

City of St. Clair Shores

BOATING FACILITIES REGULATIONS

The rules and regulations set forth below are intended to govern the use, lease and occupancy of boat wells and kayak storage racks in city-owned harbors as well as the conduct of users, leasees and their invitees on the premises. These rules and regulations shall be incorporated by reference into every Boat Well/Kayak Storage Rack Permit Agreement and may be amended from time to time by the City of St. Clair Shores without prior notice.

I. Boat Well/Kayak Storage Rack Permits

1. No boat well/kayak storage rack may be occupied without the watercraft owner(s) having first secured a boat well/kayak storage rack permit as specified herein.
2. Prior to January 31th, deposits will be accepted from **current occupants** only for renewal of their existing well/storage rack. Relocation requests for current occupants will be accepted prior to January 31th. After February 1st, all open wells will be available to the **General Public** on a first come, first serve basis.
3. A permit shall apply only to the use of a specified boat well/kayak storage rack and to the watercraft and owner(s) specified on the permit agreement. However, the City of St. Clair Shores Department of Parks & Recreation may change the specified well/storage rack from time to time. In the event of a transfer of ownership of the watercraft, the permit granted will be void, and the boat well/storage rack shall not be transferable or assignable by permittee to another watercraft or watercraft owner. Subletting, leasing, or temporary use of the boat well/storage rack by other than the permit holder is strictly prohibited. In the event a new watercraft is purchased and is suitable for the boat well/storage rack specified in the permit already in existence, the Department of Parks & Recreation may approve continuance of the permit. In such cases, the new boat registration and proof of boat insurance **must** be brought to the Department of Parks & Recreation for verification and modification of the permit.
4. A permit shall only be issued to the person who signed the boat well/kayak storage rack agreement.
5. Applications for permits shall be placed on the boat well/kayak storage rack waiting list by well/storage rack size in the order in which they are received and will be kept on file for a period of two (2) years. Applicants on the waiting list may be asked at intervals to confirm their interest in a boat well/kayak storage rack permit. Anyone who fails to confirm within fifteen (15) days of such a request may be stricken from the list.
6. The permit shall be issued and boat wells/storage racks shall be assigned as they become available to the persons standing highest on the waiting list, except that the holder of the permit for the immediately preceding year shall first have the privilege of renewal upon filing of an application therefor and payment of the fees required. After the holders who are entitled to renewal of the permit have been assigned their respective boat wells/storage racks, all remaining boat wells/storage racks shall be assigned to applications in order of the date of filing thereof.
7. If a permit and boat well/storage rack are offered to an applicant and the assigned space is reasonably suited to the watercraft, the applicant shall be required either to accept the space within five (5) days of notice or to be removed from the waiting list. If the assigned space is not reasonably suited to the watercraft, the applicant will be passed over and his/her name kept on the waiting list. The waiting list shall expire after a period of two (2) years.

8. No applications may be made by anyone under the age of sixteen (16) or anyone who within the preceding twelve (12) months has had a boat well/kayak storage rack revoked for a material violation of these rules.
9. The term of the boat well/kayak storage rack permit shall consist of the summer boating season for the current year which shall be defined to extend from April 15th until October 15th. All watercrafts must be removed from the premises by October 15th unless other arrangements have been made with the Harbor Master. **ADDITIONALLY, ALL WELLS/STORAGE RACKS MUST BE OCCUPIED BY JUNE 1st, UNLESS OTHER ARRANGEMENTS HAVE BEEN MADE WITH THE HARBOR MASTER.**

