

Marquette, MI
Code of Ordinances

< Sec. 50-37. - Appeals.

Chapter 54 - ZONING >

Chapter 52 - WATERWAYS AND BEACHES^[1]



Footnotes:
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State Law reference— *Wetlands protection, MCL 324.30301 et seq.; watercraft and marine safety, MCL 324.80101 et seq.*

ARTICLE I. - WATERWAYS, HARBORS, VESSELS, ETC.



Sec. 52-1. - Harbor limits.



The harbor shall be defined in section 1.1 of the city Charter.
(Code 1999, § 31.01)

Sec. 52-2. - Harbormaster.



The police chief shall be the harbormaster. It shall be his duty to enforce the provisions of this chapter.
(Code 1999, § 31.02)

Sec. 52-3. - Houseboats.



No person shall moor any floating craft used primarily for residence purposes anywhere within the harbor without the permission of the harbormaster and the riparian owner.
(Code 1999, § 31.04)

Sec. 52-4. - Cargo information.



Every person in charge of any vessel shall, upon request of the harbormaster, furnish information as to the owner of a vessel and his address, kind and amount of cargo, whom consigned to and where shipped from, how long the ship will be in port, and such other information as may be desirable to keep a complete record of harbor activities.

(Code 1999, § 31.05)

Sec. 52-5. - Contraband cargo.

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No charge shall be deposited upon any dock adjoining the harbor, which cargo contains anything 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.

(Code 1999, § 31.06)

Sec. 52-6. - Inspection.

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The police and health officials shall at all times have the right to enter upon any watercraft entering the harbor to inspect said craft or any person thereon for law enforcement purposes.

(Code 1999, § 31.07)

Sec. 52-7. - Driftings.

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No person shall allow or suffer any vessel, craft, or float to lie in the harbor insecurely fastened or to drift upon the waters of the harbor. The harbormaster shall notify the master, owner or other person in charge of any such vessel, crafts or float to secure the same without delay. If the harbormaster is unable to find the master, owner or person in charge of such vessel, craft or float, the harbormaster shall have the power to secure and fasten such vessel, and all expense incurred shall be chargeable to the owner, lessee or person in possession of such vessel.

(Code 1999, § 31.08)

Sec. 52-8. - Obstructing harbor.

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No vessel, craft or float shall be moored or anchored in the harbor or laid up alongside any dock or wharf in such a manner as to prevent the passage of other vessels, craft or floats. The harbormaster shall have power to remove, or order removed, any vessel, craft or float so anchored, moored or laid up, when it is necessary to do so to facilitate the passage of other vessels, crafts or floats.

(Code 1999, § 31.09)

Sec. 52-9. - Abandoned craft.

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No person shall abandon any vessel, craft or float, or allow the same to sink in the harbor. Every vessel, craft or float which shall be so abandoned or allowed to sink in the harbor is hereby declared to be a public nuisance.

(Code 1999, § 31.10)

Sec. 52-10. - Bridges.

Except for bridge maintenance and operation, no watercraft or other floating object shall be anchored or fastened within 150 feet of any bridge.

(Code 1999, § 31.11)

Sec. 52-11. - Anchorage.

No watercraft shall anchor in the harbor except in accordance with the rules and regulations of the United States government in respect thereto; provided that, in case of necessity, the harbormaster shall have the authority to direct the location and length of time any watercraft may anchor.

(Code 1999, § 31.12)

Sec. 52-12. - Excessive noise.

No person shall operate in the harbor any motorboat, launch or other watercraft, the motive power of which is an internal combustion engine using, gas, gasoline, naphtha or other like energy unless the same is equipped with a stock factory muffler, underwater exhaust or other modern or improved device capable of adequately muffling the sound of the exhaust of such engine; and such muffler shall be kept and remain closed, and such exhaust or device shall be kept in proper working order by any person operating or in charge of such motorboat, launch or other watercraft, at all times when such engine is in operation.

(Code 1999, § 31.13)

Sec. 52-13. - Reckless operation.

