

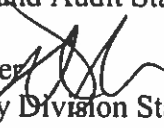
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**TO:** Council Member Janeé Ayers, Chairperson  
Budget, Finance and Audit Standing Committee

**FROM:** David D. Whitaker   
Legislative Policy Division Staff

**DATE:** December 20, 2018

**RE:** **Watercraft Legislation**

The Legislative Police Division was requested to provide a report regarding the City's authority over small watercraft such as kayaks. Without having any specific concerns that need to be addressed regarding small watercraft, the following information is provided to give an outline on the City's general scope of authority.

The Michigan Natural Resources and Environmental Protection Act (the Act), Public Act 451 of 1994, MCL 327.101 *et. al.*, was enacted to generally protect the environment and natural resources of the state which includes regulating the use of lakes, rivers and other bodies of waters within the state. Pursuant to the act, the Michigan Department of Natural Resources ("DNR") is the enforcement agency which has specific authority over waterways. Pursuant to the act, local units of government have limited jurisdiction over waterways within their jurisdiction and may only enact local ordinances mirroring specific enumerated provisions contained within the Act.<sup>1</sup> The provisions cover the following areas:

- The issuance of decals and fees related to operations of vessels. The term vessels is defined as "every description of watercraft used or capable of being used as a means of transportation on water," this would include canoes and kayaks;
- The establishment of educational programs including programs for boating and general water safety and programs specifically targeted for youth boaters;
- The regulation of the operation of motorboats by youth; and

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<sup>1</sup> MCL 324.80113

- The policing of waterways with the accompanying authority to adjudicate offender for violations.

The City of Detroit has already incorporated these provisions within the Detroit City Code *Chapter 23 Harbor, Wharves, Vessels and Marine Safety*, Section 23-1-1 et. seq. At the present time, the Detroit City Code does not have provisions particular to the use of kayaks. The enactment of any additional regulation beyond what is specifically authorized by the Act is prohibited by any local unit of government unless permission is obtained from the DNR for a special local ordinance.<sup>2</sup> To obtain a special local ordinance City Council would need to make a request of the DNR to investigate the need for special rules for the use of vessels and watersport equipment on a particular body of water or to address conditions particular to that water body.<sup>3</sup> After an investigation, the DNR will provide preliminary report outlining the need for a special rules and a public hearing shall be held to obtain input from stakeholders.<sup>4</sup> If determined necessary, the DNR will then draft an ordinance with special local rules for City Council's consideration.<sup>5</sup> City Council will have 60 days to approve the proposed ordinance.<sup>6</sup>

While local communities have limited authority to regulate activities in the waterways, the State has created the seven-member Michigan State Waterways Commission (MSWC) to advise the DNR regarding matters related to public recreational boating and related matters. The MSWC works with the Department of Natural Resources on the use of dedicated funds, provided by boaters, for the acquisition, development and maintenance of public harbors and boating access to the state's water resources through uniform statewide regulation, but to ensure the safety of all citizens enjoy those resources.

If there are further questions, please advise.

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<sup>2</sup> MCL 324.80110 to 324.80113

<sup>3</sup>Ibid.

<sup>4</sup> MCL 324.80110

<sup>5</sup> Ibid.

<sup>6</sup> MCL 324.80111

**324.80108a Operation of airboat within certain distance of residence; limitation; exceptions.**

Sec. 80108a. (1) A person shall not operate an airboat on the waters of this state within 450 feet of a residence between the hours of 11 p.m. and 6 a.m. at a speed in excess of the minimum speed required to maintain forward movement.

(2) Subsection (1) does not apply to any of the following:

(a) The operation of an airboat in an emergency when necessary to protect public safety.

(b) The operation of an airboat so as to free the airboat when it has run aground.

(c) The operation of an airboat for a governmental purpose if the airboat is clearly marked and identified as being used for a governmental purpose.

**History:** Add. 2008, Act 152, Imd. Eff. June 5, 2008.

**Compiler's note:** Former MCL 324.80108a, which pertained to operation of airboat within certain distance of residence, was repealed by Act 547 of 2004, Eff. May 1, 2007.

**Popular name:** Act 451

**Popular name:** Marine Safety Act

**Popular name:** NREPA

**324.80109 Rules; subsection (1) inapplicable to special local rules.**

Sec. 80109. (1) Except as provided in subsection (2), the department shall promulgate rules authorized by this part. The department shall publish the approved rules in a convenient form.

(2) Subsection (1) shall not apply to special local rules adopted pursuant to sections 80110 and 80111.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995.

**Popular name:** Act 451

**Popular name:** Marine Safety Act

**Popular name:** NREPA

**324.80110 Special rules for vessels, water skis, water sleds, aquaplanes, surfboards, or other similar contrivances; investigations and inquiries; preliminary report; notice of public hearing; presentation of views by interested persons; determination by department; proposal for local ordinance; appeal; "water body" defined.**

Sec. 80110. (1) The department may initiate investigations and inquiries into the need for special rules for the use of vessels, water skis, water sleds, aquaplanes, surfboards, or other similar contrivances on any of the waters of this state to assure compatibility of uses and to protect public safety. If the department receives a resolution pursuant to section 80112, the department shall initiate an investigation and inquiry under this subsection.

(2) The department's investigation and inquiry under subsection (1) into whether special rules are needed on a particular water body shall include a consideration of all of the following:

(a) Whether the activities subject to the proposed special rules pose any issues of safety to life or property.

(b) The profile of the water body, including local jurisdiction, size, geographic location, and amount of vessel traffic.

(c) The current and historical depth of the water body, including whether there is an established lake level for the water body.

(d) Whether any identifiable special problems or conditions exist on the water body for the activities subject to the proposed special rules, such as rocks, pier heads, swimming areas, public access sites, shallow waters, and submerged obstacles.

(e) Whether the proposed special rules would unreasonably interfere with normal navigational traffic.

(f) Whether user conflicts exist on the water body.

(g) Complaints received by local law enforcement agencies regarding activities on the water body.

(h) The status of any accidents that have occurred on the water body.

(i) Historical uses of the water body and potential future uses of the water body.

(j) Whether the water body is public or private.

(k) Whether existing law adequately regulates the activities subject to the proposed special rules.

(3) Following completion of the department's investigation and inquiry, the department shall prepare a preliminary report that includes the department's evaluation of the items listed in subsection (2) and the department's preliminary recommendation as to whether special rules are needed for the water body.

(4) Upon preparation of the preliminary report, the department shall provide a copy of the preliminary report to the local political subdivision that has waters subject to its jurisdiction for which the proposed special rules are being considered and shall schedule a public hearing in the vicinity of the water body to

gather public input on the preliminary report and the need for special rules. Notice of the public hearing shall be made in a newspaper of general circulation in the area where the water body is located, not less than 10 calendar days before the hearing. At the public hearing, interested persons shall be afforded an opportunity to present their views on the preliminary report and the need for special rules, either orally or in writing.

(5) Within 90 days following the public hearing under subsection (4), if the department determines that there is a need for special rules for the water body, the department shall propose a local ordinance or appropriate changes to a local ordinance. If the department determines that there is not a need for special rules, the department shall notify the political subdivision that has waters subject to its jurisdiction and shall provide the specific reasons for its determination.

(6) A determination by the department that there is not a need for special rules for a water body may be appealed to the commission by the political subdivision that has waters subject to its jurisdiction. The commission shall make the final agency decision on the need for special rules for a water body.

(7) As used in this section, "water body" includes all or a portion of a water body.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2006, Act 237, Imd. Eff. June 26, 2006.

