

CHAPTER 28A

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RIVER WATER AREA AND OTHER WATER AREA

28A.01 DEFINITIONS

Abandoned: The term abandoned property means any kind of personal property the owner of which cannot be found after a reasonable effort is made by the City. The term also means any kind of personal property the owner of which is or becomes known, and who, after receiving written notice to remove it within a reasonable time refuses to remove it or does not remove it within the time stated.

City Land: Land owned, possessed or controlled by the City of Winona. Land which the City has licensed to another party. Land on which the City has an easement.

City Manager: The person appointed by the City Council to act as City Manager, or his designated representative.

Family Unit: A single person, a single person with children living at home, a married couple, or a married couple with children living at home.

Flood Control Dike: The flood control dike is the earthen and concrete barrier erected adjacent to the Mississippi River running from Olmstead Street westerly to the corporate limits and running easterly to the abandoned Great Western Railway right-of-way easterly of the Peerless Chain Company plant.

Licensed Area No 1: A 15 foot wide strip on the north side of Latsch Island from the Highway 43 right-of-way downstream to the lower tip of the island, including a 15 foot wide strip around the north side of what is referred to as Bath House Slough. Also a 15 foot strip on the south side of Latsch Island from the Highway 43 right-of-way to a point 125 feet downstream of the abandoned railroad bridge.

Licensed Area No. 2: The East End Boat Club. Not the area known as the Municipal Boat Harbor or Bob's Marine.

Latsch Island: An island in the Mississippi River within the corporate limits over which passes the Interstate Bridge and Highway No. 43 connecting the State of Minnesota and the State of Wisconsin, Island 72.

River Water Area: That area within the corporate limits lying riverward of Prairie Island Road and the southerly bank of the Mississippi River.

Motor Vehicle: A motor vehicle is one defined in Chapter 61 of this Code.

Other Water Area: All water areas within the corporate limits other than those defined as river water area.

Rubbish: Rubbish is any waste material, refuse, garbage, human excrement, or matter that appears to be discarded.

Sanitary Facility: As per State regulations.

Structure: A structure is a boathouse, boat garage or similar shelter: (a) built for use or used on the water, (b) without motive power to propel it on, in, or through the water, and (c) used for storage of boats and/or personal property and/or human habitation. The term also includes a boat slip, buildings, trailers, or any object or material used to shelter a person or the personal property of a person and which is placed on land or water in the same location for a period longer than 24 consecutive hours. A structure is not (a) a boat, except when it is moored to land for over 24 consecutive hours, (b) a fishing shack or house placed on natural ice over water, or (c) something erected by the City, the Port Authority of Winona, the State of Minnesota, the United States of America, or a public utility.

28A.02 GENERAL REGULATIONS FOR RIVER AND WATER AREAS

- (a) No person shall moor to or tie to or place on City land in the river water areas or other water areas any structure unless licensed to do so by the City, or unless such use is permitted by special agreement between the City and the user.
- (b) No person shall moor to or tie to or place on any land in the River Area any structure or boat which will interfere with navigation on the waters of the Mississippi River or which will unreasonably expose any person to danger or be contrary to the laws of the United States of America, the State of Minnesota or the ordinances contained in this Code.
- (c) No person shall throw, drop, deposit, bury, or leave any rubbish in the water or on or in the land.
- (d) No person shall erect any wires whether used for power, telephone, television or any other purpose without the express written consent of the City Manager.
- (e) No person shall keep or harbor a dog on Latsch Island except as follows. A licensee may have and maintain two small dog shelters. A dog may be walked on a leash. A dog shall be kept within 15 feet from the shore in the area designated by the license and it shall be leashed.
- (f) No person shall be licensed to use or shall use a structure on Latsch Island westerly of Highway No. 43.
- (g) No person shall fail to keep a structure securely fastened to the land. Said structure shall be so fastened that it will float freely at any time except when frozen into the ice and will be so fastened that it can be detached without destruction of its parts. A catwalk shall be attached to the structure.
- (h) No person shall abandon personal property in the River Water Area or Other Water Area. If property is so abandoned, the City Manager may dispose of it as is seen fit, and may charge the costs incurred to the person who abandoned it, and may cause suit to be brought against such person for the recovery of such costs. Money received by the City on disposal in excess of the costs of removal shall be held by the City; if no claim is made of such monies within one year after receipt, the same shall become the property of the City and shall be placed in its general fund.

