

1000 - Land Use

1001A. City Beach

1001A.01 Preamble and Findings.

Subd. 1. The City of Detroit Lakes, using public funds, constructed a City Beach adjoining West Lake Drive from Washington Avenue to Legion Road.

Subd. 2. The City intended that the City Beach be maintained, used and operated as a public use City Park.

Subd. 3. The City Beach and the Beach Waters that adjoin it are now used by large numbers of people of all capabilities and ages for recreational purposes, including but not limited to swimming, boating and general park activities.

Subd. 4. Use of the City Beach and Beach Waters by swimmers and boaters at the same time can create public health and safety concerns.

Subd. 5. After the original City Beach construction, direct and indirect commercial use has crept into the City Beach and Beach Waters, contrary to the City's original intent.

Subd. 6. The City Council intends that the City Beach remain a public use park, free of commercial activity except for limited commercial use specifically permitted by the City in writing.

Subd. 7. The City has a strong interest in protecting public health and safety at the City Beach and in Beach Waters and in preventing unnecessary interference or conflict with public use.

Subd. 8. The waters of Detroit Lake adjoining the City Beach are within the City limits and the City will exercise control of those waters for the limited purposes set forth in this Ordinance.

Subd. 9. Public health, safety, and welfare and the preservation and enjoyment of the City Beach as a public park require that Docks be regulated by the City. The Council finds that this can best be accomplished by allowing one Commercial Dock and regulating the number, size and use of other docks.

Subd. 10. Public health, safety and welfare, preservation and enjoyment of the City Beach require that commercial use of the City Beach and Beach Waters be regulated by the City.

Subd. 11. The City can best serve the public interest by regulating: location and erection of Docks; installation of Boat Lifts, Boat Slips or other storage

devices; beaching of watercraft on or at the shore; placement of buoys; storage of boats; conduct of commercial activity on and at the City Beach and Beach Waters; and related activities as set forth in this Ordinance.

1001A.02 Conclusions. Based upon the foregoing Preamble and Findings, the City Council of the City of Detroit Lakes, Minnesota concludes that:

1. The City has real and substantial responsibilities for preservation and promotion of public health, safety and welfare in the City which includes making provision for appropriate use of the City Beach and Beach Waters;
2. It is in the best interests of the public health, safety and general welfare of the people of the City of Detroit Lakes that this chapter of the City Code be enacted.

1001A.03 General Definitions. The following words and terms when used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise.

Subd. 1. Beach Waters. The waters of Detroit Lake within 300 feet of the City Beach.

Subd. 2. Beach Residence. A free-standing single family dwelling that has frontage on West Lake Drive where it adjoins the City Beach.

Subd. 3. Beach Residence Owner. The fee owner or contract purchaser of Beach Residence as shown by the tax parcel taxation maintained by Becker County.

Subd. 4. Boat Lift or Boat Slip. Any apparatus, equipment, machine or device designed, used, or intended to hold, enclose, move, raise, berth, store, or moor watercraft.

Subd. 5. City Beach. The land area located between West Lake Drive and the waters of Detroit Lake and bounded on the East by a southerly extension of the East line of Washington Avenue and bounded on the West by a southeasterly extension of the West line of Legion Road.

Subd. 6. Dock. A structure placed in or extending into Beach Waters providing a surface on which persons can walk or stand and adjoining space at which to berth, moor or keep watercraft in slips or on lifts as allowed by this chapter.

Subd. 7. Dock License. A license to erect and maintain a Dock as provided by this chapter.

Subd. 8. Lodging Establishment. A lodging house, cabin court, motel or hotel situated upon property having frontage on West Lake Drive where it adjoins the Detroit Lakes City Beach, and furnishing paid overnight sleeping accommodations for registered transient guests.

Subd. 9. Lodging Establishment Property Owner. The fee owner, or contract for deed purchaser of real property on which a Lodging Establishment is located, as shown by the tax parcel records maintained by Becker County.

Subd. 10. Non-Conforming Structure or Use. A structure or use that does not conform to the applicable requirements of this ordinance, but that did conform to the applicable ordinances in effect immediately prior to adoption of this ordinance.

Subd. 11. Non-Rental Watercraft. A watercraft which is not a Rental Watercraft as defined in this chapter.

Subd. 12. Rental Watercraft. A watercraft of any kind that is available, kept, offered, or used by the owner or possessor of the watercraft for rental, lease, hire, or charter to others for a direct or indirect charge or fee, or only in connection with payment for other goods or services.

