

## CHAPTER 93: HARBOR REGULATIONS

### Section

#### *General Provisions*

- 93.01 Vessel compliance
- 93.02 Vessel speed
- 93.03 Disturbing the peace
- 93.04 Credentials
- 93.05 Sunken vessels
- 93.06 Commercial or residential uses
- 93.07 Wharves and docks; maintenance
- 93.08 Fire control
- 93.09 Posting of regulations
- 93.10 Enforcement
- 93.11 Pollution

#### *Mooring and Docking of Vessels*

- 93.25 Use of docks
- 93.26 Launch ramps
- 93.27 Interference with navigation
- 93.28 Mooring of vessels
- 93.29 Securing of vessels
- 93.30 Lights
- 93.31 Anchoring vessels; use of docks

#### *Encroachments; Construction*

- 93.45 Prohibition
- 93.46 Construction permits
- 93.47 Production of permit required
- 93.48 Reports of encroachments

#### *Recreational Activities*

- 93.60 Fishing restrictions within the harbor; areas of prohibited fishing
- 93.61 Nuisance

- 93.62 Definitions
- 93.63 Closure by Harbor Master
- 93.64 Other prohibited activities

93.99 Penalty

***Cross-reference:***

*Harbor Commission, see §§ 31.01 through 31.12*

***Statutory reference:***

*Marine safety, see M.C.L. §§ 327.80101 et seq.*

### **GENERAL PROVISIONS**

#### **§ 93.01 VESSEL COMPLIANCE.**

All vessels, watercraft and floats using said harbor shall be equipped and operated according to M.C.L. §§ 327.80101 et seq., the Marine Rules and Regulations established under the authority of Act 303, the maritime laws of the United States, the statutes of the state and shall be registered under law and licensing laws of the state, as required for the particular class of vessel.  
(1989 Code, § 14.4000) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

#### **§ 93.02 VESSEL SPEED.**

(A) *Five mph limit.* Vessels, watercraft and floats navigating the harbor shall not proceed at a speed greater than five mph and shall not in any case proceed at an excessive speed, even though it be less than five mph, such as to cause loss or damage or to endanger the life, limb or property of person(s) in or on the waters of said harbor.

(B) *Power to regulate.* Special restricted or unrestricted speed zones may be established by rule and regulation of the Harbor Commission.

(C) *Exceptions.* The provisions of this section shall not be construed to prohibit the running or racing of exhibition vessels, muffled or unmuffled, during a publicly announced, properly authorized and adequately patrolled regatta or speed trial exhibition.  
(1989 Code, § 14.4100) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

***Statutory reference:***

*Related provisions, see M.C.L. § 327.80145*

**§ 93.03 DISTURBING THE PEACE.**

It shall be unlawful for any person to operate or for the owner of any vessel, watercraft or float to permit it to be operated upon the waterways of this harbor in such a manner as to destroy the peace and quiet of the inhabitants of the village.

(1989 Code, § 14.4200) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.04 CREDENTIALS.**

Every person in charge of any vessel, watercraft or float shall, upon request of the Harbor Master, furnish information as to the owner of the vessel, watercraft or float and his or her address, cargo, passengers aboard, how long they will be in port and such other information as may be reasonable and desirable to keep a complete record of harbor activities.

(1989 Code, § 14.4300) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.05 SUNKEN VESSELS.**

No person, firm or corporation shall abandon any vessel, watercraft or float or allow the same to sink within the harbor. Every vessel, watercraft or float which shall be so abandoned or allowed to sink in the harbor is hereby declared to be a public nuisance. The owner thereof shall be required to remove said nuisance immediately. Whenever the owner thereof shall not have taken action within 24 hours of said nuisance, the Harbor Commission shall proceed to remove or have removed the said vessel, watercraft or float, and the owner thereof shall be liable for the expense and necessary costs of said removal.

