd. 3. The Renter shall report any change of status in his/her application in writing to the City Administrator within ten (10) days after such change has occurred. In the event said changes fail to meet the requirements for the issuance of a permit, said permit shall be reviewed by the City Council and subject to revocation. The Renter shall be granted a hearing upon at least ten (10) days notice before revocation is ordered. The notice shall state the time and place of the hearing and the nature of the failure to meet permit requirements.

Renter shall remove the boat from the premises within ten (10) days after permit revocation by the City Council. If Renter's boat is not removed within ten (10) days, the City will remove the boat at Renter's expense. Renter shall remain obligated for all sums under this Municipal Dock Policy, and no refund shall be given until the Renter's designated slip is rented to another applicant.

Subd. 4. Permits issued under this Section shall authorize Renter to keep a specified watercraft at an assigned space for the specified boating season as provided.

**PERMIT ALLOCATIONS AND APPLICATION DEADLINES**

Applications for renewal permits shall be mailed by certified mail by December 15 to Renters. Applications and half payment shall be submitted to the city on or before January 15 of each year. The balance of the fee shall be paid by March 1 of each year. Permits shall be issued based upon the following priorities, with exceptions described in the Addendum:

1. Tonka Bay residents with valid permits for the immediately preceding year.

2. Residents of Tonka Bay on the waiting list subject to the following conditions:
  - a. Non-lakeshore residents
  - b. Lakeshore residents
3. Residents of Tonka Bay.
4. Non-residents of Tonka Bay currently renting a Municipal Dock Slip.
5. Non-residents of Tonka Bay on the waiting list.
6. Non-residents of Tonka Bay.

#### **PERMIT AUTHORIZATION – ASSIGNMENT NOT ALLOWED**

No permit shall be assignable. No boat for which a permit has been issued shall be rented or subleased.

#### **START AND TERMINATION OF SEASON**

No slips shall be used for boat dockage until ice-out or May 1 whichever is first. All boats or other watercraft shall be removed from the water and from the municipal dockage and all slips must be vacated prior to freeze-up and, in any event on or before November 1 of each year.

#### **FEES**

The City Council shall set fees for municipal dock slips, slides, and canoe racks. These fees will be reviewed annually and adjusted as necessary. The City Council may also make a determination to suspend or reduce fees if such actions are merited.

#### **PROHIBITED ACTIVITIES:**

- a. Swimming from the boat docks.
- b. Fishing from the boat docks.
- c. Creation of any housekeeping or sanitation problems, failure to use waste receptacles.
- d. Depositing of any refuse, sewage, debris, liquids or any polluting matter on the grounds or in the waters of the Lagoon Area. Non compliance with any present and future state, federal and other governmental regulations regarding holding tanks and sewage disposal.
- e. Failure to deposit all garbage and other waste in bins and cans supplied for that purpose.
- f. Use of bicycles, scooters, roller-skates, in-line skates and skateboards on the docks.
- g. Smoking on docks.
- h. Open fires of any kind (charcoal, propane, etc.) in any part of the Lagoon Area, including on boats. Fireworks within the Lagoon Area at any time.
- i. Cleaning of fish or disposal of fish parts within the Lagoon Area.
- j. Staying overnight on a boat docked in the Lagoon Area.
- k. Failure of renter to inform renter's family members and guests of all rules and regulations.

- l. Nailing, tying, or by any other means attaching objects or materials to the city docks for any purpose, except bumper material purchased from the city.
- m. Painting or scraping of boats or accessories
- n. Disposing of oil, oil filters, paints, paint cans, cleaning fluid, batteries, or other hazardous and like materials in garbage containers.
- o. Boat lifts. For purposes of this paragraph, boat lifts shall include but shall not be limited to freestanding lifts and lifts attached to the city docks.
- p. Renter is responsible for compliance by Renter's guests with all provisions of these rules and all rules and regulations of the Lagoon Area.
- q. Allowing any part of the boat to protrude over any dock space, including but not limited to walkways.

#### **WATERCRAFT OPERATION**

- a. The craft shall be kept under control at all times when in the Lagoon Area.
- b. The craft shall be kept at all times under closed throttle when within the Lagoon Area.
- c. Clearing propellers in the Lagoon Area is prohibited.

#### **ADDITIONAL PROVISIONS**

- a. Renter shall pay for any damages to the dockage assigned.
- b. Renter shall hold the City of Tonka Bay and its employees harmless from and against any or all claims, suits, and damages which might ensue.
- c. The City makes no representation or guarantees concerning water level. Renter will make its own independent determination. Renter has a continuing obligation to pay the total fee due under this Municipal Dock Policy, notwithstanding the change in water levels that may affect navigability within the Lagoon Area.
- d. Renter agrees that all fees, charges, and other amounts owed to the City under this Municipal Dock Policy will be paid by the due date.

#### **PUBLIC SAFETY WATERCRAFT**

- a. Public safety watercraft may be exempt to the permit allocation priorities.
- b. City Council may waive the fee for public safety watercraft.
- c. Public safety watercraft may exceed the length and width restrictions.
- d. Public safety watercraft may use dolphin poles to secure watercraft.
- e. Public safety watercraft dockage shall be on a temporary basis by resolution and may be cancelled at any time by either party.

#### **VIOLATIONS**

The City Council may revoke a permit for violation of any provision of law, ordinance, violation of the Municipal Dock Policy, or regulation applicable to the permitted activity or property. The Renter shall be granted a hearing upon at least ten (10) days notice before revocation is ordered. The notice shall state the time and place of the hearing and the nature of the violation.

Renter shall remove the boat from the premises within ten (10) days after revocation by the City Council. If Renter's boat is not removed within ten (10) days, the City will remove the boat at Renter's expense. Renter shall remain obligated for all sums under this Municipal Dock Policy, and no refund shall be given, if any, until the Renter's designated slip is rented to another applicant. Renter will be liable for all other expenses incurred for boat removal.

## MUNICIPAL DOCK POLICY ADDENDUM

### WAITING LIST FOR APPLICANTS

1. If there are not an adequate number of slips available to all applicants, a waiting list will be established. The waiting list will be in chronological order by the date applications are received and rank ordered by the priorities established in the Municipal Dock Policy.
2. Each applicant on the waiting list will receive a notice by mail when a slip becomes available. The applicant has fourteen days to notify the City if they intend to acquire a permit for the slip and pay all sums due.
3. An applicant may reject slips 1-3. If an applicant rejects said slips, the applicant will be placed on a secondary waiting list for a slip that accommodates larger boats. When slips that accommodate larger boats become available, the slips will first be offered to Renters of slips 1-3 and secondary waiting list applicants with priority given to whoever submitted their application to the City first.
4. If the waiting list becomes exhausted and slips are still available for rent, the City will alert Tonka Bay residents to the available slips by means determined by the City. All residents will be given the opportunity to acquire a slip on a first come, first served basis. If slips are still available after the procedure above is exhausted, the City may, at its discretion, offer available slips to non-residents.

### DESIGNATED BOAT SIZE LIMITATIONS

1. Applicants shall not have a boat registration length greater than or equal to 27 ft. under any circumstance unless it is a Public Safety watercraft.
2. Applicants cannot have a boat registration width greater than nine feet.
3. Boats are measured according to "Length of Boat" and "Width of Boat" measurement standards in the Municipal Dock Policy. Slip size limitations are below:

<b>SLIP NUMBERS</b>	<b>LENGTH LIMIT</b>	<b>WIDTH LIMIT</b>
#1 - #3	21'	9'
#4 - #49	27'	9'