**Popular name:** Act 451

**Popular name:** Marine Safety Act

**Popular name:** NREPA

### **324.80111 Proposed local ordinance; submission to governing body; approval or disapproval; enactment; enforcement.**

Sec. 80111. A local ordinance proposed pursuant to section 80110 shall be submitted to the governing body of the political subdivision in which the water body subject to the proposed special rules is located. Within 60 calendar days, the governing body shall inform the department that it approves or disapproves of the proposed local ordinance. If the required information is not received within the time specified, the department shall consider the proposed local ordinance disapproved by the governing body. If the governing body disapproves the proposed local ordinance, or if the 60-day period has elapsed without a reply having been received from the governing body, no further action shall be taken. If the governing body approves the proposed local ordinance, the local ordinance shall be enacted identical in all respects to the local ordinance proposed by the department. After the local ordinance is enacted, the local ordinance shall be enforced as provided for in section 80113.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2006, Act 237, Imd. Eff. June 26, 2006.

**Popular name:** Act 451

**Popular name:** Marine Safety Act

**Popular name:** NREPA

### **324.80112 Special local ordinances; request for assistance; form; receipt of resolution by department.**

Sec. 80112. Local political subdivisions that believe that special local ordinances of the type authorized by this part are needed on waters subject to their jurisdiction shall inform the department and request assistance. All such requests shall be in the form of an official resolution approved by a majority of the governing body of the concerned political subdivision following a public hearing on the resolution. Upon receipt of a resolution under this section, the department shall proceed as required by sections 80110 and 80111.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2006, Act 237, Imd. Eff. June 26, 2006.

**Popular name:** Act 451

**Popular name:** Marine Safety Act

**Popular name:** NREPA

### **324.80113 Enforcement of local ordinances; existing rules; enactment of statutory provisions as ordinance.**

Sec. 80113. (1) State, county, and local peace officers shall enforce local ordinances enacted in accordance with this part.

(2) All rules establishing special local watercraft controls promulgated under former 1967 PA 303 before March 17, 1986 shall remain in effect unless rescinded pursuant to sections 80108, 80110, 80111, and 80112.

(3) Local political subdivisions may enact as an ordinance any or all of sections 80101 to 80104, 80122 to 80124, 80126, 80140, 80141, 80144 to 80153, 80155, 80164, 80165, and 80166 to 80173.

**History:** Add. 1995, Act 58, Imd. Eff. May 24, 1995;—Am. 2000, Act 215, Imd. Eff. June 27, 2000.

**Popular name:** Act 451

## Chapter 23 - HARBOR, WHARVES, VESSELS AND MARINE SAFETY

## ARTICLE I. - IN GENERAL

## Sec. 23-1-1. - Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

*Anchored rafts* means all types of non-powered rafts used for recreational purposes that are anchored seasonally on waters of this state.

*Associated equipment* means any of the following that are not radio equipment:

- (1) An original system, part, or component of a boat at the time that boat was manufactured, or a similar part or component manufactured or sold for replacement; or
- (2) Repair or improvement of an original or replacement system, part, or component; or
- (3) An accessory or equipment for, or appurtenance to, a boat; or
- (4) A marine safety article, accessory, or equipment intended for use by a person on board a boat.

*Boat* means a vessel.

*Boat livery* means a business that holds a vessel for renting, leasing, or chartering.

*Controlled substance* means that term as defined in Section 7104 of the Michigan Public Health Code, being MCL 333.7104; MSA 14.15(7104).

*Conviction* means a final conviction, the payment of a fine, a plea of guilty or nolo contendere if accepted by the court, a finding of guilt, or a probate court disposition on a violation of this chapter, regardless of whether the penalty is rebated or suspended.

*Dealer* means a person and an authorized representative of that person who annually purchases from a manufacturer, or who is engaged in selling or manufacturing, six (6) or more vessels that require certificates of number under Part 801 of the Michigan Natural Resources Environmental Act, being MCL 324.80101 et seq. MSA 13A. 10101 et seq.

*High speed boating* means a speed at or above which a motorboat reaches a planing condition.

*Identification document* means any of the following:

- (1) A valid Michigan operator's or chauffeur's license; or
- (2) A valid driver's or chauffeur's license issued by an agency, department, or bureau of the United States, the State of Michigan, or another state; or
- (3) An official identification card issued by an agency, department, or bureau of the United States, the State of Michigan, or another state.
- (4) An official identification card issued by a political subdivision of the State of Michigan, or another state.

*Issuing authority* means the United States Coast Guard, or a state that has a numbering system approved by the United States Coast Guard.

*Law of another state* means a law, or ordinance, enacted by another state or by a local unit of government in another state.

*Length of vessel* means the length of a vessel or motorboat and is the distance from end to end over the deck, excluding the longitudinal upward or downward curve of the deck, fore and aft, provided, that a pontoon boat shall be measured by the length of its deck, fore and aft.

*Lifeboat* means a small boat designated and used solely for lifesaving purposes, and does not include a dinghy, tender, speedboat, or other type of craft that is not carried aboard a vessel for lifesaving purposes.

*Manufacturer* means a person engaged in any of the following:

- (1) The manufacture, construction, or assembly of boats or associated equipment; or
- (2) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly; or
- (3) The importation of a boat or associated equipment into the state for sale.

*Marine Law* means Part 801 of the Michigan Natural Resources Environmental Act, being MCL 324.10101 et seq. MSA 13A.10101 et seq. or a rule promulgated by the state under Part 801, or any applicable provision of this Code.

*Marine Safety Act* means the former Public Act 303 of 1967.

*Marine safety program* means marine law enforcement, search and rescue operations, water safety education, recovery of drowned bodies, and boat livery inspections.

*Motorboat* means a vessel propelled wholly or in part by machinery.

*Open boat* means a motorboat with all engine and fuel tank compartments and other spaces to which explosives or flammable gases and vapors from these compartments may flow, open to the atmosphere, and so arranged as to prevent the entrapment of gases and vapors within the vessel.

*Operate* means to be in control of a vessel while the vessel is under way and is not secured in some manner such as being docked or at anchor.

*Operator* means the person who is in control or in charge of a vessel while that vessel is underway.

*Owner* means a person who claims or is entitled to lawful possession of a vessel by virtue of that person's legal title or equitable interest in a vessel.

*Passenger* means a person carried on board a vessel other than any of the following:

- (1) The owner or his or her representative; or
- (2) The operator.

*Peace officer* means any of the following:

- (1) An officer of the City of Detroit Police Department; or
- (2) A sheriff; or
- (3) A sheriff's deputy; or
- (4) A deputy who is authorized by a sheriff to enforce Part 801 of the Michigan Natural Resources

Environmental Act, being MCL 324.10101 et seq.; MSA 13A.10101 et seq., and who has satisfactorily completed at least forty (40) hours of law enforcement training, including training specific to Part 801; or

- (5) An officer of the Michigan State Police; or
- (6) The director and the conservation officers of the Michigan Department of Natural Resources.

*Point* means eleven and one-fourth (11¼) degrees of the compass.

*Political subdivision* means any county, metropolitan authority, municipality, or combination of those entities in this state.

*Port* means left, and reference is to the port side of a vessel or to the left side of the vessel.

*Regatta, boat race, marine parade, tournament, or exhibition* means an organized water event of limited duration that is conducted according to a prearranged schedule.

*Slow-no wake speed* means a very slow speed whereby the wake or wash created by the vessel would be minimal.

*Starboard* means right, and reference is to the starboard side of a vessel or to the right side of the vessel.

*Undocumented vessel* means a vessel that does not have, and is not required to have, a valid marine document issued by the United States Coast Guard or federal agency successor to the United States Coast Guard.

*Use* means operate, navigate, or employ.

*Vessel* means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

*Waters of the city* means the waters of the State of Michigan that are under the jurisdiction of the City of Detroit.

