

CHAPTER 10: HARBOR & LAKE PROTECTION

SECTION 1000. HARBOR REGULATION.

SECTION 1010. GREENWOOD LAKE PROTECTION ORDINANCE.

SECTION 1010. HARBOR REGULATION

Section 1000.00. Harbor Limits.

The geographical and jurisdictional limits of the city in, on and over navigable waters in or adjacent to the city shall extend to the harbor limits of any adjoining municipality or other governmental unit.

Section 1000.05. Primary Harbor Limit.

The area within 300 feet of the water line on the shore of any lake or other body of water in or adjacent to the city shall be known as the "primary harbor limit."

Section 1000.10. Secondary Harbor Limit.

The area extending from 300 feet to the water line on the shore of any lake or other body of water in or adjacent to the city and to the harbor limits of any adjoining municipality or other governmental unit shall be known as the "secondary harbor limit."

Section 1000.15. Jurisdictional Limit.

The harbor limits of this city shall be deemed not to extend beyond a point halfway between the shores of the body of water over which this city has jurisdiction and the shores of the body of water located in another city or governmental unit; provided, however, that the harbor limits of St. Alban's Bay shall be deemed to include all of said bay, except that portion which lies within 300 feet of the shores of the city of Excelsior and is bounded by the extension of the boundary lines of the city of Excelsior into said bay a distance of 300 feet.

Section 1000.17. No Boats in Swimming Area.

No person, firm or corporation shall operate a boat in a designated swimming area, provided, however, that this provision shall not apply to the operation of boats in cases of emergency for the purposes of aid or necessity.

Section 1000.20. Nuisances Prohibited.

No person shall commit or maintain a public nuisance in or upon the waters of any lake or other body of water within the jurisdiction of this city; nor, shall any person let, permit, or enable any other person to use any boat, dock, craft or structure, or portion thereof, knowing that it is intended to be used for committing or maintaining a public nuisance. No person shall willfully prevent, hinder, oppose or obstruct a public official in the performance of their duty in carrying out the provisions of this ordinance, or in removing or abating a public nuisance.

Section 1000.30. Specific Public Nuisances Defined.

The term "public nuisance" shall be deemed to include the following:

Subd. 1. Anything declared to be a public nuisance by an ordinance of the city.

Subd. 2. The depositing of refuse, waste or other deleterious, poisonous or injurious substance within the harbor limits of the city. Provided, however, that weed control measures shall not be prohibited when carried pursuant to a permit issued by an authorized governmental agency.

Subd. 3. The depositing of sewage within the primary harbor limits of the city.

Subd. 4. The erection or maintenance of any dock or structure that interferes with, obstructs, or tends to obstruct or render dangerous for use the waters within the primary harbor limits of the city.

Subd. 5. The failure to equip and to operate a boat, vessel or watercraft in accordance with the provisions of Minnesota statutes, as amended, which statutes are hereby adopted and incorporated herein and made a part hereof by reference, as fully as if set forth herein.

SECTION 1010. GREENWOOD LAKE PROTECTION ORDINANCE.

Section 1010.00. Findings.

The city council of the city of Greenwood, Minnesota, does find that the public waters of the state of Minnesota known as St. Alban's Bay, Excelsior Bay and the lower lake of Lake Minnetonka located within the boundaries of the city are a public natural resource. That the citizens of the city enjoy private and public access to the bays of Lake Minnetonka and that the said lake provides a public passage and right-of-way to the numerous cities and destinations along its shores. That the lake has historically served as a public right-of-way and as a navigable body of water. That deteriorating, abandoned, derelict, obsolete and outmoded structures adjacent, over and within the lake's waters and attached to land within the boundaries of the city constitute a hazard to the physical safety of the public and a source of pollution and a navigation obstruction upon the lake. Wherefore this valuable natural resource and navigable water should and must be maintained, upgraded, preserved and all derelict and abandoned structures and watercraft within or adjacent its waters and attached to land within the city be controlled, regulated and eliminated in the public interest.

Section 1010.05. Purpose.

The city council of the city of Greenwood, Minnesota finds and declares that each person is entitled by right to the protection, preservation and enhancement of the water, land and natural resource of the bodies of water lying within the city and including but not limited to the following: St. Alban's Bay, Excelsior Bay and the lower lake of Lake Minnetonka. Wherefore it is the intent of the city to regulate all structures attached to land within the city and which encroach, lie upon or within, or traverse the water body and channels so as to eliminate public and attractive nuisances, pollution sources, and generally improve navigation and enjoyment of that part of the lake proper located within the city.

Section 1010.10. Title.