(1989 Code, § 14.4400) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.06 COMMERCIAL OR RESIDENTIAL USES.**

No person shall occupy any vessel, watercraft or float upon the waters of the harbor as a residence or for the purpose of engaging in any business trade or traffic whatsoever without first obtaining a permit and paying all permit fees to the Village Clerk. Such permit shall be posted and remain at all times in a conspicuous place in or on such vessel, watercraft or float.

(1989 Code, § 14.4600) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.07 WHARVES AND DOCKS; MAINTENANCE.**

Every owner, lessee or person in possession of premises immediately adjacent to or abutting on the harbor shall at all times keep the wharves, docks and bulkhead walls on such premises in good repair and safe condition.

(1989 Code, § 14.5000) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.08 FIRE CONTROL.**

No fires, whether contained by grills, hibachis or singular units shall be allowed on the Harbor Commission wooden docks or finger piers. The agency in charge of the Harbor Park shall provide adequate picnic tables and charcoal grills for public convenience. The Harbor Commission shall designate no smoking areas in the harbor confines.

(1989 Code, § 14.5200) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.09 POSTING OF REGULATIONS.**

It shall be the duty of the Harbor Master and personnel to see that harbor regulations established by the Harbor Commission for public docks and facilities shall be posted in a conspicuous place on such public dock and facility.

(1989 Code, § 14.5300) (Ord. 14-01, passed 2-4-2014)

**§ 93.10 ENFORCEMENT.**

Officers of the Village Police Department, the County Sheriff's Department, the State Department of Natural Resources or the State Police are hereby empowered to enforce the laws and regulations pertaining to the harbor and the waters within the jurisdiction of the Commission, and the Harbor Master and harbor personnel shall solicit their assistance as necessary.

(1989 Code, § 14.6200) (Ord. 14-01, passed 2-4-2014)

**§ 93.11 POLLUTION.**

(A) *Dumping from land.* No person shall throw, discharge, dump or deposit or cause, suffer or procure to be thrown, discharged, dumped or distributed within the limits of the harbor, any clay, earth, ashes or other heavy substance, filth, logs, floating matter, obstructions or refuse.

(1989 Code, § 14.7000)

(B) *Dumping or discharging from vessels.* All vessels, watercraft or floats entering or leaving upon the harbor shall not discharge oil, refuse or other fouling substances upon the waters of the harbor and shall deposit all garbage, refuse and other unwholesome substances at places and in containers as designated by the Harbor Commission.

(1989 Code, § 14.7100)

(C) *Blowing.*

(1) *Prohibition.* Unless authorized by the DNR and/or U.S.A. Corps of Engineers, it shall be unlawful for the operator or owner of any vessel or other mechanical device to use or allow the use of

a means of propulsion or excavation (e.g., propeller, water or jet stream, bucket, shovel, auger and the like) in such fashion as would cause or tend to cause redistribution of sediment, soil, detritus or debris underwater within the harbor.

(2) *Presumption.* The owner and operator of a vessel, which has its means of underwater propulsion activated (e.g., operated "in gear") while the vessel is secured in position shall be presumed to intend the displacement (i.e., "blowing") of sediment in violation of this section.  
(1989 Code, § 14.7200)  
(Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

***MOORING AND DOCKING OF VESSELS***

**§ 93.25 USE OF DOCKS.**

No vessel, watercraft, barge or float shall be docked, moored, laid up, anchored in, at on or in a dock, well or slip within the harbor without the express permission of the Harbor Master, harbor personnel or private dock owner.  
(1989 Code, § 14.4510) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.26 LAUNCH RAMPS.**

(A) No vessel, watercraft, barge or float shall:

(1) Be left unattended; or

(2) Obstruct traffic while docked, moored, laid up, brought to a stop, or anchored in or at the launch ramps or the launch ramp docks without the express permission of the Harbor Master.

(B) A vessels engine(s) shall not be running during launch off or loading on, trailer at the North Ramp launch site.