No person shall operate in the harbor any motorboat, launch or other watercraft, the motive power of which is an internal combustion engine using gas, gasoline, naphtha, or other like energy, in a reckless manner or at an excessive rate of speed so as to endanger the life or property of any person in or on said waters, having due regard to the presence of other boats, bathers, persons engaged in fishing, or objects in or on such waters and of any other conditions then existing, and no person shall operate such motorboat on said waters at a rate of speed greater than will permit him to bring it to a stop within the assured clear distance ahead.

(Code 1999, § 31.14)

Sec. 52-14. - Additional rules.

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The health officer may, with the approval of the city commission, make other rules and regulations respecting the use of public swimming pools, beaches and waters. No persons shall fail to obey any such rule or regulation. Such rules and regulations shall become effective 24 hours after posting at such beaches and waters.

(Code 1999, § 31.15)

Sec. 52-15. - Refuse on beaches.



No person shall throw, cast, deposit, damage, lay, place or scatter in the water or upon any bathing beach any lighted cigars or cigarettes, or any glass, bottles, nails, tacks, wire, crockery, cans or other sharp or cutting substance, or any refuse matter of any kind.

(Code 1999, § 31.16)

Sec. 52-16. - Dogs on beaches.



No person shall bring, drive, lead, carry or permit any dog or other animal, whether leashed or unleashed, muzzled or unmuzzled, onto the premises of any designated bathing beach with the exception of leader, guide, hearing and service dogs.

(Code 1999, § 31.17)

Sec. 52-17. - Conduct on beaches.



No person shall conduct himself upon any bathing beach, or in the water, or in the air over or adjacent to the public beaches or waters in such a manner as to jeopardize the safety and health of himself and/or others.

(Code 1999, § 31.18)

Sec. 52-18. - Boats at beaches.



No person shall, except in case of emergency, sail, propel or drive any motorboat, sailboat, launch, airplane, hydroplane, jet ski or motor-propelled vessel of any description in the waters of Lake Superior within 200 yards of the shoreline of any designated bathing beach in the city.

(Code 1999, § 31.19)

Sec. 52-19. - Motor vehicles, camping on beaches.



No person shall operate, drive, park or in any other way use a motor vehicle upon any public beach or in any public water; and, further, no person shall be permitted to use said public beaches for camping purposes.

(Code 1999, § 31.20)

Sec. 52-20. - Duties of the harbormaster.

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- (a) The police chief as harbormaster shall be responsible for the operation of the Presque Isle and Cinder Pond Marinas and the enforcement of the provisions of this chapter, subject, however, to the supervisory authority of the city manager.
- (b) The human resources department shall hire marina employees as may be necessary for the efficient operation of the marinas and said employees shall be designated marina officers.
- (c) It shall be the duty of the harbormaster to order the owner of any boat who violates the provisions of this chapter or the rules and regulations adopted pursuant thereto, to immediately remove his boat from the marinas.

(Code 1999, § 31.21)

Sec. 52-21. - General regulations.

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- (a) Transient boats. All transient mooring assignments will be made by the marina officer on duty. Transient boaters will be limited to a 14-day mooring period except in cases of emergencies.
- (b) Transient boaters shall fill out all required information requested by the marina officer upon docking on forms prescribed by the harbormaster.
- (c) Markings, state and federal regulations. Any boat which is not marked or identified properly in conformance with all registration and identification requirements shall not be permitted within the marina areas. All boat owners shall comply with all federal and state laws regarding the operation of watercraft and observe the rules of the road and carry such lights and other equipment as are prescribed by statute or regulation of the federal or state government. Any violation of federal or state regulation or law observed by any marina officer or the harbormaster shall be immediately reported to the particular enforcement agency.
- (d) Sailing vessels shall not be maneuvered under sail in the marinas except as absolutely necessary to enter or leave the marinas. All sailboats that are moored in the Presque Isle or Cinder Pond Marinas shall have all loose halyards properly secured.
- (e) When a watercraft enters a marina area, it shall immediately come under the jurisdiction of the harbormaster. Any boat entering marinas shall be berthed only in such a location and manner as directed by the marina officer.
- (f)

All boats that are assigned boat wells must be properly secured with a suitable size line or rope.
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- (g) The city shall not be responsible or liable for any loss or damage to any boat or property within marina areas. Each boat owner must be held responsible for damage which he, his employee, agents and guests may cause to any other boat or property in the marina areas or for any damage to any structure. Any boat which sinks in a marina area must be immediately removed by the owner.

