

**VILLAGE OF SUTTONS BAY
LEELANAU COUNTY, MICHIGAN
ORDINANCE NO 21
AMENDING
VILLAGE OF SUTTONS BAY
MARINA ORDINANCE
Ordinance No. 2 of 2017**

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 3 OF 2006, AS AMENDED, TO PROVIDE RULES, REGULATIONS AND PROCEDURES FOR THE OPERATION OF THE VILLAGE-OWNED MARINA, BOAT LAUNCHES AND MARINA PROPERTY TO ENSURE THE PUBLIC HEALTH, SAFETY AND WELFARE; TO PROVIDE FOR ORDERLY MARINA CONDUCT; TO PROVIDE FOR PROCEDURES FOR OPERATIONS AS WELL AS VISITORS AND LICENSE HOLDERS; AND TO PROVIDE ENFORCEMENT REGULATIONS.

THE VILLAGE OF SUTTONS BAY ORDAINS:

Section 1. Amendment of Ordinance No. 3 of 2006, As Amended. That Ordinance No. 3 of 2006, as amended, is amended in its entirety to read as follows:

Section 1. Definitions.

The following terms, as used in this Ordinance, are hereby defined to have the following meanings. All other terms shall have their regular dictionary meanings or as defined in other governing regulations.

“Vessel” means a craft designed to navigate on water

“Village” or “Owner” means the Village of Suttons Bay

“Licensee” means the person assigned to a slip

“Boat Launch” means a sloping surface that allows a vessel to enter and/or exit a body of water

“Commercial” any business concerned with or engaged with commerce

“Day Use” means hourly slip license, not to exceed 24 hours

“Dinghy” is a human powered or outboard powered watercraft, less than 12’ in length

“Harbormaster” means the person in day-to-day charge of the operations of the Marina

“Marina” means any building or property owned or operated by the Village for the purposes of activities associated with the harbor, marina, boat launch and/or use of the waters; such as, but not limited to, operating any type of vessel, fishing, or swimming

“Marine Grade Electric Cord” means twist to lock with marine grade connector with water proof seal

“Power” a vessel navigated by mechanical or electric energy

“Power Loading” using a boat motor to load and unload the boat on and/or off a trailer

“RV’s” a recreational vehicle; camper, motor home, fifth wheel, trailer, any vehicle that may be used for overnight stay

“Sail” a vessel navigated by wind power

“Seasonal” slip licenses lasting for the duration of the marina season, May 15th – October 15th

“Transient” means short term slip license, not to exceed 14 days

“Vessel Overall Length” Vessel length on registration combined with any protrusion which shall include but limited to, anchors, bow pulpits, bow sprits, outboard motors, swim platforms, fishing gear, dinghies, etc. rounded to the closest foot of measurement.

“Slip” A docking area for vessel located along and/or between finger piers

“User” means any person, including boat owners/operators, marina Licensee’s on the premise of Marina.

Section 2. Rule and Procedure for the Operation of the Waiting List.

- 2.1 The Marina has a waiting list. The waiting list is operated as an annual renewal for which the Village sends out notices. The waiting list fee is due no later than March 1st of each year. If a renewal is not returned to the Village’s offices by March 1st, the name shall be removed from the waiting list
- 2.2 The Village shall establish annually the fee for the waiting list in the Village’s Schedule of Fees. The waiting list fee is non-refundable.
- 2.3 The waiting list fee shall not be considered any part of the license fee if a person obtains a slip license.
- 2.4 The intent of the waiting list renewals is to give each applicant the opportunity to update any information such as mailing addresses, phone numbers or vessel information. All changes and updated information shall be submitted with the annual renewal to allow the Village to update its records.
- 2.5 Reserved for future use.
- 2.6 Reserved for future use.
- 2.7 The Village may reject any application for the waiting list if there has been fraudulent, misleading, or unethical conduct by the applicant with respect to the Marina or other similar situations to protect the best interests of the Village.

Section 3. Determination of Selection from the Waiting List.

- 3.1 Selection from the waiting list for a license shall be granted to the next person on the waiting list whose vessel can be accommodated based on slip size availability. Slip placement shall be based on the vessel information provided by the applicant and may not be substituted without prior authorization of the Harbormaster.
- 3.2 The Village will make reasonable attempts to contact the applicant according to the information provided during the annual renewal process. It is the applicant’s responsibility to notify the Village of any change in their contact information and the

Village will not be liable due to a failure or inability to provide notice to an applicant.

