

Cerro Gordo County, Iowa 2023 Dock Assignment Policy

I. PURPOSE

Cerro Gordo County manages docks that extend from shoreline property owned by the County pursuant to a Class II permit granted by the Iowa Department of Natural Resources. The Cerro Gordo County Board of Supervisors has adopted this policy for the purpose of effectively and efficiently managing public docks accessed from right-of-way belonging to Cerro Gordo County and adjacent to shoreline in the unincorporated area of the county, not including that owned and maintained by the Iowa Department of Natural Resources or right-of-way that is privately owned. The Board of Supervisors recognizes Clear Lake as a valuable recreational resource and has therefore adopted this policy to provide and ensure public access to the lake. Where possible, this policy incorporates administrative rules adopted by the Natural Resource Commission under Chapter 571—16, Iowa Administrative Code (IAC).

II. ADMINISTRATION

The Cerro Gordo County Board of Supervisors authorizes its Planning and Zoning Department to administer the provisions of this policy in conjunction with and subject to the rules of the Iowa Department of Natural Resources. The Department is authorized to hire one or more contractors to administer all or part of this policy.

III. DEFINITIONS

Administrative Officer (also referred to as “Administrator”): Planning and Zoning Administrator for the Cerro Gordo County Planning and Zoning Department.

Assignment: The hoist or slip location as designated or allocated to a residence by the Administrative Officer.

Board of Supervisors: Board of Supervisors of Cerro Gordo County, Iowa

Boat hoist (also referred to as a “lift”): A structure placed in the water or below the ordinary high water mark for boat storage, including platforms for storage of personal watercrafts. For the purposes of this policy, a boat hoist that is designed to store multiple small vessels such as personal watercraft or one-person sailboats shall be treated as a single boat hoist. (IAC 571—16.1)

Catwalk: A platform that is a minimum of two (2) feet wide and no more than four (4) feet wide installed to provide access from a dock to a moored boat or boat hoist. (IAC 571—16.1)

County: Cerro Gordo County, Iowa.

Department: Cerro Gordo County Planning and Zoning Department.

Dock: A platform-type structure extending from shoreline property over a public water body. (IAC 571—16.1)

IDNR: Iowa Department of Natural Resources.

Immediate family: Father, mother, brother, sister, son, daughter, grandfather, grandmother, grandchildren—related by blood, marriage, or adoption

Public dock: A dock constructed and maintained to provide public access from public land to a water body. A public dock includes docks constructed and maintained by a group of private persons accessed from public land. (IAC 571—16.1)

Public land (also referred to as a “public approach”): Land that is owned by the State of Iowa or Cerro Gordo County that has been dedicated for public access to a public water body and includes land dedicated or used as a public street or right-of-way. (IAC 571—16.1)

Public water body (also referred to as “Clear Lake”): A water body to which the public has a right of access. (IAC 571—16.1)

Shoreline property: A parcel of property adjoining (littoral to) a public water body. (IAC 571—16.1)

Slip: A mooring space, usually adjacent to a dock, sometimes accessed by a catwalk. (IAC 571—16.1)

User (also referred to as “Permittee” and “Assignee”): A person or persons associated with a residence allocated an assignment to a hoist or slip location on a public dock

IV. PROTECTION OF RECREATIONAL RESOURCES

- A. Adverse impacts on aquatic ecosystem.** All docks, hoists and related structures shall be located, sized, configured, constructed and installed to limit their adverse impacts on the aquatic ecosystem. In areas of sensitive aquatic habitat, docks and hoists shall be located, configured, constructed and installed to minimize harm to aquatic habitat. Other restrictions may be placed on docks that are in a state protected waters area as necessary to protect the natural features of the designated area. (IAC 571—16.3(1))
- B. Adverse impacts on access for public recreational use.** A dock shall not be configured to enclose an area of a public water body and create a private water area or otherwise adversely affect public recreational use of the water body. Where walking or wading parallel to the shore below the ordinary high-water mark would be physically practical except for the obstruction created by a dock, the dock owner shall not prevent a person from stepping on or over the dock to bypass the obstruction. (IAC 571—16.3(2))
- C. Flow of water.** All docks shall be constructed and placed in a manner that allows the free flow of water beneath them. (IAC 571—16.3(9))
- D. Excavation, fill and aquatic vegetation removal prohibited.** No bed material may be excavated, fill placed, or aquatic vegetation may be removed below the ordinary high-water mark of Clear Lake in association with construction of a dock unless excavation, placement of fill, or aquatic vegetation removal is specifically authorized by a construction permit issued under 571—Chapter 16. (IAC 571—16.3(10))

