



# Lake Quality Commission Agenda November 15, 2023



The Lake Quality Commission (LQC) meeting will commence at **6:30** pm at the Maple Grove Government Center, 12800 Arbor Lakes Parkway, Maple Grove, MN, 55369.

## ITEM

## ACTION REQUIRED

### CALL TO ORDER

Call to order by Chairperson Fahrenbruch at 6:30 p.m.

### BUSINESS ITEMS

#### 1. Introductions

Introduce commissioners and students; five minutes for public comment

#### 2. Approval of Minutes

Approve minutes from the October 18, 2023 LQC meeting

#### 3. Area Reports

#### 4. Docks, Mooring, and Other Structures

Consider review of City Code Section 22-96 regarding docks, moorings, and other structures on lakes and comparison to Minnesota Department of Natural Resources Regulations.

### INFORMATIONAL ITEMS

#### FUTURE MEETINGS:

December 20, 2023 – Holiday Gathering

### ADJOURNMENT

**MAPLE GROVE  
LAKE QUALITY COMMISSION  
DRAFT MINUTES  
October 18, 2023**

CALL TO ORDER      A meeting of the Lake Quality Commission (LQC) was held on May 17, 2023 in the Mayor’s Conference Room at the Maple Grove Government Center, 12800 Arbor Lakes Parkway, Maple Grove.

Vice-Chairperson O’Callaghan called the meeting to order at 6:32 p.m.

Commissioners Present:

Brennon O’Callaghan – Fish Lake  
Nancy Bergstrand – Weaver Lake  
Joe Ruegsegger – At Large  
Steve Lane – Cedar Island Lake

Commissioners Absent:

Becky Fahrenbruch – Chair - Eagle Lake  
Sharon Martin-Kotula – Edward Lake  
George Schneider – Rice Lake

Others Present:

Kristy Janigo, City Council Liaison  
Derek Asche, City of Maple Grove  
Mark Lahtinen, City of Maple Grove  
Matt Eich, Eagle Lake

APPROVAL OF MINUTES      Minutes of the May 17, 2023 LQC meeting were presented.

**MOTION TO APPROVE by Lane, second by Bergstrand. With all in favor the motion was APPROVED.**

AREA REPORTS      Cedar Island, Steve Lane – Current water level is high. Outfall in pump bay may need to be dredged.

Eagle Lake, Matt Eich – Eagle Lake is still busy and the association is working on the lake plan.

Fish Lake, Brennon O’Callaghan – Fish is busy and water level is high but not quite to the no wake level. A clean-up is planned for this fall and the channel dredging project is moving ahead.

Weaver Lake, Nancy Bergstrand – Great turnout for the annual meeting and still lots of activity on the lake.

Joe Ruegsegger, At Large – Seeing lots of activity on Fish and hoping for late ice.

Council Liaison Kristy Janigo – Several buckthorn pulls were completed in 2023 including Worden Park, Weaver Lake Park, Woodcrest Park, and adjacent to Cedar Island. Council approved \$5000 to remove sediment near the end of an outfall at a navigation channel on Fish Lake.

CHLORIDE  
PRESENTATION

Asche noted that chloride contamination in our freshwater lakes, rivers, streams, and wetlands continues to emerge as a concern among water resource managers and scientists. Small amounts of chloride can negatively impact freshwater fish, plants, and other aquatic life upsetting the aquatic ecosystem. Once chloride is in freshwater, there are only limited and expensive ways to remove it from the system.

A powerpoint presentation from Low Salt, No Salt Minnesota campaign was presented to the LQC. The presentation included information and testimonials on best practices, public safety, and liability.

DOCKS,  
MOORINGS AND  
OTHER  
STRUCTURES

Asche noted for LQC that the city has some regulations regarding docks, moorings, and other structures located on lakes within the City of Maple Grove. Lakes included are Cedar Island, Eagle, Edward, Fish, Pike, Rice, and Weaver. Staff has received complaints regarding violations of this section of code and, upon review of additional properties using aerial photos, staff concluded there are many non-compliant docks.

LQC indicated an interest in reviewing both City Code and Minnesota Department of Natural Resources regulations regarding docks for consistency. Asche indicated this could be done in November, 2023.

INFORMATIONAL  
ITEMS

None.

FUTURE  
MEETING:

November 15, 2023

ADJOURNMENT

Meeting adjourned at 7:45 pm.



