

Chapter 48 WATERWAYS¹

Sec. 48-1. Operating season, hours of park facilities.

The operating season and daily hours during which the lake front park will be open and available for use of the watercraft storage, mooring and harbor facilities shall be as established from time to time by resolution of the city council.

(Ord. No. 809, § 94-1, 3-20-2006)

Sec. 48-2. Application; waiting list; watercraft storage.

- (a) An individual filing a waiting list or watercraft storage application must, at the time of filing, be a city resident as defined by section 30-58. Fulltime employees eligible for park pass privileges may submit an application based on the harbor rules and regulations. Residents have priority with respect to any watercraft storage application, priority on the waiting list and any transfers subject to the provisions of any applicable collective bargaining agreement.
- (b) Waiting list application forms and watercraft storage application/agreement forms shall be provided by the parks and recreation ~~division~~ department and shall be filed with the ~~director of parks and recreation~~ recreation supervisor or his designated representative. This representative shall mark the applications with the time and date as applications are filed.
- (c) Applications shall be considered for watercrafts not exceeding 28 feet in total length. The length of the watercraft shall be determined by the procedure listed in section 48-6.
- (d) In the event a waiting list exists, only one application shall be considered from any one family or any one resident address. If no waiting list exists, then the ~~director of parks and recreation~~ recreation supervisor has the discretion to issue a family or resident a second permit for the remainder of any one season, based on application approval and payment.

(Ord. No. 809, § 94-2, 3-20-2006)

Sec. 48-3. Fees; waiting list; watercraft storage.

- (a) Waiting list applicants shall be required to pay to the city a nonrefundable fee, as established by the city council by resolution from time to time, as a requirement to get placement on the waiting list. This fee will not be credited to the watercraft storage fees.
- (b) The annual watercraft storage fees shall be established by the city council by resolution from time to time.
- (c) Watercraft storage application/agreements filed prior to April 1 shall pay a nonrefundable deposit in the amount of 33¼ percent of the annual storage space fee at the time of filing. The balance of the storage fee

¹State law reference(s)—Watercraft and marine safety, MCL 324.80101 et seq.; local regulation, MCL 324.80110 et seq.; wetlands protection, MCL 324.30301 et seq.

shall be paid by April 1. Application/agreements filed April 1 or later shall be required to pay the full storage fee. Application/agreements filed June 1 or later shall be prorated on a daily basis.

(Ord. No. 809, § 94-3, 3-20-2006)

Sec. 48-4. Watercraft—Storage permits.

- (a) Once watercraft storage application/agreements have been approved, watercraft storage permits will be issued indicating the appropriate storage space to which the applicant has been assigned. The assigned space shall only be used by the boat described on the permit.
- (b) To receive approval, the following paperwork must be filed with the application/agreement:
 - (1) A copy of the manufacturer's specification sheet indicating the watercraft LOA (length overall) for the watercraft described in the application/agreement.
 - (2) A copy of the current state registration. The name and address shown on the registration must be the name of the individual filing the application/agreement.
 - (3) Verification of an insurance policy, in the name and address of the individual applying for the application/agreement, which shows at least \$100,000.00 in liability insurance for the registered watercraft. Any increases in liability insurance may be adopted by the council by resolution.
 - (4) Proof of city residency, or employment if applicable.
 - (5) At the request of the ~~director of parks and recreation~~ ~~recreation supervisor~~, a photograph of the boat, showing its length and any appendages.
- (c) Watercraft storage permits shall be issued only for the watercraft described in the application/agreement. In addition, all paperwork must be in the name and address of the applicant. The applicant may be required to provide additional documentation to verify eligibility.
- (d) In the event that a new watercraft will be stored in the space, all proper paperwork must be submitted to the lake front park office and at such time, a new permit will be issued if all rules, regulations and ordinances have been complied with.
- (e) The ~~director of parks and recreation~~ ~~recreation supervisor~~ may change the space assignment when, in his judgement, such action is required. If such action is necessary during the boating season, the watercraft owner will be notified in writing indicating the change and the effective date of the reassignment. The watercraft owner will have five working days following the effective date to move the watercraft to the new space. Failure to move within the required time constitutes revocation of any existing permit. If the reassignment occurs during the winter months, the new space assignment will be indicated on the watercraft storage application/agreement.