V. STANDARD REQUIREMENTS FOR ALL DOCKS

- A. Minimum Requirements for Construction of a Public Dock**
 - 1. Width** of the dock shall be a minimum of four (4) feet.
 - 2. Supports** shall be 4x4 dimension lumber, or 5 inch posts, or at least 1½-inch outside dimension pipe.
 - 3. Decking** shall be a minimum of 2x12 planks or commercially manufactured dock approved by the county.
 - 4. Supporting members** shall be placed every eight (8) feet with planking staggered.
 - 5. Cross Support Members** shall be constructed of 2.6 dimension lumber.
 - 6. Fastening** shall be by bolts or heavy spikes.
- B. Location and Offsets**
 - 1.** To the extent practical, a dock and boat hoists shall be placed near the center of the public approach frontage and installed perpendicular to the shoreline to maximize offsets from neighboring properties.
 - 2.** Each dock, hoist, moored vessel and other permitted structure shall be offset a minimum of 5 feet from an adjoining private property line and 5 feet from the projection of a line perpendicular from the shoreline at the common boundary with adjoining shoreline property.
 - 3.** A minimum gap of 10 feet must be maintained between adjoining docks (including “L” or “T” or catwalk segments), hoists, or moored boats. Where projection of a line perpendicular from the shoreline is impractical it is the intent of this rule that a 10-foot gap be maintained in a manner that is equitable to the public dock permittees and each private adjoining shoreline owner. (IAC 571—16.3(3))

C. T's or L's

1. A dock shall have no more than one "L" or "T" segment.
2. The total length of the "L" or "T" segment facing opposite from shore shall not be greater than 20 feet including the width of the dock. The total area of the "L" or "T" shall not exceed 200 square feet.
3. That part of the main dock forming the center of a "T" segment or an extension of an "L" segment shall be included in measuring the area of the "T" or "L" segment. "T" or "L" segments shall comply with the requirements of Section V(B).
4. A smaller platform size limit may be required at locations specified by the IDNR because of limited available space. (IAC 571—16.27(4)(a))
5. Catwalks shall be at least 2 feet wide and considered as part of the dock. Each catwalk shall be limited in length pursuant to the limitation stated above and shall not extend beyond the width of the hoist. (IAC 571—16.27(4)(b))
6. A hoist or other boat storage structure shall not be placed adjacent to any "L" or "T" segment of a dock adjacent to any other part of a dock that is more than six feet wide. The hoist shall not exceed 10 feet in width at locations specified by the IDNR as having limited available space. (IAC 571—16.27(4)(c))

D. Length of Dock

1. A dock shall not extend farther from the water's edge than the distance necessary for reasonable access to Clear Lake in relation to characteristics of the lake in the vicinity of the dock site and the impacts on Clear Lake and other users. Access to maintain one or more boats in water with a minimum depth of 3 feet shall be considered sufficient access. (IAC 571—16.3(4))
2. A public dock may extend the greater of 100 feet from the water's edge or far enough so that the outer 80 feet of the dock is in three feet of water up to a maximum of 300 feet. These lengths shall be measured from the water's edge when the dock is installed.
3. The Department shall be responsible for enforcing the standard requirements and length limit.
4. The IDNR reserves authority to determine whether the requirements and the length limit are met upon complaint of a person who claims that a public or private right is adversely affected by a permitted dock. If the IDNR determines that a dock or hoist must be moved or removed from the lake because of an adverse effect, the IDNR shall issue an administrative order to the county and to the person who is maintaining or using the dock. Issuance of the administrative order shall trigger a right of the county and the affected person to a contested case.
5. If shoreline property is public land but there is uncertainty concerning the relative authority of the county and the IDNR, permits for docks extending from the public land shall include a recital concerning the relative authorities of the IDNR and the county. (IAC 571—16.6)

E. Limit on Number of Hoists

The maximum number of hoists or slips authorized by a permit is one (1) for every ten (10) feet of shoreline, except on docks where the number of hoists or slips has exceeded this maximum prior to the adoption date of this policy.