(C) No vessel shall be launched or loaded under power at the launch site.  
(1989 Code, § 14.4520) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.27 INTERFERENCE WITH NAVIGATION.**

No vessel, watercraft, barge or float shall be docked, moored, laid up, brought to a stop or anchored within the harbor so as to interfere with navigation on the channel or fairways of said harbor.  
(1989 Code, § 14.4530) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.28 MOORING OF VESSELS.**

No vessel, watercraft, barge or float shall be moored to any aids to navigation, breakwaters, abutments or harbor protective work without the express permission of the harbor personnel. (1989 Code, § 14.4540) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.29 SECURING OF VESSELS.**

(A) No person, firm or corporation shall allow or permit any vessel, watercraft or float owned, leased or in his or her possession or charge to lie in the harbor insecurely moored or anchored or to drift upon the waters of the harbor.

(B) The Harbor Master shall notify the master, owner or other person in charge of any vessel, watercraft or float to secure the same without delay. If he or she shall be unable to find the master, owner or person in charge of such vessel, watercraft or float, he or she shall have the power to secure and fasten such vessel, watercraft or float with all cost incurred chargeable to the owner, lessee or person in possession of said vessel. (1989 Code, § 14.4550) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.30 LIGHTS.**

No master or other person in charge or possession of any vessel, watercraft or float anchored, moored or tied up in the harbor shall allow the same to remain during the nighttime, unless properly lighted in accordance with applicable state and/or federal law. (1989 Code, § 14.4560) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.31 ANCHORING VESSELS; USE OF DOCKS.**

(A) *Anchoring for refuge.* When all public boat slips or wells are occupied and small craft warnings have been displayed at the harbor within the previous 24 hours, vessels may anchor in the designated anchorage for periods, not to exceed three consecutive days (unless waived by the Harbor Master.)

(B) *Designated anchorage.* The designated anchorage is an area within the harbor lying east of a line 100 feet east of the private and public docks and south of a line between the fuel dock and the north end of the south wall.

(C) *Anchor lights.* Anchored vessels shall display appropriate lighting and anchor only in such manner as does not obstruct navigation in the harbor. (1989 Code, § 14.4570) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

*ENCROACHMENTS; CONSTRUCTION*

**§ 93.45 PROHIBITION.**

No person shall drive, place, cause to be driven or placed, or keep any pile or piles of stone, timber, earth or other obstruction of any kind whatsoever in the harbor, or build, construct or make any additions to any dock therein or build, or cause to be built any bridge or other structure across any part of the harbor, or drive or place or cause to be driven or placed any pile or piles of timber, or to make any excavation for the purpose of furnishing or laying foundations for any building or structure at any point within 40 feet of any part of the harbor without obtaining a special permit in writing from the Harbor Commission and approved by the Village Council to do so.

(1989 Code, § 14.5100) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.46 CONSTRUCTION PERMITS.**

(A) No person shall perform any construction as hereinbefore provided in, on or along the harbor without a permit from the DNR and Army Corps of Engineers.

(B) The fee for such permit shall be set by the DNR and Army Corps of Engineers.

(1989 Code, § 14.5120) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.47 PRODUCTION OF PERMIT REQUIRED.**

It shall be the duty of the Harbor Master to require all persons who may be engaged in altering or constructing any dock within the harbor to produce a permit from the DNR and Army Corps of Engineers which permit shall specify the character and location of such alteration or construction and, in default of the production of such permit, the Harbor Commission shall at once cause all such work to stop.

(1989 Code, § 14.5130) (Ord. 14-01, passed 2-4-2014)

**§ 93.48 REPORTS OF ENCROACHMENTS.**

It shall be the duty of the harbor personnel to report to the Harbor Commission any and all encroachments upon the harbor lines as now established or which may hereafter be established and, thereupon, the said Harbor Commission shall take such action as may be necessary to enforce the provisions of this code, and to remove or cause to be removed any such obstructions or encroachments.