(Ord. No. 40-97, § 1, 11-26-97)

#### Sec. 23-1-2. - Harbormaster.

- (a) It shall be the duty of the police department to enforce the provisions of this chapter and all other laws, ordinances, or rules regulating and preserving the navigation on the waters of the city, and to issue and serve notices, orders, and complaints for violations thereof. The chief of the police department may appoint a member of his or her department as harbormaster. The harbormaster shall be responsible for coordinating the enforcement of this chapter.
- (b) The harbormaster shall have the authority to protect the owners and occupants of wharves and docks within the city in the free and undisturbed use of the same and is authorized to regulate the anchorage of all vessels lying within the city and to give such orders and directions relative to the location and change of station of every vessel, as shall be in the interest of marine safety, navigation, or trade, having respect at all times to the rights of occupants of wharves and docks. The harbormaster shall have full authority to go on board of and move any vessel that may be occupying any dock or wharf within the city without authorization.
- (c) It shall be unlawful for any owner, captain, master, consignee, or other person having charge of any vessel within the city to refuse to comply with an order or direction of the harbormaster.

(Ord. No. 40-97, § 1, 11-26-97)

#### Sec. 23-1-3. - Penalties.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished, for each such offense, by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment for a period not exceeding ninety (90) days, or by both such fine and imprisonment in the discretion of the court.

(Ord. No. 40-97, § 1, 11-26-97)

Secs. 23-1-4—23-1-10. - Reserved.

## ARTICLE II. - MARINE SAFETY

### DIVISION 1. - GENERALLY

Sec. 23-2-1. - Motorboat operators; age restrictions; conditions for exemptions.

- (a) Except as otherwise provided for in subsection (d) of this section, a person who is less than twelve (12) years of age shall not operate a motorboat on the waters of the city unless both the following conditions are met:
  - (1) He or she is under the direct supervision of a person who is sixteen (16) years of age or older; and
  - (2) The motorboat he or she operates is powered by a motor or motors which totals no more than thirty-five (35) horse-power.
- (b) Except as otherwise provided in subsection (d) of this section, a person who is twelve (12) through fifteen (15) years of age may operate a motorboat on the waters of the city only where that person complies with either of the following:
  - (1) He or she is accompanied by at least one (1) person who is sixteen (16) years of age or older; or
  - (2) He or she is in possession of a boating safety certificate issued after he or she has satisfactorily completed a State of Michigan approved course in boating safety.
- (c) A person who is twelve (12) through fifteen (15) years of age and operating a motorboat pursuant to subsection (b)(2) shall present the boating safety certificate issued to him or her upon the demand of any peace officer.
- (d) This section does not apply to the operation of a motorboat that is powered by a motor or motors which total no more than six (6) horsepower.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-2. - Swimming and underwater diving; prohibitions.

- (a) A person shall not swim, bathe, or engage in underwater diving operations outside of buoyed and designated swim areas, except when authorized by the city police department harbormaster.
- (b) This section does not preclude bona fide commercial salvage diving operations, and emergency and recovery operations by any law enforcement agency.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-3. - Unloading vessels at public wharves.



No person shall unload any vessel at or on any of the public wharves or docks within the city or otherwise place or deposit upon any such wharf or dock any stone, lumber, timber, firewood, or other material without permission from the harbormaster.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-4. - Hours for waterskiing or sledding, surfboarding, or similar operations.

An operator of any vessel shall not have in tow, or otherwise be assisting in, the propulsion of a person on water skis or on a water sled, surfboard, or other similar contrivance during the period of one (1) hour after sunset to one (1) hour prior to sunrise.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-5. - Towing of persons; application to ski schools; certain motorboats.

- (a) A person shall not operate a vessel on the waters of the city where he or she is towing, or otherwise assisting, a person on water skis or on water sled, aquaplane, surfboard, or other similar contrivance unless such person capable of communicating to the vessel operator the condition and needs of the person being towed, or assisted, is on board the vessel and positioned to observe the person being towed or assisted.
- (b) Subsection (a) of this section shall not apply to vessels used by duly constituted ski schools for giving instructions or to vessels used in sanctioned ski tournaments, competitions, expositions, or trials. Such vessels shall be equipped with a 170-degree wide-angle rearview mirror that is affixed in a manner which will permit the operator to observe the progress of the person being towed.
- (c) This section shall not apply to a motorboat that is less than sixteen (16) feet in length, is actually operated by the person being towed, and is constructed as to be incapable of carrying the operator in or on the motorboat.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-6. - Vessels in tow not to approach within five hundred feet of dock.

No tug or other vessel, while having one (1) or more vessels in tow, and no vessel while made fast to any other vessel by lines, or otherwise, shall approach within five hundred (500) feet of any dock in the city, unless compelled to do so by unavoidable accident, provided, that this section shall not be construed to prevent tugs from approaching other vessels to take them in tow.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-7. - Motorboat sound levels; compliance with state law.

- (a) A person shall not operate a motorboat on the waters of the city unless the motorboat is equipped and maintained with an effective muffler or underwater exhaust system that complies with established state motorboat sound level standards.
- (b) This section shall not apply to a motorboat tuning up, or testing, for a speed record or a sanctioned race conducted pursuant to a permit issued by the city or the appropriate unit of government.

(Ord. No. 40-97, § 1, 11-26-97)

**Sec. 23-2-8. - Littering.**

A person shall not place, discharge or throw any litter, rubbish or other material into the waters of the city.

(Ord. No. 40-97, § 1, 11-26-97)

**Sec. 23-2-9. - Indecent exposure.**

A person shall not knowingly make any open or indecent exposure of his or her person or of the person of another while in any vessel upon the waters of the city.

(Ord. No. 40-97, § 1, 11-26-97)

**Sec. 23-2-10. - Operation of private mooring facilities.**

A owner or operator of any vessel shall not occupy or otherwise utilize any private mooring facility within the city without the written permission of the person owning, leasing, or renting such facility.

(Ord. No. 40-97, § 1, 11-26-97)

**Sec. 23-2-11. - Weather conditions; use of docks and piers.**

- (a) Whenever wind conditions on the waters of the city attain a magnitude whereby one-third ( 1/3 ) of the waves resulting therefrom cause any public dock, pier, wharf or retaining wall to be awash, this shall constitute a condition not conducive to the orderly and safe use and occupancy of such structures.
- (b) Whenever a condition described in subsection (a) of this section exists, the harbormaster or any peace officer, or other authorized official, may rope off or barricade entry to these structures or post in a conspicuous manner notices that entry thereon for the purpose of fishing, swimming or other recreational activity is prohibited.
- (c) A person shall not knowingly enter or remain upon any public dock, pier, wharf or retaining wall for the purpose of fishing, swimming or other recreational activity when the affected area is:
  - (1) Roped, cabled or otherwise barricaded in such a manner designed to exclude intruders; or
  - (2) Notice prohibiting entry is given by posting in a conspicuous manner; or
  - (3) Notice to leave or stay off is personally communicated to the person by the harbormaster, peace officer, or authorized official of the city.

(Ord. No. 40-97, § 1, 11-26-97)

**Sec. 23-2-12. - Mooring to navigation aids; mooring and landing at water intake facilities.**

A person shall neither moor nor fasten a vessel to a lawfully placed buoy or beacon, except mooring buoys, or willfully move, remove or damage such buoy or beacon on the waters of the city. The mooring or fastening of vessels to water intake facilities maintained by the city, and the landing upon such facilities by other than persons engaged in the authorized maintenance or repair of such facilities is prohibited.

(Ord. No. 40-97, § 1, 11-26-97)

**Sec. 23-2-13. - Accidents required to be reported.**

In the case of collision, accident or other casualty involving a vessel, the operator shall report the collision, accident, or other casualty to the harbormaster or to the nearest peace officer.

