

RENTAL AGREEMENT FOR PIER SPACE ON WINONA LAKE CANAL AND BOATS MOORED IN THE CANAL

- The Town of Winona Lake provides pier slip spaces that may be rented by individuals for the purpose of placing a pier and boat on the canal of Winona Lake. The following rental agreement incorporates the rules and regulations as set forth in Ordinance 2005-2-2.

PIER LOCATION AND USAGE:

Pier spaces **AA** through **Q** (located south of the footbridge) and **13** through **21** (located north of the Administration Bridge) are recommended for pontoons and sailboats due to the low bridges. Piers are not permitted in this area, but tires or such buffers may be hung from the seawall. The boats are moored parallel to the seawall.

All other spaces are recommended for all other types of watercrafts. This area will use piers conforming to the ordinance.

All boats, piers and rented slips will follow the regulations and restrictions as outlined in Ordinance 2005-2-2:

Pier Location and Use Permits

- (A) No pier shall be placed, erected, altered, changed, located or used upon any part of the laguna (canal) and its right-of-way, unless the structure, its construction, use and location conform with the provision of this ordinance and a Pier Location and Use Permit has been issued and renewed annually.
- (B) The Building Commissioner shall issue a Pier Location and Use Permit, upon application, when the proposed structure, its use and location conform in all respects to this Ordinance. Permits shall be granted on an annual basis, April 1 to November 15, for Fifteen Dollars (\$15.00) for the first permit and then Ten Dollars (\$10.00) each year thereafter.
- (C) An application for a permit to construct or place a new pier, or to change an existing pier, shall be accompanied by a sketch showing the size, type of construction, height above, and projection out into the water.
- (D) Pier Location and Use Permits shall be granted upon written application for existing piers on a similar fee basis. Before a permit is issued the Building Commissioner shall inspect said pier to determine if it complies with the provisions of this Ordinance. In case of non-compliance, the applicant shall be advised by the Building Commissioner of the nature of the non-compliance and given an opportunity for corrective action. No permit shall be approved until pier conforms to the provisions of this Ordinance.
- (E) Spaces do not transfer with the sale of the watercraft within a particular space nor does a space continue with the sale of personal sale estate of the space renter.

Conformity to State Regulations

Any pier constructed must conform in every respect to the regulations, if any, set forth by the Department of Natural Resources, State of Indiana.

Type of Construction

Piers constructed subsequent to the passage of this Ordinance must conform to the following construction requirements. Piers, boatlifts, hardware and supports must be of a type of construction that is readily demountable and removable; and constructed such that that all parts of the pier, boatlifts, hardware and supports can be disassembled, removed from the water, and stored offsite from November 15 to April 1. Piers constructed of a light wood frame construction supported by wood or galvanized steel posts shall be deemed to be the type of construction to be used. Floating piers mounted on approved pontoons or flotation devices, including drums or tanks, are permissible provided such are anchored to prevent lateral movement. Piers of a permanent non-demountable nature, constructed of heavy timbers, poles, piling, concrete, or welded steel are prohibited.

If a permanent pier is required for a marina or similar installation, written approval must be secured from the Building Commissioner as well as from the Board of Zoning Appeals.

Roofed over, enclosed piers, or piers with overhead appurtenances are prohibited. No walls, roof, or structure of any kind shall be permitted above the deck of the pier except for hand or safety railings, which shall not be over three (3) feet high.

Any electrical wiring used in connection with such a pier shall be properly grounded and approved by the Building Commissioner. All such wiring must comply with the National Electric Code as well as such other requirements as the Building Commissioner may from time to time direct.

Size and Projection of Piers

Piers shall be of a reasonable size that shall not hinder or interfere with the use of the waterway by another watercraft.

Piers constructed along the Canal shall be constructed such that the combined projection into the Canal of pier and watercraft moored at said pier shall not project out into the Canal more than fifteen (15) feet between the Administration and Auditorium bridges and twenty-four (24) feet between the Auditorium and foot bridges.

No pier shall be constructed with the deck more than three (3) feet above the normal water level of the lake without specific approval of the Board of Zoning Appeals.

Piers adjacent to each other along the Canal shall be spaced such that a minimum of twenty (20) feet is maintained between the nearest components of each pier.

All locations for the construction of new piers must be inspected and approved by the Building Commissioner to determine that the proper separation between piers is maintained and that the location is suitable for a pier before a Location and Use Permit is granted.

Maintenance of Piers

It shall be the responsibility of each holder of a Pier Location and Use Permit to maintain his pier in a safe and attractive condition. Loose boards or structurally unsafe or unsound members shall be replaced upon direction of the Building Commissioner. Piers shall be kept painted, stained, or maintained such that they are pleasing in appearance. The pier user in the vicinity of the pier shall cut the weeds or grass as per town ordinance which is six (6) inches or less.

