

CHAPTER 16
PUBLIC, COMMERCIAL, PRIVATE DOCKS AND DOCK MANAGEMENT AREAS

[Prior to 12/31/86, Conservation Commission[290] Ch 33]

571—16.1(461A) Definitions. For the purpose of this rule, the following terms are used:

“*All docks*” means private docks, public docks, commercial docks, and docks constructed in dock management areas.

“*Catwalk*” means a walkway constructed for access from the dock to moored vessels or boat storage structures and is considered a part of the dock.

“*Commercial dock*” means any dock on or over waters under the jurisdiction of the commission in which the use or operation of the dock involves a fee, directly or indirectly.

“*Commission*” means the natural resource commission.

“*Department*” means the department of natural resources.

“*Director*” shall mean the director of the department of natural resources.

“*Dock management area*” means those areas adjacent to publicly owned riparian land or a specially developed harbor area, either of which has been designated a dock management area by the department of natural resources.

“*General permit*” means a permit issued as a rule of this chapter to authorize maintenance of an eligible class of private docks. The owner of a private dock that is eligible for coverage under a general permit need not file an individual dock permit application. Unless otherwise specified, a general permit is valid for five years.

“*Lakes*” includes all natural lakes and artificial lakes to which the public has lawful access from land or from a navigable stream inlet, excepting river impoundments as defined in this rule.

“*Private dock*” means a dock extending from the private property of a riparian landowner and constructed on or over waters under the jurisdiction of the natural resource commission and which is not used as a marina or for other commercial purposes or made available for public use.

“*Public dock*” means a dock over waters under the jurisdiction of the commission extending from riparian public land or from private land to which the public has been granted a license to travel and either of which is open to public use.

“*River impoundments*” means all pools upstream from dams on meandered and nonmeandered rivers. Examples are Lake Panorama, Lake Delhi and Lake Nashua.

“*Slip*” means a mooring site adjacent to a dock.

571—16.2(461A) When dock permit required. No person shall construct a private dock, public dock, or commercial dock on a lake, river, or river impoundment without first obtaining a permit from the department. Individual permits must be obtained for all public and commercial docks. Individual permits must be obtained for all private docks which do not conform to the general permit criteria in 571—16.3(461A) or 16.4(461A).

571—16.3(461A) General permit for certain private docks on lakes. This rule constitutes a general permit for certain private docks on lakes as defined in 571—16.1(461A). This general permit expires March 1, 2005. This general permit authorizes maintenance of private docks conforming to the standard conditions set forth in 571—16.5(461A) and the following additional criteria:

16.3(1) Spacing and alignment. The dock shall be offset at least 25 feet from the nearest adjoining property boundary and at least 50 feet from the nearest other lawful dock. If these offsets are impossible due to the narrowness of the riparian parcel, the dock shall be located to conform as nearly as reasonably possible to these minimum offsets. The dock must be aligned so as not to cross the projection of the adjoining property line into the lake.

16.3(2) Dimensions. The width shall be not less than 3 nor more than 6 feet. The total length of the dock shall not exceed 100 feet measured from the ordinary high water line of the lake as determined by the department. However, the director may authorize a temporary extension of length as reasonably needed during low lake levels.

16.3(3) Configuration. Docks offset at least 25 feet from the nearest adjoining property boundary will be allowed one segment which is at an angle to the dock. This segment and the dock must be offset at least 50 feet from any lawful dock. This segment shall not be longer than 16 feet, measured along its angle to the dock and including the width of the dock, and shall not create a platform larger than 168 square feet. If the segment is less than 25 feet from the nearest adjoining property boundary or less than 50 feet from the nearest lawful dock, it may not be longer than 8 feet, measured along its angle to the dock and including the width of the dock, and shall not create a platform larger than 80 square feet. These segments may not be less than 30 feet from another lawful dock.

16.3(4) Hoists and other adjacent structures. A hoist or other boat storage structure shall not be placed adjacent to any segment more than 6 feet wide.

16.3(5) Enclosed docks. Sides or roofs shall not enclose private docks on lakes.

571—16.4(461A) General permit for certain private docks on rivers and river impoundments.