(Code 1999, § 31.22)

Sec. 52-22. - Prohibited activities.

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- (a) Fishing. Fishing of any type from boats, piers or shore within the confines of the designated marina waters, and fish cleaning within said areas, except where fish cleaning stations are provided, is strictly prohibited.
- (b) No person shall make any alterations to the structure of his boat well without the permission of the harbormaster.
- (c) No advertising or soliciting shall be permitted on any boat or on the grounds or property of the marinas without the express permission of the harbormaster.
- (d) Maximum speed limit of all vessels proceeding in and out of the marinas shall be a slow-no-wake speed.
- (e) Sailing vessels shall not be maneuvered under sail in the marinas except as absolutely necessary to enter or leave the marinas. All sailboats that are moored in the Presque Isle or Cinder Pond Marinas shall have all loose halyards properly secured.
- (f) No major repairs to boats shall take place while in the harbor except in the event of an emergency and, in such case, special permission shall be obtained from the marina officer on duty to make repairs sufficient to remove the boat from the harbor.
- (g) Any painting or refinishing of boats while in the harbor shall be done at the risk of the owner. At no time will spray painting of any nature be permitted. No blowtorching or welding or cutting operations shall be conducted in the harbor area without first obtaining permission from the harbormaster.
- (h) No garbage, oil, sludge, refuse matter, sewage or waste materials of any kind shall be thrown, deposited or permitted to be thrown or deposited into the water or on the piers, docks or shore area of the marinas except in the receptacles so provided.
- (i) No swimming, diving (including skin diving) or bathing shall be permitted in the water of the harbor in the area designated for boat docking or refueling or in areas regularly traversed or likely to be traversed by watercraft.
- (j)

Disorderly conduct of any boat owner or guest of a boat owner which might cause injury to persons, damage to property or otherwise cause a nuisance shall be cause for the immediate removal of the individual from marina areas.

- (k) The owner of any boat or his authorized agent using the harbor shall be responsible for the conduct of all persons using, visiting or occupying the boat as his guests.
- (l) The consumption of alcoholic liquor is prohibited in the parking lots, marina offices or on the piers.
- (m) Only marine approved burners or standard gallery stoves shall be permitted on any boat or dock.
- (n) Picnic tables shall not be permitted on the piers.
- (o) No supplies, materials or accessories shall be stored on any pier or catwalk.
- (p) No baby buggies, strollers or roller skates shall be permitted on any pier within the marinas.
- (q) No smoking will be permitted while refueling at the marinas.
- (r) All pets must be on a leash at all times within the marina areas.
- (s) No sporting activities of any kind will be permitted on the marina properties.
- (t) No bicycles, motorcycles or motor-driven vehicles will be permitted on any pier within the marinas with the exception of those provided by the city for use of the harbormaster.
- (u) Boat owners shall use discretion in operating motors, generators or pumps to avoid creating any undue noise in the marinas.

(Code 1999, § 31.23)

Sec. 52-23. - Other regulations.

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- (a) *Authority to establish.* Other rules and regulations regarding the conduct and use of the marinas may be established by the harbormaster and promulgated by resolution of the city commission.
- (b) *Times of operation.* Yearly schedules of times during the day and week during which the Presque Isle and Cinder Pond Marinas shall operate shall be determined by the harbormaster subject to the approval of the city manager. These times and hours may be adjusted at any future time by the harbormaster with the approval of the city manager.
- (c) *Fees and charges.* Fees and charges for service rendered including seasonal and transient rental fees, launching fees, sewage pumping fees, gasoline charges and other fees and charges for services rendered shall be established on recommendation of the harbormaster by resolution of the city commission and may be adjusted or amended from time to time by the city commission.
- (d)

Required permit, rental agreement, receipts. The city manager shall draft all necessary permits, agreements, receipts and applications for use in the operation of marinas and such other forms as may be required in the operation of the marinas.

