

**TITLE III
PUBLIC PROPERTY**

**Chapter 30
PUBLIC PROPERTY
GENERAL REGULATIONS**

30.100 Injury to Public Property. No person without the prior express written consent of the City shall trim, cut, destroy, mutilate or molest in any way any tree, shrub, flower, plant, equipment, structure, or any other public property on any lands open to the public, including, but not in limitation thereof, the portion of the Bluff south of Bluff Drive owned by the City, as well as public parks, streets, avenues or other City owned property, nor shall any person kill, destroy or molest any bird, animal or fish or their nesting grounds upon any public property.

30.101 Animals on Public Property. No person shall permit any dog, cat or other domestic animal or fowl owned by him or under his care or control to run at large in any public place.

30.102 Certain Conduct Prohibited. No person shall use any threatening, obscene, profane or indecent language in any public place within the City, or be guilty of any disorderly or indecent conduct therein; nor shall any person engage in any game, act or demeanor tending to disturb the enjoyment of any visitor in any said public place; nor shall any person deposit any garbage or refuse in any public place, unless placed in such wastebaskets or boxes as may be therefore provided; nor shall any person distribute, peddle or scatter any advertisement, circular, poster or handbill in any public place within the City; nor, except under a licensed concession therein, shall any person peddle, sell or dispose of or offer for sale any wares in any said public place, or in or upon the sidewalks or streets adjacent thereto; nor shall any person use or dispose of any intoxicating liquor in any way whatsoever in any public place, or upon the sidewalks and streets; nor shall any person drive

a motor vehicle in an area other than a designated parking or driving area.

30.103 Feeding of Birds, Animals or Wildfowl on Public Property Prohibited. No person shall feed any bird, animal or wildfowl (specifically including, but not limited to, ducks, dogs, seagulls, pigeons and squirrels) on Zoll Street at the Zoll Street beach and park; or within the City parks or marina south of Bay Street between Gardner and State Streets; or within Zorn Park or Bay Street or the City bathing beach and park south of Bay Street and generally adjacent to Zorn Park.

30.104 Closure.

(1) City-owned properties or any part or parts thereof may be at any time ordered closed to the public by the City Manager or the Chief of the Harbor Springs Police Department in the event that either one of these designated officials determines that such closure is necessary to lessen undue traffic congestion, to promote the safe, free and unhindered passage of pedestrians, to maintain City-owned properties (including snow and ice removal), or to otherwise preserve, promote or protect the health, safety and welfare of the public for reasons such as, but not limited to: preventing camping in recreational vehicles on City-owned property; or, preventing safety hazards to persons or property created by traffic congestion, crowds, disorderly persons, or persons using roller skates, roller blades or skateboards to the detriment of the free passage of vehicle traffic or pedestrians.

(2) Closure Times, Intervals and Purposes. Any section or part of any City-owned property may be declared closed by the above-mentioned officials at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses as the City shall find reasonably necessary in the public interest.

(3) City-owned Property Defined. City-owned property shall include, but shall not be

limited to, City parking lots, streets, sidewalks, parks, boardwalks and municipal buildings.]¹⁰

**Chapter 31
WATERWAYS**

**ARTICLE I
HARBOR REGULATIONS**

31.100 Definitions. In the interpretation of this Chapter, the following definitions shall apply:

(1) The “harbor” shall be defined as those waters of Little Traverse Bay lying generally North and West of a line running from the Southeasterly corner of Government Lot 1, Section 8, Township 35 North, Range 5 West, to the Easterly point of Harbor Point.

(2) “Harbor Map” is the Official Map of the Harbor depicting the various structures, speed zones, control areas, and other data pertaining to the Harbor of the City of Harbor Springs, all as depicted in the Map attached hereto, which is hereby adopted as the Official Map of the Harbor.

(3) The “Control Area” shall be defined as all areas on the waters of Little Traverse Bay and/or Lake Michigan, within one half mile lakeward of the boundary of the City of Harbor Springs.