(Ord. No. 809, § 94-4, 3-20-2006)

Sec. 48-5. Same—Ownership.

- (a) If the applicant owns a watercraft at the time of filing the wait list application, the watercraft shall be described by indicating the manufacturer, model, type, length, and width on the application.
- (b) If the applicant will be acquiring the watercraft after filing the watercraft storage application/agreement, the information required by section 48-4 shall be furnished to the city before a watercraft storage permit may be issued.

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- (c) If a waiting list applicant is due for a space assignment before owning a boat, the applicant may make payment for the space with the intention of purchasing a boat. The applicant will have until April 1 of the following year to purchase a watercraft for placement in the space.
 - (d) Should the applicant purchase or become the owner of a watercraft other than that described in the application and permit, an amended application shall be filed and a new permit may be issued, provided such watercraft complies with the provisions of this chapter, the proper permit fees are paid and the original permit surrendered.
 - (e) An applicant for a watercraft storage space shall be required to own the watercraft placed in the space in the seasons following the season in which the applicant is assigned.
 - (f) Storage space is nontransferable, except to a spouse. In the event of the death of a permit holder, the space is automatically transferred to a surviving spouse, but other heirs must reapply and are subject to all requirements of this chapter.

(Ord. No. 809, § 94-5, 3-20-2006)

Sec. 48-6. Determination of watercraft length.

- (a) The length of a watercraft permitted in the lake front park marina shall be determined on the basis of the LOA as it appears on the manufacturer's specification sheet or the actual LOA as determined by the recreation supervisor (including any appendages), whichever is longer. The length of the watercraft shall be determined by the length indicated on the state registration in addition to the hand measurements of any appendages, such as outboard motors, swim platform, bowsprit, or pulpit that are not included in the measurement on the registration.
- (b) Any watercraft, which exceeds 28 feet as defined by this chapter, shall not be permitted to obtain a storage space within the lake front park.
- (c) Any watercraft, which exceeds 28 feet as defined by this chapter, and has been assigned to a storage space prior to the 2005 season, shall only be allowed to remain in the lake front park marina if the boat can be assigned to a space that will not jeopardize the safety of other watercraft within the marina.

(Ord. No. 809, § 94-6, 3-20-2006)

Sec. 48-7. Renewal applications.

Renewal application forms for watercraft storage spaces shall be mailed to eligible residents on or about November 1 of each year and shall be returned and filed with the city by December 1 of each year, along with a nonrefundable application fee in the amount of 33½ percent of the annual storage space fee. The balance of the storage space fee shall be due and payable to the city on or before April 1 of each year. Late payment of either the deposit or other fees subjects the applicant or permit holder to cancellation of the application, or nonrenewal or revocation of the permit. Late fees for both the initial deposit and the April 1 payment are set at \$75.00 per payment. These dates and late fees may be modified by council resolution.

(Ord. No. 681, § 1, 2-27-1995; Ord. No. 809, § 94-7, 3-20-2006)

Sec. 48-8. Priority in the issuance of permits.

So as to give all bona fide residents of the city a reasonable opportunity to avail themselves of watercraft storage and mooring facilities at the lake front park, the following procedure shall be followed in the issuance of permits under this chapter:

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- (1) Permit holders for the immediately preceding year shall have the privilege of renewing an application/agreement for the successive year before wait list applicants are assigned. In order for a previous permit holder to renew the application/agreement, the appropriate deposit amount must be paid by December 1 and the application/agreement must be submitted along with a current copy of the state registration and a current copy of liability insurance showing coverage of \$100,000.00 in liability by December 1.
 - (2) Once previous permit holders have paid deposits for the upcoming season, applications will be issued to wait list applicants according to the date and time of filing to the extent that spaces are available. The recreation supervisor or his designated representative shall assign spaces to the applicants.
 - (3) Failure to take advantage of such space by the waiting list applicant shall constitute a forfeiture of priority privilege and the waiting list application shall be removed from the record. The applicant may reapply to be placed back on the waiting list.

