

#### **Sec. 8-144. - Private use of public property abutting waterways.**

The city commission, by resolution duly adopted, may grant a permit for the use by private persons of public property abutting or touching a waterway, including all public property described in section 8-143, except areas being utilized as municipal docks for which docking fees are being charged and collected, under the following conditions and restrictions, to-wit:

- (1) Unless a fixed period of time is prescribed in the resolution, permits shall be temporary in nature, revocable at the will of the city commission without cause. Permission granted for fixed periods of time may be conditioned upon the requirement that the permit holder shall repair, replace or maintain the adjacent seawall during the term. In such event, permission may be revoked by the city upon at least ninety (90) days of advance notice to the permit holder.
- (2) All improvements such as docks, seawalls and the like which are made or placed upon such public property by a private person shall be constructed and all maintenance and repairs shall be performed according to city engineering department standards and in compliance with building permits obtained from the building and zoning department.
- (3) The holder of the permit shall be responsible for maintaining improvements to the area and for beautifying a reasonable area in and around the dock location to be specified, and failure to do so shall be grounds for revocation of permission.
- (4) Such permits shall not be assignable without the written approval by resolution of the city commission.
- (5) The holder of such permit shall not charge or collect any rent or fees from anyone using such dock constructed on public property. No sign shall be placed upon such dock indicating it is a private dock.
- (6) A permit to a private individual to construct a dock upon public property and the acceptance and use of same by such private person shall constitute a guarantee from such private person to the city to hold the city harmless for any damage or injury to any person using such facilities.
- (7) Such street-ends or public property abutting waterways so used by a private person shall be kept open at all times as means of reasonable ingress and egress to the public, but the permit holder shall have the right to exclude the public from a reasonable portion upon which he has placed improvements (not exceeding fifty (50) percent of the area).
- (8) The violation of any provisions of this section or any regulations hereafter enacted shall constitute cause for revocation of the permit.
- (9) Upon direction of the city, the former holder of a permit shall remove at his own expense any nonfixture improvements placed by him upon public lands, whenever permission is revoked, and shall make the necessary repairs to the city property to place the same in good condition.
- (10) The resolution granting the permit may specify other terms and conditions pertaining to the use or improvement of the property.
- (11) Only public lands which are not needed by the city for public docking purposes are available for private use under the terms hereof, and the supervisor of marine facilities shall furnish to the city manager a complete list of all street-ends and other city-owned property abutting waterways which is not needed for dockage purposes from time to time.

(Code 1953, § 11-12; Ord. No. C-68-23, § 2, 6-4-68; Ord. No. C-87-95, § 1, 11-17-87)