

CHAPTER 1062

Harbor and Waterfront

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CROSS REFERENCES

Parks generally - see Mich. Const. Art. 7, Sec. 23; SU & PS Ch. 1064
 Authority of City re parks - see CHTR. Ch. XIII
 Power to regulate watercourses - see CHTR. Secs. 150, 151
 Parks and recreation facilities in home rule cities - see MCL Secs. 117.4e, 117.5
 Sale of park property - see MCL Secs. 117.5
 Harbors, channels and other navigational facilities, MCL 324.79301, et seq
 Marine Safety Act - see MCL 324.80101
 Harbor Development Act - see MC.LA Sec. 324.79101
 Launching of watercraft in parks - see S.U. & P.S. 1064.15

1062.01 DEFINITIONS.

As used in this chapter:

"Anchor" means to secure a watercraft to the bed of a body of water by dropping an anchor or anchors or by using a buoy or other ground tackle.

"Anchor Equipment" means an anchor, anchor chain, line and associated gear.

"Dock lines" means the line described in Section 1062.07.

"Harbor" means such portions of the Boardman River that lie downstream from the south Union Street bridge and such portions of East Grand Traverse Bay or West Grand Traverse Bay that are included between the waterfront and is one mile distant therefrom.

"Harbormaster" means the Police Chief of the City of Traverse City.

"Moor" means to secure a vessel other than by anchoring.

"Watercraft" means a contrivance used or designed for navigation on water, including a vessel, boat, motor vessel, steam vessel, vessel operated by machinery either permanently or temporarily affixed, scow, jet ski, personal watercraft, tugboat, barge, raft, or any marine equipment that is capable of carrying passengers except a ferry.

(Ord. 443. Passed 7-1-96. Ord. 866. Passed 6-7-10.)

1062.02 APPLICATION OF FEDERAL LAW.

All laws, rules and regulations of the United States government pertaining to the Harbor, Boardman Lake and Boardman River shall be the law of the City.

(1976 Code Sec. 11.012. Ord. No. 517. Passed 11-6-00.)

1062.03 POLICE CHIEF AS HARBORMASTER.

- (a) The Police Chief shall be the Harbormaster. He or she shall enforce this chapter and shall establish and enforce such reasonable rules and regulations as may be desirable to promote order in the Harbor, Boardman River and Boardman Lake and to ensure the safety and convenience of the users as well as the general public.
- (b) The owner, master or person having charge of any watercraft shall observe all orders of the Harbormaster with reference to the navigation and disposal of his or her watercraft while in the Harbor, Boardman River or Boardman Lake.

(1976 Code Sec. 11.01. Ord. No. 517. Passed 11-6-00.)

1062.04 WATERCRAFT REGULATION.

- (a) Anchoring. No person shall anchor a watercraft in the Harbor, Boardman River or Boardman Lake except in accordance with the rules and regulations of the United States government, the State of Michigan and the City in respect thereto. In case of necessity, the Harbormaster may direct the location and length of time any watercraft may anchor.
- (b) Obstructing Passage. No person shall anchor, moor or otherwise fasten a watercraft in the Harbor, Boardman River or Boardman Lake in such a manner as to obstruct the passage of any other watercraft.
- (c) Mooring. No person shall moor any watercraft anywhere in the Harbor, Boardman River or Boardman Lake without the permission of the Harbormaster and the riparian owner or where prohibited and posted by the City Manager or Harbormaster.
- (d) Anchoring Lights. All vessels anchored between sunset and sunrise in the Harbor and not in a special anchorage area shall display a white light on the forward part of the vessel to be visible to any vessel to be visible to any vessel approaching from any direction.
- (e) Speed. No person shall operate a watercraft on the Boardman River so as to exceed a slow no-wake speed. Watercraft moving with the current shall have the right of way.
- (f) Noise. No person shall operate a watercraft in the Harbor, Boardman River or Boardman Lake so as to cause annoyance, disturbance or inconvenience to the public.
- (g) Mufflers. No person shall operate a watercraft operated by an internal combustion engine in the Harbor, Boardman River or Boardman Lake without being equipped with a muffler or other similar device which eliminates all unnecessary noise.
- (h) Unsafe Craft and Anchor Equipment. No person shall leave any watercraft, boat cradle or anchor equipment in the Harbor, on any dock, along the shore of Boardman Lake or along the bank of the Boardman River or upon any portion of public land within the City (i.e. MDOT seawall, Huron Hills Park "A", street ends, Bryant, West Bay and East Bay parks) in an unsafe or unseaworthy condition, or which sinks, grounds or becomes otherwise disabled, or in such position or location that will be an attractive nuisance to children or can be set adrift by children.
- (i) Unattended Watercraft. No person other than the riparian owner or their permittee shall leave unattended any watercraft or anchor equipment above the high water mark in the Harbor, along the shore of Boardman Lake, or along the bank of the Boardman River or upon any portion of public land within the City.
- (j) A person who violates this section responsible for a municipal civil infraction.