1001A.04 Dock Definitions, Licenses and Regulations.

Subd. 1. Commercial Dock. A dock providing a pedestrian walking area and space to dock, moor or keep in slips or on lifts, Rental Watercraft rented to the public by the license holder or belonging to persons other than the license holder. The Commercial Dock shall be at a location generally described as the southerly extension of Washington Avenue to the waters of Detroit Lake.

Subd. 2. Semi-Commercial Dock. A Dock Licensed to a Lodging Establishment Owner for the Lodging Establishment.

A. A Semi-Commercial Dock may be used only as follows:

- 1) to temporarily fasten, dock or moor watercraft owned and operated by registered guests of the licensed Lodging Establishment who pay standard room rental rates for overnight accommodations; and
- 2) to fasten, moor, dock and keep a Non-rental Watercraft for personal operation by the Lodging Establishment Property Owner, and family of said Owner. Such watercraft shall not be rented to, or used by, guests of the Lodging Establishment or by the public.

- B. A Semi-Commercial Dock licensee shall not rent watercraft directly or indirectly.
- C. A Semi-Commercial Dock shall not be used to rent, or to aid or assist rental of, watercraft directly or indirectly.
- D. The applicant for such a license shall be the Lodging Establishment's Owner.

Subd. 3. Private Dock. A Dock licensed to a Beach Residence Owner for use at the Beach Residence of the Owner. A Private Dock may be used only for personal and private use of the licensee and the licensee's family and personal guests and not in connection with any company, business, or other entity of any kind or nature.

Subd. 4. Public Dock. A Dock licensed to a unit of government or a governmental agency and installed for non-commercial by the public use. Public Docks shall not be used to keep, moor, or store watercraft, or to directly or indirectly facilitate watercraft rental. Public Docks may be used on a temporary and periodic basis to assist the loading or unloading of trailers only for Non-rental Watercraft, and to load or unload passengers only of Non-rental Watercraft.

1001A.05 Dock Licenses Required. No person shall erect, construct, enlarge or alter any Dock, wharf, pier, causeway, building or other structure, devise, equipment or apparatus under, upon or over any of the waters of Detroit Lake, or upon or abutting the City Beach without a Dock License issued by the City.

1001A.06 Dock License Application.

Subd. 1. Form. Application forms for Dock Licenses provided by this chapter shall be obtained from the City Administrator.

Subd. 2. Content. The application form shall include:

- A. the full name, residential and mailing addresses, and telephone numbers of applicant;
- B. a description of the proposed structure and its proposed location;
- C. the intended use of the proposed structure;
- D. the legal description, tax parcel number, and ownership of the property for which the license is applied; and
- E. such other information as may be required by the City Administrator to act upon the application.

Subd. 3. Filing. The application, when completed, shall be submitted to the City Administrator with the appropriate fee. The Administrator shall review applications and issue Dock Licenses after appropriate inspection.

Subd. 4. Liability Insurance Required.

A. During the entire Dock License term, the Licensee shall keep in full force and effect at Licensee's own expense, a policy of public liability and property damage insurance with respect to the Licensed Dock in which the limits of public liability for bodily injury, death, and property damage, shall be not less than the maximum liability insurance established by Minnesota Statutes 466.04, Subd. 1. The insurance policy shall name the City and any additional person, firms or entities designated by it, as additional insured, and shall contain a clause providing that the insurer will not cancel or change the insurance without first giving the City at least thirty (30) days prior written notice. The insurance shall be issued by a responsible company qualified to do business in Minnesota, approved by the City, and a copy of the policy or a certificate of insurance shall be delivered to the City.
(Ordinance No. 422, Adopted 3/13/2018)

B. No Dock License shall be issued to an Applicant until the Applicant delivers to the City proof of the insurance required in this Ordinance.

C. Any Dock License issued under this Ordinance shall immediately and automatically terminate if the required insurance is not in full force and effect.

Subd. 5. Signage. The Licensed Dock shall, at all times during its installation in or over the waters of Detroit Lake, be posted with a 12" x 8" sign both in written English and Universal symbols indicating no diving.

Subd. 6. Indemnification and Waiver of Liability.

A. Indemnification. As a condition of the issuance of the Dock License, or its transfer if permitted under this ordinance, the Licensee and any permitted Transferee shall indemnify and hold the City of Detroit Lakes harmless from any loss, damage, expense and liability for injuries to persons or damage property arising directly or indirectly from the use or existence of the Licensed Dock.