## LAKE QUALITY COMMISSION STAFF REPORT

**TO:** Lake Quality Commission (LQC)

**FROM:** Derek Asche, Water Resources Engineer

**DATE:** November 2, 2023

**SUBJECT:** Discussion on dock regulations

Both the City of Maple Grove and the Minnesota Department of Natural Resources (MN DNR) impose regulations on docks. There does not appear to be significant conflict between the City regulations and the MN DNR, however, the City regulations include additional information more specific to Maple Grove including dock location, materials and maintenance, requirement for lights and/or reflectors and more.

The packet includes information on City Code regarding the use of lakes including docks as well as dock guidance from the MN DNR. Staff is requesting discussion on the regulations and recommended changes to City Code, if any.

**RECOMMENDATION:** I recommend the LQC discuss the need for updating City Code Section 22-96.

**ATTACHMENTS:** City Code Use of Lakes  
MN DNR dock guidance

## **ARTICLE IV. USE OF LAKES<sup>1</sup>**

### **Sec. 22-91. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commissioner* means the state commissioner of natural resources acting directly or through his authorized agents.

*Counter-clockwise travel* means to keep the nearest shore to one's right when facing in the direction of movement.

*Crossbar* means that portion of any L-shaped or T-shaped seasonal dock or permanent dock which is approximately parallel in alignment to the abutting shoreline or abutting ordinary high-water mark.

*Diving tower* means a floating or non-floating structure designed for diving purposes and which projects over the surface or surrounding waters by more than five feet.

*Dock* means any wharf, pier or other structure constructed or maintained in, on, or over the water, whether floating or not, including all "L's," "T's" or posts which may be a part thereof, whether affixed or adjacent to the principal structure.

*Dock setback zone* means that portion of any lake lying within 100 feet of the ordinary high-water mark and which is bounded by a line inside of, parallel to, and ten feet distant from each of the two extended side lot lines of any lakeshore site, as measured at right angles to such extended side lot lines.

#### *Habitable watercraft.*

- (1) Habitable watercraft means any motorized and nonmotorized watercraft with an enclosure intended for human habitation or overnight shelter either attached to or as an integral part of the watercraft.
- (2) Evidence of habitability of such enclosures shall include, but is not limited to, any one or more of the following:
  - a. Berths or horizontal surfaces usable for the placement of bedding.
  - b. Windows, hatches or portholes.
  - c. A head or other sanitary facility.
  - d. Facilities for cooking.
- (3) Explicitly excluded from this definition are watercraft with folding fabric shelters and no other structures suitable for human habitation, watercraft with cuddy shelters or stowage areas under the decking and no other structure suitable for human habitation, aircraft on the water, and motorized vehicles operated on the ice in the winter.

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<sup>1</sup>State law reference(s)—Local water and watercraft regulations authorized, Minn. Stats. § 361.26.

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*Lake* means the following bodies of water lying wholly or partially within the corporate limits of the city and all parts, bays and channels thereof: Cedar Island Lake, Eagle Lake, Edward Lake, Fish Lake, Pike Lake, Rice Lake, and Weaver Lake.

*Lakeshore site* means any lot, parcel or other tract of land legally subdivided and recorded in the office of the county recorder or registrar of titles and which abuts any lake.

*Mooring* means any buoy, post, boat lift, structure or device which is in, on, above, or below lake waters and to which a watercraft may be attached.

*Motorboat* means any watercraft propelled in any respect by machinery, including watercraft temporarily equipped with a detachable motor.

*Operate* means to navigate or otherwise use a watercraft.

*Ordinary high-water mark* means a delineation of the highest level of lake waters that has been maintained for such a sufficient period as to leave evidence upon the landscape. The ordinary high-water mark is commonly that point where natural vegetation changes from predominantly aquatic to predominantly terrestrial.

*Overnight* means any time between the hours of 2:00 a.m. and 5:00 a.m. of any day.

*Owner.*

- (1) Owner, in the case of a watercraft, means a person, other than a lienholder, having the property in or title to a watercraft. The term includes a person entitled to the use or possession of such craft, subject to an interest in another person reserved or created by agreement and securing payment or performance of any obligation.
- (2) Owner, in the case of a lakeshore site, means any natural person who is one of the following:
  - a. The record holder of a fee simple interest;
  - b. The holder of a contract for deed vendee's interest; or
  - c. The holder of a possessory leasehold interest in the whole of any lakeshore site, including authorized guests, and immediate family members of such person.