- 3.3 The Village will first attempt by telephone or email to notify the next person with the appropriate size vessel of a slip's availability. The Village shall leave a message if possible and the applicant then has 48 hours to contact the Village. License payment must be paid within thirty (30) days of notification and prior to placing vessel in the slip.
- 3.3.1 If the Village is not successful in contacting the first applicant as described upon, the Village will contact the next applicant following the above guidelines, and will continue this process until an applicant has been reached and the slip has been assigned.
- 3.3.2 An applicant may reject their first slip offer without risking their place on the waiting list. A second rejection of a slip assignment shall mean the applicant is removed from their place on the list and placed at the bottom of the list. The Village is not required to send notice of placing the applicant at the end of its list.

Section 4. Selection of Seasonal Slip Licensees.

- 4.1 The Village shall send seasonal license renewals to prior year licensees.
- 4.2 Prior-year licensees shall be given first right of refusal for the coming year's licenses. However, the Village reserves the right to refuse any license when it is deemed in the public health, safety or welfare or otherwise in the best interest of the Village.
- 4.3 Full payment of the license is due to the Village no later than February 15th of each year. Any payments received between February 16th and March 1st are subject to a 10% penalty. Any penalties must be paid in full for the license to be fully paid.
- 4.4 Any funds received on or after March 1st shall be returned to the payer and their slip shall be made available for license to another licensee.
- 4.5 All vessels shall be identified at the time of license payment. Licensee shall provide vessel registration which shall include vessel ownership, size, and registered length. Licensee shall also provide overall length, proof of insurance, draft, beam, and power or sail. The vessel shall be registered and insured in the name of the licensee. If the registration or insurance information does not match the application, the application will be returned without being processed.
- 4.6 The Village shall begin assigning all available slips after January 1st.
- 4.7 If a licensee changes to a vessel of a different size during the term of the license, they may risk losing their slip assignment. Licensees who change or will be changing vessels from the prior year shall contact the Harbormaster for prior approval of the vessel. The Village may reject a vessel change in the Marina.
- 4.8 The Village may, at any time, change any slip assignments deemed in the best interests of

the Village.

- 4.9 Slip licenses are specifically for the right to use the slip assigned and the right to use the Marina bathhouse... No other amenities are implied or included. The Marina is owned and operated by the Village on publicly owned land. All other areas are open to the general public. No licensee shall block or infringe the public's right to use or access any portion of public land or areas not specifically limited to licensee.
- 4.10 Reserved for future use.
- 4.11 No licensee may sub-license or license their slip to any person at any time.
- 4.12 The Licensee shall be responsible for any property damage, nuisance or violations of this Ordinance, including those caused by their visitor, or invited guest.
- 4.13 Any license granted by the Village to a licensee to use a slip within the Marina, including a seasonal license, a day license, or a transient license, shall be expressly contingent upon the full payment by the licensee of all license amounts due and upon full compliance by the licensee with all regulations in this Ordinance and other laws. By accepting a license to use a slip within the Marina, the licensee agrees that any violation of this Ordinance and/or Marina policies and procedures may, in the sole discretion of the Harbormaster or other Village official authorized by resolution of the Village Council, result in the termination of the license and immediate eviction from the Marina. In the event a license is terminated as provided herein, the licensee shall receive a refund of the pro rata license payment to the date of termination. Any such payment shall be made by the Village within thirty (30) days of the license termination.

Section 5. Marina Season.

- 5.1 Subject to the terms of this Ordinance, the Village Marina season begins May 15th and ends October 15th of each year. The Marina bathhouse and restrooms, water service, electric, pump outs or gas pumps might not be open or functional other than during this period.
- 5.2 Vessels may be placed in the Marina between April 15th and May 15th only with the express permission of the Harbormaster and only after the licensee has provided updated copies of vessel registration and proof of insurance to the Village for the Harbormaster's review and approval.
- 5.3 All vessels and personal equipment must be removed from the Marina and public lands no later than October 31st.
- 5.4 If any vessel remains in the Marina after October 31st without the express permission of the Harbormaster, the owner shall be liable for a fee of twice the established daily rate.
- 5.5 If any vessel remains in the Marina after November 15th, it shall be removed from the

Marina and impounded by the Village. The licensee shall be responsible for one and one-half times the costs incurred by the Village for the removal and impound of the vessel. The impound fees shall be established in the Village's Schedule of Fees.

