

Chapter 25

WATERWAYS*

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- * **Charter References:** General municipal powers, control and regulation of streams, waters and watercourses, § 2.3(i).
Cross References: Buildings and building regulations, ch. 5; environment, ch. 10; floods, ch. 12; land development, ch. 14; parks and recreation, ch. 16; streets, sidewalks and other public places, ch. 19; zoning, ch. 26.
State Law References: Watercraft and marine safety, MCL 324.80101 et seq., MSA 13A.80101 et seq.
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ARTICLE I.

IN GENERAL

Sec. 25-1. Placing foreign substance in Dollar Lake; penalty.

(a) It shall be unlawful for any person, directly or indirectly, to dump, spread, lay out or otherwise place upon or in frozen water or the surface of Dollar Lake any foreign substance, such as but not limited to sand, ashes, straw, salt, branches and limbs of trees.

(b) Any person violating the provisions of this section shall upon conviction be subject to section 1-7. (Ord. No. 123, §§ 1.01, 2.01, 1-31-1972)

Secs. 25-2--25-35. Reserved.

ARTICLE II.

WATERCRAFT AND MARINE SAFETY

Sec. 25-36. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Watercraft means any contrivance used or designed for navigation on water, including but not limited to any vessel, ship, boat, motor vessel, steam vessel, vessel operated by machinery either permanently or temporarily affixed, scow, tugboat and rowboat.

(Ord. No. 34, § 2, 6-17-1958)

Cross References: Definitions generally, § 1-2.

Sec. 25-37. Compliance with state law required.

No person shall operate any watercraft upon the waters within the territorial limits or bordering upon the territorial limits of the city which has not complied with the registration requirements and which do not display the registration numbers provided for by any applicable state law.

(Ord. No. 34, § 1, 6-17-1958)

Sec. 25-38. Operation generally.

(a) Any person operating or propelling a watercraft upon the waters in the territorial limits or bordering upon the territorial limits of the city shall operate the watercraft in a careful and prudent manner, and at such speed so as not to endanger the life or property of any person.

(b) No person shall operate any watercraft at a rate of speed greater than will permit him, in the exercise of reasonable care, to bring the watercraft to a stop within the assured clear distance ahead.

(c) No person shall operate a watercraft in a manner so as to unreasonably interfere with the lawful use by others upon the waters within the territorial limits or bordering upon the territorial limits of the city.

(Ord. No. 34, § 4, 6-17-1958)

Sec. 25-39. Operation under the influence.

It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic drugs, barbitol or any derivation of barbitol, or person who is an habitual user of narcotic drugs, barbitol or any derivative of barbitol, to operate, propel or be in actual physical control of any watercraft upon the waters within the territorial limits or bordering upon the territorial limits of the city. It shall be unlawful for the owner of any watercraft or any person having such in charge or in control to authorize or knowingly permit the watercraft to be propelled or operated by any person who is under the influence of any intoxicating liquor or narcotic drugs, barbitol or any derivative of barbitol, or any person who is an habitual user of narcotic drugs, barbitol or a derivative of barbitol.

(Ord. No. 34, § 3, 6-17-1958)

Sec. 25-40. Operation of water skis, similar contrivances.

Any person who operates any watercraft or who navigates, steers or controls himself while being towed on water skis, water sled, surfboard or similar contrivance upon the waters within the territorial limits or bordering upon the territorial limits of the city carelessly and heedlessly in disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger any person or property, shall be guilty of reckless operation of a watercraft and upon conviction shall be punished as provided in section 25-51.

(Ord. No. 34, § 5, 6-17-1958)

Sec. 25-41. Accidents.

The operator of any watercraft involved in any accident resulting in injury or death to any person or damage to property shall stop his watercraft and give his name, address and the registration number of his watercraft to the person struck or the operator or occupants of any watercraft collided with and render to any person injured in the accident reasonable assistance, including the transporting of the persons to a physician or surgeon for medical or surgical treatment if it is apparent that treatment is necessary or requested by the injured person.

(Ord. No. 34, § 6, 6-17-1958)

Sec. 25-42. Hours of operation limited.