*Slow-no wake* means operation of a watercraft at the slowest possible speed necessary to maintain steerage and in no case greater than five miles per hour.

*Structure* means anything which is built, constructed, or erected, an edifice or building of any kind, or any piece of work artificially built up and/or composed of parts joined together in some definite manner, whether temporary or permanent in character.

*Swimming area* means an area immediately adjacent to the shoreline which is marked in accordance with the applicable regulations of the state department of natural resources and which is utilized solely for recreational swimming.

*Swimming raft* means a small floating structure no more than 100 square feet in area designed and used exclusively for sunbathing and for rest from swimming.

*Water obstacle* means any ski jump, slalom course, diving tower or other structure in or upon the water of any lake, except any dock, swimming raft, watercraft, or fish house.

*Water trampoline* means any inflatable, floatable structure that is moored or designed to be moored, including, but not limited to, water trampolines, water bouncers, water playgrounds, and add-ons.

*Watercraft* means any contrivance used or designed for navigation on water other than the following:

- (1) A duck boat during the duck hunting season;

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- (2) A rice boat during the harvest season; or
  - (3) A seaplane.

*Water's edge* means the edge of aquatic vegetation that is of sufficient density to prohibit use of watercraft without substantially destroying emergent aquatic vegetation, or, if there is no such aquatic vegetation, from the ordinary high water mark.

(Code 1984, § 760:00; Ord. No. 05-15, § 1, 4-4-2005; Ord. No. 05-17, § 1, 4-18-2005)

Cross reference(s)—Definitions generally, § 1-2.

### **Sec. 22-92. Penalty; enforcement.**

Any person violating any provision of this article or permitting or assisting in such violation shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-13. Each day the prohibited conduct continues shall be considered a separate offense. The provisions of this article may be enforced by any law enforcement agency, including, but not limited to, the city police department and county sheriff's department.

(Code 1984, § 760:25)

### **Sec. 22-93. Exemptions.**

- (a) Watercraft and structures of the city and those utilized by authorized resource management, emergency and enforcement personnel when acting in the performance of their assigned duties shall be exempt from the provisions of this article.
- (b) Temporary exemption from the requirements of this article for a special event, trial or race may be obtained upon application to and approval by the city council.

(Code 1984, § 760:30)

### **Sec. 22-94. Conflicting regulations.**

Where the conditions imposed by any provision of this article are either more or less restrictive than comparable conditions imposed by other ordinance, rule, or regulation of the city, such as, but not limited to, chapter 24 or chapter 36, article VII, division 5, the ordinance, rule, or regulation which imposes the more restrictive condition, standard, or requirement shall prevail.

(Code 1984, § 760:35)

### **Sec. 22-95. Variances.**

- (a) The city council may grant a variance from the requirements of this article where it is shown that, by reason of hardship, strict compliance with such requirements could cause an exceptional or undue hardship to the enjoyment of the use of the lake; provided that a variance may be granted only if the variance does not adversely affect the purpose and intent of this article or adversely affect the public's health, safety or welfare.
- (b) Written application for a variance, together with a nonrefundable application fee as set forth in chapter 16, shall be filed with the city. The application shall state fully all facts relied upon by the applicant and shall be supplemented with such information as will aid in the analysis of the matter. The application may be referred

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to such outside consultants, engineers, or attorneys as the city deems necessary to evaluate the application, and the cost of any such referral shall be borne by the applicant.

- (c) Upon filing of the application and fee, the city council shall place the matter on its regular meeting agenda for a public hearing.
- (d) Notice of the hearing shall be mailed not less than ten days before the date of the hearing to each owner of property situated wholly or partially within 350 feet of the lakeshore site to which the variance application applies. The applicant shall provide a list obtained from and certified by the county to be used in the mailing. Failure of a property owner to receive the notice shall not invalidate any of such proceedings.
- (e) The council may defer the matter for further consideration, adopt the variance, adopt the variance with conditions, or refuse the variance for reasons placed on the record.
- (f) No variance shall be granted by the city council unless it shall have received the affirmative vote of at least four-fifths of the full council.