F. Display of Dock Number

Approved users shall place a sign on the water end of a public dock displaying the following information as specified. The DNR permit number shall be displayed on the first line. "00" followed by the name of the public street extension used to access the public dock shall be displayed on the second line. The third line shall give the City (Ventura for those in Ventura Heights; Clear Lake for all others). The information shall be displayed in block letters and numbers at least 1 inch high in a color contrasting to the background, on the water end of the dock, facing away from shore and shall be plainly visible. (IAC 571—16.3(5))

G. Display of Public Dock Sign

Users shall maintain posted on the shore end of the dock a sign which reads, "PUBLIC DOCK, PRIVATELY CONSTRUCTED AND MAINTAINED. USE AS A GUEST." Replacement signs may be obtained from the Department at the current charge.

H. Materials and Flotation Specifications

New floating structures authorized by this policy shall use flotation methods and devices of a type constructed of low density, closed cell, rigid plastic foam; high impact polyethylene fiberglass material; wood products treated with a product approved by the United States Environmental Protection Agency for aquatic use; or other inert materials to provide flotation. Synthetic (such as plastic or fiberglass) or metal containers not originally manufactured as flotation devices may be used as dock flotation devices if they have been cleaned of any product residue; sealed and watertight; and filled with a closed cell rigid plastic foam. (IAC 571—16.3(8))

I. No Enclosure of Public Docks

Public docks shall not be enclosed by roofs or sides. Hoists may be enclosed by roofs and sides constructed of soft-sided natural fiber or synthetic fiber materials for the purpose of protecting watercraft. (IAC 571—16.3(7))

J. Service Appurtenances on Docks

1. **Storage, use, and dispensing of fuel.** The storage, use, or dispensing of any fuel on a public dock is prohibited. (IAC 571—16.3(11))
2. **Electrical service.** Any electrical service on or leading to any dock must comply with the National Electric Code, latest revision. All electrical service leading to docks shall include ground fault circuit interrupter protection. (IAC 571—16.3(12))

K. Access for Inspection

A dock or boat hoist, raft, platform, mooring buoy, or any other structure accessed by a public approach may be physically inspected at any time by a representative of the Department and/or IDNR as needed to determine whether it was placed and maintained in a manner consistent with the requirements of this policy or a permit issued under this policy. (IAC 571—16.3(14))

VI. INSTALLATION, MAINTENANCE, AND REMOVAL OF DOCKS

A. Construction and Installation of Public Docks. Approved users to whom a permit is assigned shall be responsible for the construction and maintenance of the public dock and all costs thereof.

B. Maintenance. Approved users to whom a permit is assigned shall be responsible for the safe condition of the dock at all times and shall hold harmless and indemnify the county and their officers and employees for any damages arising out of bodily injury or property damage caused by an occurrence on or about a public dock.

C. Winter removal. Each dock must be removed from public waters before December 15th of each year and not reinstalled until after a permit is issued the following spring. (IAC 571—16.3(6))

D. Winter storage of docks, catwalks and hoists on public property. Winter storage of docks, catwalks, and hoists shall not be allowed on a public approach. (IAC 571—16.28(7))

E. Equitable sharing of dock costs. Approved users to whom a permit is assigned shall agree on the equitable sharing of the cost of construction, installation, maintenance, and removal of the dock and any other components to the dock. (IAC 571—16.28(2))

VII. ASSIGNMENTS AND LIMITATIONS ON DOCK PRIVILEGES

- A. Establishment of an assignment.** The Administrator shall select and allocate a residence and associated users an assignment to an available boat or slip location on a public dock from a waitlist as provided for in Section X of this policy. Only one dock assignment may be allocated to a residence or any specific user (IAC 571—16.28(3))
- B. Maximum number of users per assignment.** Up to four (4) users shall be designated or allocated to a specific assignment by the Administrator; however, this limitation shall not be construed to be a use restriction regarding the watercraft stored at an assigned hoist or slip location. Said users shall be immediate family members or share in the ownership of the residence allocated an assignment by the Administrator. All designated users shall be at least eighteen (18) years of age or older. Once designated by the Administrator, the approved users for an assignment shall remain unchanged.

The names of designated users shall be identified at the time of a residence being allocated an assignment by the Administrator. All designated users associated with an existing assignment prior to the adoption of this policy shall be identified by the Administrator prior to the issuance of a permit.

