

**CITY OF SYLVAN LAKE
OAKLAND COUNTY, MICHIGAN**

ORDINANCE NO. 350

**AN ORDINANCE TO AMEND CHAPTER 42, PARKS AND
RECREATION, IN ORDER TO REGULATE CERTAIN
ADDITIONAL ACTIVITY IN THE CITY PARKS.**

THE CITY OF SYLVAN LAKE ORDAINS:

Section 1. Ordinance.

That Chapter 42, Parks and Recreation, is hereby amended to read as follows in its entirety:

Sec. 42-1. - Regulation of recreational use by council resolution.

Except as otherwise provided in this Chapter, regulations and use fees for the use of the public recreation facilities of Sylvan Lake shall be established by city council resolution. Any violation of such regulations or use of the City's recreational facilities without paying the appropriate and established fees shall be unlawful and a violation of this Code.

Sec. 42-2. – Dock space license requirement.

- (a) No person shall construct, maintain, or use any mooring, dock or dock space extending into the waters of Sylvan Lake from the riparian lands between Sylvan Lake and the adjacent public roads within the City of Sylvan Lake or from any city park or public area without first applying for and obtaining a boat dock space license (boat dock license) under the provisions of this Chapter.
- (b) The licensing period for boat dock spaces shall be the calendar year. Applications for licenses shall be received by the city manager on and after January 1 of each year. Returning applicants must return their completed application, supporting documentation and applicable fee at one time by March 1. All applications for licenses shall be on a form supplied by the City.
- (c) The city manager shall review all applications and shall issue licenses only if the proposed use, location, and construction specifications are consistent with the public safety and in accordance with regulations pertaining to dock usage provided herein.
- (d) All licenses shall be revocable by the city manager at any time and shall be expressly conditioned upon compliance with the rules and regulations provided herein. The City shall have full and sole discretion with regard to the issuance of any license and/or the assignment of any specific dock to any applicant.
- (e) The City shall charge a non-refundable dock application fee pursuant to the schedule adopted by city council resolution from time to time, and will include a park tag, launch key, and sports tag, as well as one watercraft launch sticker, or one small watercraft sticker, depending on the watercraft registered for the dock space. All fees received from applicants by the City shall be used to defray the payment of property taxes, policing, and administrative costs, and to maintain the recreational facility, water, and waterfront.

- (f) The license granted is for the sole use of the licensee. The licensee must construct or install a dock or mooring for a watercraft belonging to the licensee. At least one watercraft docked or moored must be solely owned by the licensee of that space. The licensee shall provide proof of ownership to the City by presentation of a current original watercraft registration as issued to the licensee by the State of Michigan and proof of insurance for the watercraft. The watercraft must be owned and registered in licensee's name only.
- (g) Upon successful application and payment of the non-refundable dock application fee, one dock license per household will be granted to a qualified returning applicant.
- (h) Dock spaces that remain unfilled after March 1 (or the additional 14-day period if applicable) will be offered to the applicants on the move list, and the wait list following those procedures.

Sec. 42-3. – Dock space application requirements; form.

- (a) The applicant shall be the resident taxpayer or permanent renter for the residence identified on the application. The applicant may only be one person, or co-applicants if related by marriage. Co-applicants shall not include children, parents, siblings, or other relatives or non-relatives, whether living in the same household or not. The City may use any means to determine the permanent residency of applicants. If it is determined an applicant is not a resident, no license will be issued to the applicant, and any license previously issued shall be immediately revoked. The City retains the right to deny or revoke an applicant's dock license for violations outlined in this Chapter.
- (b) The City shall develop a boat dock license application form to expedite the application process. Items to be provided or completed on the application shall include:
 - (1) Applicant's name and address of permanent residence, telephone numbers, and current email address. It is the applicant's responsibility to update these forms of contact if they change.
 - (2) Current driver's license or other photo identification as provided by the State of Michigan.
 - (3) A statement indicating the applicant shall be responsible for any dock, mooring, and/or watercraft placed in the licensed space.
 - (4) The licensee shall provide and maintain proof of appropriate PL/PD insurance for licensee's dock, mooring, and watercraft, and the applicant shall include a statement that licensee shall hold the City forever harmless during any proceeding against the licensee as a result of being granted a license.
 - (5) A statement indicating 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, including but not limited to: damaged or broken dock parts, stumps, branches, glass, litter, rocks, concrete, etc. Nor shall any material found in the dock space be placed on the seawall or in any park area.
 - (6) A statement indicating that the licensee agrees to use the space granted at licensee's risk.
 - (7) A statement indicating by licensee's signature that licensee has read and understands the applicable city ordinances.

