

MELROSE TOWNSHIP
BOAT LAUNCH ORDINANCE

Ordinance No. 1 of 2010

AN ORDINANCE TO ESTABLISH RULES AND REGULATIONS FOR THE USE OF THE MELROSE TOWNSHIP BOAT LAUNCHES AND LAUNCH PARKING FACILITIES

THE TOWNSHIP OF MELROSE ORDAINS:

SECTION 1. PURPOSE

The purpose of this ordinance is to adopt rules and regulations for the use and the maintenance of boat launches and launch parking facilities owned and operated by Melrose Township and to provide penalties for the violation thereof.

SECTION 2. REGULATIONS

A. Definitions

The following words as used in this Ordinance shall be defined as provided herein. All other words and phrases shall be defined as they are in the ordinary and customary usage.

Class A Motorhome: A recreational vehicle built on a stripped truck chassis where the driving compartment is an integral part of the RV interior (looks like a bus).

Class C Motorhome: A recreational vehicle, also known as a mini motorhome, built on a cut-away van or truck chassis, including the cab.

Launch Parking Facility: The geographic area owned and operated by the Township for the purposes of parking those vehicles with boat trailers that have the proper Permit.

Launch Ramp Facility: The geographic area owned and operated by the Township for the purposes of launching and recovering watercraft.

Litter: Any rubbish, including, but not limited to, paper, cans, bottles and animal feces.

Maintenance of Watercraft: Work on watercraft, including, but not limited to, any mechanical or structural procedure, or adding fuel, oil or other fluids.

Motor Vehicles: Any and all kinds or types of motor driven or motor propelled automobiles, trucks, motorcycles, motor scooters, mopeds, snowmobiles, and any kind or type of off-road or all-terrain vehicle.

Permit: The daily or seasonal sticker or decal issued by the Township evidencing application and payment of required fees for the use of a Township launch facility.

Person: An individual, firm, corporation, association, partnership, limited liability company or other legal entity.

Pets: Dogs, cats, horses, snakes, or any other domesticated animal or any other animal under the custody or control of a person.

Power Launching/Power Recovery: The process of driving a watercraft onto or off of a trailer by means of the watercraft's propulsion system.

Watercraft: Any and all kinds or types of flotation vessels 26 feet in length or less and designed for use on the water, whether or not motorized including, but not limited to, boats, canoes, kayaks, jet skis, skidoos, pedal craft, pontoon boats, rafts, inflatable craft, tubes, aircraft or wind propelled surfboards.

B. Launch Use Permits

Any Person who desires to use a Township Launch Ramp Facility for the purpose of launching or recovering watercraft, docks or boat hoists shall first acquire the appropriate Permit. **Daily** Permits may be purchased at any Melrose Township Launch Ramp Facility. **Seasonal** Permits require application and payment at the Township offices. Application may be made to the Township Clerk or to such person as the Clerk may appoint. Permits shall be issued by the Township Clerk, or their designated representative. The Permit issued by the Township shall be prominently displayed on the vehicle or trailer of the permit holder.

C. Prohibited Conduct

No Person shall engage in any of the following conduct in a Township Launch Ramp Facility or a Township Launch Parking Facility:

1. Occupy or use any portion of a Township Launch Facility for purposes of overnight camping.
2. Occupy or use a Township Launch Parking Facility between December 15 and the following April 1.
3. Occupy or use a Township Launch Facility between the hours of 11:00 PM and the following 5:00 AM.
4. Utilize Township Launch Facility docks for any sunbathing, swimming or diving activities.
5. Fish, hunt, or trap any fish, animals, or birds within any portion of a Township Launch Facility.