(Ord. No. 40-97, § 1, 11-26-97)

Secs. 23-2-14—23-2-20. - Reserved.

## DIVISION 2. - SPECIAL LOCAL WATERCRAFT CONTROLS

Sec. 23-2-21. - Detroit River, Rouge River, and waters within city limits.

On the waters of the Detroit and Rouge Rivers, and those canals and channels connected thereto, that are located within the city limits:

- (1) It shall be unlawful for the operator of a vessel to exceed a slow-no wake speed when within two hundred (200) feet of any shore, dock, raft, buoyed or occupied swimming area, or vessel moored or at anchor, except:
  - a. It shall be unlawful for the operator of a vessel to exceed a slow-no wake speed on the Detroit River when within four hundred (400) feet of any shore, dock, raft, buoyed or occupied swimming area, or vessel moored at anchor from the western City of Detroit corporate limits to the St. Aubin Marina;
  - b. It shall be unlawful for the operator of a vessel to exceed a slow-no wake speed on that part of the Detroit River between the mainland shore and the north shore of Belle Isle, commencing from the St. Aubin Marina to a line from the most eastern point of Belle Isle to Connors Creek extended; and
  - c. It shall be unlawful for the operator of a vessel to exceed a slow-no wake speed on that part of the Detroit River when within four hundred (400) feet of any shore, dock, raft, buoyed or occupied swimming area, or vessel moored at anchor from Connors Creek extended to the eastern City of Detroit corporate limits.
- (2) It shall be unlawful, at any time, to operate a vessel at a speed in excess of forty (40) miles per hour (64 kilometers per hour).

Secs. 23-2-22—23-2-30. - Reserved.

## DIVISION 3. - OPERATION OF VESSELS ON CITY WATERS

Sec. 23-2-31. - Motorboat operation; slow-no wake speed conditions.

- (a) Subject to the exceptions described in subsection (b) of this section, a person shall not operate at more than slow-no wake speed where either of the following circumstances exist:
  - (1) A person is located on or in the bow of the motorboat, and that motorboat is not manufactured to provide bow seating; or
  - (2) A person, or a portion of a person's body, extends beyond the exterior port or starboard walls of the hull of the motorboat.

(b) This section shall not apply to either of the following:

- (1) A person engaged in the operation of a sailboat that is not being powered by a motor; or
- (2) A person on board a vessel who is attempting to anchor, moor, dock, or otherwise secure the vessel.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-32. - Passing and right-of-way rules, duty of due regard for others.

(a) When vessels are being operated in such a manner so as to make collision imminent or likely, the following rules shall apply:

- (1) When two (2) vessels are approaching each other head-on, or nearly so, the operator of each shall cause his or her vessel to pass on the port side of the other;
- (2) When overtaking a vessel proceeding in the same direction, the operator of the overtaking vessel, unless it is not feasible to do so, shall pass on the port side of the vessel ahead;
- (3) When two (2) vessels are approaching each other at right angles or obliquely so as to involve risk of collision, other than when one (1) vessel is overtaking another, the operator of the vessel which has the other on his or her own port side shall hold his or her course and speed, and the operator of the vessel which has the other on his or her own starboard side shall give way to the other by directing his or her course to starboard so as to cross the stern of the other vessel or, if necessary to do so, shall slacken his or her speed, stop or reverse;
- (4) When a motorboat and a vessel under sail are proceeding in such a manner so as to involve risk of collision, the operator of the motorboat shall give way to the other vessel under sail;
- (5) When a motorboat and a vessel not propelled by sail or mechanical means are proceeding in such manner as to involve risk of collision, the operator of the motorboat shall give way to the other vessel; and
- (6) When, by any of the rules provided for in this section, the operator of a vessel is required to give way to the other, the operator of the other vessel shall maintain his or her direction and speed.

(b) This section shall not relieve the operator of a vessel otherwise privileged by the provisions of this section from the duty to operate with due regard for the safety of all persons using the waters of the city.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-33. - Care in operating vessel; speed.

- (a) A person operating or propelling a vessel upon the waters of the city shall operate the vessel in a careful and prudent manner and at such a rate of speed so as not to endanger unreasonably the life or property of any person.
- (b) A person shall not operate any vessel at a rate of speed greater than will permit him or her, in the exercise of reasonable care, to bring the vessel to a stop within the assured clear distance ahead.
- (c) A person shall not operate a vessel in a manner so as to interfere unreasonably with the lawful use by others of any waters of the city.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-34. - Speed within one hundred feet of shoreline.

- (a) A person shall not operate a motorboat on the waters of the city at a speed greater than slow-no wake speed

or the minimum speed necessary for the motorboat to maintain forward movement when within one hundred (100) feet of shoreline where the water depth is less than three (3) feet, as determined by vertical measurement, except in navigable channels not otherwise posted. A person operating a motorboat contrary to this shall be deemed to have engaged in the reckless operation of a motorboat and shall be subject to the penalties as provided for in section 23-1-3 of this Code.

- (b) This section shall not be enforced when waived by the state or city for marine events authorized pursuant to applicable state law or to Division 7 of this chapter.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-35. - Operating vessel while under influence of intoxicants or controlled substances.

- (a) A person shall not operate a vessel upon the waters of the city where either of the following applies:
- (1) The person is under the influence of intoxicating liquor or a controlled substance, or both; or
  - (2) The person has a blood alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (b) The owner of a vessel or a person in charge or in control shall not authorize or knowingly permit a vessel to be operated on the waters of the city by a person who is under the influences of intoxicating liquor or a controlled substance, or both, or who has a blood alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.
- (c) A person shall not operate a vessel on the waters of the city, when, due to the consumption of an intoxicating liquor or a controlled substance, or both, the person's ability to operate the vessel is visibly impaired. If a person is charged with violating subsection (a) of this section, a finding of guilty under this subsection may be rendered.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-36. - Reckless operation of vessels or other contrivances.

A person who operates any vessel, upon any of the waters of the city carelessly and heedlessly in disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, is guilty of reckless operation of a vessel and shall be punished as provided for in section 23-1-3 of this Code.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-37. - Operation of vessels counter-clockwise.

Persons operating vessels on the waters of the city in areas not marked by well defined channels, canals, rivers or steam courses shall operate in a counter-clockwise fashion to the extent that it is reasonably possible.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-38. - Operating vessel within area prohibited to vessels.

A person shall not operate a vessel on any of the waters of the city within a lawfully authorized restricted area clearly marked by buoys, beacons, or other distinguishing devices as being prohibited to vessels.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-39. - Positions of occupants of vessels, restrictions, exceptions.

Any occupant or operator of any vessel underway on the waters of the city shall not sit, stand or walk upon any portion of the vessel not specifically designed for such purpose, except when immediately necessary for the safe and reasonable navigation or operation of the vessel.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-40. - Diving buoys and boats at point of submergence, requirement; flag size, design, time, operations within one hundred feet.

Any person diving or submerging in any of the waters of the city with the aid of a diving suit or other mechanical diving device shall place a buoy or boat in the water at or near the point of submergence. The buoy or boat shall bear a red flag not less than fourteen (14) inches by sixteen (16) inches with a three and one-half (3½) inch white stripe running from one (1) upper corner to a diagonal lower corner. The flag shall be placed only while actual diving operations are in progress. A vessel shall not be operated within two hundred (200) feet of a buoyed diver's flag unless it is involved in tendering the diving operation. A person diving shall stay within a surface area of one hundred (100) feet of the diver's flag.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-41. - Peace officers; stopping vessel or permitting officer to come along side; information to be given; inspection; testing of equipment; arrests without warrant.

