STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF WALLED LAKE

ORDINANCE NO. C-288-10

MARINE AND WATER SAFETY ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND CHAPTER 50 "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE IX "MARINE AND WATER SAFETY" OF THE CITY OF WALLED LAKE CODE OF ORDINANCES TO ENACT REGULATIONS AND REQUIREMENTS APPLICABLE TO WATERCRAFT DOCKS, DOCKING AND WATERCRAFT LAUNCHING AND ACTIVITIES RELATED TO DOCK USE AND MOORING OF WATERCRAFT AS A MEASURE TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE OF PERSONS AND PROPERTY WITHIN THE CITY

THE CITY OF WALLED LAKE ORDAINS:

Section 1 of Ordinance

Chapter 50 "Offenses and Miscellaneous Provisions", Article IX "Marine and Water Safety", Section 50-351 "Purpose and Intent" of the Code of Ordinances, City of Walled Lake, Michigan, is hereby amended in its entirety to read as follows:

Section 50-351. Purpose and Intent.

This ordinance is adopted for the purpose of adopting by reference certain provisions of Part 801 "Marine Safety" and Part 301 "Inland Lakes and Streams" of the Michigan Natural Resources and Environmental Protection Act P.A. 451 of 1994, MCL 324.80101, *et seq.*, as amended, and to enact water safety provisions regulating navigable waters located within the City of Walled Lake to protect the public health, safety and welfare and to enact regulations and requirements applicable to watercraft docks, docking and watercraft launching and activities related to dock use and mooring of watercraft as a measure to protect the public health, safety and welfare of persons and property within the City. The provisions of this Article shall in no way convey, grant, expand, abrogate, alter or modify property interests, easements or restrictive covenants.

Section 2 of Ordinance

Chapter 50 "Offenses and Miscellaneous Provisions", Article IX "Marine and Water Safety", Section 50-352 "Definitions" of the Code of Ordinances, City of Walled Lake, Michigan, is hereby amended in its entirety to read as follows:

Section 50-352. Definitions.

For purposes of this Article only, the definitions set forth in Part 301 "Inland Lakes and Streams", MCL 324.30101, as amended, and Part 801 "Marine Safety", MCL 324.80101 thru MCL 324.80104, as amended, of the Michigan Natural Resources and Environmental Protection Act P.A. 451 of 1994, as amended, are hereby adopted and incorporated by reference. Except as otherwise provided in this section, as used in this Article:

"Act" means of the Michigan Natural Resources and Environmental Protection Act P.A. 451 of 1994, as amended.

"Anchor" or "Anchoring" means to temporarily secure occupied watercraft or vessels by rope, chain or other collapsible attachment to any weighted object less than eighteen inches in height temporarily placed on the surface of bottomland to facilitate active use of occupied watercraft or vessels.

"*Bottomland*" means the land area of an inland lake or stream that lies below the ordinary high water mark and that may or may not be covered by water.

"Dock" includes any permanent, temporary or seasonal structure located wholly or partially in the water, or extending over or through the water, with a horizontal surface or platform at, above or below the surface of the water.

"Moor or Mooring" means attaching or securing an unoccupied watercraft or vessel to any dock or mooring structure, or any other structure or equipment that is either attached to or placed upon bottomland or within waters of the city, but shall not include anchoring.

"*Mooring Structure"* means any freestanding post, pole, piling, board, limb or other structure driven, placed, attached, dug or buried into or upon bottomland to secure or moor any watercraft or vessel, but shall not include a dock or anchor.

"*Ordinary High Water Mark*" means ordinary high water mark as defined in the Inland Lakes and Streams Act, MCL 324.80101, *et. seq.*, as amended.

"Riparian Zone" means the bottomland immediately adjacent to a waterfront lot defined by the extension of riparian side lot lines to the center of the adjoining waters of the city and shall be included in the zoning lot for a waterfront lot.

"Seasonal mooring" or "Seasonally moored" means mooring watercraft upon waters of the city or upon any riparian zone or lot within the city for three (3) or more consecutive days.

"Watercraft" means all watercraft required to be registered with the State of Michigan.

"*Waters of the City"* means any navigable lake, stream, river or other waters of the state located within the City of Walled Lake.