(1976 Code Sec. 11.02; Ord. 442. Passed 7-1-96. Ord. 518. Passed 11-6-00. Ord. 866. Passed 6-7-10. Ord. 907. Passed 2-22-11)

1062.05 FORBIDDEN CARGO.

No cargo shall be deposited upon any dock adjoining the Harbor, Boardman River or Boardman Lake, which cargo contains anything that is forbidden entrance to the State by State or Federal law or which is in any way dangerous to the health, safety or welfare of the public.(1976 Code Sec. 11.03. Ord. 517. Passed 11-6-00.)

1062.06 RIGHT OF ENTRY.

The police and health officials shall at all-time have the right to enter upon any watercraft entering all waters within the city's corporate limits to inspect the craft or any person thereon for law enforcement purposes. Fire personnel shall at all times have the right to enter upon any watercraft entering all waters within the city's corporate limits to inspect the craft or any person thereon for fire safety and/or illegal discharge issues.

(1976 Code Sec. 11.04. Ord. 517. Passed 11-6-00. Ord. 979. Passed 8-19-13)

1062.07 DOCK LINES.

The following dock lines are hereby established along the banks of the Boardman River within the City of Traverse City:

- (a) Westerly bank dock line. Along the left or westerly bank of the Boardman River beginning at a point which is 149.09' north of the north line of Front Street and 1278.19' east of the east line of Park Street, said point of beginning having Michigan Central Zone 1983 coordinates of 530361.68' North and 19361311.71' East; thence running upstream therefrom 78.10' southwesterly along a curve right having a radius of 60.74', central angle of 73E40'37", and long chord bearing distance of S62E33'36"W 72.83'; thence N85E58'35"W a distance of 448.42'; thence S00E14'53"W a distance of 40.47'; thence S88E05'53"W a distance of 137.61' to a point on the east line of Boardman Avenue extended 96.32' north of the north line of Front Street; thence S86E50'49"W a distance of 99.18' to a point on the west line of Boardman Avenue extended 90.0' north of the north line of Front Street; thence N89E30'06"W a distance of 135.19'; thence N79E26'39"W a distance of 400.93' to a point on the east line of Park Street 160.00' north of the north line of Front Street; thence N88E15'54"W a distance of 65.97' to a point on the west line of Park Street 161.45' north of the north line of Front Street; thence N82E24'31"W a distance of 259.04'; thence N85E45'11"W a distance of 77.06'; thence N84E54'40"W a distance of 332.70' to a point on the east line of Cass Street 225.10' north of the north line of Front Street, said point having Michigan Central Zone 1983 coordinates of 530455.15' North and 19359302.72' East; thence N89E38'50"W a distance of 65.97' to a point on the west line of Cass Street 224.99' north of the north line of Front Street; thence N82E21'52"W a distance of 136.71'; thence N77E51'03"W a distance of 241.83'; thence N89E26'11"W a distance of 292.04' to a point on the east line of Union Street 291.00' north of the north line of Front Street; thence N90E00'00"W a distance of 66.00' to a point on the west line of Union Street 290.27' north of the north line of Front Street; thence S80E01'27"W a distance of 276.62'; thence S81E14'16"W a distance of 306.55' to a point 189.26' north of the north line of Front Street and 575.37'

