

ORDINANCE 2007-05

AN ORDINANCE REGULATING MOORING BUOYS IN THE GRAND MARAIS HARBOR,
AMENDING GRAND MARAIS ORDINANCE 2004-03

The City Council of the City of Grand Marais ordains:

Section 1. Permits. No mooring buoys shall be located, relocated, placed, modified, or redesigned in the Grand Marais Harbor, without a permit issued by the Grand Marais Harbormaster.

Section 2. Existing Mooring Buoys. All existing mooring buoys in place in the Grand Marais Harbor as of May 1, 2001, shall meet the standards of Minnesota Rules 6110.1150, Subp. 4.¹ Initial permits shall be issued for all such existing mooring buoys that meet these standards, and in conformance with this ordinance.

Section 3. Fees. The fee for a mooring buoy shall be set from time to time by the Grand Marais Park Board, ~~but no increase in fees shall be effective until approved by the Grand Marais City Council.~~ Fees may consider whether the mooring and buoy hardware is owned by the city or by the permittee, costs of city staff administering the ordinance, and whether city personnel and equipment are used. Higher fees may be charged for mooring deemed to be commercial.

¹ 6110.1500 WATERWAY MARKERS.

Subp. 4. Mooring buoys. Every buoy placed in the waters of the state for use in anchoring or mooring watercraft may be of any practicable size or shape, but must have at least eight inches extending above the waterline. No anchoring buoy may have a diameter of over 24 inches circular or a width of more than 24 inches if some other shape. No mooring or anchor buoy may be placed in any public water if it obstructs access to any public or private property or creates a navigational hazard. No mooring or anchor buoy may be placed in or upon the water of the state except by public authority or under a permit issued by the sheriff of the county. Every such buoy shall be colored white and shall be encircled by a visible blue band at least one inch wide. Mooring buoys must have a minimum total of 16 square inches of white reflectorization, part of which must be visible from any direction. Mooring buoys, if lighted, shall show a flashing white light.

This footnote is for reference only and is not part of the ordinance.

~~The initial fee shall be \$25.00 for a one-year period.~~

Section 4. Enforcement. The Park Manager, acting under the authority of the City Council and the Park Board, shall enforce this ordinance as Harbormaster, and issue permits for mooring buoys.

Section 5. The Park Board and Park Manager shall use the following criteria in enforcing the installation, use, and removal of buoys in the Grand Marais Harbor:

- a. Mooring owners will be responsible for removal of all mooring hardware upon permit expiration.
- b. After ~~two continuous years~~ one year of non-use by mooring permittee ~~or their guests~~, the mooring permit will be terminated. "Non-Use" shall be defined as less than fourteen (14) continuous days of the owner or allowable guest tying a boat to the mooring. The Park Board may waive this requirement in exceptional circumstances, at its sole discretion.
- c. All ~~future~~ mooring hardware must meet criteria set by the Park Board.
- d. No permits shall be issued for any new, relocated, modified, or redesigned moorings in the Grand Marais Harbor without approval from the Grand Marais Park Board. Positions in the mooring field will be determined by seniority of formal written complete requests and applications.
- e. All buoys will be marked "private property" and all buoys and chains must have permit numbers attached.
- f. Permits for privately owned mooring hardware must be renewed annually through the Grand Marais Park Board with a ~~\$25~~ yearly administrative fee per permit. Mooring buoys must be removed by December 1 each year.
- g. Mooring owners are responsible for obtaining all required federal, state and local permits and approvals.
- h. Mooring permits are non-transferable with mooring owners or their guests only occupying the mooring with personal watercraft. Only one ~~One~~ boat per mooring and no fees for mooring use may be charged by permit holders to their guests.
- i. To be permitted, a boat must be registered, marked, equipped and maintained as required by law.
- j. Boats and moorings must be insured with complete coverage with owner responsible for damage caused to other boats and

moorings, harbor facilities or structures, and lake natural resources.

- k. No mooring shall be located to obstruct navigable waters or access to other moorings, or to present a potential safety hazard. Reasonable space shall be provided in mooring areas to allow navigation freely between moored boats.
- l. All moorings must be constructed in such a manner as to not constitute a hazard to all persons, property, and natural resources under all conditions.
- m. The Park Board will consider in permitting, among other things, the following: whether the mooring location will be unsafe or crowd existing moorings, whether the mooring and boat will be compatible with the natural beauty and character of the harbor, and whether the mooring complies with mooring regulations and policies.
- n. Moorings may be removed 30 days after written notice to owner if in violation of mooring policy, and removed immediately if a safety or navigation hazard, at the owner's expense.
- o. The Park Manager, acting under authority of the City Council and Park Board shall issue permits and enforce policy.
- p. All privately owned mooring hardware shall be discontinued and removed no later than May 1, 2030. Thereafter, all mooring hardware shall be owned and furnished by the City of Grand Marais. On the termination date, owners of existing private mooring hardware shall be given first priority for City-owned mooring hardware.

Section 6. Removal of Unpermitted Mooring Buoys. If a buoy is found to be in violation of this ordinance, it may be removed 30 days after notice of the violation is mailed to the owner. If the owner cannot be located, the buoy may be removed after 30 days' posted notice filed in the office of the Grand Marais Recreation Area and on the official posting bulletin board in Grand Marais City Hall. The removal shall be at the sole expense of the buoy owner. If a buoy is found to be a safety hazard or a navigation hazard, it may be removed immediately.

Section 7. Effective Date. This ordinance shall be effective upon publication.

Additions have been underlined.