- C. Length of assignment.** Once allocated by the Administrator, an assignment shall be held by a residence and its associated designated users until one of the following occurs:
1. Removal or cancellation of an assignment under the procedures as provided for under Section VIII of this policy.
 2. Violation of the requirements of this policy.
 2. Nonuse as provided for in this policy.
 3. Voluntary removal in writing by an assignee.
 4. Removal under the authority of the Iowa DNR.
 5. Other means for cancellation as provided for in this policy.

Cancellation of an assignment shall be made in writing by the Administrator or respective users, as may be applicable.

- D. Non-transferability of dock permits and privileges.** Dock permits and hoist or slip assignments shall not be transferred, assigned, or conveyed by the permittee to any other person. (IAC 571—16.28(5))
- E. No Real Estate Interest Created.** The permit creates no interests, personal or real, in the real estate below the ordinary high water line nor does it relieve the requirement to obtain federal or local authorization when required by law for such activity. The permit does not authorize the permittee to prevent the public from using areas of the lake adjacent to the permitted structure. (IAC 571—16.19(1))
- F. Permit Validity.** A permit is valid only while the permittee has the necessary permissions to use the adjoining shoreline parcel from which the dock projects. (IAC 571—16.19(2))
- G. Fee for use prohibited.** The permittee shall not charge a fee for use of the dock or associated structure unless: the permit is for a commercial dock; the fee is expressly authorized by the permit; or the permittee is a homeowners' association and the fee is for recovery of expenses incurred in providing the access to the association's members. (IAC 571—16.19(3))
- H. Number of hoists allowed.** Each permittee may be limited to one hoist and/or slip on the dock to which they have been assigned. The number of hoists and vessels for each permittee should be limited, especially where there is a waiting list including people in the first or second priority categories established under Section X of this policy. (IAC 571—16.28(4))

- I. **Land use restrictions.** Nothing shall be constructed or placed on a public approach adjacent to any dock except as provided for in Section XI of this policy. (IAC 571—16.28(8))
- J. **Cancellation for nonuse.** A dock site permit or hoist/slip assignment may be cancelled for non-use in order to provide space for people on a waiting list (IAC 571—16.28(10)). If no hoist, slip, and watercraft is in use by a permittee on the assigned dock by May 30th or for a period of time greater than fourteen (14) consecutive days during the permitted timeframe for a public dock, then they will be removed from the permit as provided for in Section VIII of this policy.

Exceptions. A permittee may request an exception to this provision in writing, which states the reason and timeframe an exception is needed, to the Administrator prior to May 30th or an extended period of time during the permitted timeframe for a public dock. An exception may be granted in writing at the Administrator's discretion and shall state the timeframe in which the exception is granted. Any exception granted shall be based on a legitimate reason that prevents the use of an assignment by the required deadline, including, but not limited to, medical reasons, necessary maintenance to a watercraft, or other extenuating circumstances. Additionally, at the Administrator's discretion, an exception may be granted in writing to a permittee in the event there are extenuating circumstances caused by the DNR, the county, or the Department or other reasons that prevent the use of an assignment by the required deadline.

- K. **Property Line Location.** An applicant for a permit, a permittee, and an owner of shoreline property adjoining property of an applicant or permittee are responsible for determining the accurate location of common boundaries of their respective properties. (IAC 571—16.17(4))

VIII. ENFORCEMENT AND APPEALS

- A. **Suspension, Modification, or Revocation of Permits and Assignments.** A dock permit or assignment may be modified, suspended, or revoked, in whole or in part, by written notice if the Department or the IDNR determines that the dock or hoist or slip is a hazard to other users of the lake, that a violation of any terms or conditions of the permit or this policy has occurred, or that continuation of the permit or assignment is contrary to the public interest. Such modification, suspension, or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the modification, suspension, or revocation, the reasons for the action, and any corrective or preventative measures to be taken by the permittee to bring the dock, structure, or activity into compliance. An order suspending modifying, or revoking a permit may be appealed pursuant to the provisions contained in Section VIII(B) of this policy. (IAC 571—16.17(2))

B. Appeals from Decision.

1. Notices of revocation, suspension, or modification issued by the IDNR may be appealed under the rules and procedures of the IDNR and will not be considered by Cerro Gordo County.
2. For a notice of decision or of a revocation or modification, or during the course of a suspension issued by the county, the permittee may request a hearing, in writing, within 30 days from the date of issuance in order to present information demonstrating that the alleged violation did not occur, that required corrective and preventative measures have been taken, or any other information relevant to a decision as to whether the permit should be reinstated, modified, or revoked. The hearing shall be conducted before the Board of Supervisors. After completion of the hearing, a final decision shall be made concerning the status of the permit or assignment. In the event that no hearing is requested, notices of decisions of modification or revocation shall remain in effect and suspended permits or assignments shall be reinstated, modified, or revoked.