(Code 1984, § 760:20)

## **Sec. 22-96. Docks, moorings and other structures.**

- (a) *Prohibited locations.* Unless otherwise permitted in this article, no dock, mooring, or other structure shall be so located as to do any one of the following:
  - (1) Obstruct the navigation of any lake.
  - (2) Obstruct reasonable use or access to any other dock, mooring or other structure authorized under this article.
  - (3) Present a potential safety hazard.
  - (4) Be detrimental to fish or wildlife habitat or protected vegetation.
- (b) *Shape and dimensions.*
  - (1) No dock shall exceed six feet in width and 75 feet in length as measured from the water's edge. The width (but not the length) of the crossbar of any T-shaped or L-shaped dock shall be included in the computation of length described in the preceding sentence. In the event the water's edge is measured from emergent aquatic vegetation, the dock length, shape and dimension shall be configured so as to minimize impact on the lake and prevents safety hazards.
  - (2) The crossbars of any such dock shall not measure in excess of 25 feet in length.
  - (3) The end segment of a dock may be of a square design up to eight feet wide.
  - (4) No more than two crossbars shall be allowed on each dock.
- (c) *Encroachment in setback zone; common docks.* No dock and/or water trampoline shall encroach upon any dock setback zone; provided, however, that the owners of any two abutting lakeshore sites may erect one common dock within the dock setback zone appurtenant to the abutting lakeshore sites, if the common dock is the only dock on the two lakeshore sites and if the dock otherwise conforms with the provisions of this article.
- (d) *Permitted number of docks.* No more than one dock shall be permitted on any lakeshore site.
- (e) *Location on or near public property.* All private docks, moorings and buoys are prohibited on public property or within the extended property lines of any such property for a distance of 100 feet from the ordinary high-water mark of such property without written permission of the governmental subdivision having title to the property.



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- (f) *Reserved.* This subsection reserved for future use.
  - (g) *Materials and construction; maintenance.* Docks, moorings and other structures may be constructed of such materials and in such a manner as the owner determines, provided that they shall be so built and maintained that they do not constitute a nuisance to the public using the waters of the lake and they shall be maintained in a workmanlike manner and shall be in good repair.
  - (h) *Electrical systems.* Any electrical use on dock facilities must meet all appropriate electrical and building codes.
  - (i) *Storage of fuel; fueling facilities.* No person shall store fuel upon any dock, and the installation of fueling facilities on any dock, mooring or other structure is prohibited.
  - (j) *Prohibited signs and lights.* No advertising sign shall be displayed from or on any dock, nor shall any oscillating, rotating, flashing or moving sign or light be used thereon.
  - (k) *Commercial boat launches.* No boat launch shall be established for commercial purposes without approval of the city council.
  - (l) *Swimming rafts and water trampolines.* All swimming rafts and water trampolines shall obtain the proper permits from the county, if required, prior to installation, shall be located within 100 feet from shore, shall not be used for mooring except by persons using the raft or water trampoline for its defined purpose, and shall be limited to no more than one per lakeshore site.
  - (m) *Lights or reflectors required.* All structures in the waters of any lake, whether floating or on posts, shall be lighted with a light visible in all directions, or have attached thereto sufficient reflectorized material so as to reflect light in all directions. Such material shall be capable of retaining 80 percent of its dry-weather reflective signal strength when wet.
  - (n) *Removal during winter months.* All structures except docks in the waters of any lake, whether floating or on posts, shall be removed from the lake before November 1 of each year and remain out of the water until April 1 of the following year. The city may, upon application therefor, grant an exemption for specified structures of a permanent nature and designed to withstand the effects of winter weather. This subsection does not apply to fish houses located on the frozen waters of a lake.
  - (o) *Additional regulations.* Docks, moorings and other structures located in or on, or attached to, any shoreland shall also be governed by any other applicable provision of this Code, including, but not limited to, chapter 36, article VII, division 5, pertaining to the shoreland zoning district.
  - (p) *Intent of location restrictions.* The purpose of the dock location regulations of this section is the safe and orderly use of lake waters, understanding that each owner of a lakeshore site may want to extend a dock into such water. Such regulations are based upon certain assumptions such as, but not limited to, fairly uniform property widths around a lake in dimensions that accommodate the placement of a dock without encroachment upon dock setback zones or over the extended property lines of a neighboring property, and are based upon the assumption that neighbors can work together regarding issues of dock placement. The requirements of subsections (a)(2), (c) and (f) of this section shall not apply in those situations where it is impossible for one or more owners of lakeshore sites in proximity to one another to each place a dock in conformity therewith due to configurations unique to one or more of their sites.