(4) [The “City Marina” shall be defined as all property in the City of Harbor Springs owned, managed or controlled by the City which borders on Lake Michigan, including but not limited to the City Docks, the Control Area, the Moorage Area, Ford Park, the dinghy storage areas, the City beach, Washington Street and the Zoll Street beach and launching facilities, and including the waters, shore, structures and equipment appertaining thereto.]³⁸

(5) The “City Docks” shall be defined as all City owned permanent and temporary structures identified on the Official Map of the Harbor as adopted in Section 31.204 hereof, including those facilities at Ford Park and proximate to the Harbor Master building.

(6) The “Moorage Area” shall be defined as that area shown as Moorage Area on the Harbor Map.

(7) “Refuge Anchorage Areas” shall be defined as those areas of the Harbor depicted on the Harbor map and intended for refuge anchorage in emergency situations and adverse weather conditions; and for temporary anchorage of watercraft as permitted by the Harbor Master.

(8) “Vessel” shall be defined as every type of water craft, including a sea plane, used or capable of being used on the water as a means of flotation of transportation.

(9) A “vessel owner” shall be defined as the owner, operator or person in command of a vessel.

(10) “Slow, no wake speed” means a very slow speed whereby the wake or wash created by a vessel would be minimal.

(11) All other words and phrases used in this Chapter shall be construed and have the same meanings as those words and phrases defined in Act 303, Public Acts 1967, as amended, MSA 18.1287.

31.101 Jurisdiction of Harbor Commission. The jurisdiction of the Harbor Commission established under Chapter 3 of this Code, shall extend throughout the Harbor as herein defined.

31.102 Harbor Master Appointment. There is continued the office of Harbor Master, which office shall carry with it the powers and duties set out in Section 31.103 of this Code. A Harbor Master shall be appointed by the City Manager and he shall serve at the discretion of the City Manager. The City Manager shall have the power to appoint one deputy and such assistants as necessary to assist the Harbor Master in the performance of his duties. The Harbor Master shall receive such compensation as from time to time shall be set by the City Manager within the limits of budget appropriations and in

accordance with any over all pay plan adopted by the City Council.

31.103 Powers and Duties of Harbor Master.

The Harbor Master of the City of Harbor Springs shall have the following powers and duties:

(1) The Harbor Master, his deputy and assistants, shall have such powers as would ordinarily pertain to them for the purpose of enforcing the laws, ordinances, rules and regulations of the United States, the State of Michigan, and the City of Harbor Springs concerning the Harbor, and shall preserve the public peace and quiet in and about the Harbor.

(2) The Harbor Master shall be responsible for the preparation and preservation of all statistical data respecting the Harbor, the visits and movements of vessels therein excepting small open vessels propelled by oars or sails, and shall see that the daily harbor log is maintained. He shall be responsible for an accurate account and record of all damages to the City Marina and shall gather information and evidence concerning such damage, the cause thereof, and the responsibility thereof. The Harbor Master shall report all encroachments upon the harbor lines now established, or which may hereafter be established and shall take such action as may be necessary to prevent such encroachments. He shall report all of said information to the Harbor Commission, at least annually and at such other times as the Commission may direct.

(3) The Harbor Master, his deputy and assistants shall have authority over and give such orders and directions relative to berthing at the City Marina, and anchorage in the Control Area, as may be necessary to promote good order and the safety and the equal convenience of vessels, and shall regulate the City Marina and the Harbor for the public benefit and safety so that the Harbor shall not be hazardous or congested.

31.104 Navigation of the Harbor. Vessels using the Harbor shall be equipped and operated according to the Rules of the Road, the navigation laws of the United States, the statutes of the State of Michigan, and shall be registered under Federal law and licensing laws of the State of Michigan as required for the particular class of vessel.

