

Policy Resolution
Ordinance No. 78 (2.13)

WHEREAS, the City of Sylvan Lake (City) maintains riparian lands between Sylvan Lake and adjacent public roads within the City, which lands are dedicated to the public and subject to the regulation and control of the City under its police powers, and

WHEREAS, the City deems it to be necessary to publish a statement of policy with regard to the regulation and control of the riparian privileges of the public regarding that property, and

WHEREAS, the public safety requires special limitations on the riparian privilege of the constructing and maintaining docks for the purpose of docking water craft from such lands.

NOW, THEREFORE, BE IT RESOLVED, that the following shall be the policy of the City regarding the public use of the aforesaid riparian lands:

1. Such lands shall be at all times available to the use of the public in accordance with their dedication, together with any improvements thereof regardless of whether such improvements are placed by the City or by private parties licensed by the City.
2. The privilege of constructing and maintaining docks or mooring facilities from such lands shall be for the purpose of mooring or docking of water craft and shall be subject to annual licensing and periodic inspections by the City.

The issuance of any license shall be in compliance with the Docking Ordinance No. 78 (2.13), as adopted February 8, 1967 and all amendments; and applicants agree to comply with its provisions.

The City will establish and maintain a permanent waiting list (List) of applicants desiring dock spaces. A one-time non-refundable \$100 administration fee will be required to be placed on this wait list. Upon initial application, the applicant shall be placed at the end of the List. The List will be available during normal business hours for inspection by applicants.

As dock spaces become available, they will be offered to the resident at the top of the wait list. If a wait list applicant declines the available dock space, they will be removed from the wait list. However, if they immediately choose to return to the bottom of the wait list, they may do so by paying an administration fee of \$50. The open dock space will then be offered to the next resident on the wait list.

This procedure will be followed until the dock space is filled. (Amended 12/09/2009)

Qualified applicants, who have satisfactorily used a dock space during the prior year, will be given priority for the same location. Prior year dock space holders must return their completed docking/mooring application by March 1 each year, to maintain their priority status. If the dock holder fails to apply by March 1 they will be given an additional 14 days to supply the required information, pay the dock fee and an additional late fee in the amount of \$300 (\$761 total). If the dock holder fails to apply after the 14-day grace period this will result in losing their dock space. They may then begin the process again by paying \$100 fee to place their name at the end of the waiting list. (Amended 04/09/08, 11/12/2008)

The City may use the most recent update of the voter registration records, water/sewer billing information or other information as a method of checking residency of applicants on the List. If an applicant on the list is determined to have changed permanent residence from the City, the city shall remove that applicant from the List.

The removal of an applicant from the list shall cause the City to move all subsequent applicants forward in the list. In addition to the reasons for removal described above, the City retains the right to remove applicants from the List as described in paragraph 4.

The City shall develop a dock space license application form to expedite the application process. Items on the application shall include:

- A statement indicating that by signing the application and accepting the license, the applicants shall be responsible for any dock, mooring and/or water craft placed in the licensed space. The licensee shall maintain and provide proof of appropriate PL PD insurance for licensee's dock, mooring and water craft, and licensee will hold the City forever harmless during any proceeding against the licensee as a result of being granted a license. (Amended 3/10/2004) (Amended 12/9/2009)
- A statement indicating that by signing the application and accepting the license, the applicant agrees to accept the dock space provided in "as is" condition and that the City shall not be held liable, or responsible, for the removal of obstructions or hazards within the licensed dock space. This shall include, but is not limited to; damaged or broken dock parts, stumps, branches, glass, litter, etc.
- A statement indicating that the licensee agrees to use the space granted at licensee's risk.

- A statement indicating by licensee's signature that licensee has read and understands the applicable City ordinances and this policy.

Items provided by applicant when submitting the application shall include:

- Name and address of permanent residence of applicant.
- Current drivers license or photo id as provided by State of Michigan. The City shall make a copy and retain the copy in the file for the dock space.
- Licensee home telephone number and telephone number where Licensee can be reached during normal business hours.

Other:

The City shall charge a non-refundable dock application fee of \$461.00 which includes a \$10 park registration fee for each license granted. All fees received from applicants by the City shall be used to defray the payment of property taxes, administrative costs and to maintain the recreational facility, water and waterfront. (Amended January 2006, December 14, 2011, December 10, 2014)

Based on a 1977 Consent Agreement, the homeowners at the below street addresses are given priority on an annual basis to apply for dock spaces indicated below. However, should they fail to apply by March 1 of the calendar year, the dock space will be made available to the next applicant on the List for use of the dock space for the current calendar year only.