Sec. 42-4. - Dock space application; waitlist and returning applicants.

The City shall maintain a boat dock list of current licenses, as well as a move list, and wait list of applicants that have successfully applied.

(1) *Returning licensees; boat dock list.*

- a. Qualified returning licensees, who have satisfactorily used a dock space during the immediate prior year, shall be on the boat dock list and be given priority for the same location. Prior year dock space holders must return their completed boat dock space application and required payment by March 1 each year, in order to maintain priority status. Failure to apply by March 1 shall result in forfeiture of priority status and removal from the boat dock list; provided, however, that if the licensee satisfactorily submits the required information, together with a \$300.00 reinstatement fee and license fee within 14 days of the original due date such status as a returning licensee shall be reinstated. Failure to apply after the additional 14-day period will result in a permanent loss of dock space. Applicants on the waitlist who move from one home within the City immediately to another home within the City shall retain their priority status.
- b. If it is found a returning licensee is no longer a resident of the City, prior to March 1, the licensee will lose their priority status and will be removed from the boat dock list.
- c. If a licensee moves from the City during the boating season, they will lose their license and privileges. A licensed sharer using the same dock space, may continue to use that space, for the remainder of that boating season only.
- d. If an applicant moves back into the City, the procedure to be placed on the waitlist may be utilized.

(2) *Waitlist.*

- a. The City will establish and maintain a permanent waitlist of residents desiring a dock space. Upon receipt of a satisfactorily completed waitlist application and a one-time non-refundable administration fee of \$100.00, the applicant will be placed at the bottom of the waitlist. Applicant must be a resident at the time of application. Applicants on the waitlist who move from one home within the City immediately to another home within the City shall retain their position on the waitlist.
- b. An applicant will be removed from the waitlist if it is found at any time the applicant is no longer a resident of the City. If the applicant moves back into the City, the procedure to be placed on the waitlist may be utilized.
- c. After the process has been completed for those on the "move list" (separate policy), available dock spaces will be offered to the resident at the top of the waitlist. The new applicant must follow the instructions as supplied by city hall in choosing, making application, and submitting payment for their new dock space. If a waitlist applicant declines the available dock space, they will be removed from the waitlist. However, if they immediately choose to return to the bottom of the waitlist, they may do so by paying an administration fee of \$50.00. The available dock space will

then be offered to the next resident on the waitlist. This procedure will be followed until all available dock spaces are filled.

- (3) Pursuant to a 1977 consent agreement, the homeowners or renters at the below street addresses shall be given priority on an annual basis to apply for dock spaces indicated with the associated address. However, should such individuals fail to apply by June 1 of the calendar year, the dock space may be made available to the next applicant on the waitlist for use of the dock space for the current calendar year only.

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

Pursuant to the consent agreement, licensees of the dock spaces listed above are subject to the same rules and regulations outlined in this Chapter with the following exceptions:

- a. The deadline for submitting the completed application and payment is June 1.
- b. The application fee is \$200.00 annually.

- c. The application and fee are for the licensing of the dock space only and do not include any additional keys, tags or stickers.
- d. The dock holders are not required to have a watercraft in their dock space.

Sec. 42-5. - Sharing a dock space.

The City may permit the mooring or docking of a watercraft registered to one other permanent resident of the City at a dock space currently licensed. Such additional permanent resident shall be identified, for purposes of the City's boat dock list, as a "sharer." The licensee must provide a letter to the City requesting permission to share their space. The sharer must then submit the same completed application and fee as the licensee, proving residency, sole ownership of watercraft and valid insurance for the watercraft and will receive a park tag, sports tag, launch key and one watercraft launch sticker for the registered watercraft.

To encourage licensees to share their licensed dock space with another resident, the fee for a licensee will be one-half the regular annual fee. In order to receive the reduced rate, the licensee and sharer must make successful application at the same time. There shall be no refunds after the initial application is made.

Sec. 42-6. - The installation of docks or moorings; rules regarding the use of dock space.