- C. Complaint Investigation and Appeals.** Any person adversely affected by a permitted dock or associated boat hoist may request, in writing, an investigation into where it is alleged a violation of this policy has occurred. The Administrator shall investigate the complaint and issue a decision, in writing, regarding whether a violation occurred within a reasonable timeframe. The Administrator shall take necessary steps in accordance with this policy to have any violation corrected that is determined to have occurred.

A complainant may appeal a decision made by the Administrator by requesting a hearing, in writing, within 30 days from the date of issuance of said decision if it is believed it was made in error. Requests for hearing shall specify adverse effects on the complainant resulting from the permitted dock or associated boat hoist and where an error in the Administrator's decision occurred. The hearing shall be conducted before the Board of Supervisors. After completion of the hearing, a final decision shall be made concerning the decision in question. In the event that no hearing is requested, notices of decision shall remain in effect.

IX. EXCEPTION TO LOCATION AND OFFSET REQUIREMENTS

An exception to the offset requirements in Section V(B) of this policy shall be granted upon satisfying all of the following:

- A.** The lack of offset on one side of the property is compensated for by a larger offset on the other side of the property;
- B.** The applicant provides the county with a copy of the written consent of each affected adjoining property owner or an affidavit attesting that the affected property owner named in the affidavit has verbally given the applicant consent for the requested exception, provides adequate documentation that the adjoining shoreline parcel is burdened by restrictive covenants, easements, or other valid use restrictions which impose on the owner of the parcel an obligation to tolerate docks and hoists that would otherwise violate offset or gap requirements in Section IV(B) of this policy;
- C.** The applicant demonstrates that no other dock or hoist configuration is physically practical. (IAC 571—16.9)

X. WAITLISTS AND PRIORITY OF ASSIGNMENT

- A.** Hoist or slip assignments shall be available to all members of the public through a selection process using an assignment waitlist for each public dock administered by Cerro Gordo County. Any member of the public may request to be on any assignment waitlist at no cost.
- B.** A waiting list shall be established for each public dock administered by Cerro Gordo County. Selection of an assignment from a waiting list shall be based on the following order of priority:
 - 1. First priority:**
Owners of residences not adjoining the public land/approach but are within the subdivision said public land/approach is associated with and owners of a residence located within an unincorporated subdivision within one (1) mile of the southern shoreline of Clear Lake;
 - 2. Second priority:**
Owners of residences within Cerro Gordo County;
 - 3. Third priority:**
Other Iowa residents;
 - 4. Fourth priority:**
Non-Iowa residents.

Assignment to a boat or hoist location on a public dock shall be based on the priorities listed above on a first-come, first served basis.

- C.** For purposes of this policy, "residence" means a single residential living unit.

- D. Notwithstanding these priorities, if property in the first priority category is redeveloped with higher density residential living units, there is no assurance that dock, hoist or slip space will be available to accommodate such increased density before other property included in the first or second priority categories. (IAC 571—16.26)
- E. Persons already owning private property abutting Clear Lake will not be assigned to a dock until those owning property off the lake have been assigned a dock.
- F. In the event a person on a waitlist is offered an open assignment to a public dock and declines to accept the assignment, that person will be placed at the bottom of the specific waitlist in the applicable priority level, or otherwise will be removed from the waitlist until such time as a new request for a public dock assignment is received by the Department.
- G. In the event a person or persons are forced to be removed from an existing assignment, in which said removal is not the result of foregoing said assignment voluntarily, for non-use of the assignment, and not as a result of a violation of this dock policy and are left with no assignment, said person or persons shall be placed at the top of the selection priority level in which they are applicable.