- 5.6 The Village or company removing any vessel from the Marina shall not be liable for damages to any vessel which was removed from the Marina as provided in this Ordinance.

Section 6. Hours of Operation.

- 6.1 Unless otherwise specified the Marina's hours of operation shall be:

May 15 through June 23: 8:00 a.m. to 6:00 p.m.

June 24 through Labor Day: 8:00 a.m. to 8:00 p.m.

Day after Labor Day through October 15th: 8:00 a.m. to 6:00 p.m.

After October 15th: by Appointment

Section 7. General Provisions.

- 7.1 It is the responsibility of every Marina user, licensee, or transient to know and comply with this Ordinance. The Village shall supply any current or new licensee with a copy of this Ordinance upon request. A copy of this Ordinance shall be made available on the Village's website and shall be posted at the Harbormaster's office in plain view for all transient users to review. This Ordinance shall supersede any and all prior rules or regulations.

All Licensee's shall comply with this Ordinance and Marina policy and procedures and at the time they accept a seasonal, day use, or transient license, affirm they will comply with this Ordinance and Marina policy and procedures by paying the Marina slip seasonal license, day license or transient license fee.

- 7.2 Slip Holders shall notify the Harbormaster if leaving the slip for 24 hours or longer. Slips vacated for 24 hours or longer may be licensed at the discretion of the Harbormaster. In the event of extended absences from the slip, the slip holder may have to use an alternative (assigned slip up to 3 days) until his or her slip is available.
- 7.3 The Marina is a no wake zone. Vessels must operate at the minimum speed that allows a vessel to maintain steering and make headway, usually idle speed.
- 7.4 Licensees shall supply their own bumpers, lines and marine grade electrical cord. Licensees are responsible to ensure the vessel is secure before and after weather events.
- 7.5 All licensees shall immediately report any damage or deficiencies in the Marina to a Marina employee.
- 7.6 Licensee may place one enclosed dock box, with dimensions of no more than 48 inches

in length, 28 inches in width, and 28 inches in height, near the entrance to their dock, in which personal effects may be stored. Other than those objects stored in the dock box or on the boat, licensee shall not keep any personal effects on the premises. All personal property must be contained within the dock box or vessel. If licensee uses such a dock box, it must be removed no later than October 31st, or the dock box and its contents will be deemed abandoned, and Owner may, without further notice, dispose of the dock box and any contents in the manner it deems appropriate, without any liability to Village whatsoever.

- 7.7 No grilling or open flame is permitted on any vessel docked within the main basin or coal dock section. Cooking shall be permitted in vessels with below deck kitchens and a designated marina cooking locations.
- 7.8 Licensees shall keep pets on a leash at all times while on land and shall not permit the pet to run at-large. The licensee is responsible for cleanup of their pet and disposal of droppings in approved waste containers.
- 7.9 It is unlawful for any licensee to turn-off, dismantle, or damage lighting in or around the Marina.
- 7.10 Licensee may have only the registered vessel in the slip. Licensee may keep a dinghy in the slip, provided the dinghy is tied to or placed on the vessel, and does not protrude into any other slip or beyond the dock. No dinghy may be kept in a slip unless the registered vessel is also in the slip. Any motorized dinghy must also be registered with Owner, who must also provide the insurance and registration information required for a Vessel, and the dinghy must be registered and insured in the name of licensee.
- 7.11 Minor maintenance and repairs are permissible in the slips. Exterior painting, varnishing or restoration work shall not be done with the vessel in the slip; all major work shall only be done on dry docked vessels.
- 7.12 No swimming is permitted in the main marina basin, coal dock basin, off the north or south pier, off the fishing pier, or off the Inland Seas pier.
- 7.13 If any vessel has a gas or oil leak, the owner is responsible for the immediate containment of the leak. If any vessel is found with a gas or oil leak it shall be immediately removed from the Marina by its owner. If the vessel's owner cannot be immediately located the Village may remove the vessel without the owner's prior consent. The owner shall be responsible to the Village for all cost of removal of the vessel and/or the clean-up cost. The Village shall not be responsible for damage to the vessel in the event of such removal.
- 7.14 The owner is responsible for ensuring their vessel is in proper working order and afloat. The owner is responsible for any vessel that may be in danger of sinking and shall immediately remove the vessel from the Marina. The Village may immediately remove any such vessel from the Marina without the owner's prior consent. The owner shall be

responsible to the Village for all cost of removal of the vessel and/or any clean-up cost. The Village shall not be responsible for damage to the vessel in the event of emergency removal.