west of the west line of Union Street; thence S80E45'29"W a distance of 217.36'; thence S70E02'32"W a distance of 66.05'; thence S20E34'05"W a distance of 42.78'; thence S25E29'54"W a distance of 97.56' to a point on the north line of Front Street 906.94' west of the west line of Union Street; thence S31E14'28"W a distance of 90.51'; thence S48E21'15"W a distance of 137.79'; thence S01E58'14"W a distance of 183.98'; thence S24E39'44"E a distance of 95.35'; thence S40E32'48"E a distance of 102.54'; thence S67E29'25"E a distance of 121.09'; thence S73E47'07"E a distance of 270.52'; thence S75E24'35"E a distance of 262.62'; thence S73E12'46"E a distance of 369.03' to a point on the west line of Union Street 301.49' south of the south line of State Street, said point having Michigan Central Zone 1983 coordinates of 529438.53' North and 19358498.35' East; thence S73E39'43"E a distance of 68.97' to a point on the east line of Union Street 320.44' south of the south line of State Street; thence S81E48'19"E a distance of 37.36'; thence S08E35'26"E a distance of 85.26'; thence S72E36'31"E a distance of 114.28'; thence S67E25'29"E a distance of 182.42'; thence S01E29'36"E a distance of 40.49'; thence S74E37'15"E a distance of 109.50'; thence N86E58'52"E a distance of 41.97'; thence S84E20'27"E a distance of 44.60'; thence N81E05'13"E a distance of 42.34'; thence S84E50'38"E a distance of 40.16'; thence N74E29'23"E a distance of 40.48'; thence N33E18'49"E a distance of 8.30'; thence N50E56'38"E a distance of 22.17' to a point on the west line of Cass Street 546.85' south of the south line of State Street, said point having Michigan Central Zone 1983 coordinates of 529188.29' North and 19359227.27' East; thence S88E09'09"E a distance of 65.99' to a point on the east line of Cass Street 548.33' south of the south line of State Street; thence S42E29'39"E a distance of 24.07'; thence S21E09'02"E a distance of 78.51'; thence S58E27'45"E a distance of 42.16'; thence S65E46'25"E a distance of 254.89'; thence S56E46'30"E a distance of 68.16'; thence S49E31'58"E a distance of 53.92'; thence S61E36'05"E a distance of 67.06'; thence N76E28'17"E a distance of 29.04'; thence S57E05'55"E a distance of 92.52'; thence S61E41'26"E a distance of 32.24'; thence S50E13'10"E a distance of 107.68'; thence S35E51'37"E a distance of 62.78'; thence S58E58'26"E a distance of 48.54'; thence N81E44'41"E a distance of 84.45'; thence S54E41'18"E a distance of 103.97'; thence S62E20'47"E a distance of 121.09'; thence S21E57'01"E a distance of 60.11' to a point on the north line of Eighth Street (as extended west across the Boardman River) 188.30' west of the west line of Boardman Avenue, said point having Michigan Central Zone 1983 coordinates of 528500.84' North and 19360356.80' East; thence S26E42'48"E a distance of 74.01' to a point on the south line of Eighth Street (as extended west across the Boardman River) 154.38' west of the West line of Boardman Avenue; thence S11E04'00"E a distance of 82.14'; thence S30E09'44"E a distance of 60.52'; thence S47E07'27"E a distance of 173.10'; thence S64E17'02"E a distance of 123.05'; thence S56E46'47"E a distance of 158.20'; thence S50E39'30"E a distance of 39.64'; thence S58E49'52"E a distance of 63.25'; thence S09E01'40"E a distance of 112.61' to a point on the north edge of a railroad trestle, said point having Michigan Central Zone 1983 coordinates of 527874.87' North and 19360908.75' East, said point also being the point of ending of the left dock line of the Boardman River according to a map of the river as surveyed on November 30, 1998, and hereby approved and placed on file in the office of the City Engineer.

