

HELENA TOWNSHIP

ALDEN SAFE HARBOR MOORING ORDINANCE

ORDINANCE NUMBER 071113 ; Effective: 30 days after publication 2013

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

This Ordinance is enacted pursuant to MCL .324.79301 and MCL.41.181. The purpose of this Ordinance is to limit the hours that boats are permitted to be moored in the Alden Safe harbor and to establish penalties and enforcement for violations of this Ordinance.

Section 3. Definitions as used in this Ordinance

- (a) "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.
- (b) "Boat" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and non-motorized boats such as sailboats, canoes, rowboats, and rafts. Boat, however, does not include an air mattress, paddleboard, paddleboat, boogie board, or similar device used by one (1) or two (2) persons for floating or paddling.
- (c) "Dock" means a floating pier, platform extending from shore over the water to which a boat is moored.
- (d) "Person" means an individual, firm, corporation, association, partnership, Limited Liability Company or other legal entity.
- (e) "Antrim County Sheriff's Marine Division"
- (f) Inclement weather means weather for which a small craft advisory has been issued by National Weather Service

Section 4. Prohibition on Mooring; Hours Mooring permitted

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;

- (a) between midnight and sunrise

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 Marine Division 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 Marine Division. The boat must be removed from the 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. Violations and penalties

- (a) A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction.
- (b) The registered boat owner shall pay a civil fine of one hundred and 00/100 (\$100.00 dollars) per violation. Each day during which any violation continues shall be deemed a separate offence.

Section 7. Enforcement Officials

Police officers of the Antrim County Sheriff's Marine Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing violators of this Ordinance to appear in court.

Section 8. Effective Date

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

Section 9. 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.

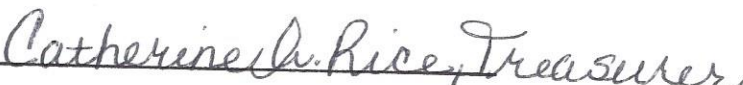
Section 10. Other ordinances

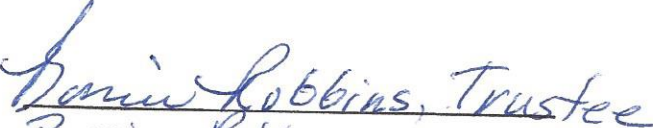
The provisions of this Ordinance shall supercede those of other ordinances where the provisions of this ordinance may conflict with such other ordinance(s), to the extent this ordinance is more restrictive.

TOWNSHIP OF HELENA

By: 
Rick Teague, Supervisor

By: 
David Peterson, Clerk

, Treasurer

, Trustee
Bonnie Robbins

 TRUSTEE