(Code 1984, § 760:05; Ord. No. 05-15, § 2, 4-4-2005; Ord. No. 05-17, § 2, 4-18-2005; Ord. No. 09-17, § 1, 12-21-2009)

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## Sec. 22-97. Water obstacles.

- (a) *Permit required.* Except as otherwise provided, no person shall operate, maintain or place any water obstacle in or upon the waters of any lake unless a permit shall first have been obtained for the water obstacle. Such permit shall be in addition to any that may be required by the county.
- (b) *Application for permit.* Applications for permits shall be made upon forms provided by the city and shall include the following information:
  - (1) The name, address and telephone number of the applicant;
  - (2) The type, number and proposed location of the water obstacle;
  - (3) The period for which the permit is sought;
  - (4) A statement as to how the water obstacle will be reflectorized;
  - (5) If the permit is to be issued to an organization, a statement as to the nature and membership of the organization;
  - (6) If the permit is sought for a particular event, the nature of the event; and
  - (7) Such other information as the city may require to assist it in considering the application for the permit.
- (c) *Fee; review of application.* A nonrefundable application fee as set forth in section 16-81, shall accompany the application at the time of filing in order to complete the application. Complete applications for permits shall be reviewed by the city council.
- (d) *Criteria for issuance.* In reviewing an application for a permit pursuant to this section, the city council shall consider the following factors:
  - (1) The size, configuration and manner of construction of the proposed water obstacle.
  - (2) The level of competing watercraft traffic which can be reasonably expected during the requested duration of the requested permit.
  - (3) The size and configuration and depth of the body of water for which the permit is requested.
  - (4) The number of competing water obstacles which will be in place pursuant to permits already then issued.
  - (5) Any other factor reasonably related to the effect of the applicant's proposed use on the maintenance of public health and safety upon the city's lakes.
- (e) *Permit conditions.* If a permit is approved by the council, the permit, when issued, shall specify the dates or period of time for which it is granted as well as any other condition the council may deem necessary to protect the health, safety or welfare of the public. A violation of any condition or time period specified on a permit shall be a violation of this article. No permit shall be effective for a period of more than one year.
- (f) *Prerequisites for issuance.* No approved permit shall be issued until the following have all occurred:
  - (1) The permittee has signed a statement agreeing to be bound by the terms of the permit.
  - (2) The permittee has signed a statement accepting responsibility for the presence, maintenance, use and removal of the water obstacle and agreeing to indemnify and hold the city harmless from any liability with regard to the water obstacle.
  - (3) The permittee has provided proof satisfactory to the city of a policy or certificate of liability insurance for the permitted obstacle in accordance with chapter 16, article XII.
- (g) *Revocation of permit.*

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- (1) If any permitted water obstacle is found by the council to constitute a hazard or obstruction to the safe use of the lake by others, the permit may be revoked. This remedy shall be in addition to any criminal remedies available pursuant to this article.
  - (2) The permittee shall be given written notice of the hearing at which the council shall consider the revocation, such notice to be received by the permittee at least ten days before the hearing. If the permittee cannot be found, notice shall be sufficient if delivered to the address of the applicant or permittee as set forth in the permit application.
  - (3) The council shall hear relevant testimony and receive relevant evidence offered by the permittee and that which is offered by or on behalf of the city. As the trier of fact, the council shall determine the relevancy of testimony or evidence.
  - (4) After considering all such evidence and testimony submitted, the council may order revocation of the permit on the record based upon its sole discretion.
- (h) *Removal.*
- (1) Upon receiving notice of revocation, the permittee shall remove the water obstacle within seven days thereafter. Failure of the permittee to remove the water obstacle as specified is a violation of this article.
  - (2) If the water obstacle is not removed as specified it may be removed by the city at the expense of the permittee, who shall pay the costs thereof immediately upon receiving a bill therefrom.
  - (3) In the case of an emergency presenting an immediate hazard to the public safety, the city may abate the hazard as it deems appropriate before proceeding pursuant to subsection (g) of this section, and the permittee shall reimburse the city for any expense incurred in abating the hazard.