- (a) Upon the direction of a peace officer, the operator of a vessel moving on the waters of the city shall immediately bring the vessel to a stop or maneuver it in a manner that permits the peace officer to come beside the vessel. Upon the request of the peace officer, the operator of the vessel and any person on the vessel:
  - (1) Shall provide his or her correct name and address; and
  - (2) Shall exhibit the certification of number awarded for the vessel; and
  - (3) If the vessel does not bear a current state marine safety inspection decal, shall submit to a reasonable inspection of the vessel and to a reasonable inspection and test of the equipment of the vessel.
- (b) A peace officer who observes a violation of the Marine Law by any person may immediately arrest the person without a warrant, or may issue a written or verbal warning to the person.

(Ord. No. 40-97, § 1, 11-26-97)

Secs. 23-2-42—23-2-50. - Reserved.

DIVISION 4. - ABANDONED VESSELS

Sec. 23-2-51. - Vessels deemed abandoned.

For purposes of this division a vessel shall be deemed to be abandoned when:

- (1) It has remained at a public dock, harbor, marine or natural docking place for a period of forty-eight (48)

continuous hours or more, and from its condition and the surrounding circumstances, shall reasonably appear to be unclaimed, discarded, deserted, or abandoned; or

- (2) It has remained at a private dock, harbor, marine, club or natural docking place for a period of forty-eight (48) continuous hours or more without the consent of the owner or lessee of the property, or for a period of forty-eight (48) consecutive hours or more after the consent of the owner has been revoked; or
- (3) It has remained unclaimed for a period of forty-eight (48) consecutive hours or more after it has been found adrift or has been towed by the authorization of the chief of police, provided, that the registered owner of the vessel has been notified; or
- (4) It has remained unclaimed for a period of forty-eight (48) continuous hours or more after it has been found adrift, or has been towed, by the authorization of the chief of police, and neither bears numbers as required by Part 801 of the Michigan Natural Resources Environmental Act, being MCL 324.80101 et seq.; MSA 13A.10101 et seq., nor bears other means of identification from another state or country.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-52. - Removal by chief of police.

Except as otherwise provided by federal law, the City of Detroit police department is hereby authorized to remove, or to arrange for the removal, from the waters of the city any vessel that has been abandoned.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-53. - Storage by the police department.

Where any abandoned vessel is removed by the authorization of the City of Detroit police department, it shall be stored in a place designated for such purpose by the chief of police.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-54. - Fees for storage.

Storage fees may be assessed against any vessel taken into custody by the harbormaster section of the City of Detroit police department. Such storage fees shall be identical to the daily transient well fees charged by the City of Detroit at its marinas.

(Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-55. - Disposition of abandoned vessels.

Abandoned vessels unclaimed for forty-five (45) days may be claimed by the city as its personal property and sold at auction, provided, that notice of the city's claim to the vessel and proposed sale is advertised once a week for two (2) weeks in a newspaper of general circulation and that the State of Michigan is notified as provided for in Part 801 of the Michigan Natural Resources Environmental Act, being MCL 324.80101 et seq.; MSA 13A.10101 et seq., and provided, that if a vessel, when found abandoned, has a value of less than one hundred dollars (\$100.00), the police department may dispose of it in any manner consistent with the provisions of the 1997 Detroit City Charter and the 1984 Detroit City Code that govern the disposition of city property.

(Ord. No. 40-97, § 1, 11-26-97)

Secs. 23-2-56—23-2-70. - Reserved.

DIVISION 5. - ASSOCIATED EQUIPMENT ON VESSELS

Sec. 23-2-71. - Applicability.

This section applies to vessels and associated equipment used, to be used, or carried in vessels used on waters of the city, except:

- (1) Foreign vessels temporarily using waters subject to state jurisdiction.
- (2) Military or public vessels of the United States, except recreational-type public vessels.
- (3) A vessel whose owner is a state or political subdivision thereof, other than the State of Michigan and its political subdivisions, that is used principally for governmental purposes and which is clearly identifiable as such.
- (4) A ship's lifeboat.
- (5) Any vessel engaged in a race or regatta sanctioned by the state or by the city pursuant to section 23-2-111 of this Code.

(Ord. No. 531-H, § 1(27-7-1), 12-2-82; Ord. No. 40-97, § 1, 11-26-97)

Sec. 23-2-72. - Reserved.

Editor's note— Ord. No. 40-97, § 1, adopted Nov. 26, 1997, repealed former section 23-2-72 in its entirety which pertained to definitions and derived from Ord. No. 531-H, § 1, 12-2-82)

Sec. 23-2-73. - Navigation lights; intensity standards, placement, screening.

- (a) Navigation lights shall be of sufficient intensity so that the candlepower outside the lens is not less than that amount corresponding to the required distance of visibility as indicated in table 1.

Table 1

Distance of Visibility in Nautical Miles	Candlepower
1	1.0
2	5.5
3	17.6
5	100.0



- (b) The light intensity standards of this section shall apply to new navigation lights installed and replacements of existing lights made on and after January 1, 1973.
- (c) Navigation lights required by this section shall be placed high enough that their light will not be obstructed by persons or parts of the boat or its equipment and shall be screened as indicated in figure 1.

## FIGURE 1

(Ord. No. 531-H, § 1(27-7-3), 12-2-82)

## Sec. 23-2-74. - Personal flotation devices.

- (a) Personal flotation devices required by this division to be carried aboard vessels shall be of the following types:
  - (1) Type I, an approved device designed to turn an unconscious person in the water from a face downward position to a vertical or slightly backward position, and to have more than twenty (20) pounds of buoyancy.
  - (2) Type II, an approved device designed to turn an unconscious person in the water from a face down position to a vertical or slightly backward position and to have at least fifteen point five (15.5) pounds of buoyancy.
  - (3) Type III, an approved device designed to keep a conscious person in a vertical or slightly backward position and to have at least fifteen point five (15.5) pounds of buoyancy.
  - (4) Type IV, an approved device designed to be thrown to a person in the water and not worn. It is designed to have at least sixteen point five (16.5) pounds of buoyancy.
- (b) Personal flotation devices required by this division to be carried aboard vessels shall be:
  - (1) Approved by the United States Coast Guard.
  - (2) Legibly marked with the approval number issued by the United States Coast Guard.
  - (3) Of an appropriate size for the person for whom it is intended.
  - (4) Readily accessible and immediately available.
  - (5) In good and serviceable condition.

(Ord. No. 531-H, § 1(27-7-4), 12-2-82)

## Sec. 23-2-75. - Fire extinguishing equipment.

- (a) All hand portable fire extinguishers, semiportable fire extinguishing systems and fixed fire extinguishing systems required by this division shall be of a type approved by the United States Coast Guard.
- (b) Hand portable fire extinguishers and semiportable fire extinguishing systems are classified by a combination letter and number symbol. The letter indicating the type of fire which the unit could be expected to extinguish, and the number indicating the relative size of the unit.
- (c) For the purpose of this section, all required hand portable fire extinguishers and semiportable fire extinguishing systems are of the B type; that is, suitable for extinguishing fires involving flammable liquids, greases, and so forth.
- (d) All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic nameplate giving the name of the item, the rated capacity in gallons, quarts or pounds, the name and address of the person or firm by whom approved, and the identifying mark of the

actual manufacturer.

