

ENVIRONMENTAL PROTECTION

PART 50

50.000

BOAT REGULATIONS ORDINANCE

Adopted: February 11, 1992

THE TOWNSHIP OF PORTER ORDAINS:

50.001

Intent, Purpose and Short Title. 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 frame-work of long-term costs and the physical, cultural and aesthetic characteristics of the lakes in the Townshi Moreover, it has been recognized that, as the shore lines of lakes becomes further developed, the cumulative impact of boat usage from each respective property must be regulated in order to preserve and protect the right 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 lake 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 Porter Township Boat Regulation Ordinance, and shall hereinafter be referred to as “this Ordinance”.

50.002

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 repeal any other law, ordinance, rule or regulation previously in effect, including any other ordinance regulation 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 Lake and Streams Act, but is intended to supplement such Act in a compatible manner so as to enhance water usage in a manner consistent with the public interest.

50.003

Definitions. 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 fifteen (15) 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 nor include lakes to which other Ordinance regulations apply so as to prohibit certain boats with engines or motors.

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(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 with Cass 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.

50.004 Regulations.

Section 4.1. Subject to the provisions below, no more than two watercraft 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 100 feet, two additional watercraft may be launched and/or docked for each 100 feet of continuous frontage in excess of the initial 100 feet. For the purpose of computing the length of 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 at 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 or record prior to the effective date of the Ordinance. (Amended February 22, 2000)

50.005 Penalties.

Section 5.1. Any person who violates any of the provision of the Ordinance shall be deemed guilty of a misdemeanor and shall be subject to the enforcement penalties of the Decimalization Ordinance, ordinance number 27, adopted June 9, 1998. Each day that a violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. In addition, or in lieu of the imposition of the foregoing fines and penalties, the Township may proceed with such other damage or injunctive remedies as it may deem appropriate and in accordance with law and statute provided.

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.

50.006 Severability.

In the event that any one or more sections, provisions, phrases or words of the 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.

50.007 Nonexclusively.

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

50.008 Adoption.

Provision of this Ordinance shall take effect thirty (30) days from the date of publication in accordance with the Statutes of the State of Michigan.