This rule constitutes a general permit for certain private docks on rivers and river impoundments as defined in 571—16.1(461A). This general permit expires March 1, 1999. This general permit authorizes maintenance of private docks conforming to the standard conditions set forth in 571—16.5(461A) and the following additional criteria:

16.4(1) Spacing and alignment. The dock shall be offset at least 25 feet from the nearest adjoining property boundary and at least 50 feet from the nearest other lawful dock. If these offsets are impossible due to the narrowness of the riparian parcel, the dock shall be located to conform as nearly as reasonably possible to these minimum offsets. The dock must be aligned so as not to cross the projection of the adjoining property line into the river or river impoundment.

16.4(2) Dimensions. The width shall be not less than 3 nor more than 6 feet. The total length of the dock shall not exceed the lesser of 50 feet or one-fourth of the width of the waterway measured from the water's edge at normal river stage.

16.4(3) Configuration. Docks on rivers and river impoundments will be allowed segments which are at an angle to the dock. These segments may not exceed 25 feet in length, measured along their angle to the dock, and these segments must be at least 3 feet wide and may not exceed 6 feet in width. There may be two of these segments on one side of the dock, but not one on each side of the dock if the result would cause the frontage to exceed 25 feet.

16.4(4) Hoists and other adjacent structures. A hoist or other boat storage structure shall not be placed upstream or downstream from any dock segment more than 6 feet wide.

16.4(5) Anchoring. All river docks must be securely anchored to prevent them from becoming floating hazards during times of high river flows.

16.4(6) Enclosed docks. Sides or roofs shall not enclose private docks on rivers or river impoundments.

571—16.5(461A) Standard requirements for all docks. All docks shall be subject to the following requirements:

16.5(1) *Display of numbers.* The number of the dock permit when required or the name and address of the owner shall be displayed on the water end of the dock, facing away from the shore and plainly visible, in block numbers of good proportion and in a color contrasting to the background.

16.5(2) *Removal and reconstruction of docks.* All docks must be removed from the waters of this state before December 15 of each year and not reconstructed until the following spring, except those exempted by individual permit from the director.

16.5(3) *Flotation specifications.* All new structures, if a floating facility, authorized by permit shall use flotation methods and devices of a type constructed of low density, closed cell, rigid plastic foam; high impact polyethylene fiberglass material; wood timbers; or other inert materials to provide flotation.

16.5(4) *Floating containers.* Synthetic (such as plastic or fiberglass) or metal containers not originally manufactured as flotation devices may be used as dock flotation devices if the following conditions are met: All containers must be cleaned of any product residue; all synthetic containers must be sealed and watertight; and all metal containers must be filled with a closed cell rigid plastic foam and the container sealed and watertight.

16.5(5) *Cannot be used for habitation.* Docks shall not be designed, intended, or used for human habitation.

16.5(6) *Flow of water.* All docks shall be constructed and placed in a manner which allows the free flow of water beneath them.

16.5(7) *Interference with navigation.* The construction activity, structure, or use of a structure authorized by a dock permit shall not result in unreasonable interference with navigation.

16.5(8) *Impacts on natural resources.* The permittee shall make every reasonable effort to construct the dock authorized by an approved dock permit in a manner so as to minimize any adverse impact on fish, wildlife, water quality, and natural environmental values.

16.5(9) *Storage, use, and dispensing of fuel.* The storage, use, or dispensing of any fuel on a dock on or over public water or adjacent public land shall be in compliance with Iowa Code chapter 101 and all rules promulgated thereunder.

16.5(10) *Electrical service.* Any electrical service on or leading to any dock used for storage or dispensing of fuel must comply with the National Electric Code, latest revision. All electrical service leading to docks shall include ground fault circuit protection.

16.5(11) *Activities and structures must comply with permit.* All activities and structures authorized by a dock permit must comply with the requirements of the permit and the permittee shall maintain the structure or work authorized by the permit.

16.5(12) *Permit limitations.* A dock permit shall not be construed to do more than give the permittee the right to construct a dock. The permit creates no interests, personal or real, in the real estate below the ordinary high water line nor does it relieve the requirement to obtain federal or local assent when required by law for such activity.

16.5(13) *Permanent structures.* All docks, piers, or wharves which cannot be removed or stored in an approved location shall be considered permanent structures and shall be subject to 571—Chapter 18 or 571—Chapter 13, Iowa Administrative Code, as appropriate, and other regulations covering permanent structures.

