

**CITY OF EXCELSIOR
MOORING POLICY
Draft 12/17/18**

Key Dates

- Anytime Anyone can apply to be placed on the City of Excelsior (City) Dock Wait List. The application can be found on the City’s website.
- By September 30th City sends renewal notices and applications to existing mooring renters who are offered first priority of the renewal of their existing mooring(s).
- By October 31st All watercraft must be removed from the moorings.
- By January 31st A \$200.00 non-refundable deposit is due to the City to be applied to the overall annual mooring fees. Cash, check or money order accepted; credit cards are not an accepted form of payment.
- By March 31st All application materials and remaining annual mooring fee payments must be postmarked or received at City offices by March 31st. The postmark of a private postage meter will not be used as proof of a timely mailing.
- Late applications or payments may result in a loss of the mooring. Refunds requested after March 31st for any mooring fees already paid to the City that are unrelated to the non-refundable deposit will not be honored.
- After April 1st City contacts applicants on the Dock Waiting List to fill any vacancies. It is the applicant’s responsibility to respond by the due date stated in City communications regarding vacancies; lack of applicant response may result in a forfeiture of the mooring.

Mooring Standards

Type of Mooring	Maximum Length*	Maximum Width	Maximum Motor	Other Restrictions
Dock Slip	24 ft	11 ft	none	Sailboats, canoes, kayaks, paddleboards, and jet-skis are not allowed at the dock slips.
Buoy/Slide Combination at The Commons	At the slides: 14 ft-boat 17 ft-canoe	48 in	10 hp	Only sailboats and catamarans are allowed at the buoys.
Buoy	26 ft and sailboats shall weigh no more than 3 1/2 tons	n/a-weight restricted	n/a-weight restricted	Only sailboats and catamarans are allowed at the buoys.
Slides	14 ft-boat 17 ft-canoe	60 in	25 hp	Only small boats and canoes are allowed at the slides. Winches are allowed after approval by the City.
Canoe/Kayak/Paddleboard Rack (Dry Rack)			No motor allowed	Two kayaks/paddleboards may be allowed on the same rack.

* The maximum length is rounded up to the nearest foot and based on the Minnesota Department of Natural Resources (DNR) registration.

Waiting List

Moorings are offered to renters in the order listed below. If a renter declines the available mooring, their name is moved to the bottom of the waiting list.

1. Residents of Excelsior renewals.*
2. Residents of Excelsior that do not have a mooring on their property in order of application as listed on the Dock Waiting List.*
3. Residents of Excelsior that have a mooring on their property in order of application as listed on the Dock Waiting List.*
4. Residents of School District #276 in order of application who are not residents of Excelsior.**
5. Residents of Hennepin County in order of application who are not residents of Excelsior or residents of School District #276.**

* Proof of residency is required. The address listing on the watercraft registration(s) must match the address on a driver's license or some other proof(s) of identification. Applicants of dock slips shall be required to sign an affidavit of residency attesting to current residency and acknowledging that subsequent discovery of non-residency shall be grounds for revocation of the mooring when there are residents on the waiting list for that type of mooring.

** Non-Residents of Excelsior are not guaranteed renewal of any mooring for the following year.

Mooring Assignment

1. The City shall assign all moorings, which may be subject to change each year. All declared watercraft are to be located according to the specific mooring as assigned by the City.
2. New renters may declare their mooring vacant for the first season at the cost of the maximum license fee but must declare a watercraft prior to ice out the following season.
3. Moorings may only be transferred under the following limited circumstances:
 - a. Upon the death of a mooring renter – The mooring will automatically be transferred to renter's surviving spouse or partner, if they continue to meet the rental requirements and wish to continue renting the mooring.
 - b. Upon divorce or separation of a mooring renter - The City will authorize retention or transfer of the dock to one party, if they continue to meet the rental requirements. If the parties cannot agree on which individual will retain the mooring, control and usage of such will immediately revert to the City.
4. Moorings cannot be temporarily or permanently loaned, subleased, rented or sold.

Reassignment Requests

1. If existing mooring renters would like to change moorings, the renter must notify the City in writing.

2. When a mooring becomes available, the City will notify interested renters based on the seniority of the receipt date of their written reassignment request. The overall list of interested renters is known as the Reassignment Request List.
3. The renter with the most senior reassignment request may change moorings at that time or choose to wait for an alternate mooring.
4. If the renter with the most senior change request chooses to wait, the renter will not lose their seniority on the Reassignment Request List, and the renter with the second-most seniority will be notified of the latest mooring availability.
5. Once the renter accepts a mooring reassignment, the renter's name will be removed from the Reassignment Request List. If the renter would like to change moorings again, the renter must begin the process over again.

Mooring Quantity

Only one dock, buoy, slide, buoy/slide combination or canoe/kayak/paddleboard rack slip may be rented per household/residential address if a waiting list for that type of dock exists. Existing renters will not forfeit their existing moorings.

