ORDINANCE 140

STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE CONCERNING DOCK REQUIREMENTS

THE BOARD OF SUPERVISORS OF THE TOWN OF STILLWATER ORDAINS:

SECTION 1. Stillwater Township Ordinance No. 140 is hereby added to read in its entirety as follows:

1.1. Dock Variances and Dock Requirements.

1. Purpose. The purpose of this ordinance is to preserve, protect, and promote the public health, safety, convenience, prosperity, and general welfare with the following objectives:

a. Maintain the character and water quality of Stillwater Township's lakes by regulating construction, location, quantity, and storage of docks.

b. Protect and enhance private property adjacent to Stillwater Township's lakes.

2. Definitions. Unless otherwise expressly stated, whenever used in this Section, the following words shall have the meaning given to them by this Section.

Dock: shall mean any wharf, pier, boat ramp, boat slip, boat lifts, walkway or other structure constructed, extended or maintained in, upon, or into the water of a lake from either private property, public property or public rights of way for access to open water and for anchorage of watercrafts.

Lakeshore Lot: shall mean a parcel of land designated by metes and bounds, registered land survey, plat or other means, and which description is either recorded in the office of the Washington County Recorder or Registrar of Titles or used by the County Treasurer or County Assessor to separate such parcel from other lands for tax purposes.

Watercraft: shall mean any motorized contrivance used or designed for navigation on water.

3. Variances.

a. The Town Board may grant a variance from the dock requirements of this ordinance where it is shown that by reason of topography, soil conditions or other physical characteristics of the lakeshore lot, strict compliance with the dock requirements could cause an exception or undue hardship to the enjoyment of the use of the lakeshore lot; provided, that a variance may be granted only if the variance does not adversely affect purpose and intent of this ordinance.

b. Application for a variance shall be made to the Township upon a form furnished by the Township. The applicant shall furnish the information required by the form. A nonrefundable application fee shall be paid to the Township when the application is filed. The application may be referred to such outside consultants, engineers, or attorneys as the Chairperson deems necessary to study the application and make recommendation to the Town Board and the cost of any such referral shall be borne by the applicant.

c. Upon filing of an application for a variance hereunder, the Chairperson shall set a time and place for a hearing before the Town Board on such application. Notice of such hearing shall be mailed not less than ten (10) days before the date of the hearing to each owner of property situated wholly or partially within 300 feet of the lakeshore lot to which the variance application applies, utilizing the mailing list provided by the applicant and such other records as may be available to the Chairperson. Failure to give mailed notice to individual property owners or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

4. Location Restrictions. No dock, mooring or other structure shall be so located as to:

(i) obstruct the navigation of any lake;
(ii) obstruct reasonable use or access to any other dock, mooring or other structure authorized under this chapter;
(iii) present a potential safety hazard; or
(iv) be detrimental to significant fish and wildlife habitat or protected vegetation.

5. Construction and Maintenance Generally. Dock, 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 hazard to the public using the waters of the lake and they shall be maintained in a workmanlike manner.

6. Docks.

a. No more than one dock shall be permitted on any lot.

b. The walkway portion of a dock shall not exceed six (6) feet in width. No dock shall exceed fifty (50) feet in length unless it is necessary to reach a water depth of four (4) feet.

c. The width (but not the length) of the cross-bar of any "T" or "L" shaped dock shall be included in the computation of length described in the preceding sentence. The cross-bar of any such dock shall not measure in excess of twenty-five (25) feet in length.

d. All docks shall be located a minimum of twenty (20) feet from the side yard property line. However, the owners of any two abutting lakeshore lots may erect one common dock within the side yard setback appurtenant to the abutting lakeshore lots, if the dock is the only dock on the two lakeshore lots and if the dock otherwise conforms with the provisions of this chapter.

7. Mooring, Docking, Etc., of Watercraft.

a. No person shall moor overnight, dock overnight, or store overnight more than three (3) watercraft on any lakeshore lot or upon the waters of any lake. Docking of watercraft at any lakeshore lot or storage of watercraft upon any lakeshore lot is permissible however at any time other than overnight.

SECTION 2. Effective Date. This ordinance shall be effective immediately upon its passage and publication.

ADOPTED by the Board of Supervisors of Stillwater Township this 10 day of May, 2007.

STILLWATER TOWNSHIP

By: _____

Its Chairperson

ATTEST:

Pat Bantli, Township Clerk