**HELENA TOWNSHIP**

**ALDEN SAFE HARBOR MOORING ORDINANCE**

 **ORDINANCE NUMBER \_\_\_; Effective \_\_ 2013**

**AMENDED \_\_\_\_\_\_: Effective \_\_\_\_\_\_\_\_\_\_2021**

The Township of Helena hereby ordains:

An Ordinance adopted to protect the public health, safety, and general welfare by regulating the use of a waterway and harbor under the Township’s control; to establish penalties for the violation of the Ordinance; and to enforce those penalties.

**THE TOWNSHIP OF HELENA, ANTRIM COUNTY ORDAINS:**

**Section 1. Title**

This ordinance shall be known as the Helena Township Alden Safe Harbor Mooring Ordinance.

**Section 2. Purpose**

The purpose of this Ordinance is to ensure the health, safety, and welfare of the township residents who use the Alden Harbor Boat Launch Area located at the end of Helena Road. It is the intent of this Ordinance to provide a facility where the uses, procedures, and limitations will ensure the safety of the users, and that the use is compatible with the surrounding residential area. This Ordinance is also intended to limit the hours that watercraft are permitted to be moored in the Alden Safe Harbor. This Ordinance is to ensure that the boat launch will provide access to Torch Lake for water rescue and fire emergencies. This ordinance is authorized by the Township Ordinances Act, MCL 41.181, *et seq.*, and the Township’s general authority over the property it owns.

**Section 3. Definitions as used in this Ordinance**

1. “Moor” or “Mooring” means the act of securing a boat/watercraft to a floating dock or bulkhead/land by means of a chain, cable, rope. or other device for the purpose of preventing or restricting the motion of the boat/watercraft.
2. “Boat” or “Watercraft” means any and all kinds or types of flotation vessels designated for use on the water whether or not motorized, including, but not limited to, boats, canoes, kayaks, jet skis, skidoos, pedal craft, pontoon boats, inflatable craft, tubes, or wind-propelled surf boards.
3. “Dock” means a floating pier, platform extending from shore over the water located in the Alden Harbor Boat Launch area, including the seventeen (17) slips at that location.
4. “Person” means an individual, firm, corporation, association, partnership, Limited Liability Company or other legal entity.
5. “Inclement Weather” means weather for which a small craft advisory issued by National Weather Service
6. “Alden Harbor Boat Launch Area” means the launch owned and operated by the Township for purposes of launching and recovering watercraft at the end of Helena Road or Torch Lake, the parking area used by those utilizing the launch, and the surrounding areas own by the Township walked through or otherwise occupied by persons utilizing the boat launch ramp.
7. “Power Launching/Recover” means watercraft driven onto or off trailers by the watercraft’s propulsion system. This means that launched watercraft must be floated and the trailer then pulled out from beneath; and that recovered vessels must be floated onto or pulled onto the trailer by a winch or other mechanism.
8. “Commercial Purposes” means any purpose or activity undertaken for any fare, fee, rate, charge, or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

**Section 4. Prohibition on Mooring; Hours Mooring permitted**

1. The mooring of boats in the Alden Safe Harbor is prohibited except as provided in this Ordinance. Except in the event of inclement weather, an emergency, or a mechanical breakdown, boats shall not be moored in the Alden Safe Harbor between midnight and sunrise.
2. Boats moored in the Alden Safe Harbor between midnight and sunrise are in violation of this Ordinance and may be ticketed, unless the boat is moored due to inclement weather, an emergency, or a mechanical breakdown, and has been reported to the Antrim County Sheriff’s Dispatch as provided in Section 5 of this Ordinance.

**Section 5. Removal of boat; Report of Emergency, inclement weather or mechanical problems**

If a boat is moored in the Alden Safe Harbor between the hours of midnight and sunrise due to inclement weather, an emergency, or a mechanical breakdown, the owner or operator of the boat shall report the boat mooring and the reason for the mooring to the Antrim County Sheriff’s Dispatch. The boat must be removed from then Alden Safe Harbor in the shortest time necessary to repair the mechanical breakdown or as soon as practicable after the inclement weather or emergency ends. If the boat is not removed as provided in this section, it shall be considered in violation of this Ordinance and may be ticketed.