Section 3 of Ordinance

Chapter 50 "Offenses and Miscellaneous Provisions", Article IX "Marine and Water Safety", Section 50-356 "Removal and Placement of Structures" of the Code of Ordinances, City of Walled Lake, Michigan, is hereby amended in its entirety to read as follows:

Section 50-356. Removal and Placement of Structures

All temporary or seasonal structures and equipment, including, but not limited to, seasonal docks, hoists and lifts, and all permanent, temporary or seasonal mooring structures shall be completely removed from all bottomlands and waters of the city by no later than October 31st of each year and stored in compliance with all applicable ordinances and in a manner so as not to create a nuisance. Permanent, temporary or seasonal structures and equipment, including, but not limited to, docks, hoists and mooring structures, shall not be installed, erected or constructed upon bottomlands or water of the city until weather and water conditions permit. This section shall not require removal of anchors or mooring structures located at least three feet below the surface of the water unless the anchor or mooring structure presents a safety hazard pursuant to Section 50-359. This section shall not apply to fishing shanties.

Section 4 of Ordinance

Chapter 50 "Offenses and Miscellaneous Provisions", Article IX "Marine and Water Safety", Section 50-361 "Limitations and Penalties" of the Code of Ordinances, City of Walled Lake, Michigan, is hereby amended in its entirety to read as follows:

Section 50-361. Registration of Seasonally Moored Watercraft.

All watercraft seasonally moored upon any Waters of the City or upon a riparian zone or lot within the City shall be registered with the City of Walled Lake pursuant to the provisions of this Article by making proper application and paying a watercraft registration fee established by resolution of City Council.

Section 5 of Ordinance

Chapter 50 "Offenses and Miscellaneous Provisions", Article IX "Marine and Water Safety", of the Code of Ordinances, City of Walled Lake, Michigan, is hereby amended by adding Sections 50-362 through 50-368 which shall read as follows:

Section 50-362. Display of City Watercraft Registration.

All watercraft seasonally moored upon any Waters of the City shall display a current and valid City of Walled Lake Watercraft Registration decal issued by the City of Walled Lake pursuant to the provisions of this Article. The decal shall be visibly and conspicuously displayed upon the hull of a watercraft immediately adjacent to the State of Michigan Watercraft Registration decal.

Section 50-363. Watercraft Registration Application.

Application for watercraft registration pursuant to this Article shall be made by completing and submitting a City of Walled Lake watercraft registration application form and payment of the registration fee to the City Clerk and shall include the following:

a) A copy of a current and valid State of Michigan watercraft registration for the watercraft requested for registration pursuant to this Article;

b) The address or parcel number of lot where the watercraft will be moored ("registered lot") and whether the registered lot is owner occupied or rental property;

c) The name(s) and address(es) of the property owner(s) of the lot where the watercraft will be moored and the name(s) and address(es) of all known holders of deeded riparian rights in the lot;

d) The name and domicile address of the registered owner of the watercraft and proof of residency (e.g. Drivers license, State Id, lease, etc.);

e) The name and address of the applicant;

f) For lots approved for shared waterfront lot dock use and mooring pursuant to Section 21.49 of the City Zoning Ordinance, as amended, a current and valid certificate of approval of shared water front lot dock use and mooring.

Section 50-364. Issuance and Approval of Watercraft Registration.

The City Clerk shall approve an application for watercraft registration pursuant to this Article and issue a City of Walled Lake watercraft registration decal for the single watercraft identified in the application within ten (10) days of receipt of a complete application and upon satisfaction of all following requirements:

a) Submission of a complete application to the City Clerk;

b) Payment of the required registration fee;

c) Proof of current and valid State of Michigan Watercraft Registration;

d) Proof that the registered owner of the watercraft either owns, resides or has deeded riparian rights in the lot where the watercraft will be moored (i.e. registered lot), or; Proof that the registered owner of the watercraft has been approved for shared waterfront lot dock use and mooring pursuant to section 21-49 of the City Zoning Ordinance, as amended, for the lot where the watercraft will be moored (i.e. registered lot), and;

e) Determination that seasonal mooring of the watercraft identified in the application will not result in an unpermitted use of the lot where the watercraft will be moored (i.e. registered lot).

Section 50-365. Non-Transferability of Watercraft Registration and Decal Removal.