Declared Watercraft

Mooring of a declared watercraft that does not meet the requirements of this policy must be removed immediately or an individual's license may be revoked.

Undeclared moored watercraft not in a mooring renter's name will be deemed illegal and will be impounded by the City. Damage to watercraft during impound/storage will not be the City's responsibility. All associated costs of impound/storage will be the responsibility of the watercraft owner and watercraft must be claimed within 30 days of removal. Unclaimed watercraft after 30 days of removal will be deemed abandoned to the City.

Length of Season

Moorings will be available after the official ice out date as determined by the Freshwater Society. All watercraft on moorings must be removed from their mooring by October 31st or on a specific date determined at the discretion of the City in the event of an emergency or natural disaster. A late charge of \$60.00 per day will be assessed for any watercraft that is in violation of the October removal date. Any items the City must remove will be deemed abandoned. The cost of removal by the City and any associated storage costs will be the responsibility of the renter. If the renter experiences extenuating circumstances, they must work with the City to avoid penalties.

Restriction of Hours

All dock activity is restricted to the following hours:

Weekdays	5:00 am to 11:00 pm
Weekends & public holidays	5:00 am to 1:00 am

Responsibility of Renter

The City assumes no risk or liability for damage or loss of property. All mooring renters shall be responsible for themselves and their guests in observing all applicable laws including those intended to preserve peace, quiet and good order.

Any problems with any mooring, dock, slip, gate, pier, pylon, light fixture, padlock or walkway, including damage or safety defects, shall be reported to the City immediately.

Security gate and padlock must be secured both upon entering and exiting any Pier.

No use of glass, glass bottles or glass containers on or around the moorings. All glass must be transported in closed containers to and from the moorings.

All trash and waste materials must be properly disposed of in a waste receptacle.

Limitations on Use

Watercraft or moorings cannot be used or rented for commercial purposes or personal gain.

Moorings shall not be used for swimming, diving or fishing; it is intended solely for access to the renter's declared watercraft. Fishing from a renter's personal watercraft is allowed; but caution must be exercised when doing so.

No person shall build, alter, or erect any wharf, boathouse, or other structure on or over the dock, mooring or slide. Anchor posts may be installed in the water only by permission of the City. No tires shall be hung or attached on dock posts, poles or hardware.

Commercial type bumpers (fenders) and/or dock edging/guards may be installed on the docks and/or pylons without altering the structural integrity of the overall dock and without disturbing adjacent watercraft. No dock edging/guards are allowed with LED or other lighting included as a part of the edging.

Storage or attachment of personal items is prohibited on the moorings.

No fire pits or fire emanating devices are to be used within the confines of the Pier or on a watercraft while it's moored.

No generators may be used on or around the Pier.

No unattended electric lines or extension cords may be used on or around the Pier.

Boat Lifts

1. Renters have the option to purchase and install a hydraulic boat lift. No other boat lifts are allowed.
2. Renters should note on their mooring application when submitted if they plan to purchase and install a boat lift.

3. Renters are responsible for all costs associated with their boat lift: purchasing, installing, maintaining, any damage to docks or other watercraft, and removal.
4. Boat lifts must be purchased and installed according to the following specifications:
 - a. Boat lifts shall be low profile type, similar to the Hewitt 4400 and 6100 or Shoremaster LoPro 4960/6960.
 - b. Boat lifts shall be solar powered with battery backup; no electricity back-up is allowed.
 - c. Renters must ensure that the boat lift will fit and not extend past their assigned mooring.
5. Hardcover (built in) frames & canopies are not permitted at any mooring.
6. Boat lifts can remain at the dock during the winter beneath the ice provided renter coordinates winterization of the lift and reactivation of the lift in the spring once the ice is gone.
7. If the renter moves mooring locations, the boat lift must be moved and installed in the new mooring location as soon as the space is available.
8. If the renter no longer has a mooring, it is the renter's responsibility to have the boat lift and hydraulic box removed.

Mooring Forfeiture

If the residency status changes and it makes the renter ineligible for the currently rented mooring, the mooring must be surrendered immediately.

If a mooring renter does not report any changes in residency status to the City within ten days of that change or if the mooring is vacant for 30 days without prior notification, renewal of the mooring is not guaranteed the following year.

Policy Violations

Any renter who violates the Mooring Policy or knowingly attempts to circumvent the intent and spirit of this policy are subject to having their mooring(s) immediately forfeited with no refund and may lose future mooring privileges. Any items the City must remove will be deemed abandoned. The cost of removal by the City and any associated storage costs will be the responsibility of the renter.

The identity of anyone who reports potential policy violations to City Hall will remain confidential.

Refunds and Prorating of Fees

City staff is authorized to refund certain mooring fees at their discretion provided that the refund does not result in a net loss of revenue to the City.