31.105 Additional Rules. [The Harbor Commission shall adopt such rules and regulations with regard to speed, use and operation of all vessels within the Control Area as are necessary or advisable for the health, safety and welfare of the public, and specifically, but not in limitation thereof, to adopt rules and regulations to prevent loss, damage or danger to persons or property in or on the waters of the Harbor by creating no wake zones, by regulating use of the City Marina and maintenance of vessels in the Control Area, by regulating access to the Harbor by different classes of vessels, by controlling anchorage and mooring within the Control Area, and by managing the licensing of slips and moorings at the City Marina. Such rules and regulations shall be effective when adopted by the Harbor Commission, approved by the City Council, and published in the same manner as an ordinance. A violation of any rule or regulation so adopted shall be a violation of this Chapter, punishable as provided in Section 31.120.]⁶³

31.106 Excessive Speed.

(1) It shall be unlawful for any person to operate, or for the owner of any vessel to permit it to be operated within the Harbor in excess of any speed limit set by the Harbor Commission, or to operate a vessel at such speed or in such a manner as to destroy the peace and quiet of the inhabitants of the City of Harbor Springs or other persons in the Harbor.

(2) [When loading or unloading a propeller or water-jet driven vessel on a trailer at the Ford Park launching ramp, it shall be unlawful for any person to operate said vessel such that propeller or jet wash is created. It is the intent of this

Section 31.106(2) to prohibit and eliminate the practice of “power loading” or “power unloading” of water craft at the Ford Park launching ramp.]^{19, 31}

(3) [Special Local Watercraft Control. WC-24-99-01. The following waters of Little Traverse Bay shall be restricted to a slow-no-wake speed:

The waters of Little Traverse Bay, adjacent to Little Traverse Township, West Traverse Township and the City of Harbor Springs, Emmet County, north and west of the following courses: Beginning at a point on the northeast of the Harbor Point Subdivision where the section line between sections 13 and 24 intersects the water’s edge of Harbor Springs Harbor; thence N 10°14' E thence 1804 feet more or less to a point on a line 200 feet south of and parallel to the south line of the Harbor Springs Mooring Fields; thence along said line S 88°27' E 2494 feet more or less to a point on a line extending from the easternmost point of land in section 24, Township 35 North, Range 6 West, being the easternmost point of land in the Harbor Point Subdivision, to a point at the water’s edge on a line parallel to, and 200 feet east of, the centerline of Artesian Street as extended; thence along said line N 25°00' E 840 feet more or less to the water’s edge being the Place of Ending.]²⁵

31.107 Information for Harbor Records.

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

31.108 Abandoning Vessel. No person shall abandon any vessel, or allow the same to sink in the Harbor. Every vessel which shall be so abandoned or allowed to sink in the Harbor is hereby declared to be a public nuisance. Whenever the owner thereof shall not have taken action with fifteen (15) days of notice of the existence of said nuisance, the Harbor Master

shall proceed to remove the vessel, and the owner thereof shall be liable for the expenses and necessary costs of said removal.

31.109 Moorage, Anchorage and Tie Up.

(1) No person, firm or corporation shall moor, anchor or tie up a vessel within the Harbor Control Area except at the City Docks, within the Moorage Area or within a Refuge Anchorage Area and then only after first obtaining a valid permit to do so, issued by the Harbor Master of the City of Harbor Springs; excepting only emergency situations and such temporary tie up as may be necessary to obtain a valid permit.

(2) Any vessel moored, anchored or tied up within the Harbor Control Area except at the City Dock, within the Mooring Area or within the Refuge Anchorage Area; OR, which is anchored or tied up at the City Dock, within a Mooring Area or within a Refuge Anchorage Area without a valid permit, shall be subject to immediate removal and storage. Further, the owner thereof shall be liable for the expense and necessary cost of such removal and storage, as well as such penalties as are provided in Chapter 1 of this Code.