16.5(14) *Permits and privileges are not transferable.* Individual dock permits shall not be transferable, and when the permittee desires to abandon the dock or activity authorized by the permit, the area must be restored to a condition satisfactory to the department of natural resources. An individual permit shall be valid only while the permittee has the necessary permissions to use the adjoining riparian land from which the dock projects.

16.5(15) *Right to inspection.* The permit shall allow the director or the director's representative to make inspections, at any and all reasonable times, of docks authorized by the permit in order to ensure that the activity being performed or the structure constructed is safe and in accordance with the terms and conditions of the permit and this rule.

16.5(16) *Suspension, modification, or revocation of permits.* An individual dock permit or the applicability of a general permit to a specific dock may be modified, suspended, or revoked by written notice, in whole or in part, if the director or the director's representative determines that the dock is not safe or that a violation of any terms or conditions of the permit has occurred or that continuation of the permit is not in the public interest. Such modification, suspension, or revocation shall become effective upon a date specified in the notice. The notice shall state the extent of the modification, suspension, or revocation, the reasons for the action, and any corrective or preventative measures to be taken by the permittee to bring the dock, structure, or activity into compliance. Within 30 days following receipt of the notice of a revocation or modification, or during the course of a suspension, the permittee may request a hearing in order to present information demonstrating that the alleged violation did not occur, or that required corrective and preventative measures have been taken, or any other information relevant to a decision as to whether the permit should be reinstated, modified, or revoked. The hearing shall be conducted as prescribed by 571—Chapter 7. After completion of the hearing, a final decision will be made concerning the status of the permit. In the event that no hearing is requested, notices of modification and revocation shall remain in effect and suspended permits shall be either reinstated, modified, or revoked.

16.5(17) *Persons affected—hearing request.* Any person adversely affected by an individual dock permit or the applicability of a general permit to a specific dock may request, in writing, a hearing to reconsider the permit. Requests for hearings shall show cause and shall be made in accordance with procedures described in 571—Chapter 7.

16.5(18) *Claims for damages.* Any modification, suspension, or revocation of a dock permit shall not be the basis for any claim for damages against the state of Iowa or the department of natural resources.

16.5(19) *Liability for damage from wake or high water.* The issuance of a dock permit does not relieve the permittee from taking all proper steps to ensure the integrity of the structure permitted and the safety of boats moored thereto from damage by wave wash or high water conditions, and the permittee shall not hold the state of Iowa or the department of natural resources liable for any such damage.

16.5(20) *Restriction of navigation prohibited.* No attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity or structure authorized by a dock permit.

16.5(21) *Expiration of permits.* The term of an individual permit shall not exceed five years. Renewals shall be requested on the same form as an original permit.

16.5(22) Protected waters area. Special restrictions may be placed on docks which are in a component of a state protected waters area as necessary to protect the natural features of the designated area.

16.5(23) Fill prohibited. No fill may be placed in a water body in association with construction of a dock unless placement of such fill is specifically authorized by permit and the permittee has obtained all other permits required to authorize deposit of such fill.

16.5(24) Catwalks. A catwalk shall be at least 2 feet wide and considered a part of the dock. Catwalks shall be limited in length as is any segment of the dock which is at an angle to the dock.

16.5(25) Enclosed hoists and slips. Hoists and slips may be enclosed by roofs and sides constructed of soft-sided natural fiber or synthetic fiber materials for the purpose of protecting watercraft.

571—16.6(461A) Applications for individual dock permits.

16.6(1) Application forms. A person requesting a dock permit shall apply on the form furnished by the department. The form is the “Dock Application and Permit” form or the “Dock Assignment and Permit” form. If the applicant is not the owner of the adjoining riparian land, the application must include a signed declaration that the applicant is the lessee of the adjoining riparian land.

16.6(2) Plans, drawings and application fee. The application form shall be accompanied by accurate plans and drawings as specified on the form and the application fee established in 571—16.10(461A). Approved plans and drawings shall be incorporated as part of the dock permit.

571—16.7(461A) Criteria for individual private dock permits. The director or the director’s designee may approve issuance of a permit for a private dock which does not conform to one or more of the applicable “general permit” criteria in these rules. To be eligible for an individual permit the applicant must provide information supporting a determination that good cause exists for issuance of a permit and that neither public nor private rights will be adversely affected by issuance of the permit.