II. **Fees**

1. Full payment, or a \$200 non-refundable payment of the rental fee, shall be required upon submission of an executed Boat Well/Kayak Storage Rack Permit Agreement to the City of St. Clair Shores Department of Parks & Recreation.
2. If the \$200 non-refundable payment of the rental fee has been submitted, the balance due is to be paid no later than the date specified by the Department of Parks & Recreation. Such a date shall be considered the original due date of the full rental amount, but in no case shall a boat well be occupied until payment in full has been received.
3. After the original due date as indicated above has lapsed, forfeiture of boat well shall occur. Any refund available will be provided as indicated below.
4. Refund of the rental fee less the \$200 non-refundable payment will be available to an applicant prior to January 31th, provided the applicant notifies the St. Clair Shores Department of Parks & Recreation in writing of his or her desire to vacate the city well.
5. Returning occupants for kayak storage racks must pay in full by January 31th for the new boating season or forfeiture of the storage rack shall occur.
6. The rental fee shall include the following at the noted locations;
 - (a) Lac Sainte Claire Wells - - dockage space, water, electricity, limited municipal privileges, and use of a dock box.
 - (b) Lac Sainte Claire Kayak Storage Racks - - storage space for one kayak or paddle board, must supply own lock.
 - (c) Blossom Heath Motorboat Wells - - dockage space only.
 - (c) Blossom Heath Sailboat Wells - - dockage space and limited electrical service.
8. The fee for use of a transient well shall be Twenty Dollars (\$20) for one (1) day which shall consist of 3:00 p.m. until noon the following day or any lesser time period within those parameters. A transient well shall be vacated by noon the following day unless additional fee of Twenty Dollars (\$20) is paid. A Six Dollar (\$6) minimum rate shall be paid for the first four (4) hours of occupancy, and One Dollar and Fifty Cents (\$1.50) per hour thereafter shall be charged up to the maximum of \$20 daily rate. The transient well fee shall be made payable to the City of St. Clair Shores and submitted to the Harbor Master along with a completed and assigned Transient Well Agreement prior to usage of the well. In any event, the Harbor Master shall have the reasonable discretionary power to determine the availability of wells.

III. Harbor Rules

(Applies to boat well occupants only)

1. The Harbor Master or city employee acting in his/her place at the time shall be the Harbor Master of the facility. All boats in the facility shall be handled, and all permit holders and their guests shall comport themselves in accordance with such directions as the Harbor Master may give.
2. The permit holder or his authorized agent using the boating facilities shall be responsible for the conduct of his/her guests, employees, invitees, and all persons using, visiting, or occupying the boat. Guests shall include all persons using, visiting, or occupying a boat with the express or implied consent of the permit holder or his authorized agent. The permit holder shall indemnify the City of St. Clair Shores and its agents and employees against any claim by himself, the boat owner, his guests, or others for damages arising as a consequence of the registered boat's presence in the boating facility or on account of the presence of the permit holder, boat owner or any of his guests or others in the boating facility.
3. The City of St. Clair Shores shall not be responsible for any claim of damage, demand, action whatsoever in any manner, to persons or property while same are within the limits of the city's boating facilities which shall be defined as the Harbor or boat well area separated by a fence line and/or boardwalk with the exception of public fishing piers.
4. Any painting or additions to a boat well is not permitted. Catwalks are not to be widened or lengthened at any time.
5. A permit holder shall remove any submerged boat within twenty-four (24) hours upon the holder's notification or actual knowledge thereof.
6. In the event a boat is determined to be unsafe or unseaworthy by the United States Coast Guard or the St. Clair Shores Fire Marshal, the Department of Parks & Recreation shall have sufficient cause for cancellation of the permit. Any refund shall be in accordance with the policy set forth within.
7. All permit holders, boat owners and boat operators shall observe the rules of the waterway and Harbor Master and shall carry such lights at night as are prescribed by the regulations of the United States Coast Guard.
8. The permit holder, boat owner and any boat operator shall at all times comply with all applicable municipal, county, and state laws and regulations.
9. A boat in a well must be fastened properly and securely and in such a manner as to avoid fouling and collision.
10. Anchoring in any canal is prohibited.
11. No harbor or facility shall be used for any commercial purpose or for taking on or discharging passengers for hire or for any public or freight carrying of any kind. The boat for which the permit is issued hereunder shall be used for strictly private recreational purposes and not for profit, and such boat shall not be rented out or chartered using the harbor or facility as a basis of operation.
12. No permit holder, boat owner or operator will place or store gasoline in the boat or well or dock area except for that which may be contained in the boat's tank(s); and further, no such person shall deliver or permit others to deliver gasoline or other fuel to the boat while the boat is in its well, dock, harbor or subject boating facilities.