(3) The Harbor Master is hereby authorized to regulate all dockage, anchorage, moorage and tie up at the City Docks, the Moorage Area and the Refuge Anchorage Area, and to regulate navigation in all areas of the Harbor. Any person disobeying an order (verbal or written) of the Harbor Master intended to promote orderly dockage, anchorage and/or safe navigation, shall be subject to such penalties as are provided in Chapter 1 of this Code.

(4) This Section shall not be deemed to prohibit refuge anchorage in emergency situations, or in adverse weather conditions, subject to reasonable orders of the Harbor Master, nor to interfere with the common law rights of riparian property owners to moor watercraft and to construct dockage, provided the exercise of such riparian rights do not

infringe upon the free, safe and orderly navigation of watercraft in the Harbor Control Area.

(5) [Non-emergency anchorage within the Refuge Anchorage Areas shall be regulated by the Harbormaster so that no vessel shall be anchored there for more than seven (7) consecutive days. After leaving a Refuge Anchorage Area, a vessel shall not be permitted to return for non-emergency anchorage for at least two (2) days (48 hours).

(6) Except for vessels legally permitted within the Mooring Area, or at the City Docks, or at private marinas, docking facilities or riparian moorings, no vessel shall be anchored within the Control Area after sunset unless an adult is aboard at all times.

(7) No ferry boat or other vessel licensed to carry passengers for hire, including a cruise ship (each such vessel being hereinafter referred to as a "public carrier") shall be permitted to use the City Marina or other facilities or locations within the City of Harbor Springs (including private marina facilities) to discharge or collect passengers without a license issued by the City Council on terms and conditions adopted by the City Council, and subject to additional rules and regulations adopted by the City Council from time to time.

(8) In addition to the restrictions on public carriers provided in sub-section (7), no commercial or business or pecuniary enterprise shall be permitted to use the City Marina without a license issued by the City Council on terms and conditions adopted by the City Council, and subject to additional rules and regulations adopted by the City Council from time to time.]³⁹

31.110 Securing Vessels. No person shall allow or permit any vessel in his or her possession or charge to lie in the Harbor insecurely fastened, or to drift upon the waters of the Harbor. The Harbor Master shall notify the owner or other person in charge of any

vessel to secure the same without delay. If he shall be unable to find the owner or person in charge of such vessel, he shall have the power to secure and fasten such vessel, and all expenses incurred shall be chargeable to the owner, lessee, or person in possession of said vessel.

31.111 Operation of Vessel Near Bathing Areas or Sailboats.

(1) It shall be unlawful for any person to navigate or operate any vessel in the waters adjacent to any bathing pier, raft or beach in such a manner or at such a rate of speed as to endanger the lives or safety of persons using such bathing pier, raft or beach and adjacent waters for bathing purposes, or in such a manner as to interfere with the free and proper uses of the bathing pier and waters.

(2) No vessel shall be so operated as to cause interference with sailboats, except in the interests of safety and common sense and should, whenever possible, give sailboats a wide berth in order to cut down wave action, and shall check speed in so doing whenever possible.

31.112 Use of Docks for Loading Freight.

The City Docks may be used only for the loading of normal ship's stores; provided, however, that freight or other cargo may be loaded or unloaded with consent in writing of the City Manager.

31.113 Restriction on Disposal of Garbage, Rubbish, etc.

It shall be unlawful for any person to deposit or discharge or cause to be deposited or discharged in the waters of the Control Area any rubbish, garbage, refuse, oil, or to place, deposit or leave or cause to be placed, deposited or left, any such foreign material or substance upon the City Marina except as the same is deposited in a receptacle therefor provided by the City or the Harbor Master.

31.114 Laws of United States not Affected.

This Chapter shall not be construed to affect any

of the rights of an owner under the laws of the United States.