(Amended 2/11/2004)

<u>Lakeview</u> <u>Boat Space</u>	<u>Street</u> <u>Address</u>	<u>Lakeview</u> <u>Boat Space</u>	<u>Street</u> <u>Address</u>
1	1625 Lakeview	15	1565 Lakeview
3	1619 Lakeview	16	1559 Lakeview
4	1615 Lakeview	18	1555 Lakeview
6	1609 Lakeview	19	1549 Lakeview
7	1605 Lakeview	20	1545 Lakeview
8	1599 Lakeview	22	1539 Lakeview
9	1589 Lakeview	23	1535 Lakeview
10	1581 Lakeview	24	1529 Lakeview
12	1575 Lakeview	25	1523 Lakeview
13	1569 Lakeview	27	1517 Lakeview

One license shall be granted to a qualified permanent resident of the City on a space available basis, with a maximum of one license granted per the household. Furthermore, permanent residence may be determined at the time of application using the following, or any other criteria;

-The applicant shall provide a valid, current, State of Michigan drivers license or Photo ID as supplied by the State of Michigan indicating the address of the applicant's residence as being within the City, and

-The resident shall also be the taxpayer or permanent renter for the residence identified on the application. The City shall determine this by review of the City's water and sewer records, tax records or other sources of information.

Licensees and applicants on the List who move from one home within the City immediately to another home within the City shall retain their license, or position on the List, so long as application for license is made prior to March 1 of the current calendar year.

The license granted is for the sole use of the licensee. Licensee may construct or install a dock or mooring for the purpose of mooring, or docking, water craft belonging to the licensee or licensee's immediate family living at the same address after demonstrating to the City that the water craft is the property of the licensee. The licensee shall provide proof of ownership to the City by presentation of a current original water craft registration indicating licensee's City residence as issued to the licensee by the State of Michigan and proof of insurance. The watercraft must be owned and registered in licensee's name only. (Amended June 13, 2012)

At least one watercraft must be docked or moored at each dock space by June 1. At least one of the watercraft docked or moored must be solely owned by the licensee of that space and proof of sole ownership must be supplied with the license application. (Added 2/11/2004) (Amended 12/9/2009, 2/10/10)

The City may permit the mooring, or docking of water craft registered to another permanent resident of the City at a dock space previously licensed. The City shall permit the mooring (or docking) of a water craft registered to another resident, providing second resident meets the following criteria:

- A. Second resident is a permanent resident as previously defined,
- B. Second resident demonstrates that the request is for a water craft currently registered to the second resident in the same manner as described for original licensee,

- C. A non-refundable fee of \$450.00 which will include the park tag and ramp key, and a park registration fee of \$10 is paid to the City to defray the cost of paying property taxes, administrative costs, policing of parks and to maintain the recreational facility, water and waterfront (Amended 2/11/04, 01/11/06, 1/19/10, 1/12/11, 12/14/11)
- D. Provide proof of PL/PD insurance for the watercraft being used. Insurance must indicate the licensee's dock space. Example: dock at space ABC (Amended 2/11/04)
- E. In addition to the above information, the dock space licensee shall provide, in person as witnessed by the City Manager or person authorized by the City Manager, a letter requesting that second resident share the licensed space.

To aid in the validation and enforcement of the above, the City Manager shall cause a copy of all documents to be maintained in a file for the appropriate dock space.

3. Rules related to the installation of docks or moorings:

- A. No dock, mooring, or water craft attached to a dock or mooring, shall extend beyond 60 (sixty) feet from the edge of the seawall or shoreline. If a longer dock is needed due to shallow depth or other circumstances, an appeal can be made to the city manager for a variance.
- B. There shall be no more than two water craft per dock space.
- C. A dock, if installed, shall not be less than 2 feet in width.
- D. Under no circumstance shall any portion of the dock, licensee's personal property or mooring facility be attached to, or rest on, the seawall or any other City property. Special permission may be granted by the City Manager to allow a dock to rest on the seawall for safety reasons.
- E. Licensee shall be granted a specific amount of space along the seawall or shoreline in which to construct or install the dock or mooring facility. The City shall establish and maintain markers at the boundaries of each space to facilitate dock or mooring installation and to determine compliance with this ordinance.
- F. Licensee shall not construct or install any dock or mooring outside the confines of the space provided for them.
- G. No water craft shall be moored or docked and no dock or mooring shall be constructed in a manner in which it becomes a hazard to any other property, either public or private. Each licensee will provide adequate

dock supports, dock materials, mooring posts, fasteners, springs, lines, bumpers, etc. to secure licensee's property.