13. Pets owned by the permit holder may accompany the permit holder on the subject boat provided that pets are brought in to the park (Lac Sainte Claire) through the first fence opening off the parking lot or the boardwalk. Additionally, pets must be on a leash when not on the boat, and must be appropriately restrained from leaving the boat and running at large. Pet owners are prohibited from walking pets on the boardwalk unless going to or from their car or to and from the dog run. A dog run is provided near the entrance of the park. The permit holder shall be responsible for promptly removing any mess or animal offal from the premises. Also, pets must have been licensed as required by the St. Clair Shores animal ordinances regarding licensing. Pets not belonging to the permit holder will not be allowed entry. No leashed or unleashed dogs may be on the docks. Gate key may be obtained from the Harbor Master.

14. Lac Sainte Claire boaters shall be permitted to use the restroom shower facilities used by pool patrons. A Fifty dollar (\$50) deposit will be required for a maximum of two (2) keys to use the outside restroom facilities after regular park hours and a maximum of two (2) electronic key cards. Once the park is officially closed for the day, boaters are not permitted to use other areas of the park excluding the outside restroom facilities. Replacement of key card(s) or restroom key(s) can be secured at a cost of twenty-Five dollars (\$25) each.

A Ten Dollar (\$10) deposit will be required from all Blossom Heath sailboat well occupants to allow entrance through the security gate. A maximum of two (2) keys per boat well is allowed. Replacement of key(s) can be secured at a cost of Twenty-Five Dollars (\$25) each.

To provide maximum security for our facilities, a limit of one (1) replacement has been set.

15. No alcoholic beverages or consumption of same shall be permitted on the docks and within the park. Alcohol may only be consumed while on the boat.

16. No barbecuing or cooking of any kind shall be permitted on the boat or in the dock area with the exception of cooking on built-in galley equipment. No skate boards or roller blades are allowed on the boardwalk and dock area.

17. Bicycles and motorized vehicles belonging to the permit holders shall be hand walked to the holder's boat and for this purpose may be walked on the boardwalk, but shall not be ridden on the boardwalk or in the dock area. No bicycle or motorized vehicle shall be ridden in the park. When either is removed or exited from a boat, it must be walked to the exit of the park.

18. The permit holder can display a "for sale" sign on the boat and will not allow the boat to be shown to a prospective purchaser unless the permit holder is present.

19. Signs, placards, or other commercial displays shall not be permitted on a boat without the consent of the St. Clair Shores Department of Parks & Recreation.

20. Scows, floats, rafts, dinghies, sailing dinghies, hydroplanes, and other personal recreation vehicles or similar apparatus, (other than regular equipment carried aboard for which a permit is issued) shall not be allowed in the boating facilities. More than one (1) boat moored in a boat well is strictly prohibited.

Jet skis may be permitted as long as they are completely clear of the water and accommodated aboard the boat.

21. No boat shall be occupied as a temporary or permanent residence by the permit holder, boat owner, his family, guests, or invitees who shall include any person with the express or implied permission or consent of the permit holder, for a period in excess of fourteen (14) consecutive overnights. There shall be no living aboard boats in the harbor.
22. The permit holder must declare in advance with the Harbor Master or designees when an overnight stay is to occur.
23. No garbage, oil, sludge, refuse matter, sewage or waste material of any kind shall be thrown, deposited or permitted to fall into the water or upon the docks or shore area of the canal nor shall the dock, shore area or catwalks be used as a storage place for any gear or equipment. No discharging of toilet facilities shall be permitted while the boat is in the canal, the well or boating facilities. City rubbish containers shall be used to keep the area clean. Dumping of port-a-potties in the restroom facilities will not be allowed.
24. The permit holder shall report to the City of St. Clair Shores Department of Parks & Recreation (445-5350) whenever his or her boat will be out of the boat well for repairs, vacation or any other purpose other than daily recreational use.
25. All children ages six (6) and under must wear a floatation device while on the docks at all city-owned facilities.