- (e) Vaporizing liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic liquids are not acceptable as equipment required by this division.
- (f) Hand portable or semiportable extinguishers which are required on their nameplates to be protected from freezing shall not be located where freezing temperatures may be expected.
- (g) A dry chemical stored pressure fire extinguisher not fitted with pressure gauge or indicating device, manufactured prior to January 1, 1965, may be carried on motorboats so long as it is maintained in good and serviceable condition. The following maintenance and inspections are required for such an extinguisher:
  - (1) When the date on the inspection record tag on the extinguisher shows that six (6) months have elapsed since the last weight check ashore, the extinguisher is no longer accepted as meeting required maintenance conditions until reweighed ashore and found to be in a serviceable condition and within required weight conditions.
  - (2) If the weight of the container is one-fourth ounce less than that stamped on the container, it shall be serviced.
  - (3) If the outer seals, which indicate tampering or use when broken, are not intact, the officer shall inspect the extinguisher to see that the frangible disc in the neck of the container is intact; and if the disc is not intact, the container shall be serviced.
  - (4) If there is evidence of damage, use or leakage, such as dry chemical powder observed in the nozzle or elsewhere on the extinguisher, the container shall be replaced and the extinguisher properly serviced or the extinguisher replaced with another approved extinguisher.
- (h) A dry chemical stored pressure fire extinguisher without pressure gauge or indicating device manufactured after January 1, 1965, shall not be carried on motorboats as required equipment.
- (i) When a fixed fire extinguishing system is installed, it shall be of a carbon dioxide type approved and installed as required by the United States Coast Guard.
- (j) The intent of this section is illustrated in figure 2 where fire extinguishers are required if any of the specified conditions exist, and in figure 3 where specified conditions do not, in themselves, require that fire extinguishers be carried.
  - (1) \_\_\_\_\_  
Fire extinguishers are required if any of the following conditions exist:
    - a. Closed compartment under thwarts and seats where portable fuel tanks may be stored.
    - b. Double bottoms not sealed to the hull or which are not completely filled with flotation material.
    - c. Closed living spaces.
    - d. Closed compartments in which combustible or flammable materials are stored.
    - e. Permanently installed fuel tanks.
  - (2) The following conditions do not, in themselves, require that fire extinguishers be carried:
    - a. Bait wells.
    - b. Glove compartments.
    - c. Buoyant flotation material.
    - d. Open slatted flooring.
    - e. Ice chests.

Cross reference— Fire prevention, Ch. 19.

Sec. 23-2-76. - Backfire flame control.

- (a) Every gasoline engine installed in a motorboat after April 25, 1940, except outboard motors, shall be equipped with an acceptable means of backfire flame control.
- (b) Installations made before November 19, 1952, need not meet the detailed requirements of this rule and may be continued in use as long as they are serviceable and in good condition. Replacements shall meet the applicable conditions in this rule.
- (c) Installations consisting of backfire flame arresters bearing United States Coast Guard approval number 162.015 may be continued in use as long as they are serviceable and in good condition. Replacements shall meet the applicable conditions of this section.
- (d) Installations consisting of engine air and fuel induction systems and given United States Coast Guard approval number 162.015 may be continued in use as long as they are serviceable and in good condition. Replacements shall meet applicable conditions of this section.
- (e) The following are acceptable means of backfire flame control for gasoline engines:
  - (1) A backfire flame arrester constructed in accordance with specifications of, and approved by, the United States Coast Guard. The flame arrester shall be suitably secured to the air intake with flamtight connections.
  - (2) An engine air and fuel induction system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an approved backfire flame arrester. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrester shall have the installation tested and labeled in accordance with the specifications of, and approved by, the United States Coast Guard.
  - (3) Any attachment to the carburetor or location of the engine air induction system by means of which flames caused by engine backfire will be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel, persons on board or nearby vessels and structures. All attachments shall be of metallic construction with flamtight connections and firmly secured to withstand vibration, shock, and engine backfire. The installations do not require formal approval and labeling, but will be accepted by the city police department harbormaster section and any other law enforcement officers on the basis of compliance with this section.
  - (4) Where manufacturers wish to produce vessels having an integrated engine-vessel design, a premarket approval of an engine air induction system is available. An installation shall be tested and labeled in accordance with the specifications of, and approval by, the United States Coast Guard.

(Ord. No. 531-H, § 1(27-7-6), 12-2-82)

Sec. 23-2-77. - Ventilation.

All motorboats, except open boats, the construction or decking over of which is commenced after April 25, 1940, and which use fuel having a flash point of one hundred ten (110) degrees Fahrenheit or less, shall have at least two (2) ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment. There shall be at least one exhaust duct installed so as to extend from the open

atmosphere to the lower portion of the bilge and at least one intake duct installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor intake. The cowl shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.

(Ord. No. 531-H, § 1(27-7-7), 12-2-82)

Sec. 23-2-78. - Mufflers; cutouts.

The exhaust of all internal combustion engines used on any waters of this state within the jurisdiction of the city shall be muffled effectively by equipment so constructed and used as to muffle the noise of the exhaust of the engine in a reasonable manner. The use of cutouts, bypasses or similar devices is prohibited, except for vessels competing in a boat race or regatta sanctioned by the state. A modern device, underwater exhaust system or a system discharging cold water through the exhaust of an inboard engine, each of which is capable of muffling the noise of the exhaust of the engine in a reasonable manner, shall be considered as meeting the requirements of this section.

(Ord. No. 531-H, § 1(27-7-8), 12-2-82)

Cross reference— Noise, Ch. 36.

Sec. 23-2-79. - Outboard motorboats less than sixteen feet in length.

An outboard motorboat less than sixteen (16) feet in length shall be equipped as follows:

- (1) If the motorboat is not an open boat, it shall be equipped with two (2) ducts fitted with cowls or their equivalent as specified by section 23-2-77.
- (2) One type I, II, III or IV Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition, for each person aboard. The devices shall be ready at hand and not encased in plastic bags or other type containers.
- (3) If the motorboat is constructed so that it has decking or compartments where explosive or flammable gases may be entrapped as illustrated in figure 2, it shall be equipped with one BI type Coast Guard approved fire extinguisher in good and serviceable condition and as specified by section 23-2-75. When a fixed fire extinguishing system is installed in the machinery space, one less BI type fire extinguisher is required.
- (4) If underway between sunset and sunrise, the motorboat shall be equipped with an exhibit 1 white light aft higher than the bowlight showing all around the horizon and visible two (2) miles and a combination twenty-point bowlight forward, showing green to starboard and red to port, visible one mile or, in lieu of this requirement, may display lights as specified by the international rules of the road.
- (5) If the motorboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the motorboat so as to be visible to a boat approaching from any direction.
- (6) All lights shall be as specified by section 23-2-73.
- (7) A muffler as specified by section 23-2-78 for each motor.

(Ord. No. 531-H, § 1(27-7-9), 12-2-82)

Sec. 23-2-80. - Outboard motorboats sixteen feet or over and less than twenty-six feet in length.

An outboard motorboat sixteen (16) feet or over and less than twenty-six (26) feet in length shall be equipped as follows:

- (1) If the motorboat is not an open boat, it shall be equipped with two (2) ducts fitted with cowls or their equivalent as specified in section 23-2-77.
- (2) One type I, II or III Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition, for each person aboard, plus one type IV throwable device. The devices shall be ready at hand and not encased in plastic bags or other type containers.
- (3) On hand, mouth or power operated whistle, capable of producing a blast of two (2) seconds or more in duration, and audible for at least one-half mile.
- (4) If the motorboat is constructed so that it has decking or compartments where explosive or flammable gases may be entrapped as illustrated in figure 2, it shall be equipped with one BI type Coast Guard approved fire extinguisher in good and serviceable condition and as specified by section 23-2-75. When a fixed fire extinguisher system is installed in the machinery space, one less BI type fire extinguisher is required.
- (5) If underway between sunset and sunrise, the motorboat shall be equipped with an exhibit 1 white aft higher than the bowlight showing all around the horizon and visible two (2) miles and a combination twenty-point bowlight forward, showing green to starboard and red to port visible one mile or, in lieu of this requirement, may display lights as specified by the international rules of the road.
- (6) If the motorboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the motorboat so as to be visible to a boat approaching from any direction.
- (7) All lights shall be as specified by section 23-2-73.
- (8) A muffler as specified by section 23-2-78 for each motor.

