

CITY OF WINONA WINONA, MINNESOTA ADMINISTRATIVE PROCEDURE	NUMBER: 110-3	REVISED: 5	PAGE <u>1</u> OF <u>4</u>
	SUBJECT: LICENSE PROCESSING: BOATHOUSES		

1.0 POLICY

City Administration has developed this policy to establish an effective procedure in regard to the issuance of boathouse licenses pursuant to Chapter 28A of the Winona City Code. Henceforth, the Inspections Department shall be responsible for the regulatory control and issuance of boathouse licenses.

2.0 ORGANIZATIONS AFFECTED

City Manager, City Attorney, Department of Finance, Inspections Department.

3.0 PROCEDURE

3.1 New Applications

All inquires about new applications for a boathouse license in the East End Boat Harbor shall be forwarded to the Inspections Department, and all inquires for a new license on Latsch Island shall be referred to the Winona Boathouse Association.

3.1.1 The Building Official will assign a license number, boathouse location and secure the necessary information to be able to identify and properly describe the boathouse. The Building Official shall provide the applicant with the following: Chapter 28A of the Winona City Code and Resolution, and Sanitation Facility Certification Statement (Appendix B). If a space is available, the Building Official shall then advise the applicant of his/her approval and request that the applicant sign the sanitation certificate and pay the applicable fee, upon the completion of which the license shall be issued by the Inspections Department.

3.2 Code Compliance Complaints and Withholding of Licenses

The Building Official shall receive and respond to City Code compliance complaints and refer same to the Winona Boathouse Association for action and recommendations concerning the same on Latsch Island. The Building Official shall handle all complaints at the East End Boat Harbor. A particular license shall not be re-issued to the licensee complained against at the East End Boat Harbor, until such time as the Building Official verifies that City Code requirements are being

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met.

3.3 Application for and Renewal of Licenses

3.3.1 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 shall be paid in full when a license is issued. License fees shall not be pro-rated nor refundable. A license shall be transferable only with the written consent of the Building Official.

3.3.2 Application for a license or renewal of a license shall be made to the Inspections Department of the City in writing. It shall state the name and mailing address of the applicant, a description of the structure, and such other information as the City may from time to time require.

3.3.3 The Building Official shall mail to existing licensees, prior to June 30th of each year, a notice which informs the licensee that the boathouse license and sanitation certification are now due.

3.3.4 When the licensee personally presents his/her payment for the license fee, the Building Official shall request the Sanitation Facility Certification Statement which must be completed and signed before a license is issued. After the applicant has submitted the certification statement, the Building Official shall then issue the license upon payment of the applicable license fee.

3.3.5 On August 1st of each year, or the first business day thereafter, a list of owner-occupants who have not paid the license fee shall be compiled and sent to the City Attorney's office, along with copies of any notices either sent to or personally served on the owner-occupant or which were published, and any other pertinent information known to the Building Official. The list shall specify whether or not the boathouse is occupied or unoccupied. A copy of said list shall also be furnished to the Winona Boathouse Association.

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3.4 Abandoned Boathouses

A boathouse shall be considered abandoned when the owner cannot be found after a reasonable effort is made by the City. The term shall also include a boathouse the owner of which is 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.

3.4.1 Upon being informed that a boathouse owner-occupant has not paid his license fee, the Building Official shall ascertain whether or not the boathouse is occupied and/or currently being used for boat storage.

3.4.2 Upon determining that the boathouse is unoccupied or that it is not currently being used for boat storage, the Building Official shall prepare a written notice (Appendix C) containing the following information:

- a. that upon expiration of a thirty (30) day period from the date of the notice, the boathouse shall be declared abandoned by the City, unless the owner notifies the City, in writing, that the boathouse license fee has been paid and that all requirements of the City Code have been met;
- b. that if the boathouse is declared abandoned, the City may (I) sell at private or public sale the boathouse and any personal property contained therein, or (II) remove the boathouse and any personal property from the mooring site;
- c. that if the proceeds from the sale or disposal of the boathouse and any personal property contained therein shall be applied towards the reasonable cost of removal, care or storage costs or other expenses incurred by the City;
- d. that any remaining proceeds shall be paid to the owner upon written demand if such demand is made within one (1) year after the sale of disposal of the boathouse and personal property.

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3.4.3 The above notice shall be sent by certified mail, return receipt requested, to the last known owner at his last known address, as the same appears in the records of the City of Winona. A copy of the notice shall also be posted in a conspicuous place on or in the boathouse. A copy shall also be sent to the Winona Boathouse Association.

3.4.4 At the expiration of the thirty (30) day period, if no response has been received from the last known owner, the City shall proceed as follows:

- a. if the boathouse is in good condition, the City may sell it to a buyer who pays the required fees and furnished proof of compliance with the City Code requirements, or
- b. if a buyer cannot be obtained, or if the boathouse must be removed because it is sinking and has not been maintained, the cost of removal shall be charged to the last known owner, and the City shall have a cause of action against said owner for all costs incurred.

4.0 APPENDIX

- A. Application for/and Boathouse License
- B. Sanitation Facility Certification Statement
- C. Notice of Abandonment

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