XI. MAINTENANCE OF PUBLIC APPROACHES

- A. **Safety and Responsibility.** The assigned users to a public dock shall at all times be solely responsible for the safe condition of the public approach, including but not limited to steps, walkways, and any structures or landings of any type of construction material attached or adjacent to said dock. The assigned users shall specifically agree to hold harmless and indemnify the county and its officers and employees for any damages arising out of bodily injury or property damage caused by an occurrence on or about a public approach.
- B. **Structures on Public Approaches.** Should users find it necessary or desirable to construct any type of approach to the dock over public land such as steps or walkways, said approach shall be sturdily constructed of materials equal in strength to materials approved for the dock, and the approach so constructed shall be subject to these conditions including particularly the provisions of Section V(A). Any construction over public land shall comply with the following:
 1. **Zoning Permit Required.** Any person proposing to construct a deck or walkway over public land shall first apply for a permit for construction on forms provided by the Department. Steps to docks shall not require a permit.
 2. **Zoning Ordinance Compliance Required.** All construction of walkways or decks shall comply with the requirements of this policy and the requirements of the Cerro Gordo County Zoning Ordinance for the district in which said construction is proposed.
 3. **Enclosures Prohibited.** All walkways and decks shall be open and unobstructed to the sky. No enclosures of any kind shall be permitted (including but not limited to sheds, storage boxes, portable toilets, changing or dressing rooms, or the like).
 4. **Placement of Structure.** No walkway or deck shall be constructed closer to the shoreline than any structure on adjacent public property.
 5. **Attachment to Dock.** All walkways and decks shall be connected to or abut the dock for which the deck or walkway provides access.
 6. **Zoning Permit Fees.** Zoning Permit fees for such structures shall be based on construction costs and on the fee schedule as provided for in the Cerro Gordo County Zoning Ordinance.
 7. **Appeals and Variances.** The Board of Supervisors shall hear appeals of interpretation and applications for variance from the requirements of this section. The Board of Supervisors shall hold a public hearing on the appeal/application request and issue a decision.

- (a) **Forms.** Applications for variances shall be made on forms used by the Cerro Gordo County Board of Adjustment.
- (b) **Application Fee.** An application fee of \$100.00 shall accompany the application for variance or appeal of interpretation.
- (c) **Hearing Notification.** All property owners abutting the public approach shall be notified of the date, time and place of the public hearing.
- (d) **Evaluation Criteria.** The Board of Supervisors shall use the criteria in Section 24.4(A)(3) of the Cerro Gordo County Zoning Ordinance to evaluate whether a variance is warranted.

8. Condition of Structure. If at any time a structure built in the approach to the dock is declared to be unsafe by the County Engineer and/or Zoning Administrator, the users of the dock shall be required to repair or remove the structure at their expense. Failure to remove or repair as directed by the County Engineer and/or Zoning Administrator may result in removal by the county.

C. Vegetation in the public approach. The assigned users to a public dock shall not remove, damage, cause damage, or use any sort of weed killers, hazardous chemicals, or burning to vegetation within the public approach. However, assigned users may trim vegetation or overgrowth that present a safety hazard along steps or structures within the public approach. If significant vegetation or overgrowth presents a safety hazard, the users shall contact the department and/or County Engineer's Office and may trim such vegetation and overgrowth with written approval from the Department. Violation of this section may result in the assessment of costs for installation of replacement vegetation or result in the loss of assignment to the respective public dock.

XII. DOCK PERMITS

A. Permit Required. A dock site permit shall be obtained annually prior to the installation of any dock at a public approach. A dock site permit authorizes a person or group of persons to install and maintain a public dock from a public approach. Each permit shall identify the number of hoists or slips to be included for storage of boats at the dock. A permit shall only be issued to approved users whose associated residence has been formally allocated an assignment by the Administrator.

B. Application. An application shall be filed with the Administrator by designated users assigned to a boat or hoist location on a public dock prior to the installation of said dock. The application shall be made on the form(s) provided by the Department and include the names of all approved users who will participate in the using of the dock at the assigned location. The application form shall be accompanied by certificate(s) of insurance, copy(ies) of vessel registration(s), signed policy acknowledgement forms from all assignees, and the required fee (check made payable to Cerro Gordo County). The required certificate(s) of insurance and vessel registration(s) accompanying the application shall be in the name of at least one (1) of the designated users allocated to each applicable assignment. Said application shall be filed no later than May 1st of each year. The application and required attachments may be mailed or filed in person at:

Cerro Gordo County Planning & Zoning
220 N. Washington Avenue
Mason City, IA 50401

Applications will be reviewed for compliance with the requirements of this policy and rules promulgated by the IDNR prior to being submitted to the Board of Supervisors for consideration. If the applicant is a group of persons, an agent or contact person for the users shall be designated with whom the Department shall communicate. Any written communication to such agent or contact person shall constitute a communication to all participating users.