No operator of any watercraft shall have in tow or shall otherwise be assisting in the propulsion of a person on water skis, water sled, surfboard or other similar contrivance during the period one hour after sunset or one hour prior to sunrise. Any person permitting himself to be towed on water skis, water sled, surfboards or similar contrivances in violation of any of the provisions of this section shall be guilty of a misdemeanor.

(Ord. No. 34, § 7, 6-17-1958)

Sec. 25-43. Liability for negligent operation.

The owner of a watercraft shall be liable for any injury occasioned by the negligent operation of such watercraft, whether the negligence consists of violation of the provisions of this chapter, the statutes of the state or in the failure to observe such ordinary care in such operation as the rules of the common law require. The owner shall not be liable unless the watercraft is used with his express or implied consent. It shall be presumed that the craft is being operated with the knowledge and consent of the owner if it is driven at the time of the injury by his son or daughter.

(Ord. No. 34, § 8, 6-17-1958)

Sec. 25-44. Damage from wake or swell.

The owner of any watercraft operated upon the waters within the territorial limits or bordering upon the territorial limits of the city shall be personally responsible for any damage to life or property resulting from a wake or swell created by the negligent operation or propulsion of such watercraft where the watercraft is being operated with his consent.

(Ord. No. 34, § 9, 6-17-1958)

Sec. 25-45. Muffler required.

Every watercraft being operated upon the waters within the territorial limits or bordering upon the territorial limits of the city being propelled by a permanently or temporarily attached motor shall be provided and equipped with a stock factory muffler, underwater exhaust or other modern device capable of adequately muffling the sound of the exhaust of the engine of such motor.

The mufflers shall be kept closed and the exhaust or device kept in proper working order by any person operating or in charge of the watercraft at all times when the engine is in operation. The term "capable of adequately muffling the sound of exhaust of the engine" means the motor's exhaust at all times shall be so muffled or suppressed as not to create excessive or unusual noise.
(Ord. No. 34, § 10, 6-17-1958)

Sec. 25-46. Lights required.

Every watercraft operated upon the waters within the territorial limits or bordering upon the territorial limits of the city during the hours from one hour after sunset to one hour before sunrise shall be equipped with a light on the bow which can be plainly distinguished at a distance of 500 feet.
(Ord. No. 34, § 11, 6-17-1958)

Sec. 25-47. Littering prohibited.

No person as an operator of or as a passenger in any watercraft on the water within the territorial limits or bordering upon the territorial limits of the city shall throw or deposit any glass bottles, tin cans, cardboard containers, or any other type of debris upon or into the waters or on the shore.
(Ord. No. 34, § 12, 6-17-1958)

Cross References: Solid waste, ch. 18.

Sec. 25-48. Right-of-way of non-motor-driven craft.

It shall be the duty of every person operating a motor-driven boat to give watercraft propelled by other than by mechanical means every advantage and stay out of their way.
(Ord. No. 34, § 13, 6-17-1958)

Sec. 25-49. Racing limited.

No person shall engage in any motorboat race or speed without first obtaining permission from the city council and then only on such terms and conditions and under such police supervision as the council may prescribe.
(Ord. No. 34, § 14, 6-17-1958)

Sec. 25-50. Life preservers required.

Every motorboat, launch or other watercraft carrying passengers for hire shall carry life preservers of the

sort and number prescribed by any applicable law.
(Ord. No. 34, § 15, 6-17-1958)

Sec. 25-51. Violation; penalty.

Any person who shall by his own act or omission or by those of agent or employee violate any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-7.
(Ord. No. 34, § 16, 6-17-1958)

Sec. 25-52. Watercraft control for Dollar Lake.

On the waters of Dollar Lake all within the City of Keego Harbor, Town 3 North, Range 9 East, Oakland County, State of Michigan, it is unlawful for the operator of a vessel to exceed a slow--no wake speed.