If any mooring is deemed temporarily unusable by City staff due to low water or other extraordinary circumstances, City staff is authorized to prorate and refund applicable mooring fees.

Definitions

Applicant – Any individual who completes an application form to rent a mooring from the City. An applicant can be an existing site renter or applying for the first time. The owner of an apartment building, rental home or multiple dwelling shall not apply for dock licenses for their renters or lessees. The renter or lessee must make application individually.

Boating Season – The months of May through October.

Buoy – The anchored floats available for rent for the mooring of sailboats and catamarans located immediately off the shoreline north of The Commons and directly outside of Pier 5.

Buoy/Slide – The mooring type which is a combination of one buoy and one slide.

City Staff – The City Manager and any City employees designated by the City Manager.

Declared Watercraft – The watercraft registered to the mooring renter and moored individually in the dock slip number as assigned by the City.

Dock Slip – Any individual mooring located on a Pier.

Dock Waiting List – The overall list of individuals that have applied, and are waiting for, a dock slip, buoy, slide, or buoy/slide combination.

Dry Rack – The canoe/kayak/paddleboard rack located near the kids swimming beach at The Commons for the purpose of rented storage of non-powered watercraft.

License – Annual permission from the City that allows an applicant to moor a watercraft to a City-owned dock slip, buoy, slide, buoy/slide or dry rack. No mooring licensed by the City may be rented, leased, or sublet to any person, partnership or corporation; doing so may result in license revocation.

Mooring – Any City-owned buoy, dock, slide, or other structure constructed or maintained in, upon or into Lake Minnetonka.

Mooring Renter – The individual granted a license by the City to moor a watercraft to a City-owned dock slip, buoy, slide, buoy/slide or dry rack.

Non-Resident – An applicant or mooring renter that doesn't meet the qualifications of 'Resident' per policy definition.

Pier – Piers 1-5 (known as The Commons and Transient Piers) and the Hidden Lane Pier.

Primary Excelsior Residence – The dwelling an individual occupies in Excelsior.

Reassignment Request List – The overall list of existing dock renters, in order of date of request for reassignment to a newly vacated dock slip.

Resident or Residency – An individual occupying a dwelling within the City for at least the months of May through October. For purposes of this definition, 'occupying' means regularly staying overnight in the dwelling, provided that an individual may be absent from his or her dwelling for periods of time during the boating season. The individual applying for the mooring must reside in the dwelling for at least 150 days during the boating season; in which residents are allowed to rent the dwelling for a maximum of 30 days. Evidence of rental, or advertising or other offering of a dwelling for rent along with the mooring during the boating season shall disqualify an individual from holding a license and result in revocation of a license if previously issued. If the City suspects or receives information that rental of a dwelling has surpassed 60 days, and/or a mooring has been offered with the dwelling, the City may request the rental records for the property through the signed affidavit.

Slide – Individual slides located between the Charter Boat Docks and each of the Piers 1-5.

Watercraft Registration – The registration issued by the DNR for watercraft. This registration shall be stated on the Application to declare specific watercraft use in the City and all names on the registration must reside at the address on the application. A copy of the DNR registration is required to accompany the application.

Winch – A mechanical device that is used to adjust the tension of a rope; typically consists of a spool and attached hand crank.

I have read, understand, and will abide by the above regulations and City ordinances and policies. I understand that failure to comply with such regulations, ordinances, and policies may result in the loss of mooring privileges.

Applicant Signature

Date

Adopted by City Council
December 17, 2018

**City of Excelsior
Affidavit of Residency for Dock Slips**

I, _____, the undersigned, agree to the following (initial on each line):

- _____ I understand that the Excelsior Mooring License that I am applying for is a privilege extended to Excelsior residents.
- _____ I do not have access to other dock slip privileges on Lake Minnetonka.
- _____ I have provided a Minnesota driver's license or a comparable Minnesota identification to verify my primary Excelsior residence.
- _____ I have provided a Minnesota Department of Natural Resources Registration to verify that my watercraft is registered to my primary Excelsior residence.
- _____ For homeowners, my primary Excelsior residence is my homestead property for real estate taxes.
- _____ I live and reside in my primary Excelsior residence for the majority of the year.
- _____ I live and reside in my primary Excelsior residence for at least 150 days during the boating season from May through October.
- _____ I may occasionally rent out my primary Excelsior residence but will only rent it out for a maximum of 30 days during the boating season from May through October.
- _____ I understand that advertisements to rent my primary Excelsior residence for more than 30 days during the boating season from May through October will result in forfeiture of my dock slip privileges.
- _____ I understand that advertising to rent, renting out, or use of my Excelsior dock slip by others is not allowed and will result in forfeiture of my dock slip privileges.
- _____ I understand that Excelsior City Staff may validate the above information to verify compliance. Failure to provide requested information will result in forfeiture of my dock slip privileges.

Signature: _____ Date: _____