6. Possess any type of firework(s) or explosives within any portion of a Township Launch Facility.
7. Use, park, or operate any motor vehicle outside of the traveled portion of the roadway or designated parking areas, or in any manner contrary to posted traffic controls within a Township Launch Facility.
8. Spin or cause to spin, the tires of any motor vehicles in such a manner that damage is caused to the roadway or parking area, or any ground within a Township Launch Facility.
9. Allow a pet to run loose at any time within any portion of a Township Launch Facility. For the purpose of this Ordinance, "allow a pet to run loose" shall mean that the pet is neither on a leash held by, nor otherwise under the immediate control of, the person in custody of the pet.
10. Damage, destroy, deface, or remove any tree, shrub, plant, building, fence, sign, table, bench, marker, or any other equipment or structure within a Township Launch Facility, unless necessary for the maintenance of the area as determined by the Township Board.
11. Light or maintain a fire within a Township Launch Facility except as is necessary for the maintenance of the park or recreation area as determined by the Township Board.
12. Cause any litter to remain in a Township Launch Facility, including, but not limited to, any fecal matter generated by the pets or animals under the control of any person within a Township Launch Facility.
13. Engage in the cleaning or gutting of any animal or fish within a Township Launch Facility; or the disposal of the waste generated therefrom.
14. Leave unattended any launched or moored watercraft at any time unless parking or retrieving the motor vehicle with trailer used to launch the watercraft.
15. Engage in the practice of power launching or power recovery of any watercraft.
16. Engage in the Maintenance of Watercraft.
17. Leave a motor vehicle without a trailer attached, or leave a trailer without a motor vehicle.
18. Park any Class A or Class C motor home.
19. Launch watercraft in excess of 26 feet.
20. Park any vehicle and trailer combination that exceeds 45' in length.

D. Observance of Signs

Every person shall observe, heed and obey all signs, posters and notices placed by lawful authority upon or adjacent to a Township Launch Facility for the regulation and control of said facilities.

E. Fees For Use

Fees for the use of the Township Ramp Facility, including fees for the Permit, will be established by the Township Board from time to time by resolution.

Any fees established for the use of a Township Launch Ramp Facility shall be reviewed and authorized a minimum of once each fiscal year and shall be included in the Township's published Schedule of Fees.

SECTION 3. VIOLATIONS AS A CIVIL INFRACTION

A. A violation of this Ordinance shall be a municipal civil infraction. Each day during which a violation exists shall be a separate violation. This remedy shall be cumulative to any other remedy granted by this ordinance or by law.

B. The following fines shall be applicable:

<u>Offense</u>	<u>Fine</u>
First offense	\$75.00
Second Offense within 2 years of initial offense	\$150.00
Third or subsequent offense within 2 years of initial offense	\$300.00

C. Any alleged violation of this Ordinance may be reported to any Township Trustee, Township Ordinance Enforcement Officer; the Township Zoning Administrator, or a Charlevoix or Emmet County Sheriff or Deputy Sheriff.

D. The Zoning Administrator, Township Ordinance Enforcement Officers, or a Charlevoix County Sheriff or Deputy Sheriff may issue a civil infraction citation or an appearance ticket for a violation of this Ordinance.

SECTION 4. VIOLATION AS A NUICANCE PER SE

A violation of this Ordinance shall also be a nuisance per se. The Township shall have the authority to seek injunctive relief to seek compliance with this Ordinance. This remedy shall be cumulative to any other remedy granted by this Ordinance or by law.

SECTION 5. SEVERABILITY

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of this Ordinance. The Township Board declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause, irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses are declared invalid.

SECTION 6. INCONSISTENT ORDINANCES

If the provisions of any Melrose Township Ordinance conflict with this Boat Launch Ordinance, then the provisions of this Boat Launch Ordinance shall take precedence and control.

SECTION 7. EFFECTIVE DATE

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

Ordinance No. 1 was adopted on the 9th day of March, 2010 by the Melrose Township Board of Trustees as follows:

Motion by: V. Goodwin
Seconded by: L. Meadows
Yeas: 4
Nays: 0
Absent: 1

TOWNSHIP OF MELROSE:

Robin Hissong Berry Vern Goodwin
Robin Hissong Berry, Clerk Vern Goodwin, Supervisor

Adopted: 3/9/10
Publication Date: 3/23/10 Effective Date: 4/22/10

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