- C. **Insurance.** Prior to constructing or installing a public dock or placing hoists, each dock site permittee shall provide a Certificate of Liability Insurance for the dock location in the amount of \$1,000,000. Said Certificate shall state the dock location, dock number, and list the Cerro Gordo County Planning & Zoning Department (220 North Washington Avenue, Mason City, IA 50401) as Certificate Holder. (IAC 571—16.28(6))
- D. **Fees.** Payment of the annual dock site permit fee shall be made upon application. Failure to pay the annual fee may result in revocation or cancellation of the permit or assignment. The annual dock fee is \$250.00 per assignment.
- E. **Consideration by Board of Supervisors.** Dock permit applications will be reviewed at a regular meeting of the Board of Supervisors following review by the Department. The applicant (or if a group of applicants, the contact person) will be notified by mail when the permit is approved. The dock and hoists may be placed following approval. Failure to comply may result in denial of the application or revocation of the permit.
- F. **Effective Dates.** A dock permit shall be effective upon approval by the Board of Supervisors. Permits shall expire annually on December 15.
- G. **Transferability of Permits.** This issuance of a dock assignment and permit is a privilege and is not a property right. A dock assignment is not transferable from one party to another. If it is found that a user has transferred or conveyed their assignment to another party, the assignment shall be considered null and void.
- H. **Use of dock for mooring.** Only the persons assigned to a public dock and named as permittees shall have use of the dock for mooring. All vessels must be registered to the permittees as assigned and listed on the dock permit.

XIII. PUBLIC DOCKS WITH NO ASSIGNMENTS

- A. **Petition.** In the event the county holds a Class II Government permit at a public approach granted by the IDNR where boat hoists are not permitted to be located, a person or group of persons may make petition for a public dock at that public approach. The provisions for priority of assignment in Section X of this policy shall not be applicable to this section. Said petition shall include the signatures of all persons taking part in the proposed operation of a public dock. Said person or group of persons shall own a residence within the subdivision in which the public approach is located.

Said petition shall be reviewed at a regular meeting of the Board of Supervisors. The person (or if a group of persons, the contact person) will be notified by mail with the results of the decision. If approved, the person or group of persons shall be bound by the requirements of this policy, as applicable, or as otherwise specified in this section. The Department shall maintain the Class II Government permit held as may be permitted by the IDNR.

- B. **Application.** Any person or group of persons with an approved petition for a public dock granted by the Board of Supervisors shall make annual application for a dock permit as specified in Section XII of this policy, as applicable, or as otherwise specified in this section. The fee for said application shall be \$200 and be made upon application.

- C. Insurance.** Prior to constructing or installing a public dock, the person or groups of persons shall provide a Certificate of Liability Insurance for the dock location in the amount of \$1,000,000 minimum. Said Certificate shall state the dock location, dock number, and list Cerro Gordo County Planning & Zoning Department (220 North Washington Avenue, Mason City, IA 50401) as Certificate Holder (IAC 571—16.28(6)). Any person or group of persons to whom a permit is assigned shall be responsible for the safe condition of the dock at all times and shall hold harmless and indemnify the county and their officers and employees for any damages arising out of bodily injury or property damage caused by an occurrence on or about a public dock.
- D. Use of dock for mooring.** No boat hoist, slip, or vessel shall be permitted to be located or moored at a public dock as applicable to this section, except as may be temporarily allowed by the IDNR.
- E. Suspension, Modification, or Revocation of Permits.** A dock permit may be modified, suspended, or revoked, in whole or in part, by written notice if the Department or the IDNR determines that the dock is a hazard to other users of the lake, that a violation of any terms or conditions of the permit has occurred, or that continuation of the permit is contrary to the public interest. Such modification, suspension, or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the modification, suspension, or revocation, the reasons for the action, and any corrective or preventative measures to be taken by the permittee to bring the dock, structure, or activity into compliance. An order suspending, modifying, or revoking a permit may be appealed pursuant to the provisions contained in Section VIII of this policy. (IAC 571—16.17(2)).