(Ord. No. 531-H, § 1(27-7-10), 12-2-82)

Sec. 23-2-81. - Outboard motorboats twenty-six feet or over and less than forty feet in length.

An outboard motorboat twenty-six (26) feet or over and less than forty (40) feet in length shall be equipped as follows:

- (1) If the motorboat is not an open boat, it shall be equipped with two (2) ducts fitted with cowls or their equivalent as specified by section 23-2-77.
- (2) One type I, II or III Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition, for each person aboard, plus one type IV throwable device. The devices shall be ready at hand and not encased in plastic bags or other type containers.
- (3) An efficient fog bell which when struck, produces a clear bell-like tone of full round characteristics.
- (4) One hand or power operated whistle, capable of producing a blast of two (2) seconds or more duration and audible for a distance of at least one mile.
- (5) If the motorboat is constructed so that it has decking or compartments where explosive or flammable gases may be entrapped as illustrated in figure 2, it shall be equipped with two (2) BI type Coast Guard approved hand portable fire extinguishers in good and serviceable condition and as specified by section 23-2-75. One BII type Coast Guard approved fire extinguisher may be substituted for two (2) BI types. When a fixed fire extinguishing system is installed in the machinery space, one less BI type fire extinguisher is required.

- (6) If underway between sunset and sunrise, the motorboat shall be equipped with an exhibit 1 white light aft higher than the bowlight showing all around the horizon and visible two (2) miles, one white light forward showing twenty (20) points and visible two (2) miles, a green light to starboard showing ten (10) points and visible one mile and a red light to port showing ten (10) points and visible one mile or, in lieu of this requirement, may display lights as specified by the international rules of the road.
- (7) If the motorboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the motorboat so as to be visible to a boat approaching from any direction.
- (8) All lights shall be as specified by section 23-2-73.
- (9) A muffler as specified by section 23-2-78 for each motor.

(Ord. No. 531-H, § 1(27-7-11), 12-2-82)

Sec. 23-2-82. - Outboard motorboats forty feet or over and not more than sixty-five feet in length.

An outboard motorboat forty (40) feet or over and less than sixty-five (65) feet in length shall be equipped as follows:

- (1) If the motorboat is not an open boat, it shall be equipped with two (2) ducts fitted with cowls or their equivalent as specified by section 23-2-77.
- (2) One type I, II or III Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition for each person aboard, plus one type IV throwable device. The devices shall be ready at hand and not encased in plastic bags or other containers.
- (3) An efficient fog bell which when struck, produces a clear bell-like tone of full round characteristics.
- (4) One power-operated whistle capable of producing a blast of two (2) seconds or more duration, and audible for a distance of at least one mile.
- (5) If the motorboat is constructed so that it has decking or compartments where explosive or flammable gases may be entrapped as illustrated in figure 2, it shall be equipped with three (3) BI type Coast Guard approved hand portable fire extinguishers in good and serviceable condition and as specified by section 23-2-75. One BII type Coast Guard approved fire extinguisher may be substituted for two (2) BI types. When a fixed fire extinguishing system is installed in the machinery space, one less BI type fire extinguisher is required.
- (6) If underway between sunset and sunrise, the motorboat shall be equipped with an exhibit 1 white light aft higher than the bowlight showing all around the horizon and visible two (2) miles, one white light forward showing twenty (20) points and visible two (2) miles, a green light to starboard showing ten (10) points and visible one mile and a red light to port showing ten (10) points and visible one mile or in lieu of this requirement may display lights as specified by the international rules of the road.
- (7) If the motorboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the motorboat so as to be visible to a boat approaching from any direction.
- (8) All lights shall be as specified by section 23-2-73.
- (9) A muffler as specified by section 23-2-78 for each motor.

(Ord. No. 531-H, § 1(27-7-12), 12-2-82)

Sec. 23-2-83. - Inboard and inboard-outboard motorboats less than sixteen feet in length.

An inboard or inboard-outboard motorboat less than sixteen (16) feet in length shall be equipped as follows:

- (1) One Coast Guard approved backfire flame arrester as specified by section 23-2-76 on each carburetor of all gasoline engines.
- (2) At least two (2) ducts fitted with cowls or their equivalent as specified by section 23-2-77.
- (3) One type I, II, III or IV Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition for each person aboard. The devices shall be ready at hand and not encased in plastic bags or other containers.
- (4) One BI type Coast Guard approved hand portable fire extinguisher in good and serviceable condition and as specified by section 23-2-75. When a fixed fire extinguishing system is installed in the machinery space, one less BI type fire extinguisher is required.
- (5) If underway between sunset and sunrise, the motorboat shall be equipped with an Exhibit 1 white light aft higher than the bowlight showing all around the horizon and visible two (2) miles and a combination twenty-point bowlight forward, showing green to starboard and red to port visible one mile or, in lieu of this requirement, may display lights as specified by the international rules of the road.
- (6) If the motorboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the motorboat so as to be visible to a boat approaching from any direction.
- (7) All lights shall be as specified by section 23-2-73.
- (8) A muffler as specified by section 23-2-78 for each motor.

(Ord. No. 31-H, § 1(27-7-13), 12-2-82)

Sec. 23-2-84. - Inboard and inboard-outboard motorboats sixteen feet or over and less than twenty-six feet in length.

An inboard or inboard-outboard motorboat sixteen (16) feet or over and less than twenty-six (26) feet in length shall be equipped as follows:

- (1) One Coast Guard approved backfire flame arrester as specified by section 23-2-76 on each carburetor of all gasoline engines.
- (2) At least two (2) ducts fitted with cowls or their equivalent as specified by section 23-2-77.
- (3) One type I, II or III Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition for each person aboard, plus one type IV throwable device. The devices shall be ready at hand and not encased in plastic bags or other containers.
- (4) One hand, mouth or power operated whistle, capable of producing a blast of two (2) seconds or more duration, and audible for at least one-half mile.
- (5) One BI type Coast Guard approved hand portable fire extinguisher in good and serviceable condition and as specified by section 23-2-75. When a fixed fire extinguishing system is installed in the machinery space, one less BI type fire extinguisher is required.
- (6) If underway between sunset and sunrise, the motorboat shall be equipped with an exhibit 1 white light aft higher than the bowlight showing all around the horizon and visible two (2) miles and a combination twenty-point bowlight forward showing green to starboard and red to port visible one mile or, in lieu of

this requirement, may display lights as specified by the international rules of the road.

- (7) If the motorboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the motorboat so as to be visible to a boat approaching from any direction.
- (8) All lights shall be as specified by section 23-2-73.
- (9) A muffler as specified by section 23-2-78 for each motor.

(Ord. No. 531-H, § 1(27-7-14), 12-2-82)

Sec. 23-2-85. - Inboard and inboard-outboard motorboats twenty-six feet and over and less than forty feet in length.

An inboard or inboard-outboard motorboat twenty-six (26) feet or over and less than forty (40) feet in length shall be equipped as follows:

- (1) One Coast Guard approved backfire flame arrester as specified by section 23-2-76 on each carburetor of all gasoline engines.
- (2) At least two (2) ducts fitted with cowls or their equivalent as specified by section 23-2-77.
- (3) An efficient fog bell which when struck, produces a clear, bell-like tone of full round characteristics.
- (4) One hand or power operated whistle, capable of producing a blast of two (2) seconds or more duration and audible for a distance of at least one mile.
- (5) One type I, II or III Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition for each person aboard, plus one type IV throwable device. The devices shall be ready at hand and not encased in plastic bags or other containers.
- (6) At least two (2) BI type Coast Guard approved hand portable fire extinguishers in good and serviceable condition and as specified by section 23-2-75. One BII type Coast Guard approved fire extinguisher may be substituted for two (2) BI types. When a fixed fire extinguishing system is installed in the machinery space, one less BI type fire extinguisher is required.
- (7) If underway between sunset and sunrise, the motorboat shall be equipped with an exhibit 1 white light aft higher than the bowlight showing all around the horizon and visible two (2) miles, one white light forward showing twenty (20) points and visible two (2) miles, a green light to starboard showing ten (10) points and visible one mile and a red light to port showing ten (10) points and visible one mile or, in lieu of this requirement, may display lights as specified by the international rules of the road.
- (8) If the motorboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the motorboat so as to be visible to a boat approaching from any direction.
- (9) All lights shall be as specified by section 23-2-73.
- (10) A muffler as specified by section 23-2-78 for each motor.