- (b) Easterly bank dock line. Along the right or easterly bank of the Boardman River beginning at a point which is 144.92' north of the north line of Front Street and 1342.68' east of the east line of Park Street, said point of beginning having Michigan Central Zone 1983 coordinates of 530356.94' North and 19361376.15' East; thence running upstream therefrom S30E31'12"W a distance of 20.59'; thence 136.65' southwesterly along a curve right having a radius of 163.85', central angle of 47E46'55", and long chord bearing distance of S53E49'58"W 132.72'; thence S89E08'04"W a distance of 3.67' to a point on the east line of Wellington Street extended 47.76' north of the north line of Front Street; thence continuing S89E08'04"W a distance of 40.03'; thence N66E42'32"W a distance of 28.27' to a point on the west line of Wellington extended 57.75' north of the north line of Front Street; thence S87E45'58"W a distance of 142.33'; thence S53E30'20"W a distance of 18.80'; thence N89E30'08" a distance of 174.10'; thence N47E11'16"W a distance of 14.05'; thence N89E22'24"W a distance of 84.45'; thence S85E34'54"W a distance of 28.69'; thence N89E55'35"W a distance of 72.59' to a point on the east line of Boardman Avenue extended 46.32' north of the north line of Front Street; thence S86E50'49"W a distance of 99.18' to a point on the west line of Boardman Avenue extended 40' north of the north line of front street; thence N89E30'06"W a distance of 140.41'; thence N77E24'15"W a distance of 301.26'; thence N82E22'19"W a distance of 95.72' to a point on the east line of Park Street 115.00' north of the north line of Front Street; thence N88E33'31"W a distance of 65.96' to a point on the west line of Park Street 116.11' north of the north line of Front Street; thence N82E24'31"W a distance of 263.25'; thence N85E45'11"W a distance of 405.09' to a point on the east line of Cass Street 175.10' north of the north line of Front Street said point having Michigan Central Zone 1983 coordinates of 530405.15' North and 19359302.35' East; thence N89E38'50"W a distance of 65.97' to a point on the west line of Cass Street 174.99' north of the north line of Front Street; thence N83E51'52"W a distance of 437.66'; thence N83E43'32"W a distance of 230.16' to a point on the east line of Union Street 241.00' north of the north line of Front Street; thence N89E59'22"W a distance of 66.00' to a point on the west line of Union Street 240.28' north of the north line of Front Street; thence S78E47'12"W a distance of 269.19'; thence S81E14'16"W a distance of 306.18' to a point 135.00' north of the north line of Front Street and 566.39' west of the west line of Union Street; thence N89E22'05"W a distance of 45.96'; thence S69E13'35"W a distance of 118.92'; thence N71E45'40"W a distance of 20.06'; thence S51E02'32"W a distance of 40.92'; thence S56E15'02"W a distance of 43.43'; thence S41E45'38"W a distance of 62.45' to a point on the north line of Front Street 850.63' west of the west line of Union Street; thence S30E19'54"W a distance of 75.98' to a point on the south line of Front Street 294.18' west of the west line of Pine Street; thence S22E11'10"W a distance of 65.22'; thence S39E44'04"W a distance of 171.53'; thence S10E58'14"W a distance of 64.60'; thence S35E51'09"E a distance of 92.81'; thence S51E37'24"E a distance of 104.42'; thence S68E02'58"E a distance of 324.17' to a point on the west line of Pine Street extended 80.0' south of the south line of State Street; thence S74E42'15"E a distance of 614.57' to a point on the west line of Union Street 238.00' south of the south line of State Street, said point having Michigan Central Zone 1983 coordinates of 529502.02' North and 19358498.82' East; thence S74E21'41"E a distance of 68.73' to a point on the east line of