31.115 Restricted Areas. [Anchorage areas and any and all other restricted areas shall be established by rule of the Harbor Commission, pursuant to the procedure provided in Section 31.105.]⁶⁴

31.116 Post Rules. [It shall be the duty of the Harbor Master, but not as a condition of their effectiveness, to see that the rules and regulations established by the Harbor Commission, as approved and published as provided in Section 31.105, are posted on a bulletin board at the Harbor Master's office.]⁶⁵

31.117 Notices Placed by Harbor Commission. It shall be unlawful for any person to destroy, mutilate, molest, remove, change the location of, or in any manner interfere with any notice placed by the Harbor Commission or City of Harbor Springs upon or adjacent to the City Marina.

31.118 Beaching Vessels. No person shall beach any vessel or draw any part of any vessel up upon a municipal beach or other municipal property without first obtaining the permission of the City, excepting only emergency situations.

31.119 Permit Required to Use Ford Park Launching Ramp. No person shall use the Ford Park Launching Ramp for loading or unloading a watercraft, or for any other purpose, without first obtaining a permit from the City of Harbor Springs to do so. The fees for such permits shall be established by resolution of the City Council from time to time.

31.120 Penalties. Any Master, owner or person in possession, charge or control of any vessel, craft or float, or any other person, who shall violate any of the provisions of this Chapter or shall refuse or fail to comply with any lawful order of the Harbor Master or any Rule or Regulation of the Harbor Commission, given under the authority hereof, shall be guilty of a

violation of this Code as provided in Chapter 1 hereof.]³¹

ARTICLE 2 CITY DOCKS

31.200 Attaching of Lines and Hawsers. All lines and hawsers from vessels shall be attached to piles or bollards in such manner as not to cause injury to docking or piles. No lines or hawsers shall be attached to seats or light standards on or constituting a part of the City Docks.

31.201 Priority of Use of City Docks. In general, the rule of "first come, first served" will be adhered to on docking space. However, the City retains the right to have vessels moved to an allotted space.

31.202 Liability for Damages or Injury to City Dock. Any vessel which causes injury to the City Dock due to careless handling will be liable for the cost of repairs required to restore the dock or appurtenances to the condition existing before such injury occurred.

31.203 Obedience to Directions of the Harbor Master. No person shall dock any boat or vessel contrary to the directions of the Harbor Master, or allow the same to remain at the City Docks at any time or in a manner which is contrary to any such directions. No person shall use or occupy the City Docks or any portion thereof contrary to the provisions of this Article or the directions of the Harbor Master pertaining to such use.

31.204 Harbor Map. The "Harbor Map" attached hereto and made a part of this Chapter, being designated as the "Harbor Map" of the City of Harbor Springs, 1982, is hereby adopted and incorporated herein, and the said Harbor Map, together with all notations, references and other things shown thereon shall be as much a part of this Chapter as if the matter and things set forth on said Map were fully described herein; provided, however, that said Harbor Map may be amended in any manner, from time to

time, by ordinance of the City Council, or by authorized rule of the Harbor Commission, in which case such changes described shall be equally as effective as though incorporated in the Harbor Map aforesaid.

**ARTICLE 3
MARINE SAFETY ACT**

31.300 Adoption of Portions of Marine Safety Act: Pursuant to Section 80113 of the Marine Safety Act (being MCL 324.80101, et seq.), the following sections of said Act are hereby adopted by reference: Sections 80101 to 80104, 80122 to 80124, 80126, 80140, 80141, 80144 to 80153, 80155, 80164, 80165, and 80166 to 80173.]²⁹

31.301 Provisions of Marine Safety Act to be Supplementary: The provisions of this Article 3 are and shall be supplemental to the provisions of Articles 1 and 2 of Chapter 31 of the Harbor Springs City Code, and shall not be deemed to modify or alter or amend the provisions thereof.

31.302 Penalty: Violations of this Article 3 shall be punishable as a misdemeanor as provided in Chapter 1 of this Code of Ordinances.

