

**Exhibit A,
Ordinance No. 07-26**

ARTICLE 7.9. DOCKS, DOLPHINS, FINGER PIERS, AND BOAT LIFTS

Sec. 7.9.1. Intent.

The intent of this Article is to permit construction in and upon certain waterways of docks, dolphins, finger piers, and boat lifts which do not cause a hazardous interference with navigation, endanger life or property, or deny the public reasonable visual access to public waterways. These regulations shall be applicable only to residentially zoned property and shall exclude commercial boating and related facilities.

Sec. 7.9.2. Permits required.

(A) It shall be unlawful to construct any dock, dolphin, finger pier, or boat lift in the City without first submitting plans and obtaining a building permit therefore from the Building Department. The installation of docks, dolphins, finger piers, and boat lifts shall require the submission to the City in advance of detailed plans and specifications for the proposed work, a plot plan, as-built drawings; plus a final certification of completion and compliance to said engineer's design by a state registered professional engineer before the city's final acceptance. The design and plans shall include as a minimum:

- (1) Waterway typical section.
- (2) Type of soil being penetrated.
- (3) Length of piling, minimum embedment into bottom material, and minimum loading capacity.
- (4) Type and treatment of decking, seats, stringers, and bumpers.
- (5) Type of treatment of wooden piles.
- (6) Type of fastenings to be used.
- (7) American Wood Preservative Association Standards where applicable.

(B) These plans shall be reviewed and approved by the Building Division. The Building Division may adopt, through administrative policies and procedures, and shall review said submittal in accordance with certain minimum design standards, which standards may be amended from time to time to reflect acceptable engineering practice. [Amd. Ord. 40-95 8/8/95]

Sec. 7.9.3. Maintenance; abatement as nuisance if unsafe.

- (A) Docks, dolphins, finger piers, and boat lifts shall be maintained by the property owner in a safe condition, as determined by the department designated by the City Manager.
- (B) A dock, dolphin, finger pier, or boat lift which is determined to be in an unsafe condition is declared a public nuisance and may be abated in accordance with the provisions of subsection 102.5 in the Standard Building Code. [Amd. Ord. 40-95 8/8/95]

Sec. 7.9.4. Modification of standards for approval; appeals.

- (A) Upon the recommendation of the Building Official, the Commission may authorize a modification in the standards for approval as set forth in various Subsections of this Article

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~~7.9, if it is determined that the requirements of these sections would not be feasible or would constitute hardship in a particular instance, and provided that a modification would not endanger public safety and welfare. [Amd. Ord. 40-95 8/8/95]~~

- ~~(B) Should the Building Official recommend against any request for modification of the standards for approval as set forth herein, the applicant shall have the right to appeal that decision of the Building Official to the Board of Adjustment, by filing a written request to the City Manager within ten days after the decision of the building Official. The Board of Adjustment shall conduct a hearing on the appeal at a regular or special board of Adjustment meeting and shall render a decision within a reasonable time after the hearing. [Amd. Ord. 40-95 8/8/95]~~

DOCKS

Sec. 7.9.5. Standards for Approval.

A dock may be permitted subject to the following conditions:

- ~~(A) A dock projection into a waterway, exclusive of dock pilings, shall be designed by one of the following methods: [Amd. Ord. 11-12 5/15/12] (Ord. No. 23-21, § 3, 1-11-22)~~
- ~~(1) If no existing seawall: Five feet as measured from the water's edge at mean low tide. [Amd. Ord. 11-12 5/15/12] (Ord. No. 23-21, § 3, 1-11-22)~~
- ~~(2) If existing or proposed seawall without batter piles: Five feet as measured from the face of the seawall. [Amd. Ord. 11-12 5/15/12] (Ord. No. 23-21, § 3, 1-11-22)~~
- ~~(3) If existing or proposed seawall with or without a seawall cap with batter piles: Seven feet as measured from the face of the seawall. [Amd. Ord. 11-12 5/15/12] (Ord. No. 23-21, § 3, 1-11-22)~~
- ~~(B) Only one fixed dock is permitted per lot. The dock shall not extend any closer than ten feet to the property line of adjacent property or the distance established for the side yard setback, whichever is greater. [Amd. Ord. 40-95 8/8/95] (Ord. No. 23-21, § 3, 1-11-22)~~
- ~~(C) At least one ladder extending from the dock surface to two feet below the mean low waterline shall be provided for each dock. [Amd. Ord. 40-95 8/8/95]~~
- ~~(D) Floating docks shall be allowed and must be permitted and permanently attached to a fixed dock, finger pier, mooring pilings, or seawall. (Ord. No. 23-21, § 3, 1-11-22)~~
- ~~(E) Docks attached to a seawall may be constructed at an elevation less than the elevation of the seawall, but shall not exceed the maximum seawall elevation in Section 7.1.7. (Ord. No. 23-21, § 3, 1-11-22)~~

Sec. 7.9.6. Additional Requirements Where Over 50 Feet in Aggregate Length.