B. Waiver of Liability. As a condition of the issuance of the Dock License, or its transfer if permitted under this ordinance, the

Licensee and any permitted Transferee waives the right to make claims, or to bring legal actions, of any kind or nature against the City, its agents, employees, elected officials or representatives for any loss, damage, expense and liability for injuries to persons or damage property arising directly or indirectly from the use or existence of the Licensed Dock.

- C. The Licensee's obligations and agreements under this section shall survive the termination, cancellation, revocation or expiration of the Dock License.

Subd. 7. Liability Agreement.

- A. Before issuing a dock license, the City Administrator shall require that the Applicant execute an Agreement of indemnification and waiver in substantially the Form of Agreement set forth below.
- B. If an Applicant does not execute such an Agreement, then the Form of Agreement set forth below shall be part of the Dock License as if the language of the Form of Agreement were fully set forth in the Dock License and shall be binding upon the Licensee as a condition of the License.
- C. Form of Agreement:

Dock License Liability Agreement

I have applied for a Dock License to be issued by the City of Detroit Lakes. As a condition of receiving a Dock License from the City, I represent and agree as follows:

1. I will indemnify and hold the City of Detroit Lakes harmless from any claims, liability or damages, including but not limited to its costs and attorney fees, arising directly or indirectly the use, installation or existence of my Licensed Dock.
2. I waive any right to make claims, or bring legal actions, of any kind or nature against the City, its agents, employees, elected officials and representatives for any loss, damage, expense and liability for injuries to persons or damage property arising directly or indirectly from the use, installation or existence of my licensed dock.
3. I agree that my obligations under this Agreement will survive the termination, cancellation, revocation or expiration of my Dock License.

This agreement does not apply to injuries or damage resulting from willfully negligent or intentional misconduct of the City. My application for, and acceptance of, a Dock License is voluntary. I read this agreement before signing below. I understand this agreement and have received a copy of it.

Dated: _____
Printed Name: _____
Address: _____
Signature: _____

(Ordinance No. 205, Adopted 11/8/2000)

1001A.07 Dock License Term. Each Dock License shall be for the period from April 1 to November 1. License fees shall not be prorated. All license applications shall be accompanied by the required fee as indicated hereinafter.

1001A.08 Dock Licenses - Allowed Number. The Licensed Docks, Boat Slips or Boat Lifts allowed at the City Beach are as follows:

Subd. 1. Commercial Docks. There shall be no more than one Commercial Dock License in effect at any one time.

Subd. 2. Semi-Commercial Docks. Such a license shall be issued only to a Lodging Establishment Property Owner. A Lodging Establishment's Property may be licensed for only one dock. One Dock and one Boat Lift is permitted with a Semi-Commercial Dock License.

Subd. 3. Private Docks. Such a license shall be issued to other than the holder of a Commercial Dock License. One dock and one Boat Lift is permitted for each Private Dock License. **(Ordinance No. 205, Adopted 11/8/2000)**

1001A.09 Dock License Transfers.

Subd. 1. Semi-Commercial and Private Dock Licenses shall not be transferred.

Subd. 2. Commercial Dock Licenses are transferable upon sale of the business operated as the Commercial Dock. The license holder or transferee shall submit a request for license transfer to the City Administrator which shall include the full name, address and telephone number of the transferee and the reason for the transfer request.

1001A.10 Dock License Revocation.

Subd. 1. Violation Notice. If any Licensed Dock is not used, constructed, located, operated, kept, repaired or maintained in accordance with this chapter, or with the application for a license issued under this chapter, the City Administrator shall forthwith notify the licensee thereof in writing delivered to the addressee or mailed by first class mail to the licensee's last address. The notice shall specify the nature of the violation and instruct the licensee to correct the violation within ten days of the date of delivery or mailing. If the licensee does not correct the violation within that ten days, the City Administrator shall revoke the license unless, within that ten days, the City Administrator receives from the licensee a written request for hearing signed by the licensee.

Subd. 2. Hearing. Any hearing requested by the licensee shall be conducted in accordance with City Code 101.05. If, after such hearing, the City Council determines that the license holder is in violation of this chapter, then the Council may revoke the license or take such other action as it determines appropriate. If the license is revoked, the City Administrator shall provide the licensee a written notice of revocation.

1001A.11 Dock, Boat or Slip Location. The City Council shall approve the location of each Licensed Dock, and each Boat Lift or Slip. Such structures shall be constructed and maintained midway between the intersections of the opposite side lines of the real property of the license holder, as extended to the shore of Detroit Lake. Variations of location may be permitted by the City Council when it determines that it is impracticable to locate a structure as provided above, and where it also determines that such proposed structure will not interfere unreasonably with the use or enjoyment of said waters of Detroit Lake by the public or other adjoining lot owners.