- (a) The city manager, or persons appointed by the city manager, may periodically inspect the use of dock spaces for compliance with the following:
 - (1) No dock, mooring, or watercraft attached to a dock or mooring, shall extend beyond 60 feet from the edge of the seawall or shoreline. If a longer dock is needed due to shallow depth or other circumstances, an appeal may be made to the city manager for a variance.
 - (2) There shall be no more than two watercraft per dock space, except as provided in paragraph (3) below.
 - (3) Up to two additional small watercraft, specifically, a kayak, canoe, paddleboard or pedal boat may be kept in the dock space. Such watercraft must be registered to the licensee or approved sharer.
 - (4) All watercraft docked, moored, or stored in a dock space, or using the boat launch, must have a city-issued watercraft sticker permanently affixed to it. The watercraft sticker must be affixed to the appropriate watercraft, which is registered with the City to the specific resident.
 - (5) The City shall sell two types of watercraft stickers depending on need. Both stickers will allow the registered watercraft to be kept at the appropriate dock space. One sticker will also allow the use of the boat launch, and a different sticker will be affixed to small watercraft described in paragraph (3) above.
 - (6) A dock, if installed, shall not be less than two feet in width.
 - (7) Under no circumstances shall any portion of the dock, licensee's personal property, or any mooring facility be attached to, or rest on, the seawall or any other city property; provided, however, that permission may be granted by the city manager to allow a dock to rest on the seawall for safety reasons only.

- (8) Licensee shall not construct, install, or allow any dock, mooring, or watercraft to be installed outside the confines of the space provided as marked on the seawall by the City for them. However, licensees in adjacent dock spaces may elect to share one dock to consolidate space.
 - (9) No watercraft shall be moored or docked, and no dock or mooring shall be constructed in a way that makes it a hazard to any other property, either public or private.
 - (10) Applicants receiving a license to use a dock space must construct or install a boat dock or mooring facility and utilize it for docking or mooring watercraft within the licensed space on or before June 1 of the license year.
 - (11) Licensee shall not lease or sublease any portion of the dock space licensed to them or lease or rent any watercraft from any dock space on public property.
 - (12) At least one watercraft must be registered solely to the licensee.
 - (13) No resident in default to the City for more than \$100.00, at the time of application, will be granted a dock space license.
- (b) For deficiencies related to paragraphs (1) through (9):
- (1) The City shall notify the licensee in writing, sent to the address provided on the application, of all deficiencies related to this Chapter.
 - (2) Licensee shall have seven calendar days in which to correct the deficiency, and licensee shall notify the City of the correction in writing.
 - (3) The city manager, or designee, shall determine if licensee has corrected the deficiency. If the city manager or designee 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 shall be placed at the end of the waitlist.
 - (4) If licensee has not removed all watercraft, 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 (13).
- (c) For deficiencies related to paragraph (10), failure to comply with this requirement will result in immediate forfeiture of license and all fees related to the 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 waitlist. The new licensee shall have ten business days, following the date of issue of license, to install a boat and dock or mooring facility.
- (d) For deficiencies related to paragraph (11), 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 this Chapter, or rented or leased watercraft from any dock space, the licensee's dock space license shall be immediately revoked and the licensee's priority position on the list is forfeited. The licensee and any other resident residing at the same address as the licensee, must wait two years before applying to be placed on the waitlist. The City may, at its option, take other actions as it deems appropriate.
- (e) For deficiencies related to paragraph (12), the City shall notify licensee by telephone, at the telephone number(s) indicated on the application, that an unregistered watercraft has been identified as moored or docked at licensee's dock space. Licensee shall have two business

days to remove the watercraft from the dock space or notify the City that it is not licensee's property. If licensee indicates that the watercraft is not licensee's property, the City will treat the subject watercraft as abandoned. If the licensee fails to remove the unregistered watercraft, or indicates that the watercraft is not licensee's property, then 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 watercraft. Failure to comply shall result in forfeiture of the dock space license and removal from the boat dock list.

Sec. 42-6.1. - Removal of watercraft, docks, and moorings after November 15 of each calendar year.