(Code 1984, § 760:10)

## **Sec. 22-98. Watercraft regulations.**

- (a) *Adoption of state regulations.* The provisions of Minn. Stats. ch. 361 and the rules and regulations of the state department of natural resources promulgated thereunder are hereby incorporated in this section and made a part of this section as if fully set forth in this section. A copy of such provisions shall be kept on file in the city clerk's office.
- (b) *Speed limit near persons in water and anchored or moored watercraft.* Watercraft shall not exceed a slow-no wake speed within 100 feet of a person in the water or an anchored or moored watercraft.
- (c) *Speed limit near shoreline.* Watercraft shall not exceed a slow-no wake speed within 100 feet of any shoreline, except that a watercraft launching or landing a person on water skis or a similar conveyance requiring speed to stay above water may use the most direct route to open water or shore at the speed limit established in subsection (e) of this section, unless within 100 feet of a person in the water or an anchored or moored watercraft.
- (d) *Speed limit in slow-no wake areas.*
  - (1) Except as otherwise provided, no person shall operate a watercraft in any slow-no wake area in excess of slow-no wake speed.
  - (2) The location and boundaries of each slow-no wake area established by this section are shown on that certain map entitled "Water Surface Use Zoning Map of Maple Grove" on file in the office of the city clerk. The map and all notations, references and data thereon are hereby incorporated by reference into this section and shall have the same force and effect as if fully set forth and described in this section.

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(Supp. No. 57, Update 1)

- (3) Slow-no wake areas shall be marked in accordance with the applicable regulations of the state department of natural resources. However, such speed limitation shall be effective even in the absence of such markings.

(e) *Specific speed limits; direction of travel.*

- (1) No person shall operate a watercraft at a speed which exceeds the following limitations:

Lake	Permissible Speed
All lakes in designated slow-no wake areas	Slow-no wake
All lakes in the city, sunrise to sunset, unless otherwise specified in this subsection	40 miles per hour
All lakes in the city, sunset to sunrise, unless otherwise specified in this subsection	15 miles per hour
Edward Lake and Pike Lake	15 miles per hour
Rice Lake in waterways west of Interstate I-94	Slow-no wake
Fish Lake:	
Southwest Bay and Mariner Point Channel	Slow-no wake
Sunset to 9:00 a.m.	Slow-no wake

- (2) All watercraft shall travel on Fish Lake and Weaver Lake in a counter-clockwise direction. This requirement shall not apply to:

- a. Watercraft traveling in slow-no wake areas at or below such speed.
- b. Watercraft traveling anywhere on such lakes at or below slow-no wake speeds.
- c. Watercraft moving solely by power of the wind.
- d. Watercraft using for their intended purpose any slalom course or ski jump course previously approved by the city council and subject to such limitations imposed by the council.

- (3) No watercraft shall be operated at speed greater than is reasonable and prudent for the existing conditions and having full regard for both the actual and potential hazards at the time. Speed shall be restricted as is necessary to avoid colliding with any person, property, or natural resource which is in, on, or entering the water of any lake.

- (4) Whenever the waters of Fish Lake shall reach or exceed 892.00 feet above sea level, as measured by the water level gauge set by the city, the city administrator or his designee may, at his discretion, upon notifying the county sheriff, impose a slow-no wake speed on the lake. Such restriction shall become effective upon a date specified by the city administrator or his designee and shall remain in effect until the water level for the lake has receded to below this level. The city shall make every effort to inform the public of such restriction, including, but not limited to, notification to the city's official newspaper, posting of the restriction at all public lake access points prior to and during the time such restriction is in place, and posting of the restriction at the city hall. A violation of such restriction shall be a violation of this article.

- (f) *Limitation on number of watercraft.* No person shall moor, dock, or beach overnight more than five watercraft on any lakeshore site or upon the waters of any lake.

- (g) *Registration.* No unoccupied watercraft shall be moored, docked, or stored overnight on any lakeshore site or on the waters of any lake unless the watercraft is currently registered pursuant to Minn. Stats. ch. 361 in the name of a member of the owner's household, or is the watercraft of authorized guests of such owner.

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- (h) *Storage within shoreland setback areas.* Except as may otherwise be provided in chapter 36, article VII, division 5, storage of watercraft at any lakeshore site within shoreland setback areas is prohibited.
  - (i) *Overnight occupation of habitable watercraft.* No habitable watercraft shall be occupied overnight more than twice during any calendar week without the prior written approval of the city, which may be granted for purposes of fishing or angling.
  - (j) *Use as living quarters.* No person shall use any watercraft, wherever located, as living quarters.