(Ord. No. 682, § 1(2-9-6), 2-27-1995; Ord. No. 809, § 94-8, 3-20-2006)

Sec. 48-9. Waiting list for watercraft storage spaces.

- (a) Upon completion of a wait list application, a receipted copy of the application shall be forwarded to the applicant indicating the date and time of filing. This date and time shall be referenced when assigning storage spaces so that the most recent applicant shall be eligible for a space once a suitable space opens. The ~~director of parks and recreation~~~~recreation supervisor~~ or his designated representative shall maintain a roster of all waiting list applicants for storage spaces, which shall contain the following information:
 - (1) The names, addresses and telephone numbers of the applicant.
 - (2) Description of the watercraft.
 - (3) Date and time of filing the application.
- (b) As storage spaces become available for wait list applicants, those applicants shall be notified in writing by certified mail. Failure to take advantage of such notice within ten working days after receiving personal notification of the availability of such storage space shall constitute a forfeiture of priority privileges and the waiting list application shall be removed from the records.
- (c) If there are not sufficient spaces in which to assign all waiting list applicants, such waiting list applications shall remain on file and retain their priority for any spaces which may become available.
- (d) Any waiting list applicant who has been removed from eligibility for a watercraft storage permit by reason of forfeiting the applicant's priority position may file a new waiting list application which will place such applicant on the bottom of the waiting list for future consideration. The ~~director of parks and recreation~~~~recreation supervisor~~ or his designated representative shall keep the waiting list available for public inspection upon request of any resident.

(Ord. No. 809, § 94-9, 3-20-2006)

Sec. 48-10. Cancellation of permit.

- (a) If a watercraft owner wishes to cancel his or her watercraft storage space at any time after payment has been made to the city, such owner must notify the ~~division~~~~department~~ of parks and recreation by submitting a written notice indicating the date of cancellation. The watercraft owner will forfeit the watercraft storage space and any renewal for the following seasons.

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- (b) Any watercraft storage space fees paid by the watercraft owner who cancels the watercraft storage space shall be forfeited to the city; however, if the city is able to rent the storage space for the remainder of the season, the fees paid by the subsequent renter will determine the amount to be refunded to the previous renter, less a fee of \$75.00 for administrative costs. The fee may be changed by council resolution.
 - (c) To again be eligible for a watercraft storage space, such owner shall be required to apply to be placed upon the waiting list, if any, and pay the required fee.

(Ord. No. 809, § 94-10, 3-20-2006)

Sec. 48-11. Disposition of revenue.

All fees collected shall be kept in a separate account and shall be used for the following purposes:

- (1) Improvements, maintenance and repair of dockage and mooring facilities and adjacent areas, administrative costs and park staff payroll.
- (2) Any surplus to be transferred to the account or accounts from which the original appropriation was made for construction of such facilities.
- (3) A policy is hereby established that the permit fees shall, from time to time, be reviewed and revised by the city council so as to provide sufficient funds to amortize the cost of such improvements, construction of watercraft storage and mooring facilities, within the life thereof, as shall be determined by the city council.

(Ord. No. 684, § 1(2-9-8), 2-27-1995; Ord. No. 697, § 1, 3-4-1996; Ord. No. 809, § 94-11, 3-20-2006)

Sec. 48-12. Use of city-owned watercraft launching equipment; permit.

- (a) Watercraft owners may use the launching equipment provided by the city at the lake front park, in accordance with the terms of this chapter and applicable state rules and regulation.
- (b) Any watercraft entering the park on a trailer shall be required to obtain a watercraft launching ramp permit. Daily and season passes shall be available for purchase at the front gate and such fees shall be determined from time to time by the city council.
- (c) Any watercraft owner who has been issued a watercraft storage permit is entitled to use the launching equipment for that permitted boat without purchasing a launching permit.
- (d) The term "watercraft," as used in this section, shall include any watercraft carried upon a trailer. Sailboards, surfboards, kayaks and similar watercraft shall not required a launching permit if not transported upon a trailer.