Union Street 256.07' south of the south line of State Street; thence N89E51'06"E a distance of 146.08'; thence S68E55'46"E a distance of 112.79'; thence S33E28'29"E a distance of 70.58'; thence S73E48'17"E a distance of 74.00'; thence N46E10'19"E a distance of 55.84'; thence N89E41'08"W a distance of 89.82'; thence S68E43'58"E a distance of 121.90'; thence S36E55'52"E a distance of 54.22'; thence S09E02'17"E a distance of 50.16'; thence S56E46'17"E a distance of 20.65' to a point on the west line of Cass Street 481.37' south of the south line of State Street; thence S86E41'43"E a distance of 66.06' to a point on the east line of Cass Street 484.72' south of the south line of State Street; thence N59E36'43"E a distance of .56'; thence S72E52'17"E a distance of 153.10'; thence S57E37'17"E a distance of 297.60', thence N82E43'43"E a distance of 107.70'; thence S74E34'53"E a distance of 104.76'; thence S53E44'20"E a distance of 115.25'; thence S80E34'16"E a distance of 56.67'; thence N82E23'33"E a distance of 25.89'; thence S59E54'18"E a distance of 47.08'; thence S66E17'42"E a distance of 79.02'; thence S34E36'17"E a distance of 60.26'; thence S55E11'17"E a distance of 151.90'; thence S32E42'22"E a distance of 79.48'; thence S00E06'58"W a distance of 191.39'; thence S33E52'52"E a distance of 18.70' to a point on the north line of Eighth Street 131.27' west of the west line of Boardman Avenue, said point having Michigan Central Zone 1983 coordinates of 528500.45' North and 19360413.83' East; thence S29E35'01"E a distance of 76.05' to a point on the south line of Eighth Street 93.07' west of the west line of Boardman Avenue; thence S15E59'47"E a distance of 21.84'; thence S45E13'25"E a distance of 139.89'; thence S77E37'18"E a distance of 109.53'; thence S64E58'58"E a distance of 215.83'; thence S32E58'23"E a distance of 49.93'; thence S44E39'14"E a distance of 41.85'; thence S44E57'02"E a distance of 85.55'; thence S05E31'09"E a distance of 150.03' to a point on the north edge of a railroad trestle, said point having Michigan Central Zone 1983 coordinates of 527918.50' North and 19360990.71' East, said point also being the point of ending of the right dock line of the Boardman River according to a map of the river as surveyed on November 30, 1998, and hereby approved and placed on file in the office of the City Engineer.

- (c) Encroaching docks. The following described docks encroach beyond the above-described dock lines as of the adoption date of this ordinance. In the event either dock is ever destroyed or damaged to the extent of half or more of its value, by fire, explosion, flood or other act of God or similar causes, the docks may not be restored or rebuilt beyond the above-described dock line. In no event shall these docks be enlarged or modified to create a different or greater degree of encroachment.

(1) Encroachment "A". Survey Description of Encroaching Wood Dock at 415 Front Street, Parcel #28-51-798-179-00 : Commencing at a point where the north line of Front Street intersects the east line of Park Street; thence S89E30'08"E along said north line of Front Street a distance of 714.23'; thence N00E29'52"E a distance of 47.93' to a point where the 1998 Boardman River right dock line intersects the face of an existing wood deck, said point also being the point of beginning of the encroachment to be described; thence N77E55'19"E along the face of said wood deck 16.60'; thence S88E28'23"E along the face of said wood deck 84.20'; thence S42E11'07"E along the face of said wood deck 1.61', said point also being the point of ending of the encroachment being described.