1001A.12 Construction and Repair.

Subd. 1. Materials. All Docks, Boat Lift and Boat Slips shall be constructed of such materials and of such type of construction as will not render the same unsafe or apt to endanger the public enjoyment of the City Beach or Beach Waters. The same shall be constructed so as not to be unsightly or offensive to the public use and enjoyment of such waters and shall be in accordance with any and all provisions of the building code of the City.

Subd. 2. Length and Shape.

- A. Private Docks. A Private Dock may be up to 32 feet long as measured in a straight line, and up to 4 feet wide. A Private Dock must be shaped as a straight line with no side projections. A Private Dock must be placed with its longitudinal axis perpendicular to the shoreline. **(Ordinance No. 311, Adopted 6/12/2007)**
- B. Semi-Commercial Docks. A Semi-Commercial Dock may be up to 40 feet long as measured in a straight line, and up to 4 feet wide.

A Semi-Commercial Dock must be placed with its longitudinal axis perpendicular to the shoreline.

- C. Commercial Docks. The main stem of the Commercial Dock may extend 250 feet into the water of Detroit Lake as measured on its longitudinal axis which shall be perpendicular to the shore. A Commercial Dock may have extensions perpendicular to the main stem and parallel to the shore line; such extensions shall not extend more than 150 feet either side of the main stem of the Dock when measured from its center line.
- D. Non-Interference with Waters. Licensed Docks shall not be configured so as to enclose open water to the exclusion of the open and free enjoyment by the public of the navigable waters of Detroit Lake. Licensed Docks shall not unreasonably interfere with, or infringe upon, the rights of access to said navigable waters by adjoining properties.

Subd. 3. Maximum Length. Regardless of the length allowed for Licensed Docks, no Licensed Dock, Boat Lift or Boat Slip, other than a Commercial Dock and its Boat Lifts and Slips, shall extend further into the waters of Detroit Lake than is reasonably necessary to accommodate the docking of craft customarily used upon the waters of Detroit Lake nor beyond the point of navigation as such point has been or shall be established by lawful authority.

1001A.13 Boat Lifts and Boat Slips Regulated.

Subd. 1. City Beach. No Boat Lift or Boat Slip may be placed on the City Beach. No structure, equipment, apparatus, trailer, or other transportation device or aid may be placed on the City Beach except that Licensed Docks may be placed on the City Beach only to the extent necessary to access the Dock without walking through water.

Subd. 2. Beach Waters. No structure, equipment, apparatus, trailer, or other transportation device or aid shall be placed in Beach Waters, except as specifically allowed by this chapter.

Subd. 3. Boat Lift or Boat Slip with Private or Semi-Commercial Dock License. The holder of a Private Dock License or a Semi-Commercial Dock License may install or place a maximum of one (1) Boat Lift or Boat Slip in Beach Waters at a location immediately adjacent to the licensed dock during the term of the license. **(Ordinance No. 463, Adopted 8/10/2020)**

Subd. 4. Boat Lifts or Boat Slips with Commercial Dock License. The holder of a Commercial Dock License may install or place a maximum of one hundred and two (102) Boat Lifts or Boat Slips in Beach Waters at locations

immediately adjacent to the Licensed Commercial Dock during the term of the license. **(Ordinance No. 463, Adopted 8/10/2020)**

1001A.14 General Regulations.

Subd. 1. Inspection. The City Administrator, the City Administrator's designee, and any City law police officer may at any reasonable time inspect any structure or watercraft located on the City Beach or in Beach Waters.

Subd. 2. Boat Storage. All boats must be kept or stored so as to not create a fire hazard.

Subd. 3. Gasoline. Any gasoline offered for sale, placed or kept on Licensed Dock premises shall be placed in such tanks or containers as required by the City. Such tanks or containers shall be stored underground or such distance from the stored boats and persons as will not create a fire or explosive hazard.

Subd. 4. Buoys. No buoy or mooring shall be placed or installed in Beach Waters except by the City, Becker County, or the State of Minnesota and shall not be moved without written consent of the entity that placed or installed it.

Subd. 5. Dock Upkeep. Licensed Docks shall at all times be maintained in a neat and orderly manner. No watercraft shall be stored on Dock surfaces. Dock surfaces shall be kept free and clear of any hazards or obstructions.