(Code 1984, § 760:15)

# Docks and Access in Public Waters



## Do I need a permit for my dock?\*

No permit is needed to install, construct, or reconstruct your dock on shoreline property you own if you comply with the following:

- A dock is a narrow platform or structure extending toward the water from the shoreline. A dock may provide access to moored watercraft or deeper water for swimming, fishing, and other recreation.
- 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 dock is no longer than needed to achieve its intended use, including reaching navigable water depth.
- The structure is not a hazard to navigation, health, or safety.
- The structure will allow the free flow of water beneath it.
- The structure is not used or intended as a marina.
- The structure is consistent with the guidelines of the local unit of government.
- Docks placed on rock-filled cribs are located only on waters where the bed is predominantly bedrock.

## Restrictions on docks and other structures

You may not place a dock or other structure in public waters if the structure:

- obstructs navigation or creates a hazard;
- is detrimental to fish or wildlife habitat or is placed in a posted fish spawning area;
- is intended to be used for human habitation;
- includes walls, a roof, or sewage facilities; or
- is located on property you do not own or have rights to use.

If you have questions concerning the contents of this brochure, contact your DNR Area Hydrologist. See contact information on reverse side.

\*Based on Minnesota Rules, Chapter 6115.0210 and 6115.0211.

## What you should know about docks and other water access structures

Docks and watercraft lifts are commonly used access structures on Minnesota lakes and rivers. If you own waterfront property, a temporary structure that provides access to a lake or river is preferred to a permanent structure. Permanent structures are more likely to sustain ice damage, and a snow-covered structure over the ice poses a hazard to recreational vehicle users.



The blue box to the left lists installation guidelines for docks and access structures like boat lifts. These guidelines are intended to minimize impacts on water resources and shoreline habitat. If you follow these guidelines, no permit is needed from the Department of Natural Resources (DNR). Local units of government may have additional dock rules related to public safety and other local issues and should be contacted.

A shoreline owner may request a permit to install a dock wider than 8 feet. The permit applicant must show a specific need and show that the wider dock represents the minimal impact solution to that need. Docks serving single-family homes or residential planned unit developments generally will not need a dock wider than 8 feet. Public docks and mooring structures that are otherwise not serving as a marina may need to be a wider structure and will be reviewed individually. Docks that have no permit and that exceed the 8-foot-wide limit are subject to enforcement action, including a citation, an order to remove the dock, and fines for both the landowner and the dock installer.

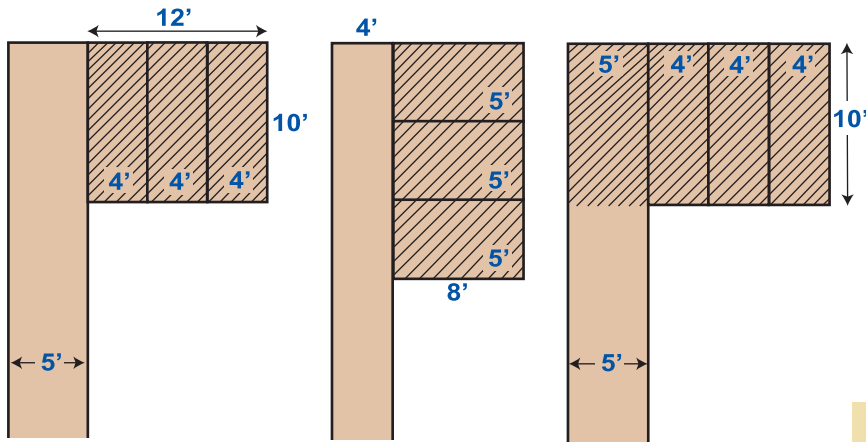
Design and locate your dock and boat lift to avoid interfering with your neighbor's use of the water. Docks and boat lifts should be placed so that mooring and maneuvering of watercraft can normally be confined within the property lines if they were extended into the water.