- (a) Licensee shall remove all watercraft, docks, and moorings before November 15 of the license year.
- (b) If licensee fails to remove all watercraft, docks, and moorings before 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, watercraft, and other personal property of the licensee in the dock spaces. The licensee shall be responsible to reimburse the City for the City's removal of materials from licensee's dock space after November 15, the City shall have the following options related to materials removed from dock spaces:
 - (1) Charge a minimum fee of \$50.00 per post or smaller item removed from the water.
 - (2) Charge a minimum fee of \$75.00 per dock section removed from the water.
 - (3) Charge a minimum fee of \$200.00 per hoist removed from the water.
 - (4) Charge those fees required to retain appropriate professional services for removal of watercraft.
 - (5) 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.
- (c) 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 disposed of as seen fit by the city manager. 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.

Sec. 42-7. - Canoe and kayak storage.

Storage spaces may, at the City's discretion, be made available at the community center for non-motorized canoes, kayaks, and paddleboards. A fee of \$25.00 will be charged to rent space to store one item on the storage rack for one season, April 1, to November 15. On March 1 of each year, rack storage will be offered to residents on a first-come-first-serve basis. The resident must 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 and approved by the City, an annual "rack" sticker will be provided for the watercraft to be stored for that season. 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 that year.

The City will periodically inspect the storage racks for compliance. Any small watercraft found to be in violation of this ordinance will be removed and stored temporarily. The item will be returned to the owner upon request only when proof of ownership is provided and an administrative and processing fee of \$50 has been paid. If the item is not picked up within 90 days, it will be considered and treated as abandoned and disposed of in accordance with any applicable rules or requirements.

Sec. 42-8. - Waiver.

With the exception of the \$300.00 reinstatement fee for late application, the city manager may waive or modify penalties of this policy due to extenuating circumstances.

Sec. 42-9. Boat Launch.

- (a) No person shall use the City's boat launch unless the person has been issued a boat launch key by the City.
- (b) Residents purchasing a boat launch key must register each watercraft they intend to launch at the boat launch following the City's guidelines.
- (c) In addition to the launch key, every watercraft being launched at the boat launch must have an annual launch sticker following the City's guidelines.
- (d) No boat launch key is to be loaned for use by other persons.
- (e) No boat launch key shall be duplicated.
- (f) The boat launch facility shall be securely locked after each use in order to prevent unauthorized use of the boat launch facility.
- (g) Only one boat launch key will be issued per residence.
- (h) A boat launch guest pass will be issued to residents only, for the purpose of allowing a specific guest and/or family member who are visiting for the day use of the boat launch. The pass is good for only one watercraft for one day.
- (i) No person shall launch a watercraft from the City's boat launch without an annual launch sticker permanently affixed to their watercraft. The purchase of a launch key alone does not entitle the key holder to launch an unlimited number of watercrafts.
- (j) Launch stickers will only be sold to residents showing proof of watercraft ownership. Watercraft must be registered to a Sylvan Lake resident at resident's address.
- (k) One launch sticker is included with the purchase of a boat launch key for those residents showing proof of watercraft ownership as describes in section 42-9 (j). A launch sticker will not be sold to any resident that does not own a watercraft.
- (l) Additional launch sticker(s) may be purchased for those residents proving ownership of additional watercraft. Each watercraft must be registered to the Sylvan Lake resident at resident's address.
- (m) The annual launch sticker must be placed on the left side of the watercraft (when seated in the craft). The annual launch sticker must be at least four inches (4") but not more than six inches (6") to the left of the Michigan Watercraft Registration sticker.
- (n) Watercraft such as canoes and kayaks which do not require the use of the boat launch do not require a launch sticker.

Sec. 42-10. –Vehicular Traffic.

No person shall drive a motor vehicle, including, but not limited to, snowmobiles, motorcycles, trail bikes, minibikes, golf carts, all-terrain vehicles, tractors, and mowers, on park property except on drives and roadways established for that purpose. The provisions of this section do not apply to equipment authorized by the City necessary for the maintenance or patrol of the grounds or public utilities located in the park areas.

Sec. 42-11. Pets.

- (a) When walking a pet on public property, pets must be on a leash not exceeding six feet in length and under control of their walker or handler at all times. Said walker or handler is required to have in his or her possession a pooper scooper or plastic bag at all times and must clean up the pet's fecal matter, and shall be responsible for disposing of the animal's fecal matter in a marked trash containers.
- (b) Pets are not allowed in any park area, with the following exceptions:
 - 1. Pets are allowed in the Lakeview Park from Pontiac Drive to Cheltingham, but they are not allowed in the beach area; and
 - 2. Pets are allowed in the Community Center Park on the east side (back/parking lot side) of the Community Center
- (c) Guide, leader, hearing and service dogs are excepted from the provisions of this section. However, they must be on a leash not exceeding six feet in length.