Subd. 6. Boat Occupancy. No watercraft or other floating structure moored, anchored, tied up or connected to any Licensed Dock or in Beach Waters may be used as a permanent, temporary, overnight, or seasonal residence.

Subd. 7. Unattended Watercraft. Rental Watercraft shall not be left unattended on the shore of the City Beach for the purpose of offering the watercraft for rent.

Subd. 8. Restricted Areas. Watercraft may not enter areas marked as swimming areas. Watercraft must keep a reasonable and safe distance from persons swimming or playing in Beach Waters and shall yield the right of way to such persons.

Subd. 9. No watercraft, aircraft, or other motorized or non-motorized vehicle may be parked or moored at or upon the City Beach or in or upon Beach Waters during the hours of 2:00 AM to 5:30 AM except as allowed by City Code at a duly licensed Dock. **(Ordinance No. 482, Adopted 10/12/2021)**

1001A.15 No Commercial Use. Except as specifically permitted by this chapter, there shall be no direct or indirect commercial or business, endeavor, enterprise, operation, project, venture, activity or use of any kind or nature carried out, undertaken or

conducted in, on, or at the City Beach or Beach Waters by any person or entity, including without limitation any non-profit entity.

Subd. 1. Water Carnival Exception. The City Council may issue written permits for commercial use of the City Beach in connection with the Detroit Lakes Water Carnival.

Subd. 2. Non-Profit Event Exception. The City Council may issue written permits for commercial use of the City Beach in connection with an event held by a non-profit organization.

Subd. 3. Commercial use under an exception provided above shall be only as specified in a written permit issued by the City, subject to reasonable terms and conditions as required in the discretion of the City Council.

1001A.16 Discharges.

Subd. 1. Toilets. No person or entity shall discharge, or allow any other person on a vessel under his control or command to discharge, any human or animal excreta from any head, toilet or similar facility into the waters of Detroit Lake.

Subd. 2. Refuse. No trash or refuse matter of any kind or description may be thrown, placed, discharged, deposited, or abandoned into or upon the waters of Detroit Lake, the City Beach, or Beach Waters, nor upon the shore of Detroit Lake or any other navigable water within the City.

Subd. 3. Oil. No oil, spirits, flammable liquid, rubbish, refuse matter or articles of any offensive character may be dumped or discharged into the waters of Detroit Lake, or upon any Dock on or in such lake or any street leading to such lake.

Subd. 4. Decaying Matter. No person shall throw, place or leave any dead animal or putrefying matter into or in the waters of Detroit Lake, or on or along the shore thereof or the shore of waters within the city.

1001A.17 Variances. An applicant may apply for a variance from the strict application of this Ordinance. The process for application, consideration, issuance or denial of such a variance shall be as provided for consideration of variance requests under the City Zoning Ordinance. The final decision on whether to grant the variance shall be made by the City Council. In addition to the considerations for variance set forth in the Zoning Ordinance, there must also be a determination that the variance as requested will not interfere with the public use or enjoyment of the City Beach, Beach Waters, streets and commons of the city.

1001A.18 Notices. All notices to licensees as provided by this chapter shall be in writing and are sufficient if delivered to the licensee or mailed to the last known address of the licensee as shown in the City license records.

1001A.19 Fees. A license fee in the amount set by City Code Section 210 shall be paid when a license application is submitted to the City Administrator. If the application is denied, the entire fee will be refunded.

1001A.20 Remedies. In addition to all other penalties and remedies provided by this code, the council may remove, or cause to be removed, any structure for which no license has been secured, or for which one has been revoked. Costs of removal shall be a current service under Section 305.01 and liability for costs may be assessed under 305.05 and 305.06.

1001A.21 Non-Conforming Structure or Use. The holder of any Dock License issued in 1997 may apply for and receive a Dock License of the same class for use as provided under and limited by the former Ordinance 1001, as a non-conforming structure or use. Such non-conforming use shall no longer be permitted after the occurrence of any of the following: (1) the property for which the License is issued is conveyed to a new owner as shown by the records of Becker County; (2) a Semi-Commercial Dock License no longer meets the definition of a Lodging Establishment Property Owner; or (3) the expiration of five years from the effective date of this ordinance. **(Ordinance No. 205, Adopted 11/8/2000)**

1001A.23 Ordinance Prevails. The provisions of this chapter shall be controlling and shall prevail in the event that this chapter conflicts with a license issued under this chapter, or with the content of any application for such license. Titles or headings used in this chapter are for convenience only and are not controlling when interpreting this chapter. **(Ordinance No. 161, Adopted 1/6/1998)**