- 7.15 The Village parks are open to the general public from 7:00am until 10:00pm. Licensees shall comply with the rules and regulations regarding noise and nuisances as provided in the park Ordinance. No licensee shall play audio devices at level that disturbs adjacent boaters. No licensee shall permit their dog to bark in a manner causing a nuisance to adjacent slip holders.
- 7.16 No overnight camping is allowed other than on boats.
- 7.17 No fireworks are permitted in the Marina at any time.
- 7.18 The Marina and its facilities are solely for the use of the general public and licensees of non-commercial pleasure craft and may not be used for commercial purposes or operations of any kind or nature at any time without the prior approval of the Village Council.
- 7.19 No person shall refuel any vessel within the Marina, except from the fuel dock. The fuel dock operation attempts to lesson environmental impact of fueling in the marina. Observation and compliance with Marina staff are required when fueling.
- 7.20 Canoes, kayak, boards, dinghies and similar items shall not be stored on a pier, finger pier, dock, and walkway. Storage is allowed within the confines of the licensed slip or on the vessel.
- 7.21 No fishing within the main Marina basin or coal dock basin area is permitted except in designated areas.
- 7.22 In no case shall a vessel's overall length extend more than six (6) feet beyond the end of the finger pier.

Section 8. Transient licenses and Day use.

- 8.1 Transient and day use license reservations and cancellations shall be made pursuant to the Marina Reservation and Cancellation Policies, established from time to time by the Village Council.
- 8.2 All transient and day-use boaters must immediately report to the Harbor Hut, complete the required form and make payment upon arrival. All transients are required to pay at the time of arrival.
- 8.3 Transients who arrive after business hours are responsible to check in and pay immediately upon marina opening business the following day. Transients should be

aware the slip may not be available for current or future use.

- 8.4 Transients shall immediately remove their vessel from a slip which is not available for license.
- 8.5 Transient and day use boaters shall pay license fees as established from time to time by the Village Council in the Schedule of Fees.
- 8.6 Transient check-out is 12:00pm. Transients who remain in the Marina after 12:00pm shall be charged an additional day.
- 8.7 Dinghy slips are only available for day and transient use. Other than the slip, dinghy licenses come with no other amenities such as, electricity, Marina bathhouse or parking privileges.

Section 9. Launch Ramps.

- 9.1 All vessels launching shall pay a launch fee as established by Village Schedule of Fees.
- 9.2 Power loading and unloading is prohibited.
- 9.3 All vessels unloading and loading at the ramp shall be ready to operate and not hold up traffic. No vessel shall be left unattended.
- 9.4 Cleaning and/or gutting of fish is prohibited within all Village parks, Marina and launch ramps.
- 9.5 Fishing is prohibited at the launch ramps.
- 9.6 Vehicle/trailer parking is only permitted in "Trailer Only" parking spaces. Trailers cannot be detached from tow vehicle and left in any parking area.
- 9.8 No vessel maintenance is allowed at launch ramps.
- 9.9 The Village reserves the right to close the launch ramps and designated Marina parking areas when deemed by Harbormaster or designee to be in the best interest of the Marina operation.
- 9.10 Skid Piers shall be used for the sole purpose for launching vessels. No passenger loading and unloading shall occur at any time.

Section 10. Enforcement.

- 10.1 The Harbormaster and any police officer are hereby designated as the officials authorized to issue municipal civil infraction citations for a violation of this Ordinance.

10.2 Reserved for future use.

10.3. Any person who does not remove themselves from the Marina as ordered by the Harbor Master, or other Village official authorized by the Village Council, is guilty of misdemeanor trespassing.

Section 11. Violations and Penalties.