(1989 Code, § 14.5140) (Ord. 14-01, passed 2-4-2014)

**RECREATIONAL ACTIVITIES****§ 93.60 FISHING RESTRICTIONS WITHIN THE HARBOR; AREAS OF PROHIBITED FISHING.**

(A) Recreational fishing, as defined and controlled in the Hunting and Fishing Law, M.C.L. §§ 324.43501 et seq., shall only be permitted within the jurisdictional limitations of the Harbor Commission subject to the following restrictions.  
(1989 Code, § 14.6000)

(B) (1) Fishing is prohibited in the south basin of the harbor in an area defined by the stone causeway on the south, the shore on the west, the north side of the Bark Shanty Marina floating docks on the north and a line between the east end of the Bark Shanty Marina floating docks and the east end of the southern stone causeway.

(2) Fishing is prohibited in all boat channels and fairways.

(3) Fishing is prohibited within the dock and ramp area of the boat basin, except as follows.

(a) Fishing is prohibited from village docks except at posted times, dates and places as designated by the Harbor Commission.

(b) Fishing is prohibited from shore and docks north of the village docks, except by written permission of upland property owner.

(1989 Code, § 14.6010)

(Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.61 NUISANCE.**

Persons fishing within the harbor shall not do so in such manner as to annoy, intimidate, harass or cause or tend to cause personal injury or property damage.

(1989 Code, § 14.6020) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

**§ 93.62 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DOCK AND RAMP AREA OF THE BOAT BASIN.** The west portion of the harbor waters extending from the stone causeway on the south to the steel breakwall on the north, bounded on the west



by the shore and on the east by the federal line (which runs approximately from the eastern end of the stone causeway, northerly along the east end of the boat docks and extends to the northeast end of the MIDNR boat ramp.)

**FISHING.** The pursuing, capturing, catching, killing or taking of fish, and includes attempting to take fish.

(1989 Code, § 14.6030) (Ord. 14-01, passed 2-4-2014)

**§ 93.63 CLOSURE BY HARBOR MASTER.**

The Harbor Master is authorized to close any area of the harbor from fishing for 24-hour periods upon evidence that:

(A) Fairways are being obstructed;

(B) Boats are being damaged by the fishing process; and/or

(C) Personal injury has occurred or is likely to occur if fishing within the harbor is not restrained.  
(1989 Code, § 14.6040) (Ord. 14-01, passed 2-4-2014)

**§ 93.64 OTHER PROHIBITED ACTIVITIES.**

No person shall bathe, swim, water-ski, dive, ice skate, launch any boat or make any other recreational use of any harbor waterways adjacent to the Harbor Commission controlled land or within the confines of harbor breakwalls, including, but not limited to, the following.

(A) No throwing sports or camping shall be permitted on the Harbor premises.

(B) No bicycles or motor vehicles shall be operated on the Harbor docks.

(C) All dogs or other pets shall remain on a leash while on harbor docks or finger piers, except in such areas where the activity engaged in is specifically permitted and signs authorizing such activity are erected.

(D) Fish cleaning in the public areas of the village is prohibited unless by special permit is requested and issued.

(E) No person may use any private or Harbor Commission controlled land to gain access to adjacent waters for the purpose of engaging in such activities in such prohibited areas.

(F) The Harbor Master shall post suitable signs conspicuously on all Harbor Commission controlled property where any harbor recreational use or activity is not allowed, giving notice to the public of what

recreational activities are authorized in that particular harbor area. The Harbor Master is authorized to erect signs conspicuously on Harbor Commission controlled waterfront property where harbor recreational activity is not authorized, which signs may specify the particular recreational activities prohibited; provided, the absence of any sign shall not contribute a defense to any charge of violation of this section.

(1989 Code, § 14.6100) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

### § 93.99 PENALTY.

(A) Any master, owner or person in possession, charge or control or any vessel, craft or float, or any other person, firm or corporation, who shall violate any of the provisions of this chapter or shall refuse or fail to comply with any lawful order of the Harbor Commission given under the authority hereof shall be responsible for a Grade 2 civil infraction unless otherwise provided.

(1989 Code, § 14.800)

(B) (1) Violation of § 93.26(A) of this chapter shall be a Grade 2 civil infraction.

(2) Violation of § 93.26(C) of this chapter shall be a Grade 3 civil infraction.

(1989 Code, § 14.4520)

(Ord. 14-01, passed 2-4-2014)