- (i) No person shall use, cut, break, remove, damage or disfigure any tree, shrub or bush without the express written consent of the City Manager.
- (j) No person licensed to occupy a space shall move from that space without first notifying the City Manager.
- (k) No person shall have more than one neat firewood pile. The firewood may be stored on City land but only within the frontage area allocated to the boathouse and at a depth from the normal waterline of fifteen feet. No person shall store or keep any other personal property, including fuel, refuse or structures on other City land.
- (l) No person shall install or use permanent mooring posts or rings placed on City land unless the same are approved by the City. Posts or rings shall be paid for by the licensee or user.
- (m) No person shall occupy or use a structure for human habitation unless it is equipped with a sanitary facility.
- (n) No person shall operate a tugboat, towboat or towboat with barges in the vicinity of the permanent flood control dike between Winona Street and Olmstead Street in such a manner as to cause damage to said dike by direct contact with said dike or by the action of the boat wash against said dike or by any other means.
- (o) No persons shall moor to or tie to or place on Latsch Island (Island 72) any barge or perform barge fleeting activities adjacent to Latsch Island (Island 72) unless licensed to do so by the City Council.
- (p) No habitable structures are permitted in the East End Harbor.

28A.03 SPECIAL REGULATIONS FOR LICENSED AREAS

- (a) An application for a license shall be made to the City in writing. It shall state the name and address of the applicant, a description of the structure and such other information as the City may from time to time require.
- (b) A license shall be in writing and shall be signed by a representative of the City and by the licensee.
- (c) A license shall contain the following information and such other information as the City may determine is necessary, the name and address of the licensee, the license location, a license number, the term and fee and the following statement:

“The licensee agrees to keep the licensed area assigned in a reasonably clean, sanitary and safe condition; to remove rubbish from the property not less often than weekly; to comply with the ordinances and regulations of the City; to display a current license number in a prominent place on the structure visible from the landward side; to keep the structure securely and safely moored; to quit the licensed area promptly after revocation and termination of his license and to remove all of his property within 30 days after such revocation and termination; to pay the cost of removal of

abandoned property, or if the City pays for the removal of said property, to reimburse the City for all costs incurred in the removal of abandoned property; to repair any damage done to the real property; to not cut down trees or brush or substantially alter the appearance or condition of the licensed area without the express written consent of the City Manager; to assume responsibility for damages to property or injuries to persons which may arise from or be incidental to the exercise of the license or for damages to the property or injuries to the person of the licensee, his officers, agents, service employees, guests or family or others who may be on licensed area by invitation or the invitation of any one of them, whether arising from activities of the City on said area or otherwise; and the licensee shall hold the City harmless from any and all such claims by appearing in and defending any and all such actions and paying and satisfying all final judgments obtained.”

- (d) All licenses shall expire on June 30 of each year. The term of a license shall be for one (1) year or such shorter term if the license is obtained after July 1 of any year. A license fee, as set forth in Section 51.01, shall be paid on or before July 1. An administrative fee, in addition to the license fee, shall be paid by an owner applying for a license after the 1st day of July. A license fee shall not be prorated nor be refundable. Space shall be assigned by the City Manager with at least eight foot spacing between structures. A license shall be transferable only with the consent of the City Manager. A person who has been licensed to use a particular space, and who wishes to secure a new license for that space, shall be given first priority.
- (e) A licensee whose license is revoked shall not be granted a license for a period of three years thereafter.
- (f) No more than one space shall be licensed for use by a family unit.
- (g) No person shall use a structure to engage in business unless licensed by the City to do so.
- (h) No firm, association, organization, partnership, business trust, company or corporation shall be issued a license.

28A.04 OPTION TO CLOSE MOORING

The City Manager may from time to time recommend to the City Council that certain City land in the river water area or other water area, be closed to the mooring of a structure or structures. The City Council may close an area effective upon the expiration of the current license term, if any, or the City Council may, if it finds that a superior public use exists, close an area on 120 days notice.

28A.05 CONSTRUCTION CODE FOR FLOATING STRUCTURES

The Construction Code for Floating Structures which is attached to this Chapter as Appendix A is incorporated herein by reference.

28A.06 FLOATING STRUCTURES SAFETY CODE

The Floating Structures Safety Code which is attached to this Chapter as Appendix B is incorporated herein by reference.

Ord. No. 3365 06/01/98

**APPENDIX A – CHAPTER 28A
CONSTRUCTION CODE FOR FLOATING STRUCTURES**

The following shall be deemed to be the construction code for floating structures in the City of Winona, Minnesota, and shall be enforced by the City of Winona Protective Inspections Department.

