

571—16.6(461A,462A) Class II permits for docks authorized by cities and counties that own or otherwise control shoreline property. This rule authorizes issuance of a Class II dock permit to a city or county for docks authorized by a city or county to extend from public land owned or controlled by the city or county. A Class II permit may include all docks and hoists authorized by the city or county on one water body. The Class II dock permit shall require that all docks comply with the standard requirements in 16.3(461A,462A). Class II permits shall include exceptions as needed to provide continuing authorization for docks and hoists that were lawfully installed and maintained before the effective date of certain requirements as set forth in this rule. A dock on a natural lake may extend the greater of 100 feet from the water's edge or far enough so that the outer 80 feet of the dock is in 3 feet of water up to a maximum of 300 feet from the water's edge. These lengths shall be measured from the water's edge when the dock is installed. The city or county authorizing maintenance of a dock and boat hoists shall be responsible for enforcing the standard requirements and length limit. The department reserves authority to determine whether the requirements of 16.3(461A,462A) and the length limit are met upon complaint of a person who claims that a public or private right is adversely affected by a permitted dock. If the department determines that a dock or hoist must be moved or removed from the water body because of an adverse effect, the department shall issue an administrative order to the city or county that is authorizing maintenance or use of the dock and to the person who is maintaining or using the dock. Issuance of the administrative order shall trigger a right of the city or county and the affected person to a contested case. If shoreline property is public land but there is uncertainty concerning the relationship between the authority of the city or county and the authority of the department, the Class II permit shall include a recital concerning the relative authorities of the department and the permittee. Class II permits shall be issued without fee and may be issued for a term up to five years.