Sec. 42-12. Glass in parks.

No person shall bring into or have in their possession, any glass containers of any kind in any public park or parking lot contained therein.

Sec. 41-13. Unauthorized use of gates.

No person shall open or close, or cause to be opened or closed, any of the gates on Lakeview or Ferndale streets used for Traffic control without express written permission from the City. When closed, no motorized vehicle of any kind shall traverse the closed sections of Ferndale street, by driving around or between the gates.

Sec. 42-14. Trailer parking.

It shall be unlawful for any person to park, place or locate any, house car, any type of trailer, attached to a vehicle or not, or similar structure in any public park or parking lot contained therein.

- (a) Beach Tags, Sports/Tennis Tags, and Boat Ramp Keys will be issued only to persons showing proof of residency in the City of Sylvan Lake.
- (b) Each Park/Beach Tag entitles the resident's entire family living at the Sylvan Lake address (household), plus eight (8) guests to the use of the park and beach areas. Provided, however,

that City Council may limit the number of guests allowed to be invited to use the park and beach areas. Such limitation to be by resolution stating the basis for such limitation and for a duration of no more than 120 days.

- (c) Each resident/household of the City must obtain his/her own Park/Beach Tag for use of the park areas. No resident may be the guest of another resident.
 - (d) All residents must have the Park/Beach Tag in his/her possession when on any of the recreational areas and must produce it as identification when asked by the Park Ranger, Police Officer, or other City employees, or those authorized by the City Manager.
 - (e) A Park Day Pass allows a resident that has not yet purchased a park tag, to purchase a day pass from the Park Ranger, Police Officer or other City employee, with the same benefits as a park tag for that calendar day only. The resident must provide a valid drivers license indicating they are a resident of the City prior to a day pass being issued. The day pass is intended as temporary use and is not intended to take the place of a park tag.
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- (a) Each Sports Tag entitles a resident to the use of one (1) tennis court, bocce court or volley ball court with a maximum of three (3) guests.
 - (b) No guest is entitled to use of the facilities listed in subsection (a) or other recreation area unless accompanied by a resident.
 - (c) The Sports/Tennis Tag must be hung on the board (if provided) at the tennis court entrance prior to use of the tennis facility.
 - (e)

Sec. 42-17. Docking and/or Mooring of Boat Prohibited.

There shall be no docking or mooring of any water craft in those areas where signs prohibiting same are appropriately posted.

Sec. 42-18. Penalty

Any person, firm or corporation determined to have been in violation of the provisions of this Chapter shall be responsible for a municipal civil infraction and subject to the provisions of chapter 1, section 1-7 of the Sylvan Lake City Code.

Section 2. Repealer.

Any and all Ordinances and resolutions heretofore adopted inconsistent herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 3. Severability.

If any one (1) or more provisions of this Ordinance shall ever be held by any Court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining provisions hereof shall nevertheless be continued in full force and effect, it being expressly recited and declared that such remaining provisions would have been enacted despite the invalidity of such provision or provisions so held to be invalid.

Section 4. Savings.

All proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 5. Effective Date.

The provisions of this Ordinance are hereby ordered to take effect ten (10) days after adoption by the Sylvan Lake City Council.

Section 6. Enactment.

This Ordinance is declared to have been enacted by the City Council of the City of Sylvan Lake at its meeting duly called and held on the 20th day of May, 2020, and shall be given publication in accordance with applicable law.

Ayes: Cassar, Clarke, Lorenz, Salemi, Zubrzycki
Nays: None
Abstentions: None
Absent: None

Adopted: May 20, 2020
Published: June 10, 2020
Effective: May 30, 2020
Posted: May 30, 2020

Locations: City Hall, Community Center, Ferndale Park

I, Dennise Dryden, City Clerk for the City of Sylvan Lake, Michigan, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Sylvan Lake City Council of the City of Sylvan Lake at a Regular City Council Meeting, held on May 20, 2020, the original of which is on file in my office.

I have hereunto affixed my official signature this 30th day of May, 2020.

Dennise Dryden, City Clerk
City of Sylvan Lake