The boundaries of the area described immediately above shall be marked with signs and with buoys. All buoys must be placed as provided in a permit issued by the department of natural resources and be in conformance with the state uniform waterway marking system.
(Ord. No. 352, § 1, 8-19-1999)

Sec. 25-53. Lake Access and Docking Regulations

In its deliberations leading to the adoption of this Ordinance, the City Council has recognized and concluded that the use of water resources, including the inland lakes situated in the City of Keego Harbor, should be considered within a framework of long-term costs and benefits to the City, and that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of the City lakes. Moreover, it has been recognized that the shore lines of each respective property must be regulated in order to preserve and protect the rights of riparian owners, as well as the City as a whole. It has farther been recognized that the lack of regulation would result in a nuisance condition and an impairment of these important and irreplaceable natural resources of the City, and would further result in the destruction of property values and threaten the public health, safety and welfare of all persons making use of the lakes in the City. Accordingly, it is the intent and purpose of the City Council to adopt reasonable regulations for lake access and docking within the City.

(1) DEFINITIONS.

a. Boat

Any watercraft having a motor, engine or other machinery of more than five (5) horse power or the equivalent, and any "personal watercraft" as defined in the Marine Safety Act, Act 303 of the Public Acts of Michigan of 1967, as amended;

b. Lake Access.

Shall mean a property, parcel, or lot abutting a lake or pond used or intended to be used for the purpose of providing access to a lake or pond by pedestrians or vehicular traffic to and from offshore land.

c. Dock or Docking.

The attaching of a boat directly to a pier, which is a platform or other permanent or seasonal fixture

extending from the shore and which is directly accessible to a lake frontage lot.

d. Lake Frontage

That portion of a lot or parcel of land, existing on documentation recorded within the Oakland County Register of Deeds, which abuts or intersects with the ordinary high water mark of a lake, whether such lot or parcel is owned by one or more persons, or any legal entity.

e. Boat Launch Prohibition

No person shall launch a boat in Keego Harbor unless the boat is launched at Dollar Bay or other city, county or state launch site.

e. Riparian.

Refers to owners of property abutting a water body, whether a lake or a stream.

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REGULATIONS.

- a. Unless otherwise provided herein, or unless otherwise allowed through special land use or planned unit development, no more than four (4) boats, Watercraft, Personal Watercraft or similar contrivances or any combination thereof shall be docked adjacent to each lake frontage. All such Boats, Watercraft, Personal Watercraft or similar contrivances shall be registered to the property owner. In the event that the property owner has rented or leased their property, including all members of Neighborhood Associations, the property owner must notify the City in writing of any watercraft owned by the renters or lessee, The written notice must contain a detailed description of the watercraft along with the Michigan registration numbers.

No Boat, Watercraft, Personal Watercraft or similar contrivances shall dock, moor anchor or impede navigation, in or within 100ft. of any canal or other water tributary including but not limited to Dollar Lake, Dollar Lake canal, Brock St. canal, any designated swim areas public or private, beaches, parks or the canal or water control, flood control device station into Sylvan Lake or dock, lift or mooring device. Property owners with water access on a canal may have only one dock which runs parallel with the canal. The neighborhood association with riparian rights are authorized to moor no more than four boats belonging to members of the association without being required to obtain a marina permit from the DEQ.

- b. If a boat, Watercraft, Personal Watercraft or any similar contrivances which is registered with the State of Michigan or any other jurisdiction within the United States to someone other than the property owner where the boat, Watercraft, Personal Watercraft or similar contrivance, is found to be docked on the property for a period of twelve (12) consecutive hours, the police agency shall do all of the following:
- (1) Determine if the boat, Watercraft, Personal Watercraft or similar contrivances has been reported stolen.
 - (2) Affix a written notice of “Notice of Abandoned Vehicle” (48 hrs. notice) to the boat, Watercraft, Personal Watercraft or similar contrivances indicating the date, time, officer, badge #, proposed removal date and time, year, make, MC numbers, Hull Number and

complaint number.