(Ord. No. 531-H, § 1(27-7-15), 12-2-82)

Sec. 23-2-86. - Inboard and inboard-outboard motorboats forty feet and over and not more than sixty-five feet in length.

An inboard or inboard-outboard motorboat forty (40) feet or over and not more than sixty-five (65) feet in length shall be equipped as follows:



- (1) One Coast Guard approved backfire flame arrester as specified by section 23-2-76 on each carburetor of all engines.
- (2) At least two (2) ducts fitted with cowls or their equivalent as specified by section 23-2-77.
- (3) An efficient fog bell which when struck, produces a clear bell-like tone of full round characteristics.
- (4) One power-operated whistle, capable of producing a blast of two (2) seconds or more duration and audible for a distance of at least one mile.
- (5) One type I, II or III Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition for each person aboard, plus one type IV throwable device. The devices shall be ready at hand and not encased in plastic bags or other containers.
- (6) At least three (3) BI type Coast Guard approved hand portable fire extinguishers in good and serviceable condition and as specified by section 23-2-75. One BII type Coast Guard approved fire extinguisher may be substituted for two (2) BI types. When a fixed fire extinguishing system is installed in the machinery space, one less BI type fire extinguisher is required.
- (7) If underway between sunset and sunrise, the motorboat shall be equipped with an exhibit 1 white light aft higher than the bowlight showing all around the horizon and visible two (2) miles, one white light forward showing twenty (20) points and visible two (2) miles, a green light to starboard showing ten (10) points and visible one mile and a red light to port showing ten (10) points and visible one mile or, in lieu of this requirement, may display lights as specified by the international rules of the road.
- (8) If the motorboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the motorboat so as to be visible to a boat approaching from any direction.
- (9) All lights shall be as specified by section 23-2-73.
- (10) A muffler as specified by section 23-2-78 for each motor.

(Ord. No. 531-H, § 1(27-7-16), 12-2-82)

Sec. 23-2-87. - Sailboats without motor, less than sixteen feet in length.

A sailboat without a motor and less than sixteen (16) feet in length shall be equipped as follows:

- (1) One type I, II, III or IV Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition for each person aboard. The devices shall be ready at hand and not encased in plastic bags or other containers.
- (2) If underway between sunset and sunrise, the sailboat shall be equipped with a lantern showing a white light which shall be ready at hand and which shall be exhibited in sufficient time to prevent collision.
- (3) If the sailboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the sailboat so as to be visible to a boat approaching from any direction.

(Ord. No. 531-H, § 1(27-7-17), 12-2-82)

Sec. 23-2-88. - Sailboats without motor, sixteen feet or over in length.

A sailboat without a motor, sixteen (16) feet or over in length shall be equipped as follows:

- (1) One type I, II or III Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition for each person aboard, plus one type IV throwable device. The devices shall be ready at hand and not encased in plastic bags or other containers.
- (2) If underway between sunset and sunrise, the sailboat shall be equipped with a lantern showing a white light which shall be ready at hand and which shall be exhibited in sufficient time to prevent collision.
- (3) If the sailboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the sailboat so as to be visible to a boat approaching from any direction.

(Ord. No. 531-H, § 1(27-7-18), 12-2-82)

Sec. 23-2-89. - Sailboats with motors.

A sailboat with a motor shall be equipped as follows:

- (1) Personal flotation devices, backfire flame arresters, ventilation ducts and cowls, fire extinguishers, whistles and bells and mufflers, as required by this section for motorboats of the same length.
- (2) If underway between sunset and sunrise shall be equipped with and exhibit navigation lights as required by this section for motorboats of the same length, except:
  - a. A sailboat twenty-six (26) feet or over in length under sail alone on the waters of this state within the jurisdiction of the city between sunset and sunrise shall be equipped with and exhibit a green light to starboard showing ten (10) points and visible one mile, a red light to port showing ten (10) points and visible one mile and a lantern showing a white light which shall be ready at hand and which shall be exhibited in sufficient time to prevent collision.
  - b. If the sailboat is anchored between sunset and sunrise on the waters of this state within the jurisdiction of the city and not in a special anchorage area, a white light shall be displayed on the forward part of the sailboat so as to be visible to a boat approaching from any direction.

In lieu of these lighting requirements sailboats may display lights as specified by the international rules of the road.

(Ord. No. 531-H, § 1(27-7-19), 12-2-82)

Sec. 23-2-90. - Rowboats.

- (a) A rowboat shall be equipped with personal flotation devices as required by this section for a motorboat of the same length.
- (b) If underway between sunset and sunrise, a rowboat shall be equipped with a lantern showing a white light which shall be ready at hand and which shall be exhibited in sufficient time to prevent collision.

(Ord. No. 531-H, § 1(27-7-20), 12-2-82)

Sec. 23-2-91. - Canoes and kayaks.

- (a) A canoe or kayak shall be equipped with one type I, II, III or IV Coast Guard approved personal flotation device as specified by section 23-2-74 in good and serviceable condition for each person aboard. The devices shall be ready at hand and not encased in plastic bags or other type containers.
- (b) If underway between sunset and sunrise a canoe or kayak shall be equipped with a lantern showing a white

light which shall be ready at hand and which shall be exhibited in sufficient time to prevent collision.

(Ord. No. 531-H, § 1(27-7-21), 12-2-82)

Secs. 23-2-92—23-2-100. - Reserved.

#### DIVISION 6. - REGISTRATION

Sec. 23-2-101. - Registration; fee payments and numbering of vessels.

- (a) No person shall operate, or give permission to operate, any motorboat of any length, or any other vessel twelve (12) feet in length or over, on the waters of the city unless:
  - (1) The fees prescribed by the state in any marine law for the motorboat or vessel have been paid and the proper number or decal is placed on the motorboat or vessel in accordance with marine law; and
  - (2) The certificate of number awarded to the motorboat or vessel is on board and is in full force and effect, and the identifying number or decal, or both, is displayed on each side of the forward half of the vessel.
- (b) This section shall not apply to owner of any vessel exempted from fee payments and vessel numbering under marine law.

(Ord. No. 40-97, § 1, 11-26-97)

Secs. 23-2-102—23-2-110. - Reserved.

#### DIVISION 7. - RACES, WATER EVENTS; RULES; APPLICATION, CONTENTS

Sec. 23-2-111. - Authorization.

- (a) The city may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments, or exhibitions, or trials for other events, on the waters of the city.
- (b) Authorization pursuant to subsection (a) of this section does not exempt a person from compliance with an applicable federal law or regulation, and authorization by the city of the event shall not be construed to require the securing of a city permit if a permit for an event described in subsection (a) has been obtained from an authorized agency of the United States. In accordance with state marine law, the city in its permit may waive the provisions of this chapter to the extent that the provisions apply to vessels participating in races, regattas, or trials permitted by the city.

(Ord. No. 40-97, § 1, 11-26-97)

Secs. 23-2-112—23-2-120. - Reserved.

