

TORCH LAKE TOWNSHIP

Antrim County, Michigan

PP - #2018-09

The following ordinance was adopted at the September 18th, 2018 meeting of the Torch Lake Township Board.

Effective Date: *October 18, 2018*

Torch Lake Township 407 Boat Launch Ordinance

The purpose of this ordinance is to insure the health, safety and welfare of township residents who use the township boat launch located at 407 N. West Torch Lake Drive, Kewadin, Michigan 49648. It is also the intent of this ordinance to provide a facility where the uses, procedures and limitations will insure that the safety of the users, and that the use is compatible the surrounding residential area. This ordinance is meant to ensure that the boat launch will, as needed, provide access to Torch Lake for water rescue and fire emergencies.

Use of the Launch Facility

1. **The 407 Boat Launch is open to Torch Lake Township property owners only and at no charge.** However, all users must obtain a township boat launching permit at the township offices and must meet the boat size limitations stated below under the **Boat Size and Power Loading** section of this ordinance.
2. Mooring of boats so as to interfere with boat launching, except as needed to launch a boat and to bring a boat out of the water, is prohibited. At all times, boats must be attended by the boat operator. Long term (longer than ten minutes) or overnight mooring is prohibited.
3. Commercial businesses, such as marinas, dock and shoreline equipment installation companies are prohibited from using this launch.
4. Beach kinds of activities such as sun bathing, picnicking, and games are prohibited on the launch property. Bicycles, chairs, tables, ATVs, golf carts and roller blades or other such equipment are prohibited.
5. Parking of vehicles and/or trailers at the 407 Boat Launch is strictly prohibited. Parked vehicles and/or trailers will be ticketed or towed at owner's expense.

Prohibited Activities

- Open fires
- Fireworks.
- Activities that endanger the safety or life of participants and spectators.
- Activities or operation of equipment in a manner that disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.
- Use of devices that amplify sound, music, and/or voice.
- Conduct in a manner as to create a public or private nuisance.
- Creation of any display exhibition, show, play, entertainment, or amusement of an obscene nature.
- Creation of a disturbance by obscene or disorderly conduct.
- Removal or destruction of any vegetation.
- Destruction of any property, public or private.
- Construction or making of any improvements and/or alterations without the written permission of the Torch Lake Township Board.
- Parking of unattended vehicles for times longer than 15 minutes.

Permitted Use by Township Property Owners

Township property owners, whose boat and trailer size meet or are within the limits as stated below, are not charged for launching their boat, but must have a current township permit displayed in the proper place on the boat trailer as described on a seasonal decal. Permits are available during normal business hours at the township offices. Bring proof of property ownership which consists of a driver's license and/or property tax receipt, and must have a boat trailer license plate number to obtain the permit. Applications are also available on the township web site and can be filled out prior coming to the township offices or, if requested, be mailed. Permits are required for boat launching at 407 Boat Launch and facilities.

Boat Size and Power Loading

The size of the boat that can be launched at the boat launch is limited to the following:

1. Twenty-six feet in length,
2. Combined length (vehicle with boat on trailer) of forty-eight feet,
3. Combined weight of boat and trailer no greater than 6500 pounds, and
4. Boat trailers with two axels or less.

Boats and trailers/vehicles that exceed the size limits of this ordinance are prohibited to use this boat launch.

Penalties

A violation of this Ordinance is a municipal civil infraction, the sanction shall be a civil fine as set forth below plus any costs, damages, expenses, and other sanctions, as authorized under the Torch Lake Township Municipal Civil Infraction Ordinance, Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and other applicable laws.

- (1) The civil fine for a violation of this ordinance shall be not less than \$100.00 plus, costs and other sanctions, for each infraction.
- (2) Increased civil fines may be imposed for repeated violations of this ordinance. As used in this section, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within [specify period] and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - (A) The fine for any offense that is first repeat offense shall be not less than \$200.00, plus costs.
 - (B) The fine for any offense that is a second repeat offense or any subsequent repeat offense shall be not less than \$400.00, plus costs.

Any person(s) who violates any provision of this Ordinance may be ordered to leave the subject property where the violation occurred and failure to comply with an order shall constitute a separate and additional violation of this Ordinance.

Nonexclusively

The regulations in this Ordinance shall be in addition to, and not exclusive of other local ordinances or laws or state laws or regulations.

Severability

Should any provision or part of this Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance, which shall remain in full force and effect.

Effective Date

This Ordinance shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within torch Lake Township. This Ordinance shall take effect 30 days after date of publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance was offered for adoption Motion by Township Board Member: Cook and was seconded by Township Board Member: Petersen, the roll call vote being as follows:

Martel: Y Schultz: Y Petersen: Y Windiate: Y Cook: Y

Total: Yea: 5 Nays: 0 Motion: Passed: 5 - 0

ORDINANCE DECLARED ADOPTED – September 18th, 2018.

Kathy Windiate
Kathy Windiate, Township Clerk

09/18/2018
Date

Alan A. Martel
Alan A. Martel, Supervisor

09/18/2018
Date