- (3) If a boat, Watercraft, Personal Watercraft or similar contrivances is not remove within forty-eight (48) hours after the date that the notice was affixed, the Police Department may take the Boat, Watercraft, Personal Watercraft or similar contrivances into custody.
 - (4) Within seven (7) days after taking the boat, Watercraft, Personal Watercraft or similar contrivances into custody, the Police Department shall send to the registered owner and any secured party of record, by first class mail or personal service, notice that the Boat, Watercraft, Personal Watercraft or similar contrivances has been taken into custody.
 - (5) Within twenty (20) days after the notice of custody has been sent to the registered owner or secured party of record, fail to respond to the notice or fail to retrieve the Boat, Watercraft, Personal Watercraft or similar contrivances, the owner, will forfeit ownership of the Boat, Watercraft, Personal Watercraft or similar contrivances.
 - (6) If the registered owner or secured party of record fails to pay the fees incurred by the Police Department or Storage Facility in the taking custody of the Boat, Watercraft, Personal Watercraft or similar contrivances the Boat, Watercraft, Personal Watercraft or similar contrivances shall not be released.
- c. Not more than one (1) dock shall be permitted or used for each lot which has lake frontage and which meets all lot area and frontage requirements of the Zoning Ordinance. All docks, lifts and mooring devices or swim platform shall be located within the property line. No dock or swim platform shall exceed One Hundred and Fifty (150) feet from the waters edge providing it does not encroach on the riparian rights of the adjacent property owners. In the event the property owner's watercraft should require mooring in deeper water the mooring distance shall not exceed the minimal amount of water necessary to navigate into open water. No dock, lift or mooring device or swim platform will be placed in the water before April 1st and shall be removed no later than November 1st. All docks, lifts and mooring devices will be maintained in good repair and safe working condition.
- d. No multi-unit residential development that is located upon a lot or parcel of land with lake frontage shall permit boat access by more than one (1) single-family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment unit for each Forty (40) feet of lake frontage on such lot or parcel of land, as measured along the ordinary high water mark line of the lake in such common lake front area. Such access is limited to one (1) boat per each ten (10) feet of lake frontage. Neighborhood associations will be limited to no more than four (4) watercraft per parcel.
- e. No lake frontage shall be used for boat access to the owners or occupants of newly developed adjacent or neighboring subdivisions, multiple-residential developments, cluster housing developments or mobile home parks, unless the parcel is designated as a special land use multi-boat access site. Such designation may be approved by the City Council, following a recommendation *by* the City Planning Commission after submittal by the developer of a Lake Study Plan, if the proposed special land use meets all of the following standards:
- (1) The resulting conditions will be consistent with the intent of this ordinance

- (2) The resulting conditions will not create or substantially add to traffic or safety hazards in the area, either on roadways or waterways.
- (3) The available public services and facilities will adequately serve the proposed use.
- (4) The proposed use will be sufficiently designed to protect the lakes, natural systems, natural resources, and the health, safety and social and economic welfare of those who will use the proposed use, residents and landowners adjacent to the proposed use, and the community as a whole.

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(5) The minimum lake frontage requirements shall not be less than Forty (40) feet per single family home, dwelling unit, cottage, condominium unit, site condominium unit or apartment unit proposed to have access to or utilize such lake frontage except for the following: Sec. 18-02-426-017, Sec. 18-02-428-004 and Sec. 18-02-28-005

Section 201 Penalty

Any person(s) who violates this ordinance shall be responsible for a Municipal Civil Infraction as defined in Section 1-7 of the City of Keego Harbor Code. A first violation shall be a \$100.00 dollar penalty. A Second violation shall be a \$300.00 dollar penalty. A third or subsequent violation(s) shall be a \$500.00 dollar penalty per occurrence.

Section 301. Repealer.

This Ordinance hereby repeals any ordinances in conflict herewith.

Sections 401. Savings Clause.

That nothing in this Ordinance hereby adopted be construed to affect any just or legal right or remedy of any character nor shall any just or legal right or remedy of any character be lost, unpaired or affected by this Ordinance.

Section 501. Severability.

"The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

Section 601. Adoption.

This Ordinance is hereby declared to have been adopted by the City of Keego Harbor City Council, at a meeting thereof duly called and held on the 1st day of June 2005, and ordered to be given effect upon publication as mandated by Charter and statute.

(Ord. No. 436, § 07/19/2012)