**Section 6. Prohibited Conduct**

No person or entity shall engage in any of the following conduct at the Alden Harbor Boat Launch Ramp Area:

1. Use the Alden Harbor Boat Launch Ramp for commercial purposes, including but not limited to the launching of commercial watercraft, dredge cranes or pile drivers by a marine contractor, the maintenance of watercraft by a marina or other similar activities, and dockage for commercial or charter vessels.
	1. Entities wishing to use the Alden Harbor Boat Launch Ramp for launching commercial watercraft, including dredge cranes or pile drivers by a marine contractor, may apply for a special permit from the Township.
	2. The Township shall not grant special permits for use of the Alden Harbor Boat Launch Ramp for the launching of commercial watercraft as part of any rental business.
2. Engage in the practice of power launching or power recovery of any watercraft.
3. Moor watercraft so as to interfere with watercraft launching, except as needed to launch a watercraft and to recover a watercraft. At all times during launching and recovery, watercraft must be attended by the operator.
4. Launch or recover any watercraft greater than twenty-two feet (22 ft.) in overall length, per the boat’s certification of registration or title.
	1. The launch or recovery length restriction does not apply to any first responders launching or recovering a watercraft in the course of their duties.
5. Launch or recover any watercraft with a vehicle and trailer greater than forty-five feet (45 ft.) in length.
6. Launch or recover any watercraft with a combined weight of 6,500 pounds or more, including for the boat and trailer.
7. Moored watercraft shall not exceed the length of the dock to which it is attached.
8. Moor any watercraft used for commercial purposes at any of the docks located at the area.
9. Moor any watercraft to the launching dock except in a slip designated for that purpose.
10. Park any watercraft trailers in the designated parking spaces at the end of Helena Road.

**Section 7. Violations and penalties**

Any person or entity who violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall include the following:

1. A civil fine of not less than one hundred dollars ($100.00), plus costs and other sanctions.
2. Increased civil fines may be imposed for repeated violations of this Ordinance. As used in this section, “repeat offense” is a second or subsequent violation of this Ordinance committed by a person or entity within six months of a prior violation of this Ordinance; and for which the person or entity admits responsibility or is determined to be responsible.
3. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than two hundred dollars ($200.00), plus costs and other sanctions.
4. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than four hundred dollars ($400.00), plus costs and other sanctions.
5. Individuals or entities determined to be responsible for a repeat offense and are conducting any commercial use of the Alden Harbor Boat Launch Area shall be considered a nuisance. As such, the Township retains the right to pursue legal action in the competent court of jurisdiction and seek available remedies, including but not limited to, injunctive relief.

In addition to the sanctions provided in this Ordinance for violation of its provisions, any person who is determined to be responsible for a municipal civil infraction because of any damage that he or she has caused to the Alden Harbor Boat Launch Ramp area shall reimburse the Township for the amount of damages suffered by the Township to repair the damage for which the person is responsible, as determined by the court. If a person is responsible for an act of vandalism, that person shall reimburse the Township for up to three times the amount of damages, as determined by the court.

**Section 8. Enforcement Officials**

Police officers of the Antrim County Sheriff’s Department and any Township officials designated as ordinance enforcing officials by the Township are hereby designated as the authorized officials to issue municipal civil infraction citations directing violators of this Ordinance to appear in court.

**Section 9. Effective Date**

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

**Section 10. Severability**

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

**Section 11. Other Ordinances**

The provisions of this Ordinance shall supersede those of other ordinances where the provisions of this Ordinance may conflict with such other ordinance(s), to the extent this Ordinance is more restrictive.

ADOPTED: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

 PUBLISHED: \_\_\_\_\_\_\_\_\_\_\_\_

 EFFECTIVE: \_\_\_\_\_\_\_\_\_\_\_\_\_

 Township of Helena

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_