## General Permit 2008-0401

A general permit was issued in 2008 to allow a modest platform at the lake end of a dock under certain conditions. This general permit allows a single, temporary platform up to 120 square feet measured separately from the access dock, or 170 square feet including the area of the adjacent access dock, if the following conditions exist: the access dock must be 5 feet or less in width and the dock must be on a lake with a shoreland classification of General Development or Recreational Development. See typical dock configurations on the next page. Refer to General Permit 2008-0401 at: [http://www.dnr.state.mn.us/waters/watermgmt\\_section/pwpermits/docks.html](http://www.dnr.state.mn.us/waters/watermgmt_section/pwpermits/docks.html) for more details.

# Docks and Access in Public Waters

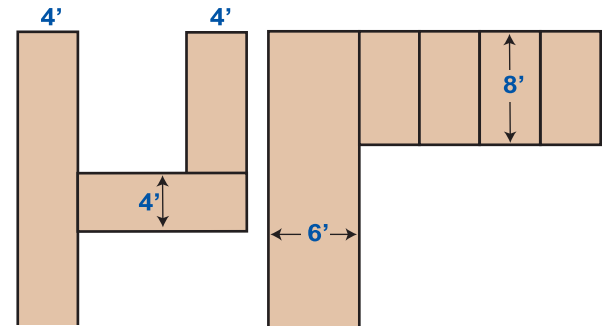
## Authorized by General Permit 2008-0401



Platform area (not including walkway) up to 120 square feet.

Platform area (including walkway) up to 170 square feet.

## No Permit Required



No area of the dock is wider than 8 feet.

If buying, selling or moving a dock from one body of water to another, owners should make sure all zebra mussels, vegetation or other invasive species are removed and let dry for a minimum of 3 weeks before placing in another water. When using a business to place or remove your dock, make sure that they have a valid Lake Service Provider permit and the staff have an aquatic invasive species training certificate. For more information see: [mndnr.gov/invasives](http://mndnr.gov/invasives)

## Purpose of the dock rules

Intensive shoreland development causes deterioration of a lake's ecosystem. Dock installations and their associated uses are factors in this deterioration. Studies of lakes in the Midwest show that docks and boat lifts may shade out important aquatic plants and eliminate critical habitat where fish spawn, feed, grow, and find shelter from predators. Shoreline views may also suffer when large dock systems are installed. Also, there is a growing concern about the private use of the water surface if docks and associated structures extend too far, cover too much surface area, or span the entire owned frontage. The proliferation of dock configurations and dimensions is a concern to the DNR, lake associations, anglers, lakehome owners, and others. Finding the appropriate balance between reasonable access and resource protection requires collaboration by all interests.

Another issue of concern is any attempt to control access to a lake bed or water surface. Even when land ownership extends into the lake bed, all who own land abutting the water or gain legal access have the right to use the entire surface of the water. For this reason, a dock configuration should never close off part of the lake to other users.

If the dock is designed and used for access to navigable water depth, a DNR permit will rarely be needed. A dock does not need a permit if it is no more than 8 feet wide, is designed to simply meet the need of reaching navigable depths, and follows the other guidelines on the front of this brochure.



*The removal or destruction of aquatic plants is a regulated activity under the DNR Aquatic Plant Management Program. If your shoreline plans include removal of aquatic vegetation, please contact a regional DNR Fisheries office because a permit may be required. Removal of native plants may provide open space for invasive species to take hold.*

## DNR Contact Information



DNR Ecological and Water Resources website and a listing of Area Hydrologists: [mndnr.gov/contact/ewr.html](http://mndnr.gov/contact/ewr.html)  
DNR Ecological and Water Resources  
500 Lafayette Road, Box 32  
St. Paul, MN 55155  
(651) 259-5100

For information about aquatic plant management permits: [mndnr.gov/eco/apm](http://mndnr.gov/eco/apm)

## DNR Information Center

Twin Cities: (651) 296-6157  
Minnesota toll free: 1-888-646-6367  
Telecommunication device for the deaf (TDD): (651) 296-5484  
TDD toll free: 1-800-657-3929

Equal opportunity to participate in and benefit from programs of the Minnesota Department of Natural Resources is available regardless of race, color, national origin, sex, sexual orientation, marital status, status with regard to public assistance, age, or disability. Discrimination inquiries should be sent to Minnesota DNR, 500 Lafayette Road, St. Paul, MN 55155-4049; or the Equal Opportunity Office, Department of the Interior, Washington, DC 20240.

*This information is available in an alternative format on request.*