Building permits shall be required for all new structures, additions to or modifications of existing structures with the exception of nonwalled structures and work deemed to be maintenance by the Building Official.

It is the purpose of this regulation to promote the public's health, safety and welfare through the regulation of floating structures and their appurtenances. These regulations recognize that waterborne structures, by their very nature confront different environmental factors than do structures located on land. Furthermore, it is recognized that waterborne structures have distinctive design requirements such that strict adherence or application of the land-oriented Specialty Codes is not always appropriate and that modifications or exceptions should be made in appropriate circumstances in the application of those codes.

Exceptions may be made to allow for nautical character and unique needs of floating structures. If an impasse occurs between a permit applicant and the City, the appeal process shall be used to resolve the matter.

This regulation does not apply to the construction, maintenance or operation of vessels or boats.

Floating structures moved into the City of Winona shall comply with the regulations for new construction.

1. Anchorage: All boathouses and docks shall be securely anchored to land by ropes, cables, and/or spuds with at least one anchor being noncombustible to prevent free floating in case of fire. Structures shall be so anchored to allow for fluctuating water levels and hold them in a relatively fixed position.
2. Floatation: All new structures shall use plastic barrels for floatation. Replacement barrels for existing structures shall be plastic.
3. Physical and Structural Requirements:
 - A. All boathouses shall have a roof so constructed as to sustain snow loads of 30 lbs. per square foot for all boathouses. The authority having jurisdiction may require additional bracing to roof framing if, in his opinion, existing framing is not adequate.
 - B. All boathouse roofs shall be water impervious.
 - C. Floors shall be constructed to meet a 40 pound per square foot uniform live load.
 - D. All lumber used in the construction of the structure's platform, or lumber which is exposed to the weather and not properly protected shall be pressure treated.

- E. All construction shall be done in a manner conforming to normally acceptable construction practices to provide a structurally sound structure. Bolts and framing hangers shall be used as normally required.
- F. Wood framing above water level - Owner shall be on notice by regulatory department of listing and/or settling.
 - (1) Existing - all existing boathouses and docks shall be maintained for buoyancy to prevent the floor from coming in contact with the water.
 - (2) New - all boathouses and docks not licensed at the effective date of this ordinance shall be classified as new. All new boathouses shall have buoyancy sufficient to keep all boathouse structural framing members a minimum of 6 inches above the water level.
- 4. Fire Warning System: All habitable boathouses shall be provided with a smoke detector conforming to the Minnesota State Building Code. The detector shall be mounted on the ceiling or wall at a point centrally located in the boathouse or area giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the stairway, in addition to a detector on the main level. If sleeping rooms are separated, a detector shall be installed in each sleeping room in addition to other required detectors. All detectors shall be located within 12 inches of the ceiling. Care shall be exercised to insure that the installation will not interfere with the operating characteristics of the detector. When actuated, the detector shall provide an alarm in the boathouse.
- 5. Fire extinguisher: All boathouses shall have a minimum of one 2A 10BC fire extinguisher.
- 6. Guardrails: All boathouses with unenclosed floors, roof openings, accessible roofs, landings, balconies, porches, decks or similar areas which are more than 30 inches above the water line or floor below, shall be protected by a guardrail. Guardrails shall be not less than 36 inches in height. Open guardrails shall have intermediate rails or an ornamental pattern such that a sphere of 6 inches in diameter cannot pass through.
- 7. Ceiling height for habitable rooms: All habitable areas shall have a minimum clear ceiling height of 7 feet.
- 8. Natural light: All habitable areas shall have sufficient glazing to provide 10% natural light in relation to the floor area.
- 9. Sleeping Room Egress: All rooms used for sleeping purposes shall have a door directly to the outside or an escape window complying with the Minnesota State Building Code.
- 10. Exit doors:
 - A. Existing structures - doors and doorways in existing boathouses are exempt from the requirements for exit doors.

EXCEPTION: If, in the opinion of the authority having jurisdiction, an exit door or doorway does not lead directly to shore or is not readily accessible to shore or, in his opinion, may affect the life or safety of the occupants, he may require an approved exit to be installed.