Watercraft registration and watercraft registration decals issued pursuant to this Article are nontransferable and valid only for the single watercraft identified in the watercraft registration application. The owner of a watercraft registered pursuant to this Article shall completely remove the City of Walled Lake watercraft registration decal from a registered watercraft upon either of the following:

a) Sale, transfer, or disposal of a registered watercraft, or;

b) Sale, transfer, conveyance or termination of the registered owner's lawful ownership, occupancy or access rights in the registered lot, or;

c) For watercraft moored pursuant to approved shared water front lot use and mooring, on October 31st each calendar year.

Section 50-366. Expiration of Watercraft Registration.

A watercraft registration issued and approved pursuant to this Article shall automatically expire and rendered invalid upon occurrence of any of the following:

a) Sale, transfer, or disposal of a registered watercraft, or;

b) Sale, transfer, conveyance or termination of the registered owner's lawful ownership, occupancy or access rights in the registered lot, or;

c) For watercraft moored pursuant to approved shared water front lot use and mooring, on October 31st each calendar year, or;

d) Placement of a decal upon a watercraft other than the watercraft identified in the application, or;

e) Removal, damage or destruction of a decal, or;

f) Seasonal mooring of a registered watercraft upon the registered lot would result in an unpermitted use of the registered lot, or;

g) Written notification to the registered owner that the application was improperly or erroneously approved due to mistake, oversight, false or misleading application, or failure to pay required fees, or;

h) Transferring or selling, or attempting to transfer or sell a City of Walled Lake Registration decal, or;

i) Two (2) or more violations within one (1) calendar year of section 50-367 of this Article, as amended.

Section 50-367. Watercraft Registration Violations.

It shall be unlawful and a violation of this section for a person to do any of the following:

a) Seasonally moor a watercraft upon waters of the city or upon a riparian zone or lot within the city in violation of the registration requirements set forth in Section 50-361 of this Article, as amended;

b) Failure to display a current and valid City of Walled lake watercraft registration decal upon any seasonally moored watercraft as required by Section 50-362 of this Article, as amended;

c) Displaying, affixing or attaching a City of Walled Lake Registration Decal to a watercraft other than the watercraft identified in the corresponding application;

d) Seasonally mooring a registered watercraft upon a riparian zone or lot within the City other than the registered lot identified in the corresponding application;

e) Failing to completely remove a decal from a registered watercraft as required by Section 50-365 of this Article, as amended;

f) Knowingly preparing or submitting a false or materially misleading watercraft registration application;

g) Seasonally mooring a registered watercraft upon waters of the city or upon a riparian zone or lot within the city after expiration or invalidation of watercraft registration as provided in Section 50-366 of this Article, as amended;

h) Transferring or selling, or attempting to transfer or sell a City of Walled Lake Registration decal.

Section 50-368. Limitations and Penalties.

Violations of the Act punishable by more than 93 days in jail and/or a $500 fine shall not be enforced by the City as an ordinance violation. Penalties not exceeding 93 days in jail and/or a $500 fine provided by the provisions of the Act adopted herein by reference are hereby adopted as the penalties for violations of the corresponding provisions of this Article. All other sections and provisions of this Article shall be punishable as municipal civil infractions as provided in Section 1-19, *et. seq.,* of the City of Walled Lake Code of Ordinances, as amended.

Sections 50-369 – 50-390. Reserved.

Section 6 of Ordinance

Amended only as specified above and in this ordinance, the City of Walled Lake Code of Ordinances shall remain in full force and effect. In the event of a conflict with any provision of the Act, the Act shall be controlling.

Section 7 of Ordinance

If any provision of this ordinance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision.

Section 8 of Ordinance

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 9 of Ordinance

This ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect upon publication in accordance with the applicable provisions of state law and City Charter.

AYES:
NAYS:
ABSENTS:
ABSTENTIONS:

STATE OF MICHIGAN)
)SS.
COUNTY OF OAKLAND)

CERTIFICATION

I, the undersigned, the duly qualified and acting City Clerk for the City of Walled Lake, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Walled Lake City Council at a regular meeting held on the ____ day of _____, 2010.

The above Ordinance was given publication in the _____ on _____, 2010.

_____
CATHERINE BUCK, City Clerk
CITY OF WALLED LAKE

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_____
WILLIAM T. ROBERTS, Mayor
CITY OF WALLED LAKE

Introduced: _____
Adopted: _____
Effective: _____

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