(2) Encroachment "B". Survey Description of Encroaching Wood Dock at 439, 441,

443, 447 and 449 Front Street, Parcel #28-51-798-177-00 and 28-51-798-176-00: Commencing at a point where the north line of Front Street intersects the West line of Wellington Street; thence N89E30'08"W along said north line of Front Street a distance of 149.08'; thence N00E29'52"E a distance of 45.69' to a point where the 1998 Boardman River right dock line intersects the face of an existing wood deck, said point also being the point of beginning of the encroachment to be described; thence S84E58'48"W along the face of said wood deck 11.59'; thence N53E40'12"E along the face of said wood deck 16.89'; thence N87E37'33"E along the face of said wood deck 89.66'; thence N88E18'43"E along the face of said wood deck 58.32'; thence S00E51'02"E along the face of said wood deck 3.98' to a point on said 1998 Boardman River right dock line, said point also being the point of ending of the encroachment being described

(Ord. 471. Passed 1-22-99. Ord. 773. Passed 11-5-07.)

1062.08 CONSTRUCTION AND UNLAWFUL DEPOSITS OUTSIDE DOCK LIMITS.

No person shall maintain, construct or extend any dock, structure, construction or fill of any kind, or deposit earth, rocks, sand, waste, rubbish or any other material or matter, in the Boardman River beyond the dock lines and limits set forth and described in Section 1062.07. However, with the prior approval of the City Commission, public projects may extend beyond the dock lines and limits set forth and described in Section 1062.07 if the project is to be constructed and maintained by a political subdivision, and if the project benefits the general public.

(1976 Code Sec. 11.06; Ord. 127. Passed 10-5-81.)

1062.09 HAZARDOUS DOCKS.

No person shall allow any dock, structure, wharf, pier or landing strip operated by him or her to fall into disrepair or to remain in a dangerous condition. Any such structure, when no longer in use, shall be posted in a manner approved by the Harbormaster and may be removed as a nuisance in the manner provided in Chapter 662 of the General Offenses Code. (1976 Code Sec. 11.07)

1062.10 WATERCRAFT NEAR SWIMMING AREA.

On the waters of the West Arm of Grand Traverse Bay, Lake Michigan, located in the City, south of a line as extended from the northernmost point of land at the Clinch Yacht Harbor, thence east to the northernmost portion of the Boardman River breakwater:

- (a) No person shall operate a watercraft so as to exceed a slow no-wake speed.
- (b) No person shall beach, moor or operate a vessel within fifty feet of the buoyed swim area, which area has been established by a permit within the portion of the West Arm of Grand Traverse Bay.

(Ord. 265. Passed 4-17-89.)

1062.11 WATER POLLUTION.

No person shall discharge or permit to be discharged into the harbor or into any watercourse in the City any industrial waste, garbage, untreated sewage, refuse, ashes, cherries, cherry pits, oil, fruits, fruit juices, animal substance, mineral substance, vegetable substance, shavings, sawdust

or other waste material. This section shall not prohibit the discharge into the Boardman River of the effluent of the City sewage disposal plant. (1976 Code Sec. 11.08)

1062.12 SWIMMING AND DIVING.

No person shall swim, dive, bathe or wade in any area prohibited for that purpose and so posted by the City Manager. A person who violates this section is responsible for a municipal civil infraction.

(Ord. 399. Passed 10-3-94. Ord. 578. Passed 10-7-02)

1062.13 IMPOUNDMENT OF WATERCRAFT, BOAT CRADLE, OR ANCHOR EQUIPMENT.

In addition to any other penalties provided by law, in the event of a violation of 1062.04(h) or 1062.04(i), then the watercraft, boat cradle, or anchor equipment may be impounded immediately, without notice to the owner. In such an event, written notice of impoundment shall be given to the registered owner of the watercraft, boat cradle, or anchor equipment if there is a registered owner. The owner shall be responsible for all costs incurred by the city in impounding the watercraft or boat cradle as well as any cost of clean-up. If the city's costs are not paid to the City Treasurer within 20 days from the date of notice of impoundment, the watercraft, boat cradle, or anchor equipment shall become the property of the city.

(Ord. 866. Passed 6-7-10.)

1062.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)