- B. New Structures - all boathouses not licensed at the effective date of this ordinance shall be classified as a new structure and shall have one exit door meeting the following requirements:
 - (1) Size: An exit doorway shall be of a size as to permit the installation of a door not less than 2 feet 8 inches in width and not less than 6 feet 8 inches in height. Door shall be capable of opening at least 90 degrees and shall be so mounted that the clear width of the exit way is not less than 30 inches.
 - (2) Special Doors: Revolving, sliding and overhead doors shall not be used as required exits.
 - (3) The required exit door shall be so located to lead directly to shore or be readily accessible to shore.
 - (4) All structures shall have a minimum of one 30 inch wide walkway or gangway between the structure and the shore, for exiting purposes.
11. Stairs: Stairs shall not exceed an angle of 60 degrees measured from the horizontal with flat treads not less than 6 inches in width and a minimum length of 24 inches at the tread. No riser may be more than 9 inches and handrails must be provided on both sides of the stairs 34 inches to 38 inches above the tread nose. Headroom shall be maintained at 6 feet 8 inches above the tread nose.
12. Sanitation Facilities:
 - A. Toilet - all habitable boathouses shall have toilet facilities meeting requirements as described in the 1979 Minnesota Updated Boating Guide.
 - (1) All permanently installed toilets aboard watercraft must be U.S. Coast Guard certified no-discharge devices (Type III).
 - (2) Portable toilets may be used if wastes are retained on board for proper disposal after returning to shore.All other boathouses with toilet facilities shall meet the same requirements.
 - B. Lavatory - all boathouses equipped with toilet facilities shall have a lavatory or similar functionable wash area. All gray water shall be retained and disposed of on shore in an approved manner.
13. Heating Facilities:
 - A. Existing - heating facilities in existing boathouses are exempt from the requirements of this section.

EXCEPTION: If, in the opinion of the authority having jurisdiction, the existing heating facility are exceptionally hazardous and may affect the life or safety of the occupants, he may require modifications to the existing heating facilities.

- B. New - all boathouses not licensed at the effective date of this ordinance shall be classified as a new structure and all heating facilities installed, altered, changed, or used shall be in compliance with the Minnesota Uniform Mechanical Code.
- C. All new installations of heating equipment require a permit from the authority having jurisdiction.

14. Electrical Systems:

- A. Existing - electrical systems in existing boathouses are exempt from the requirements of this section.

EXCEPTION: If, in the opinion of the authority having jurisdiction, the existing electrical systems are exceptionally hazardous and may affect the life or safety of the occupants, he may require modifications to the existing electrical system.

- B. New - all boathouses not licensed at the effective date of this ordinance shall be classified as a new structure and all electrical systems installed, altered, changed, or used shall be in compliance with the Minnesota State Electrical Code.
- C. All new installations and system alterations or modifications require a permit from the authority having jurisdiction.

15. Life Preserver: All boathouses shall have a minimum of one Coast Guard approved life preserver.

16. Posting of License Number: All boathouses and docks shall post, on the shore end of the boathouse, a minimum 4 inch high numbers which contrasts to their background, as assigned by the authority having jurisdiction.

17. Adjacent Land. All boathouses and dock owners shall maintain a safe approach and keep adjacent land clean and free of debris.

18. Boathouse ordinance will contain a provision for a committee composed of boathouse owners as first contact in dispute complaints and grievances.

**APPENDIX B – CHAPTER 28A
FLOATING STRUCTURES SAFETY CODE**

The following shall be deemed to be the safety code for floating structures in the City of Winona, Minnesota.

1. All structures are required to be inspected initially by the Protective Inspections Department to insure compliance with the requirements of this code. After the initial inspection, enforcement of the code shall be the responsibility of the WBA.
2. All structures shall have a gangway with a 30 inch minimum width between the shore and structure. The gangway shall be maintained in a safe and sound condition.
3. All structures shall maintain house numbers of a minimum four inch height which contrast to their background on the shore side of the structure.
4. Life Preserver: All boathouses shall have a minimum of one Coast Guard approved life preserver.
5. All structures shall have a minimum of one fire extinguisher with a minimum rating of 2A 10BC. Extinguishers shall be serviced yearly by qualified personnel.
6. All habitable structures shall have smoke detectors as required by the Floating Structures Construction Code and shall maintain the detectors in operating condition.
7. All heating and cooking appliances shall be installed and maintained in a safe condition so as to prevent fires and carbon monoxide poisoning.
8. Electrical systems shall be maintained in a safe condition to prevent fires and the potential of electrocution.
9. All sleeping areas shall be provided with and maintain egress from those areas as required by the Floating Structures Construction Code.
10. Any violations or deficiencies noted during the safety inspection shall be corrected within 15 days and reinspected unless a time extension has been granted by the inspecting authority for just cause.