11.1 Any person who violates any provision of this Ordinance, except Section 10.3, shall be responsible for a municipal civil infraction and shall be subject to the following fines:

- a. For a first offense, the offender shall be responsible to pay a fine of \$100.00.
- b. For a second offense within two years of the date on which the person was found responsible for the first violation, the offender shall be responsible to pay a fine of \$250.00.
- c. 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 be responsible to pay a fine of \$500.00.

11.2 Any person who knowingly violates Section 10.3 of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or by imprisonment in the County jail for not more than 90 days.

11.3 Each day this Ordinance is violated shall be considered a separate violation.

Section 12. Nuisance per Se.

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

Section 13. 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 14. 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 affect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 2. Repealer. That all ordinances and parts of ordinances including, without limitation, Ordinance No. 3 of 2006, as amended, are hereby repealed.

Section 10. Effective Date.

This Ordinance shall be effective 20 days after publication.

The Vote regarding the adoption of this Ordinance was as follows:

YEAS: Bahle, Case, Christensen, Long, Lutke, Smith and Suppes

NAYS: None

Date of Council approval: May 17, 2021

Date of Publication: May 27, 2021

Effective Date: June 17, 2021

Dated:

VILLAGE OF SUTTONS BAY

By:


Steve Lutke, President

By:


Shar Fay, Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Village Council for the Village of Suttons Bay at the time, date and place specified above pursuant to the procedures required by law.


Shar Fay, Village Clerk

Suttons Bay
Village Notice
Village of Suttons Bay
Marina Ordinance
Ordinance No. 21

Amending Ordinance No. 2 of 2017
An ordinance to repeal and replace ordinance no. 2 of 2017, as amended, to provide rules, regulations and procedures for the operation of the village-owned marina, boat launches and marina property to ensure the public health, safety and welfare; to provide for orderly marina conduct; to provide for procedures for operations as well as visitors and license holders; and to provide enforcement regulations. Notice of adoption At a regular meeting of the Village Council for the Village of Suttons Bay, Leelanau County, Michigan, held V/A Remote Access, May 17, 2021, beginning at 5:30 p.m., the following Ordinance was offered for adoption by Council Member Bahle and was seconded by Council Member Christensen:

THE VILLAGE OF SUTTONS BAY
ORDAINS:

Section 1. To amend the Marina Ordinance as follows:

Section 9. Launch Ramps.
9.1 All vessels launching shall pay a launch fee as established by Village Schedule of Fees.

9.2 Power loading and unloading is prohibited.

9.3 All vessels unloading and loading at the ramps shall be ready to operate and not hold up traffic. No vessel shall be left unattended.

9.4 Cleaning and/or gutting of fish is prohibited within all Village parks, Marina and launch ramps.

9.5 Fishing is prohibited at the launch ramps.

9.6 Vehicle/trailer parking is only permitted in "Trailer Only" parking spaces. Trailers cannot be detached from tow vehicle and left in any parking area.

9.8 No vessel maintenance is allowed at launch ramps.

9.9 The Village reserves the right to close the launch ramps and designated Marina parking areas when deemed by Harbormaster or designee to be in the best interest of the Marina operation.

9.10 Skid Piers shall be used for the sole purpose for launching vessels. No commercial passenger loading and unloading shall occur at any time.

Section 2. Effective Date. This Ordinance shall become effective upon the expiration of seven (7) days after publication in the manner and as provided by law. A copy of the Ordinance is available at the Village Hall or on the Village website at www.suttonsbayvillage.org.

The vote regarding the adoption of this Ordinance was as follows:

YEAS: Bahle, Case, Christensen, Long, Lutke, Smith, & Suppes
NAYS: 0

ABSENT/ABSTAIN: 0

Ordinance No. 21 declared adopted.

Affidavit of Publication

VILLAGE OF SUTTONS BAY

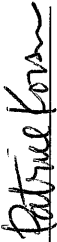
Description: Marina Ordinance

John T. Elchert being first duly sworn, says that he is the publisher of The Leelanau Enterprise, a newspaper published in the English language for the dissemination of local or transmitted news and intelligence of a general character and legal news, which is a duly qualified newspaper, and that annexed hereto is a copy of a certain order taken from said newspaper, in which the order was published:

Leelanau Enterprise: 5/27/2021

Signed: 
John T. Elchert, Publisher

Subscribed and sworn to before this date 5/27/2021


Patrice Korson
Notary Public, Leelanau County, Michigan
Acting in Leelanau County

My Commission Expires April 1, 2028