(Code 1975, § 2-9-9; Ord. No. 809, § 94-12, 3-20-2006)

Sec. 48-13. Use of watercraft space.

The space assigned shall only be used by the watercraft described in the application and upon which the permit was issued under this chapter; provided, that the ~~director of parks and recreation~~ ~~recreation supervisor~~ may change the space when, in his judgment, such action is required.

(Code 1975, § 2-9-10; Ord. No. 809, § 94-13, 3-20-2006)

Sec. 48-14. Launching and removal of watercrafts.

All watercrafts shall be launched and removed by the owner or the owner's agent at the owner's own risk and responsibility, and no city employee shall assist in any such operations. No watercraft shall be permitted to be launched prior to May 1 and all watercrafts must be removed from the storage spaces prior to November 1 of any year, unless a written wavier is signed.

(Code 1975, § 2-9-12; Ord. No. 809, § 94-15, 3-20-2006)

Sec. 48-15. Watercraft safety inspection.

The ~~director of parks and recreation~~~~recreation supervisor~~ or his designated representative shall have the authority to require watercraft owners using the docking facilities at the lake front park to have their watercraft inspected and approved for safety equipment and conditions by the U.S. Coast Guard Auxiliary. Should any watercraft owner fail upon request of the ~~director of parks and recreation~~~~recreation supervisor~~ or his designated representative to secure a safety inspection by the U.S. Coast Guard Auxiliary, such failure shall be grounds for revocation or suspension of the watercraft dock permit of such owner.

(Code 1975, § 2-9-16; Ord. No. 809, § 94-16, 3-20-2006)

Sec. 48-16. Rejection of applications.

An application for a watercraft storage permit shall be rejected where the applicant has failed to comply with the provisions of this chapter or the rules and regulations, or does not qualify; or where the applicant's permit has been previously revoked. In the latter case, such application may be reinstated upon approval of the city council upon good cause shown.

(Code 1975, § 2-9-17; Ord. No. 809, § 94-17, 3-20-2006)

Sec. 48-17. Revocation or suspension of permit; appeals.

Any permit issued under this chapter may be revoked or suspended for violation of the provisions of this chapter or chapter 30, upon recommendation of the ~~director of parks and recreation~~~~recreation supervisor~~, and by order of the city administrator. Such revocation or suspension shall become effective upon notice in writing, with reasons therefor stated, mailed to or served upon the holder of the permit. Appeal to the city council may be had from such notice of suspension or revocation upon application, in writing, by the aggrieved party, filed with the city administrator within five days after receipt of the notice of suspension or revocation. The city council shall hear such appeal and make the determination thereon, which shall be final.

(Code 1975, § 2-9-18; Ord. No. 809, § 94-18, 3-20-2006)

Sec. 48-18. Removal of watercraft by city; recovery of expenses.

Any watercraft not removed from its mooring facilities by the owner prior to November 1 shall be removed and placed in storage by the ~~director of parks and recreation~~~~recreation supervisor~~ or his designated representative in the name of the owner. The expense of such removal and storage is the responsibility of the watercraft owner, and any expenses incurred by the city in the enforcement of the provisions of this chapter may be recovered by the city from the owner.

(Code 1975, § 2-9-19; Ord. No. 809, § 94-19, 3-20-2006)

Sec. 48-19. Adoption of harbor rules and regulations by reference.

In addition to this chapter, the council may adopt, by resolution, harbor rules and regulations. All persons entering the park are subject to this chapter and the harbor rules and regulations. All applicants and permit holders are required to comply at all times with both this chapter and the harbor rules and regulations. In the event of inconsistency between this chapter and the harbor rules and regulations, this chapter controls.

(Ord. No. 809, § 94-20, 3-20-2006)