(Code 1999, § 31.24)

Sec. 52-24. - Enforcement.

- (a) *Revocation of permit.* Violation of any of the provisions of this chapter shall constitute grounds for revocation of any permit heretofore or hereafter granted to any individual and shall constitute grounds for removal of any and all boats of said individual from the marinas.
- (b) *Forfeit of fees and charges.* In the event of revocation of the permit by the harbormaster, any and all fees and charges paid by the boat owner as required by this chapter or rules and regulations adopted pursuant thereto shall be forfeited.
- (c) *Notice and hearing.* Any such individual whose permit has been revoked shall be entitled to appeal the decision of the harbormaster to the harbor committee for public hearing at which time the permit holder shall have an opportunity to be heard. The permit holder must request his appeal in writing addressed to the harbor committee, city hall, within seven days of notification of the action of the harbormaster. Upon receipt of the written request, the harbor committee shall set a time and place for hearing and give the permit holder a minimum of seven days written notice of the date, time and place for said hearing by written first class mail, postage prepaid. After hearing the evidence the harbor committee may revoke or conditionally revoke the permit or reinstate the permit.
- (d) *Penalties for violation.* Every person convicted of a violation of any provision of this chapter shall be guilty of a municipal civil infraction.

(Code 1999, § 31.25)

Secs. 52-25—52-30. - Reserved.

ARTICLE II. - BEACHES

Sec. 52-31. - Harbor, waterways and beaches—Definitions.

- (1) *Designated bathing beach.* A designated bathing beach means a beach attended by lifeguards hired by the city.
 - a. *Public bathing beach.* A public bathing beach means any public land adjoining public water, any area which has been so designated by the city commission, or any privately owned place which the public is permitted to frequent or use for bathing or swimming.

b. *Beach season.* The date of the season opening and closing of the designated bathing beaches, generally June ____ to August ____, shall be directed by the director of the parks and recreation department each calendar year.

(Ord. No. 579, § 1, 5-9-2011)

Sec. 52-32. - Hours of designated beaches.

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The designated bathing beaches shall be open at hours and times designated and posted by the parks and recreation department.

(Ord. No. 579, § 2, 5-9-2011)

Sec. 52-33. - Closing of beaches.

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The harbormaster has the authority to close any designated or public bathing beach to swimming and bathing at any time he determines it necessary for the preservation of the public peace, health or safety. Appropriate beach closed signs and/or flags approved by the harbormaster will be posted at beach entrances, lifeguard stands, or in the general vicinity of the common swimming areas. No swimmers or bathers shall be permitted in the water during the periods when the beaches are declared closed.

(Ord. No. 579, § 3, 5-9-2011)

Sec. 52-34. - Conduct on beaches.

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A person who is bathing or swimming from a designated bathing beach shall not bathe or swim in waters that are within 100 feet beyond the buoyed bathing or swimming area. This subsection does not apply to persons swimming from adjacent privately own beaches that are not open to the general public.

(Ord. No. 579, § 4, 5-9-2011)

Sec. 52-35. - Operation of vessels in swimming areas.

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No person shall operate any vessel in a specifically and/or buoyed swimming area or in a manner which endangers swimmers. Such vessels shall include, but not be limited to, powered watercraft, personal watercraft, surf boards, and/or sailboats.

(Ord. No. 579, § 5, 5-9-2011)

Sec. 52-36. - Conduct of lifeguards.

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(1) All lifeguards shall be subject to rules and regulations prescribed by the parks and recreation department.

(2)

~~Authority of lifeguards.~~ At designated bathing beaches, the duly appointed lifeguards are hereby authorized and empowered to order swimmers out of the beach waters at such time and under conditions as they deem necessary for the public welfare and to maintain the peace and safety on the streets, grounds and water involved.

(Ord. No. 579, § 6, 5-9-2011)

Sec. 52-37. - Penalties for violation.



A person who violates any provision of this section is responsible for a municipal civil infraction and subject to enforcement procedures and penalties as set forth in [section 30-35] of this Code.

(Ord. No. 579, § 7, 5-9-2011)