

1995, shall be assessed and taxed as real estate, but is exempt from the permanent foundation requirement of this chapter until the home is relocated.

146.03 FOUNDATION REQUIREMENTS. A mobile home or manufactured home located outside of a manufactured home community or mobile home park shall be placed on a permanent frost-free foundation system which meets the support and anchorage requirements as recommended by the manufacturer or required by the State Building Code. The foundation system must be visually compatible with permanent foundation systems of surrounding residential structures. Any such home shall be installed in accordance with the requirements of the State Building Code.

(Code of Iowa, Sec. 103A.10 & 414.28)

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CHAPTER 147

REGULATIONS GOVERNING PUBLIC LAKE ACCESS AREAS

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147.01 PURPOSE. The purpose of this chapter is to establish policies and regulations governing the use of public lake access areas so that fairness, uniformity, and consistency may be applied in the issuance of dock and hoist permits extending from these access areas and to designate maintenance responsibilities and to define the rights of the general public and those persons to whom permits have been issued.

147.02 DEFINITION. A “public access” means a tract of land of any dimension adjacent to and fronting on a body of water that has been dedicated to the use of the general public or over which the general public has an access easement right and which is by matter of record owned and under the control of the City.

147.03 PROCEDURES FOR ISSUANCE OF DOCK PERMITS. The City will provide applicants with the proper application form. This form is used for the three-step process that includes the applicant’s submission of a permit application, approval by the City and site assignment, and the issuance of the permit by the Department of Natural Resources.

1. Submitting the Application. The applicants for a dock site extending from a public access must complete the application form by filling in the information requested, submitting the required fee of \$25.00, and submitting evidence of liability insurance in an amount not less than \$500,000.00. The application form, fee, and evidence of insurance are to be submitted to the City.
2. Site Assignment by the City. The City shall review each application and determine whether all requested information is given on the application. If all requested information is provided, the City may assign a site location and forward the application to the DNR, together with \$25.00 to defray part of the DNR’s processing costs. The assignment by the City is a recommendation that the DNR issue a permit.

147.04 CRITERIA FOR PERMITTED DOCKS AND RELATED STRUCTURES. The City shall require the permittees to comply with the criteria set forth below. However, the City reserves the right to impose more stringent criteria from time to time as experience dictates.

1. Materials and Dimensions. All docks shall be constructed or reconstructed with materials and dimensions that conform to applicable criteria in the DNR’s dock rules.
2. Auxiliary Equipment and Facilities. Hoists will be permitted only if specifically authorized in the “dock assignment and permit.” A permitted hoist must be placed beside the permitted dock and no hoist shall be allowed adjacent to a portion of a dock that is more than six feet wide. The number of hoists located on

a public dock shall not be limited unless the number so located interferes with ingress and egress of private docks on either side or interferes with boat access on the public dock itself.

3. Rafts, Diving Boards and Other Appurtenances. Rafts, diving boards, and other appurtenances may be permitted providing they are included on the application and their placement does not in any way interfere with the ingress and egress of private docks on either side. In any case, the assigned permittees named on the application shall be solely responsible for the safe condition of the dock and appurtenances at all times and specifically shall further agree to save harmless and indemnify the City, the DNR, and the State, and their officers and employees for any damage done to personal property or any personal injury resulting from accident on or about the dock facility.
4. Permit Duration, Nontransferability, and Cancellation. The dock assignment permit will be for a period not to exceed five (5) years. Certificate of insurance and a \$25.00 fee must be filed with the City annually prior to the placement of the dock in the water. A contact person will be designated by the applicants of each dock with whom the City shall communicate and notice to such agent on any matter shall constitute notice to all designated permittees. The contact person shall at all times keep the City informed as to all persons who are sharing in dock expense and using the facility for boat hoist storage or tie-up. A dock assignment permit may be canceled by the City at any time for failure to comply with regulations or when in the best interests of the public, as determined by the City. Dock assignments are not transferable except by issuance of a new permit, except the City shall give priority consideration to members of the previous dock permittee's immediate family (spouse and children).
5. Winter Storage of Dock Materials. Docks shall be removed from the lake by November 15 of each year. All dock materials stored on the lakeshore public area must be stored in a neat, safe, and orderly manner so as not to obstruct public pedestrian access along the walkway or from the walkway to the shoreline. Docks must be placed in the lake or removed from public land by Memorial Day each year. Boat hoists stored during the winter on public land shall meet the same requirements stated above or be stored on private property or another location if these requirements cannot be met.
6. Permittees Responsible for Construction and Maintenance. Permittees are responsible for construction, installation, and removal of docks. The assigned permittees named on the application shall be solely responsible for the safe condition of the dock at all times and specifically further agree to maintain and keep the access free of weeds, litter, and other debris. Maintenance of the access shall at all times be compatible with private properties on either side of the access.
7. Electrical Facilities. Electric facilities must include ground fault interrupter systems and installation must comply with applicable local building codes, or *National Electric Code* (NFOA) if local codes are not in effect.
8. Bulk Fuel. No bulk fuel, explosive, hazardous material, or fuel distribution line will be permitted on public property.
9. Retaining Walls and Steps. Existing retaining walls and steps may be used if maintained in good repair and are safe for public use.
10. Storage Buildings. Storage buildings of any type are not permitted on public access areas.

147.05 ELIGIBILITY FOR DOCK PRIVILEGES; WAITING LISTS; RIGHTS OF THE GENERAL PUBLIC.

1. Eligibility. Dock and hoist privileges on public access areas are reserved to residents and property owners of the City; however, this reservation does not preclude the right of the general public from the use of the access, dock, or any appurtenances except boat hoists. Any resident or property owner may apply for dock and hoist privileges for any public access located within 300 feet thereof, but will not be eligible for these privileges outside of these perimeters.
2. Waiting Lists. Okoboji residents and property owners applying for dock or hoist privileges on an access within 300 feet thereof may be placed on a waiting list if these accesses have already reached capacity as determined by previous provisions herein. Names shall be placed on the list in numerical order as they are filed and received by the City and the resident or property owner shall then be notified by the City when a vacancy occurs or when space becomes available.
3. Rights of the General Public. The general public shall have the right to use any public access, the dock, and appurtenances extending therefrom, except boat hoists, as long as the use does not interfere with the use of those persons to whom special permits have been issued.

147.06 DOCK SHARING REQUIRED. A permit for a dock site extending from a public access shall not be issued unless the application is made jointly by at least two individuals who are not of the same household and who reside within 300 feet of the access. The permittees shall agree on the equitable sharing of the costs of installation of the dock, dock materials, maintenance, installation of appurtenances, and removal of the dock. Failure to participate in the sharing of these costs may result in that permittee's loss of dock and hoist privileges, and the permit being granted to the next party whose name appears numerically on the waiting list.

147.07 COMMERCIAL USE PROHIBITED. Commercial use of any dock or appurtenances extending from a public access is prohibited. Commercial use means the exchange of goods or services on any dock on or over waters under the jurisdiction of the DNR in which the exchange of goods or services involves a fee, either directly or indirectly.

147.08 EXCEPTIONS. The provisions of this chapter do not apply to public access areas under a dock management area agreement already in existence with the Department of Natural Resources.

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