571—16.8(461A) Additional requirements for public and commercial docks. The following specifications shall apply to all commercial and public docks constructed on lakes and rivers.

16.8(1) Width and strength of docks. All commercial and public docks not within a dock management area shall be at least 4 feet wide and constructed of sound, strong material capable of withstanding the normal severe wind conditions for the area of their location.

16.8(2) Length and shape of docks. The length and shape of all commercial and public docks will be considered on an individual basis and in doing so will take into consideration the natural features of the water area including stream or lake bed, size of the applicant’s land area, degree of interference with navigation and other approved activities for the area, the public need for such service and public safety.

16.8(3) Posting of public docks. All public docks permitted under the terms of this chapter shall be posted from the shore end in legible lettering as “public docks.”

16.8(4) Use of public docks. Public docks shall be available for use by the general public under the terms and conditions of the permit or as posted at the dock site.

16.8(5) Marking of slips. On all commercial docks each mooring site (slip) shall be marked by an identifying number or letter, block style at least 3 inches high of contrasting color and located uniformly near the vessel’s bow location.

16.8(6) Sanitary facilities. Boat holding tank pump-off facilities, rest rooms, concessions, and any other facility which has waste effluent shall be designed and constructed to pump all effluent directly to an approved sewer line, septic tank, or other approved sanitary facility on land. The pump, line, and all attachments shall be constructed without valves, caps or any other design which can easily be opened to permit material to be discharged into the water. No storage of effluent is permitted in or over the water. The effluent line shall have a valve at an approved location on land to prevent any material from returning to the lake or stream if the line should break or is opened for any reason. All sanitary facilities shall meet the requirements of Iowa Code chapter 455B and shall be subject to inspection at any time.

16.8(7) Catwalks. Rescinded IAB 6/8/94, effective 7/13/94.

16.8(8) Distance. Commercial docks shall be constructed not less than 20 feet from the riparian property line unless the director finds that shallow water, the width of the lot, or other adverse conditions make a dock site required in this subrule unusable.

16.8(9) Land use restrictions. Nothing shall be constructed or placed on public land adjacent to any public or commercial dock permitted under this rule unless the construction or placement is a necessary appurtenance to the dock as determined by the director or the director's representative.

16.8(10) Enclosed commercial docks. Commercial docks will be considered for enclosure by roofs and sides on an individual basis, and in doing so the department will take into consideration the natural features including the water area, the size of the applicant's land area, degree of interference with navigation and other approved activities for the area, the public need for such service and public safety.

571—16.9(461A) Establishment of dock management areas. Where lands under the jurisdiction of the commission or other public body are on or adjacent to the ordinary high water line of waters under the jurisdiction of the commission, the director may designate the areas or a portion of them as dock management areas. Docks in a dock management area which are constructed off from public property are public docks. However, the permittees have priority use of the docks. The docks may be used by the public for fishing and emergency mooring when such use does not interfere with the permittee's use. Other uses allowed by the permittee shall be the responsibility of the permittee.

16.9(1) Dock sites. The director or the director's representative shall designate dock sites on dock management areas. All designated dock sites shall meet the following criteria:

a. Except in the confines of artificially constructed lagoon or harbor areas, the dock sites shall be at least 50 feet apart;

b. Where water level and bottom configuration and other conditions permit, two or more families shall share a single dock site;

c. Except in the confines of artificially constructed lagoon or harbor areas, all docks constructed in a dock management area shall be 4 feet wide and meet the "L" or "T" requirements and construction requirements or limitations of this chapter.

d. In the confines of artificially constructed lagoon and harbor areas, the configuration and dimensions of the docks and catwalks shall be determined on an individual areas basis taking into consideration the physical characteristics of the area, the mooring pattern of boats, and public safety.

e. All dock sites in a dock management area shall be marked by identifying signs furnished by the department and placed at locations determined by the area manager.

16.9(2) Management agreements. The department of natural resources under Iowa Code chapter 28E may relinquish to a political subdivision the management of a "dock management area." In this case, the agreement and its administration shall be in compliance with this chapter (571—Chapter 16).