IV. Miscellaneous

1. Neither the City of St. Clair Shores nor the Department of Parks & Recreation guarantees the adequate depth of water in the harbor, canal, channel or any boating facility other than that provided by the natural water level established by Lake St. Clair. **There will be no refunds issued due to the lake levels.**
2. Reports of vandalism, theft, etc., shall be made to the St. Clair Shores Police Department (911) and the Department of Parks & Recreation (445-5350).
3. These rules and regulations and the boat well permit agreement and other conditions of permit issued hereunder shall be binding upon the parties hereto, their respective heirs, personal representative, successors and assigns.
4. These rules and regulations may be amended or supplemented at any time and from time to time by the City of St. Clair Shores, Department of Parks & Recreation, and such amendment and supplement shall be affected upon its posting at the guard post of each boating facility.
5. The permit holder and/or their guest(s) should not at any time block docks/walkways with chairs, tables, etc. Chairs are permitted on the dock/walkways as long as the Harbor Master or city employee on duty does not feel that an obstruction exists.
6. Fishing is not allowed inside the harbor. Fishing is permitted from the back of boats or from the fishing pier. Fishing or casting from the docks is strictly prohibited.
7. Boat stickers must be placed on the dock/catwalk side of boat well permit holder's boat. The sticker must be in view at all times and cannot be covered by a canvas or boat cover. If the sticker is lost or damaged, the harbor office should be contacted at (586) 445-5271

V. Termination of Permit

1. The City of St. Clair Shores shall have the right to terminate a permit without cause and/or remove an applicant's name from the boat well waiting list by giving written notice to applicant at least twenty-four (24) hours prior to such termination or removal. In such cases, the applicant shall be entitled to a pro-rata refund of any rental payment advanced unless their termination of the permit or removal of the applicant's name from the waiting list is due to the applicant's violation of any rules or regulations of the city or other failure to comply with any of the conditions specified herein or violation of any application rules set forth by the Department of Parks & Recreation or by City Ordinance, Chapter 67A, Section 17. Whenever termination of a permit or removal of a name from the waiting list is the result of violations not related to payment of rental fees, the applicant may request a hearing before the Parks & Recreation Director in appeal of such action. Such request shall be submitted to the St. Clair Shores Department of Parks & Recreation in writing no later than fifteen (15) days after notice of termination or removal. The Parks & Recreation Director shall thereafter schedule a public hearing for the purpose of reconsidering the applicant's appeal and shall render an opinion as to the propriety of reinstatement of the permit or replacement of the applicant's name on the waiting list.
2. Falsification in completing any portion of the boat well agreement shall result in cancellation of the permit. Nominee ownership, applications by secret representatives, fictitious transfers or any other artifice or device to evade these rules shall not be tolerated. The Department of Parks & Recreation shall remove names from the waiting list, withhold the issuance of permits or revoke issued permits in any case where necessary to preserve the integrity of these rules and regulations. The applicant's right to appeal in such situations is specified above.
3. Violation of any of the rules and regulations set forth herein or other applicable law on the part of any occupant, owner, operator or permit holder of a vessel using the St. Clair Shores' boating facilities shall be cause for the immediate cancellation of a permit applying to such vessel and/or use of the city boat well. Appeal procedures shall be as specified above.
4. The permit holder agrees to indemnify and hold harmless the City of St. Clair Shores;
 - (a) From any damages to any person or property in, on or about the well or dock from any cause whatsoever.
 - (b) From damages to any person or property in, on or about the City of St. Clair Shores property resulting from the act or omissions of the permit holder, boat owner, his authorized agent, his family, employees, agents, guests and all persons using, visiting or occupying a boat within an expressed or implied consent of the permit holder or his authorized agent or family members. The permit holder shall carry adequate insurance to cover potential liability. Further, the City of St. Clair Shores shall not be responsible or liable to the permit holder for any loss or damage that may be occasioned by or through the acts of omissions of persons occupying any part of the City of St. Clair Shores property, and in no event shall the City of St. Clair Shores be responsible or liable to the boat owner for any loss or damage caused by or resulting from delay, loss of market or use, interruption of business, or other consequential loss.