

VILLAGE OF SUTTONS BAY
Ordinance No. 6 of 2004
As amended July 18, 2016

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, LAKE ACCESS SITES, AND PUBLIC PARKS WITHIN THE VILLAGE AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE VILLAGE OF SUTTONS BAY ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Village of Suttons Bay Lake Access and Parks Ordinance.

Section 2. Purpose.

Based on the findings which have been made by the Suttons Bay Village Council, the purposes of this Ordinance are to protect and promote the public health, safety, and welfare of the residents and visitors of the Village and to conserve and protect the lake and Streams within the Village from pollution, destruction or impairment by regulating the use of road endings, public access sites, and Village parks.

Section 3. Definitions. As used in this Ordinance,

- (a) A "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.
- (b) A "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.
- (c) A "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.
- (d) A "Bottomlands" means the land beneath the water of a lake or stream that attaches to upland and riparian property by operation of law.
- (e) A "Decibel (dB)" means a unit of measuring the volume of sound, equal to twenty (20) times the logarithm of the base ten (10) of the ratio of the pressure of the

- sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).
- (f) A "Dock" means a pier, platform, or other structure extending from the shore or a lake over the water to which a boat is moored.
 - (g) A "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.
 - (h) A "Lake" means the tributary waters of Lake Michigan and any portion of the lake located within Suttons Bay.
 - (i) A "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.
 - (j) A "Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
 - (k) A "Public Access Site" means the non-road ending, riparian property owned by the Village of Suttons Bay, including its associated bottomlands, intended by the Village to serve as a means for the public to gain access to the lake to which it abuts.
 - (l) A "Stream" means a non-navigable and natural stream of water flowing in a definite course or channel within the Village of Suttons Bay.
 - (m) A "Road ending" means a dedicated public road or way within the Village of Suttons Bay which terminates at the lake including its associated bottomlands.
 - (n) A "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighing networks used to measure sound pressure levels and that meets the standards of ANSI S-14 1983, or its successor.
 - (o) A "Village park" means property owned or controlled by the Village that is open to the general public for recreational activities such as picnics, sunbathing, swimming, or public recreation.
 - (p) A "Weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

- (q) Open
- (r) "Vehicle" means a motorized or self-propelled vehicle or a vehicle drawn by another vehicle, including without limitation, automobiles, trucks, trailers, buses, tractors, motorcycles, mopeds, all-terrain vehicles, motor scooters and snowmobiles. (as amended by Ord. No.2 of 2016)

Section 4. Regulations. No person shall:

- (a) Construct, place, or maintain a dock, hoist, or mooring device on a road ending or public access site or within a Village park, except as provided in this subsection. Suttons Bay Village may construct, place and maintain a nonexclusive dock on a road ending or public access site or within a Village park to aid the general public in gaining access to the lake.
- (b) Anchor, beach, or moor an unattended boat on a road ending, public access site or within a Village park for more than an hour except in the case of an emergency, the mechanical breakdown of the boat, or as otherwise provided in this subsection.
- (c) Anchor or beach any vessel or motorized craft within 150 feet of any designated swimming area.
- (d) Use a road ending, public access site, or Village park in any manner that:
 - (1) Unreasonably interferes with ingress and egress to the road ending, public access site, or Village park or to the adjacent 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:
 - i. 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.
 - ii. 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.
 - iii. Sounding or using any horn, siren, whistle, bell or other warning device on a boat 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 or Federal law and necessary to the safe operation of the boat.

- iv. Making any noise exceeding 60 db(A), weighted sound level, as measured by a sound level meter from the nearest shoreline between the hours of 10:00 p.m. and 6:00 a.m. Evidence of such noise shall serve as prima facie evidence that such noise disturbs the comfort, quiet and repose of reasonable persons of normal sensitivities in the area. However, excluding personal watercraft and cigar boats, this subsection shall not be applied to the noise created by the motor of a boat during the operation of that boat.
- (3) Causes littering on the road ending, public access site, Village park or adjoining property.
 - (4) Results in trespassing on adjoining property.
 - (5) Unreasonably interferes with the use and enjoyment of adjacent and shoreline properties.
 - (6) Creates any other nuisance condition.
- (d) Drive or back a trailer into the water at a road ending, public access site, or Village park for the purpose of launching a boat into the lake, unless the Village designates and improves that road ending, public access site, or Village park as an official boat launching site.
 - (e) Camp on a road ending, public access site, or Village park at any time.
 - (f) Start, use, or maintain a campfire, bonfire, or other recreational fire on a road ending, public access site, or Village park at any time, except within an approved device installed by the Village.
 - (g) Remain on a road ending or public access site or within a Village park after being requested by a police officer to leave that road ending, public access site, or Village park.
 - (h) Pump or otherwise remove water from a lake or river at a road ending, public access site, or Village park, except for fire suppression or training purposes.
 - (i) Pets are permit and shall be leashed and under the owners direct control at all times.
 - (j) "open"

- (k) Fail to obey any parking sign in a Village park or park a vehicle in a Village park in any area other than an established or designated parking area. (as amended by Ord. No. 8 2016)

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

If an unattended boat is anchored, beached or moored greater than one hour as prohibited in Section 4(b) above, that boat must be removed from the road ending, public access site, or Village park in the shortest time necessary to end the emergency or mechanical breakdown. The owner or operator of the boat shall immediately report the emergency or mechanical breakdown to the Village Police Department and/or the Village's Harbormaster.

Section 6. Violations and Penalties.

- (a) Any person who violates any provision of this Ordinance, except Section 4(g), 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(g) 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 Village police department and/or the Leelanau County Sheriff's Department.

Section 7. Enforcement Officials.

The Village police officers and any officer of the Leelanau County Sheriff's Department 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 Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 10. 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 11. Effective Date.

This Ordinance shall become effective twenty (20) days after being published in a newspaper of general circulation within the Village.

VILLAGE OF SUTTONS BAY

By:

Harry Brandt, Village President

By:

Shar Fay, Village Clerk