This ordinance shall be known and may be referred to as the "Greenwood lake protection ordinance." When used herein, the words "this ordinance" shall be deemed to mean and refer to the Greenwood lake protection ordinance.

Section 1010.15. Definitions.

See chapter 12 for definitions.

Section 1010.20. Proscriptions.

Subd. 1. Generally. It shall be unlawful for the owner, lessor or person in charge thereof to allow any dock, deck, pier, wharf, piling, pylon, or other structure, device or watercraft lying wholly or partly within these waters of Lake Minnetonka and attached to land located in the city to physically deteriorate, fall into a state of disrepair, become abandoned or derelict.

Subd. 2. Encroachment. It shall be unlawful for the owner, lessor, or person in charge thereof to allow any structure which overlies, encroaches, or traverses the water of Lake Minnetonka and attached to land located within the city to physically deteriorate, fall into a state of disrepair or become abandoned or derelict.

Subd. 3. Obsolete and Outmoded. It shall be unlawful for the owner, lessor or person in charge of an outmoded or obsolete structure or craft to allow such to remain in contact with, or adjacent to the waters of Lake Minnetonka and attached to land located within the city, unless it is restored to its original condition and is presently employed for the purpose for which it was designed.

Subd. 4. Public Nuisances. Any structure or craft which is abandoned, derelict, left in a state of disrepair, outmoded or obsolete and attached to land located within the city, and/or whose owner of such fails to comply with any section of this ordinance may be declared by the city a danger to public health, safety and welfare and hence a public nuisance. Each day of which a public nuisance continues shall constitute a separate and individual offense.

Subd. 5. Attractive Nuisance. Any structure or device described in subdivision 1, 2, or 3 of this section which is found by the city to attract the public at large or children specifically within the city, and serves as a point of loitering within

the city, and/or is of such a state of disrepair or by its nature is a danger to pedestrian or watercraft traffic as to constitute a hazard to public health, safety and welfare, may be declared an attractive nuisance by the city.

Subd. 6. Obstruction. Any dock, deck, pier, wharf, piling, pylon, or other structure, device or watercraft which is attached to land within the city and which lies within, upon, adjacent, or traverses the waters of Lake Minnetonka within the harbor limits of the city, and is a hazard to navigation, substantially limits the mobility of watercraft on the lake, or reduces the utility and pleasure of all who use and enjoy the lake shall be declared an obstruction of navigation by the city.

Section 1010.25. Maintenance.

Subd. 1. Upkeep and Repair of Structures Regulated by this Ordinance. It shall be the duty of owners, lessors, or persons in charge of any structure described in this ordinance to maintain the same by positive action through use of paint, varnish, stain, sealant, or other treatments, so as to eliminate sources of pollution to the body of Lake Minnetonka, specifically minerals, metals, wood and petroleum based debris, such as paint chips.

Subd. 2. It shall be the duty of all owners, lessors or persons in charge of any structure described in this ordinance, to take affirmative steps to eliminate any and all violations of proscriptions set out in section 1010.20 of this ordinance.

Section 1010.30. City Inspections.

Subd. 1. The city may appoint an inspector to inspect all structures defined by this ordinance for structural defects and other evidence of deterioration or decay, which conditions are, or may become a hazard to public safety, health and welfare as defined by this ordinance.

Subd. 2. Upon completion of such inspection, a written report shall be filed by the inspector with the city clerk, and a copy thereof served by mail on the owner of said structure. When the results of such inspection show the structure fails in any respect to comply with the provisions of this ordinance, the inspector shall specifically notify the owner of the manner in which the structure fails to comply with the requirements of this ordinance, and further that a copy of the report has been filed with the city clerk. The owner shall further be notified that they have a right to appeal the findings of the inspector by filing a request for a hearing on the report within 20 days following service upon the owner.

Subd. 3. The city council shall consider the report within 30 days following filing with the city clerk. The council upon approval of the report may authorize necessary action to secure compliance with the provisions of this ordinance, so as to terminate and cure any hazard to health, safety or welfare of the public; provided, however, that in the event the owner of the property has appealed the findings of the inspector as hereinbefore provided, such appeal shall be considered subject to the process outlined in chapter 12 of this code book.

Subd. 4. The city council shall appoint the person authorized to make the inspections called for by this ordinance.

Section 1010.35. Penalty.

Any person who shall violate any of the provisions hereof shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense. In case any wharf, pier, pylon, dock, deck or other structure or watercraft subject to this ordinance is abandoned, left derelict, allowed to deteriorate, found obsolete or outmoded, the city, in addition to other remedies, may institute a civil action or proceedings in the name of the city including but not limited to application to the appropriate court for injunctive relief.