A dock or combination of docks serving the same property and exceeding 50 feet in aggregate length shall be provided with the following facilities: [Amd. Ord. 40-95 8/8/95]

- ~~(A) At least one sewage pumpout connected to the city sanitary system.~~
- ~~(B) One potable water hose bib and one electrical outlet for each 25 feet of dock length or major fraction (over 50 percent) thereof or for each boat where the design of the dock,~~

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~~finger piers, or dolphins clearly indicates a specific number of boats to be moved.
[Amd. Ord. 40-95-8/8/95]~~

- ~~(C) At least one ladder for each 50 feet of dock length or major fraction (over 50%) thereof extending from the dock surface to two feet below the mean low waterline. Where two or more docks serve the same property, at least one ladder shall be provided for each dock. [Amd. Ord. 40-95-8/8/95]~~

DOLPHINS

Sec. 7.9.7. Standards for approval.

Dolphins may be installed in conjunction with docking and mooring facilities subject to the following conditions:

- ~~(A) No dolphin shall be permitted when the waterway is less than 80 feet in width.~~
- ~~(B) For waterways 80 feet in width to 100 feet in width, a minimum clear width of 50 feet of waterway channel shall be maintained, and dolphins shall be permitted and may be installed up to 20 feet from the extended property line or seawall or bulkhead, whichever is nearer to the waterway. [Amd. Ord. 40-95-8/8/95]~~
- ~~(C) For waterways greater than 100 feet in width, the maximum distance a dolphin may be installed shall be 25 feet from the extended property line or seawall or bulkhead, whichever is nearer to the waterway. [Amd. Ord. 40-95-8/8/95]~~
- ~~(D) For purposes of this division, an extended property line shall mean the extension into the water of a plot line intersecting the property line along the body of water if the extension forms right angles with the property line along the water. When the property line along the body of water is curved, the extended property line shall mean a line extended into a body of water at right angles to the tangent of the curve at the point of intersection with the plot line. [Amd. Ord. 40-95-8/8/95]~~
- ~~(E) Dolphins shall be constructed of preservative treated piling with a minimum butt dimension or diameter of ten inches. A dolphin shall be of sufficient length so that after being driven it will extend not less than six feet nor more than eight feet from the water level at mean high tide. All dolphins shall have a reflectorized band approximately two feet below the top of the piling.~~

FINGER PIERS

Sec. 7.9.8. Standards for approval.

~~The conditions for installation and location of finger piers shall be the same as specified for dolphins.~~

Sec. 7.9.9. Distance between piers.

~~The distance between finger piers shall not be less than 25 feet.~~

Sec. 7.9.10. Additional requirements where dockage for two or more boats provided.

~~Where finger piers are permitted and docking facilities are provided for two or more boats, the following facilities shall be provided:~~

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- ~~(A) At least one sewage pumpout connected to the city sanitary sewer system.~~
- ~~(B) One potable water hose bib and one electrical outlet for each 25 feet of dock length or major fraction (over 50 percent) thereof or for each boat where the design of the docks and finger piers clearly indicates a specific number of boats to be moored. [Amd. Ord. 40-95 8/8/95]~~
- ~~(C) At least one ladder for each 50 feet of finger pier length or major fraction (over 50 percent) thereof, extending from the dock surface to two feet below the mean low waterline. Where two finger piers or more are on the same property, at least one ladder shall be provided for each finger pier. [Amd. Ord. 40-95 8/8/95]~~

BOAT LIFTS

Sec. 7.9.11. Standards for approval.

A boat lift may be permitted subject to the following conditions:

- ~~(A) The boat lift in a raised position shall not extend more than 20 feet into the waterway from the property line or seawall or bulkhead, whichever is nearer to the waterway. [Amd. Ord. 40-95 8/8/95]~~
- ~~(B) When plot frontage exists along a body of water, only one boat lift is permitted. The boat lift shall be located so that the vessel in its raised position lift shall not extend any closer to the adjacent property line than ten feet or the building side setback, whichever is greater. [Amd. Ord. 14-11 4/21/11]; [Amd. Ord. 40-95 8/8/95]~~