

MELROSE TOWNSHIP  
Ordinance No. 3 of 2010

AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO REGULATE ACTIVITIES ON ROAD ENDINGS THAT TERMINATE ON THE SHORELINE OF LAKES AND RIVERS, TO REGULATE THE ANCHORING, HOISTING, AND MOORING OF UNATTENDED BOATS ON THE SHORELINES AND BOTTOMLANDS OF LAKES AND RIVERS WITHIN THE TOWNSHIP, AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE TOWNSHIP OF MELROSE ORDAINS:

**Section 1. Title.**

This Ordinance shall be known as the Melrose Township Lake Access and Mooring Ordinance.

**Section 2. Purpose.**

Based on the findings which have been made by the Melrose Township Board, the purposes of this Ordinance are to protect and promote the public health, safety, and welfare of Township residents and to conserve and protect the inland lakes and rivers within the Township from pollution, destruction or impairment by regulating the use of road endings and by regulating the anchoring, hoisting, and mooring of unattended boats on the shorelines and bottomlands of those lakes and rivers.

**Section 3. Definitions.** As used in this Ordinance,

“Anchor” means the act of dropping a weighted object that is attached to a boat by means of a chain, cable, rope, or other device to the bottomland of a lake or river or the act of placing a weighted object on upland property for the purpose of preventing or restricting the motion of the boat to which it is attached.

“Beach” means the act of pulling a boat on upland property or grounding a boat on the bottomlands for the purpose of preventing or restricting the motion of the boat.

“Boat” means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and nonmotorized boats such as a 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.

“Bottomlands” means the land beneath the water of a lake or river that attaches to upland and riparian property by operation of law.

“Dock” means a pier, platform, or other structure extending from the shore of a lake or river over the water to which a boat is moored.

“Hoist” means a mechanical device attached permanently or temporarily to the bottomland of a lake or river and used to raise or lift a boat out of the water for the purpose of preventing or restricting the motion of the boat.

“Lake” means an inland lake or portion of an inland lake located within Melrose Township.

“Moor” or “Mooring” means the act of securing a boat to a buoy attached or anchored to the bottomlands of a lake or river by means of a chain, cable, rope, or other device or to a dock by means of a chain, cable, rope, or other device for the purpose of preventing or restricting the motion of the boat.

“Motor vehicle” means any wheeled vehicle in, upon, or by which any person or property is or may be transported or drawn upon a highway and which is designed to be self-propelled.

“Person” means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.

“River” means a navigable and natural stream of water flowing in a definite course or channel within Melrose Township.

“Road ending” means a public road or way within Melrose Township which terminates at the water’s edge of a navigable lake or river, including its associated bottomlands.

“Shoreline property” means riparian property within Melrose Township that abuts a lake or river, including its associated bottomlands.

**Section 4. Regulations.** No person shall

- (a) Construct, place, or maintain a dock, hoist, or mooring device on a road ending or shoreline property, except as provided in this subsection. Melrose Township may, either directly or through a written agreement with another person, construct, place and maintain a nonexclusive dock on a road ending to aid the general public in gaining access to the lake or river. Any written agreement authorized by this subsection shall specify that the dock is the property of Melrose Township and shall be available for use by the general public under the terms and conditions of this Ordinance. If a dock is constructed, placed and maintained on a road ending as authorized by this subsection, then Melrose Township or the person authorized by the written agreement to construct, place and maintain the dock shall place a sign on the dock advising of the public nature of the dock under the terms and conditions of this Ordinance. In addition, unless otherwise prohibited by state law or the Melrose Township Zoning Ordinance, a person who is the owner of shoreline property or a person with the

permission of the shoreline property owner may construct, place and maintain a dock, hoist, or mooring device on that owner's shoreline property.