**ARTICLE 4
MARINE PATROL**

31.400 Authority of Reserve Marine Patrol Officers. For the purpose of augmenting and assisting the Harbor Springs Police Department, there shall be and is hereby created a special class of Harbor Springs Police Reserve Officers (as appointed pursuant to Section 2.605 of this Code) who, after appointment as Harbor Springs Reserve Marine Patrol Officers by the Chief of Police of the City of Harbor Springs, are hereby specifically authorized to issue and serve appearance tickets for violations of Articles 1, 2 and 3 of Chapter 31 of the Harbor Springs City Code, but who are specifically not authorized to arrest any persons without a warrant, unless acting under the direct supervision and orders of a full time regular sworn police officer as provided in Section 2.605(1)(c) of the Harbor Springs City Code.

31.401 Qualifications of Reserve Marine Patrol Officers. In addition to the normal qualifications of Reserve Officers appointed and

serving pursuant to Section 2.605 of the Harbor Springs City Code, all Reserve Marine Patrol Officers shall first qualify to serve by successfully completing the Marine Safety School conducted by the Michigan Department of Natural Resources for marine safety officers.

31.402 Oath of Office of Reserve Marine Patrol Officers. All such Reserve Marine Patrol Officers, in their oath of office, shall be specifically limited in their authority to that granted under this Article 4.

31.403 Alternate Appointments. In addition to Harbor Springs Police Reserve Officers, the Chief of Police, for the further augmentation and assistance of the Harbor Springs Police Department, may appoint as Marine Patrol Officers, persons other than Harbor Springs Police Reserve Officers, provided such other persons have successfully completed the Marine Safety School conducted by the Michigan Department of Natural Resources for marine safety officers. Such Marine Patrol Officers, in their oath of office, shall be specifically limited in their authority to only enforce Articles 1, 2 and 3 of Chapter 31 of the Code of the City of Harbor Springs, and shall not have authority to arrest persons without a warrant; but shall have authority to issue and serve appearance tickets for violation of said Articles 1, 2 and 3 of Chapter 31 as hereinabove provided. Such persons shall serve at the pleasure of the Chief of Police of the City of Harbor Springs.

