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Martin Healey
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505 Guana River Road
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RE: Definitions of Community Docks (MASGP-09-008-01)

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Dear Mr. Healey,

Below is the summary of research regarding the question you posed to the National Sea Grant Law Center about community docks. As I understand it, you requested information on which states had statutory or regulatory definitions of "community docks." The following information is intended as advisory research only and does not constitute legal representation of GTM National Estuarine Research Reserve or its constituents. It represents our interpretations of the relevant laws.

Several states provided specific definitions of "community docks" or "community boat docks" in either their statutes or regulations. All of the definitions appear to specify that community docks be for noncommercial private use. Several of the definitions specify a minimum number of users or size for community docks. The definitions are below:

Idaho

Community Docks

- Structures that provide moorage facilities for more than two (2) adjacent riparian owners, or for a homeowners' association that is a riparian owner owning a riparian common area including riparian rights. A community dock shall not have less than fifty (50) feet combined shoreline frontage. A community dock shall be considered a commercial navigational aid for purposes of processing the application. (IDAHO ADMIN. CODE r. 20.03.04.010 (2007)).

Community Dock or Multiple Family Dock

- Structures that provide moorage facilities for more than two riparian/littoral property owners. A community dock shall be considered a commercial navigational aid. (IDAHO ADMIN. CODE r. 20.03.17.010 (2007)).

New Mexico

Community Boat Dock

- A private, non-commercial boat dock for use by the owner-members or other authorized residents of a residential community, such as a planned unit development or condominium, and is not available for commercial use. The imposition of a fee for the maintenance or use of a community boat dock by owner-members or other residents of a residential community served by a community boat dock will not result in the boat dock being characterized as a "commercial" boat dock. (N.M. CODE R. § 18.17.3.7 (2008)).

South Carolina

Community Dock

- Any docking facility that provides access for more than four families, has effective docking space of no more than 250 linear feet and is not a marina. Effective docking space means adequate length and water depth to dock a 20-foot boat. (S.C. CODE ANN. REGS. 30-1 (2007)).

Washington

The following is not considered substantial development in the Washington State Shoreline Management Act:

- Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter (WASH. REV. CODE § 90.58.030 (2008))
- Department of Ecology regulations add: A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances. (WASH. ADMIN. CODE § 173-27-040 (2008))

Beyond specific definitions, a few states, including Idaho, South Carolina, and Washington, have more detailed regulations regarding community docks. Idaho specifies the size and dimensions allowable for community dock construction, with specific application procedures for community docks. (IDAHO ADMIN. CODE r. 20.03.04.015). South Carolina provides specific project standards for community docks in tidelands and coastal waters. (S.C. CODE ANN. REGS. 30-12 (2007)). In its state guidelines for local government planning, Washington encourages plans "to require new residential development of two or more dwellings to provide joint use or community dock facilities, when feasible, rather than allow individual docks for each residence." (WASH. ADMIN. CODE § 173-26-231 (2008)).

I hope you find this information useful. If you need assistance locating the statutes or regulations mentioned above or have additional question, please contact me at anytime.

Sincerely,

Terra Bowling
Research Counsel, National Sea Grant Law Center