- (b) Anchor, beach, or moor an unattended boat on a road ending or shoreline property for more than five (5) consecutive hours, except in the case of an emergency, the mechanical breakdown of the boat, or as otherwise provided in this subsection. Unless otherwise prohibited by state law or the Melrose Township Zoning Ordinance, a person who is the owner of shoreline property or a person with the permission of the shoreline property owner may anchor, beach, or moor an unattended boat on that owner's shoreline property for more than five (5) consecutive hours.
- (c) Use a road ending or shoreline property in any manner that:
  - (1) Unreasonably interferes with ingress and egress to the water.
  - (2) Causes or creates any loud noise or sound that endangers or injures the safety or health of humans or animals or that annoys or disturbs a reasonable person of normal sensitivities, including but not limited to:
    - (A) Playing or using a radio, phonograph, compact disc player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound-producing device in such a manner or with such volume so as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
    - (B) Yelling, shouting, hooting, singing, or making other noise that because of its volume, frequency, or shrillness unreasonably disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.
    - (C) Sounding or using any horn, siren, whistle, bell or other warning device on a boat or motor vehicle so as to unreasonably disturb the quiet, comfort or repose of another person, unless the sounding or use of such horn, siren, whistle, bell or other warning device is authorized by state law and necessary to the safe operation of the boat or motor vehicle.
    - (D) Making any other noise that because of its volume, frequency, or shrillness unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities or unreasonably annoys or disturbs the well being of any animal. However, this subsection shall not be applied to the noise created by the motor of a boat during the normal operation of that boat.

- (E) Revving up the motor of a boat in such a manner or with such volume or frequency or at such time of the day that it unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any reasonable person of normal sensitivities. However, this subsection shall not be applied to the noise created by the motor of a boat during the normal operation of that boat.
- (3) Causes littering on the road ending or adjoining property.
- (4) Results in trespassing on adjoining property.
- (5) Unreasonably interferes with the use and enjoyment of shoreline properties.
- (6) Creates any other nuisance condition.
- (d) Drive or back a trailer into the water at a road ending for the purpose of launching a boat into the lake or river, unless the Township designates that road ending as an official boat launching site.
- (e) Camp on a road ending at any time.
- (f) Start, use, or maintain a campfire, bonfire, or other recreational fire on a road ending.
- (g) Lounge, sunbathe, or picnic on a road ending.
- (h) Remain on a road ending after being requested by a police officer to leave that road ending.
- (i) Pump or otherwise remove water from a lake or river at a road ending, except for fire suppression or training purposes.

**Section 5. Removal of Boat; Report of Emergency or Mechanical Breakdown.**

If an unattended boat is anchored, beached or moored greater than five (5) consecutive hours as prohibited in Section 4(b) above, that boat must be removed from the road ending or shoreline property in the shortest time necessary to end the emergency or mechanical breakdown. If the boat is not removed within twenty-four (24) hours, the owner or operator of the boat shall report the emergency or mechanical breakdown to the Charlevoix County Sheriff's Department.

**Section 6. Violations and Penalties.**

- (a) Any person who violates any provision of this Ordinance, except Section 4(h), shall be responsible for a municipal civil infraction as defined in Public Act 12 of

1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:

- (1) For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.
  - (2) For a second offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Two Hundred Fifty and 00/100 (\$250.00) Dollars.
  - (3) For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.
- (b) Any person who knowingly violates Section 4(h) of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred and 00/100 Dollars (\$500) and/or by imprisonment in the county jail for not more than ninety (90) days.
- (c) Each day this Ordinance is violated shall be considered a separate violation.
- (d) Violations of this Ordinance may be reported to Township Supervisor and/or the Charlevoix County Sheriff's Department.

**Section 7. Enforcement Officials.**

The Township Supervisor and deputies of the Charlevoix County Sheriff are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

**Section 8. Nuisance Per Se.**

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

**Section 9. Separate Court Action.**

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding or a criminal prosecution, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

**Section 10. Nonexclusivity.**

The regulations in this Ordinance shall be in addition to, and not exclusive of, any other local police power ordinance or zoning ordinance or any other state law or regulation, including but not limited to Part 301 of the Natural Resources and Environmental

Protection Act, as amended, (Inland Lakes and Streams), being MCLA 324.30101, and Part 801 of the Natural Resources and Environmental Protection Act, as amended, (Marine Safety), being MCLA 324.80101.

**Section 11. Validity.**

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

**Section 12. Effective Date.**

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

TOWNSHIP OF MELROSE

By: Vern Goodwin  
Vern Goodwin, Supervisor

By: Robin Hissong Berry  
Robin Hissong Berry, Clerk