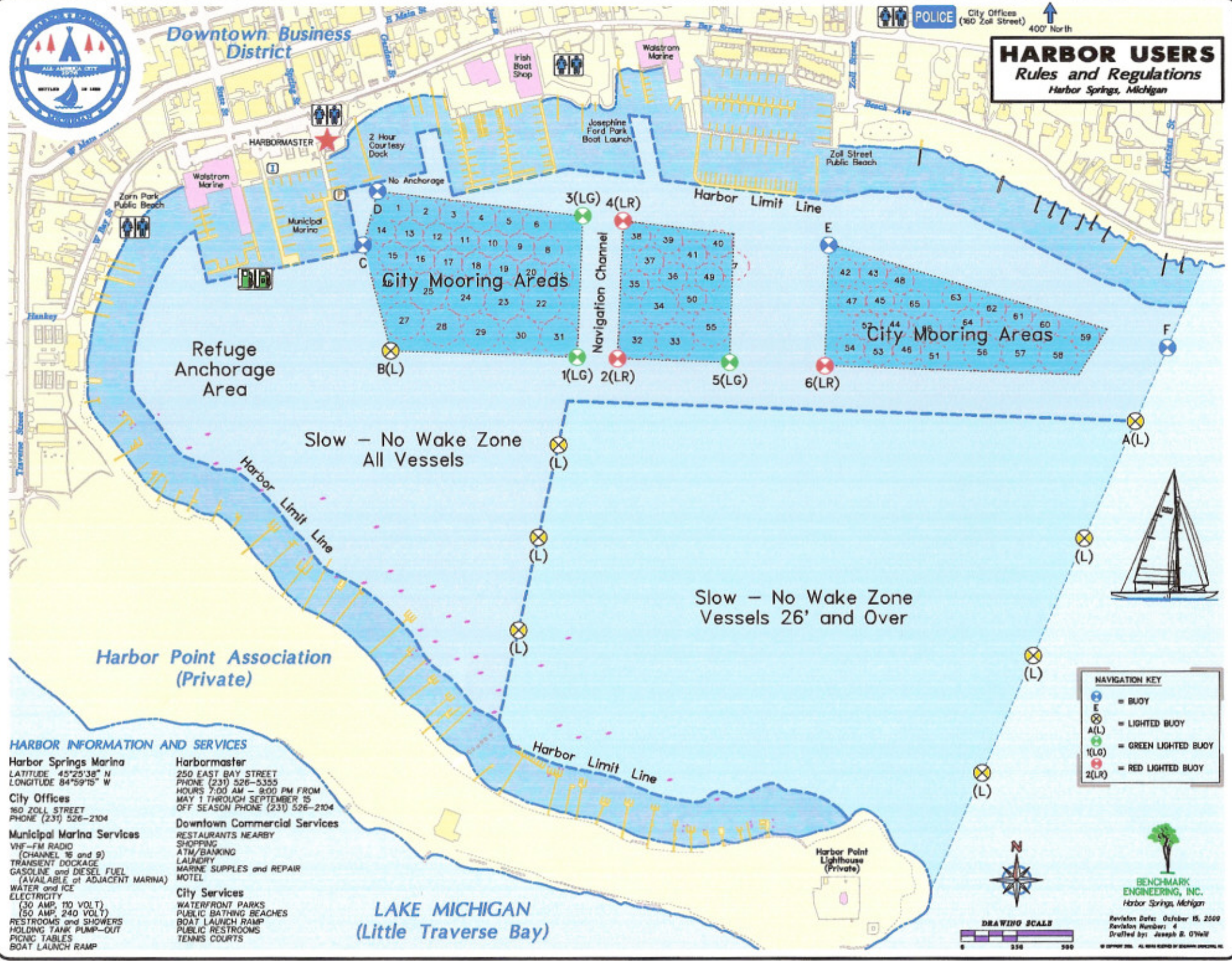


Downtown Business District

POLICE City Offices (160 Zoll Street) 400' North

HARBOR USERS

Rules and Regulations
Harbor Springs, Michigan



Refuge Anchorage Area

City Mooring Areas

City Mooring Areas

Slow - No Wake Zone
All Vessels

Slow - No Wake Zone
Vessels 26' and Over

Harbor Point Association
(Private)

HARBOR INFORMATION AND SERVICES

Harbor Springs Marina
LATITUDE 45°29'38" N
LONGITUDE 84°59'15" W

City Offices
160 ZOLL STREET
PHONE (231) 526-2104

Municipal Marina Services
VHF-FM RADIO (CHANNEL 16 and 9)
TRANSIENT DOCKAGE
GASOLINE and DIESEL FUEL (AVAILABLE AT ADJACENT MARINA)
WATER and ICE
ELECTRICITY (30 AMP, 110 VOLT) (50 AMP, 240 VOLT)
RESTROOMS and SHOWERS
HOLDING TANK PUMP-OUT
PICNIC TABLES
BOAT LAUNCH RAMP

Harbormaster
250 EAST BAY STREET
PHONE (231) 526-5355
HOURS 7:00 AM - 9:00 PM FROM MAY 1 THROUGH SEPTEMBER 15
OFF SEASON PHONE (231) 526-2104

Downtown Commercial Services
RESTAURANTS NEARBY
SHOPPING
ATM/BANKING
LAUNDRY
MARINE SUPPLIES and REPAIR
MOTEL

City Services
WATERFRONT PARKS
PUBLIC BATHING BEACHES
BOAT LAUNCH RAMP
PUBLIC RESTROOMS
TENNIS COURTS

LAKE MICHIGAN
(Little Traverse Bay)

NAVIGATION KEY	
	= BUOY
	= LIGHTED BUOY
	= GREEN LIGHTED BUOY
	= RED LIGHTED BUOY



BENCHMARK ENGINEERING, INC.
Harbor Springs, Michigan

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Drafted by: Joseph B. O'Neil