

**ORDINANCE # \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR THE CITY OF GROSSE POINTE WOODS, CHAPTER 48, WATERWAYS, SECTIONS 48-2 (b) and (d), 48-4 (b)(5) and (e), 48-9(a) and (d), 48-10(a), 48-13, 48-15, 48-17, AND 48-18 TO CHANGE AUTHORITY AND RESPONSIBILITY OF THE RECREATION SUPERVISOR TO THE DIRECTOR OF PARKS AND RECREATION**

**THE CITY OF GROSSE POINTE WOODS ORDAINS:**

**Section 1. Ordinance Amendment.**

**Chapter 48, Waterways, Sections 48-2 (b) and (d), 48-4 (b)(5) and (e), 48-9(a) and (d), 48-10(a), 48-13, 48-15, 48-17, and 48-18 are hereby amended to read as follows:**

**Chapter 48 WATERWAYS<sup>1</sup>**

**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 department and shall be filed with the director of parks and recreation or his designated representative. This representative shall mark the applications with the time and date as applications are filed.

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<sup>1</sup>State 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.

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- (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 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. 48-4. 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, 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 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. 48-9. 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

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director of parks and recreation 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 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 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.
- (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. 48-13. 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 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. 48-15. Watercraft safety inspection.**

The director of parks and recreation 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 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. 48-17. 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, 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 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)