

Golden Township Boat Mooring Ordinance Ordinance No. Twenty-One

Article 1 Intent, Purpose & 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 it is desirable to retain and maintain the physical, ecological, cultural, and aesthetic characteristics of all water resources, including the inland lakes in the Township, and that the use of water resources, and the public access ways to those resources, should be considered within a framework of long-term cost and benefits to the Township.

Moreover, it has been recognized that as the shorelines of inland lakes become further developed, and that as the use of those lakes by watercraft increases, the practice of mooring boats in areas adjacent to public access ways to the lakes must be regulated in order to preserve and protect the quality of the important and irreplaceable rights of all users of those access ways, the safety of those users, the rights riparian owners and users, and the Township as a whole.

It has further been recognized that the lack of such regulation shall result in a nuisance and unsafe condition, an impairment of the aforementioned rights, and an impairment of the physical, ecological, cultural, and aesthetic characteristics of water resources, Furthermore, the lack of such regulation shall threaten the public health, safety, and welfare of all persons making use of inland lakes in the Township, the public access ways to those lakes, and properties adjacent to those resources wherever they may be located in the Township.

Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the mooring of boats in areas adjacent to the public access ways to the lakes within the Township, as illustrated by illustration "A".

Section 1.2 Short Title

This ordinance shall be known and may be cited as the Golden Township Boat Mooring Ordinance, and shall be hereinafter referred to as "this Ordinance".

Article 2 Scope & 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, the public peace, the preservation of natural resources, and the protection and preservation of public and private property within the Township.

Section 2.2

This Ordinance is enacted pursuant to MCL 41.181; MSA 5.45(1), as amended, and the Michigan Constitution of 1963, Art. 4, 52.

Section 2.3

This ordinance shall not interfere with, abrogate, annul, or repeal any other law, ordinance, rule, or regulation previously in effect, including any other ordinance regulating docks, boats, rafts, or boat launching, mooring, activity or usage. In instances

where this Ordinance specifically imposes a greater restriction or higher standard than other ordinances, the provisions of this Ordinance shall govern.

Section 2.4

This Ordinance is not intended to conflict with, nor preempt application of, the Michigan Inland Lakes and Streams Act, as amended, or the Michigan Marine Safety Act, as amended. This Ordinance is intended to supplement such statutes in a compatible manner so as to enhance the use and enjoyment of water resources in a manner consistent with the public interest and safety.

Article 3 Definitions

Section 3.1

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

- a. "Boat" shall mean any watercraft.
- b. "Moor or mooring" shall mean the act of fixing or securing a boat, by means of a rope, chain, or cable, to a pole or piling driven into, or permanently or temporarily placed upon or in the bottomland of a lake.
- c. "Anchor or anchoring" shall mean the act of fixing or securing a boat by means of a rope, chain, or cable, to an anchor placed upon or permanently or temporarily fixed to the bottomland of a lake.
- d. "Boat storage structure" shall mean a device or devices, such as boat cradles and shore stations, placed on, at, or adjacent to the shoreline of a lake, or on the bottom land of a lake, for the purpose of storing or securing a boat in, on, or above the water.
- e. "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.

Article 4 Regulations

The following regulations shall apply to all lakes within the Township:

Section 4.1

No person shall anchor or moor, or cause to be anchored or moored, at boat adjacent to any public access way to any inland lake located in the Township.

Section 4.2

No person shall place or store, or caused to be placed or stored, a boat storage device within the limits of any public access way to any inland lake located in the Township, nor on bottomland adjacent to such public access ways.

Article 5 Violations & Penalties

Section 5.1

Any person who violates any provision of the Ordinance is responsible for a Municipal Civil Infraction, subject to payment of a civil fine of not less than \$25 (or not more than \$50), plus costs and sanctions, for each infraction.

Section 5.2

Any second or subsequent violation of any provision of this Ordinance committed by any person, and for which any person admits responsibility, or is determined to be responsible, shall be a Municipal Civil Infraction subject to increased fines as follows:

- a. This fine for any offense which is a first repeat offense shall not be less than \$50, plus costs.

b. The fine for any offense which is a second repeat offense, or any subsequent offense, shall not be less than \$100.

Article 6 Severability

Section 6.1

The various parts, sections and clauses of this Ordinance shall are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is found to be invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Article 7 Nonexclusivity

Section 7.1

The prohibitions and penalties provided for in this Ordinance are minimum requirements and shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by other law, ordinance, rule, or regulation. This Ordinance shall not be construed to permit that which is prohibited by other applicable statutes or Township ordinances.

Effective Date.

*This Ordinance shall be effective 30 days after the publication thereof.
Passed and approved by the Golden Township Board on Feb., 1995
and published in Oceana Herald - Journal in its issue of Feb., 1995.*

