

yes

adopted 11-12-91

Boat Regulation Ordinance

Ordinance No.

The Charter Township of Elmwood Ordains:

ARTICLE I. Intent, Purpose and Short Title:

Section 1.1 Intent and Purpose: In its deliberations leading to the adoption of this Ordinance, the Township board has recognized and concluded that the use of water resources, including the inland lakes situated in the Township, should be considered within a framework of long term costs and benefits to the Township, and that it is desirable to retain and maintain the physical, cultural and aesthetic characteristics of lakes in the Township. Moreover, it has been recognized that, as the shore lines of lakes become further developed, the cumulative impact of boat usage from each respective property must be regulated in order to preserve and protect the rights of riparian owners as well as the Township as a whole. It has further been recognized that the lack of regulation shall result in a nuisance condition and an impairment of these important and irreplaceable natural resources of the Township, and shall further result in the destruction of property values and threaten the public health, safety and welfare of all persons making use of lakes within the Township and properties adjacent to lakes in the Township. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for boat usage in the Township.

Section 1.2 Short Title: This Ordinance shall be known and may be cited and referred to as the Elmwood Township Boat Regulation Ordinance, and shall hereinafter be referred to as "this Ordinance".

ARTICLE II. Scope and Application.

Section 2.1. The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the Township.

Section 2.2. This Ordinance shall not interfere with, abrogate, annul nor appeal any other law, ordinance, rule or regulation previously in effect, including any other ordinance regulating boat launching and/or usage. Moreover, in instances where this Ordinance specifically imposes a greater restriction or higher standard than other ordinances, the provisions of this Ordinance shall govern.

Section 2.3. This ordinance is not intended to conflict with and/or pre-empt application of the Inland Lakes and Streams Act, but intended to supplement such Act in a compatible manner so as to enhance water usage in a manner consistent with the public interest.

ARTICLE III. Definitions.

Section 3.1. For the purpose of construction and application of this Ordinance, the following definitions shall apply:

(a) "Boat" shall mean a water craft having a motor or engine of more than five horsepower.

(b) "Dock" or "docking" shall mean the mooring of a boat directly to a pier, which is a platform or other permanent or seasonal fixture extending from the shore, and directly accessible to a separate frontage; and shall also mean the regular anchoring of a boat adjacent to a separate frontage.

(c) "Lake" shall mean a navigable body of water situated, wholly within the Township, but shall not mean or include lakes to which other ordinance regulations apply so as to prohibit certain boats with engines or motors.

(d) "Person" shall mean a human being, partnership, corporation, association, including a condominium association, and any other entity to which the law provides or imposes rights or responsibilities.

(e) "Separate Frontage" means that portion of a lot or parcel of land existing on documentation recorded within the Leelanau County Register of Deeds, which abuts or intersects with the normal high water mark of a lake, whether such lot or parcel is owned by one or more persons, or commonly owned by several persons, or combinations of persons.

ARTICLE IV. Regulations.

Section 4.1. Subject to the provisions below, not more than one boat shall be launched and/or docked adjacent to each separate frontage.

Section 4.2. If the continuous length of a separate frontage is greater than 150 feet, one additional boat may be launched and/or docked for each 100 feet of continuous frontage in excess of the initial 150 feet. For the purpose of computing the length off frontage, the measurement shall be along the water's edge at the normal high water mark of the lake as determined by the Department of Natural Resources, or if the Department has not made such a finding, the normal high water mark location shall be determined in the discretion of the Township. Moreover, the measurement shall be made only along a natural shoreline, and shall not include any man-made channel, lagoon, canal or the like.

Section 4.3. Following the effective date of this Ordinance, no launching and/or docking shall be permitted with respect to a separate frontage of less than 100 feet, provided, this provision shall not apply to lots or parcels constituting a building site of record prior to the effective date of this Ordinance.

ARTICLE V. Penalties.

Section 5.1. Any person who shall be convicted of a violation of the regulations contained in this Ordinance shall be guilty of a misdemeanor and shall be punished by imprisonment of not more than 90 days or by fine of not more than \$500.00, or both such imprisonment or fine, as determined by a Court of competent jurisdiction.

Section 5.2. In addition to, or in lieu of, seeking to enforce this Ordinance by proceeding under Section 5.1 above, the Township may institute an appropriate action in a Court of general jurisdiction seeking equitable relief.

ARTICLE VI. Severability.

Section 6.1. In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a Court of competent jurisdiction, such holding shall not affect the validity nor the enforceability of the remaining sections, provisions, phrases or words of this Ordinance unless expressly so determined by the Court.

ARTICLE VII. Nonexclusivity.

Section 7.1. The prohibitions and penalties provided for in the Ordinance shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by other law, ordinance, rule and/or regulation.

ARTICLE VIII. Adoption.

Section 8.1. Provision of the Ordinance shall take effect ~~immediately upon~~ publication in accordance with the Statutes of the State of Michigan.

Made and passed by the Township Board of the Charter Township of Elmwood on this 11TH day of NOV, 1991.

Township Clerk

30 days
after