16.9(3) Commercial docks in dock management areas. Commercial docks in dock management areas are considered concession operations and shall be subject to 571—Chapter 14, Iowa Administrative Code. Commercial docks in dock management areas that are also under management of a political subdivision under Iowa Code chapter 28E may be subject to concession operations regulations of the political subdivision in lieu of 571—Chapter 14, Iowa Administrative Code.

571—16.10(461A) Fees for commercial docks, enclosed commercial docks, docks in dock management areas and private docks requiring an individual permit.

16.10(1) Fees for commercial docks. The following annual fees shall apply to each commercial dock that provides slips for boats other than those owned by the applicant and is used to carry on commerce under riparian rights.

1. \$2 per slip to accommodate boats up to 26 feet in length.
2. \$4 per slip to accommodate boats over 26 feet in length.

16.10(2) Fees for enclosed commercial docks. The following annual fees shall apply to each commercial dock constructed with a roof or one or more sides enclosed, in addition to all other required fees.

1. \$50 for docks up to 15 feet wide and less than 20 feet long.
2. \$75 for docks more than 15 feet wide and less than 20 feet wide and less than 24 feet long.
3. \$100 for docks more than 20 feet wide and less than 24 feet wide and less than 28 feet long.
4. Proportionate to the above width and length fees for docks more than 25 feet wide and more than 28 feet long.

16.10(3) Fees for docks in dock management areas. In each dock management area, the department of natural resources shall evaluate the benefits to the dock applicant and establish a dock permit and hoist or mooring fee based on the following criteria:

1. The desirability of the water;
2. The placement of the dock and area on the water;
3. The public benefit or inconvenience;
4. The private benefit;
5. Comparable docking fees.

16.10(4) Fees for private docks. A fee of \$25 per year shall be assessed on private docks requiring an individual permit. The fees shall be paid, upon application, for the requested term of the permit.

16.10(5) Payment of fees. Payment of the annual fee for commercial docks, docks in dock management areas, and private docks requiring an individual permit shall be made upon application and may be paid in a lump sum in advance for the term of the permit. Permits issued under the rule for which the annual fee has not been paid by April 1 of any year are void but may be reinstated by payment of all fees due for the year reinstatement is sought, as well as any prior years in the term of the permit for which an annual fee has not been paid. Payment of any fee under this rule shall be made to the department of natural resources.

571—16.11(461A) Liability. Neither the department of natural resources nor the state of Iowa will be responsible for any injury to persons or damage to property arising out of or incidental to the construction, use, or storage of any dock for which the department of natural resources has issued a permit, howsoever the injury or damage may be caused. The permittee, and if the riparian owner is not the permittee, the riparian owner as well shall indemnify and save the department of natural resources and the state of Iowa harmless from any and all claims for any injury or damage, excepting claims for injury or damage arising from activities of the department of natural resources or the state in the use of the dock which are being conducted exclusively for the benefit of the department of natural resources or the state.

These rules are intended to implement Iowa Code sections 461A.4, 461A.25, and 462A.32(2).

[Filed 10/1/73]

[Filed 11/12/76, Notice 9/8/76—published 12/1/76, effective 1/14/77]

[Filed 11/9/78, Notice 7/26/78—published 11/29/78, effective 1/3/79]

[Filed 1/18/79, Notice 8/9/78—published 2/7/79, effective 3/19/79]

[Filed 7/6/79, Notice 5/2/79—published 7/25/79, effective 8/29/79]

[Filed 9/2/82, Notice 7/7/82—published 9/29/82, effective 11/3/82]

[Filed 7/8/83, Notice 3/2/83—published 8/3/83, effective 9/8/83]

[Filed 11/14/85, Notice 8/28/85—published 12/4/85, effective 1/8/86]

[Filed without Notice 12/12/86—published 12/31/86, effective 2/4/87]

[Filed 2/5/88, Notice 12/2/87—published 2/24/88, effective 3/30/88]

[Filed 5/20/94, Notice 3/2/94—published 6/8/94, effective 7/13/94]

[Filed 6/27/97, Notice 4/9/97—published 7/16/97, effective 8/20/97]

[Filed 11/14/97, Notice 9/10/97—published 12/3/97, effective 1/7/98]

[Filed 6/9/00, Notice 4/5/00—published 6/28/00, effective 8/2/00]

[Filed 9/13/02, Notice 3/6/02—published 10/2/02, effective 11/6/02]