- H. Applicants receiving a license to use a dock space must construct or install a boat dock or mooring facility within the licensed space on or before June 1 of the license year.
 - I. Licensee shall not dock or moor any water craft that has not been properly registered with the City as described in paragraph 2.
 - J. Licensee shall not lease or sublease any portion of the dock space provided by the license.
 - K. Licensee shall not lease or rent any water craft from any dock space or Public Property.
 - L. Each dock space must have at least one watercraft registered to the licensee. (Amended 12/9/2009, 2/10/10)
 - M. Licensee shall remove all water craft, docks and/or moorings prior to November 15 of the license year.
 - N. No resident in default to the City for more than \$100, for a period of more than six months, will be granted a dock space license. (Amended 4/12/2000)
4. The City, or persons appointed by the City, shall periodically inspect the use of dock spaces for compliance with all rules as previously described. Penalties for failure to comply with rules described in paragraph 3 and related procedures are as follows:

For deficiencies related to paragraph 3 (A,B,C,D,E,F and G) (Amended 6/14/01)

- 1). The City shall notify the licensee in writing, sent to the address provided on the application, of all deficiencies related to this section of the Policy Resolution.
- 2). Licensee shall have seven (7) calendar days in which to correct the deficiency and licensee shall notify the City of the correction in writing.
- 3). The City Manager, or person appointed by the City Manager, shall determine if licensee has corrected the deficiency. If the City Manager determines that the resident has failed to make appropriate corrections, the City Manager shall revoke the licensee's docking privileges. The resident may re-apply for a dock space and be placed at the end of the List.
- 4). If licensee has not removed all water craft, docking and mooring equipment within 48 hours of revocation notice stated above, the equipment will be removed following the provisions for violations related to paragraph M.

For deficiencies related to paragraph 3H.

Failure to comply with this requirement will result in immediate forfeiture of license and all fees related to application and licensing. The City will notify licensee of dock space license forfeiture. The vacated space will then be made available to the next applicant on the List. The new licensee shall have 10 business days, following the date of issue of license, to install a boat and dock or mooring facility. (Amended 2/11/2004)

For deficiencies related to paragraph 3I. and L (Amended 2/11/2004)

- 1). The City shall notify licensee by telephone, at the telephone number(s) indicated on the application, that an unregistered water craft has been identified as moored or docked at licensee's dock space. Licensee shall have two business days to remove the water craft from the dock space or notify the City that it is not licensee's property. If licensee indicates that it is not licensee's property, the City will treat the subject water craft as abandoned.
- 2). If the licensee fails to remove the unregistered water craft or indicate that the water craft is not licensee's property within the two business days, the City will notify the licensee by registered mail that licensee has five business days to remove or register the water craft. Failure to comply shall result in forfeiture of the dock space license.

For deficiencies related to paragraph 3J and K

If it is determined that licensee has leased or sub-leased any portion of the dock space to a third party circumventing the process described in paragraph 2, or rented or leased water craft from any dock space, the licensee's dock space license is immediately revoked and the licensee's priority position on the List is forfeited. The City may, at its option, take other actions as it deems appropriate.

For deficiencies related to paragraph 3M.

If licensee fails to remove all water craft, docks, and/or moorings prior to November 15 of the license year, licensee shall forfeit licensee's dock space and priority position on the List and the City shall remove any moorings, docks, posts, water craft, etc. remaining in the dock spaces. The City shall have the following options related to materials removed from dock spaces:

- Charge a minimum fee of \$50.00 per post or smaller item removed from the water.
- Charge a minimum fee of \$75.00 per dock section removed from the water.
- Charge a minimum fee of \$200.00 per hoist removed from the water.

-Charge those fees required to retain appropriate professional services for removal of water craft.

-Charge a fee of \$50.00 per man hour for labor and supervision, in addition to those fees described above, to remove licensee property from the water and store items removed from the dock space at a safe location.

The City shall not be liable for the condition of licensee's property removed from the water by the City or for any resulting damage due to storage or transportation. The City shall document its removal of the licensee's property from the dock space and notify the licensee, in writing, of the action taken by the City and all removal fees and related costs. Upon payment of removal fees and costs, licensee may retrieve licensee's property from the storage location at licensee's cost. If the licensee does not respond by payment of the indicated fees and costs, the material removed from the water shall be considered abandoned and dealt with as seen fit by the City Manager, including disposal or auction. Furthermore, all unpaid fees as described above shall become a lien against the licensee's property within the Corporate Limits of the City and shall be added to the tax roll for the next tax period.

5. There are rack storage spaces available at the community center for non-motorized boats. A fee of \$25 will be charged to rent a space on the storage rack. The City will establish and maintain a permanent waiting list (List) of applicants desiring rack storage spaces. Upon initial application, the applicant shall be placed at the end of the List. The List will be available during normal business hours for inspection by applicants. As rack storage spaces become available, they will be offered to the resident at the top of the List. The resident must then complete and return a rack storage application that will be supplied by City Hall. The completed application and fee must be submitted to City Hall following the same guidelines as a dock space license. When the application and fee are submitted to the City, a boat launch sticker will be provided for the watercraft to be stored. The sticker must be placed on the stored watercraft. The watercraft may only be stored on the rack from April 1 to November 15 of each year.