The pier deck shall be maintained at a reasonable level. If settlement occurs, the holder of the Pier Location and Use Permit shall be responsible to take corrective action to return the pier to a level and safe condition within ten (10) days after written notice is given by the Building Commissioner.

Canal Pier Space Rentals

A person holding a canal space rental agreement that expired on December 31 of the year preceding this ordinance (2004), shall have the right to renew that agreement by completing and submitting an application for a renewal of the agreement, together with the payment of the agreement fee for the canal space to the office of the Clerk Treasurer of the Town of Winona Lake **on or before the end of the first business day in April**. Whenever that person relinquishes the space, priority shall be given to the adjacent landowner on an annual basis. An owner of real estate adjacent to the canal and the canal right-of-way, shall have the first right to the adjacent canal space that has not been renewed or that is not subject to renewal, by the signing of an agreement and payment of the fee by the **15th day of April of each year** subject to the rights given hereinto owners of real estate adjacent to the canal, all other Winona Lake residents shall have first choice of available canal spaces through **the first business day in May of each year**, by submitting an application and payment of the fee. **After the 1st business day in May**, any canal spaces not yet rented will be available to non-residents. The canal space is an access to the canal and shall be maintained and kept void of any type of articles.

Parking

Parking on the West Side of West Canal Street, except Parking on the West side of West Canal Street from the North end of West Canal Street that intersects with Esplanade Street, and continuing South on the West side of West Canal Street to a point four hundred (400) feet South of West 12th Street, is restricted to the residents and their guests of the residences on West Canal Street, otherwise there is No Parking on the West Side of West Canal Street. It is recommended that people using the pier spaces park in one of the park parking lots.

VIOLATORS LOSE THEIR RENEWAL OPTION FOR THE FOLLOWING RENTAL SEASON.

Boat Lifts

Commercially manufactured boatlifts are permitted if maintained in good condition and sound construction.

Boat Covers

Boat canopies shall be commercially manufactured.

Existing Piers in Violation

Piers which were in existence at the time of the passage of Ordinance 73-4 of the Town of Winona Lake which are in violation of the provisions herein but which are otherwise structurally safe and in good repair shall be permitted to continue in a non-complying status until such time as in the judgment of the Building Commissioner such pier is deemed unsafe or is not being maintained in a reasonable manner; provided, however, that no non-complying pier shall be rebuilt or remodeled in such manner as to continue as a non-complying structure.

Liability

The holder of a valid Location and Use Permit shall assume all liability arising from the location and use of such pier by any and all persons and for any and all accidents or injuries arising there from. The Town of Winona Lake shall not be held liable in any manner. The granting of a permit to a user shall not in any way constitute an assumption of liability for such use of it but merely permission for the user to construct and maintain such a pier with the user assuming such liability for its location and use.

Penalties

Any person violating this Ordinance or any section there in shall be guilty of a misdemeanor. Each day any violation is committed or permitted to continue shall constitute a separate offense. Every person convicted of a misdemeanor for the violation of any provision of this Ordinance shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Twenty-five Hundred Dollars (\$2,500.00).

Boats and Watercraft

Any boats or watercraft moored in the canal must be in good and safe condition. Any boat or watercraft which by reason of deterioration, damage or inadequate construction that poses a risk of injury to persons or other property while docked shall not be permitted on the lake or must be removed from the lake and taken offsite. The Town Police Chief may cause any boat that appears to be in danger of sinking to be removed from the lake. Cost of removal and storage will be the renter's responsibility and must be paid in thirty days or receive an ordinance violation. Boats may be placed on the lake April 1 and removed by November 15. All watercraft within a rented space must be registered by state registration and on file with the pier space administrator. Non registered boats are subject to be removed and stored at the owner's expense.

Rental Fee

Rental of a canal space shall be made through the Town office. The agreement is not a binding document until the office has received a completed and signed copy of the agreement. Cost of the pier space is \$500.00 (five hundred dollars) for Winona Lake residents. The pier space fee for non-residents is \$600.00 (six hundred dollars). Checks should be made out to the "Town of Winona Lake."

Non-Sufficient Funds

The renter will be charged an additional \$20.00 for any check returned for non-sufficient funds. Payment of the entire rental amount and the NSF charges by cash or money order will be made or the rental agreement will be considered terminated.

I have read the above agreement and agree to abide by the terms.

Date Rented _____ **Pier Permit #** _____

Renter _____

Address (Winona Lake): _____

Address (mailing): _____

Phone Number (Winona Lake) _____

Phone Number (other): _____

E-Mail Address: _____

Watercraft description and registration numbers:

Receipt # _____

(Signature)