



VILLAGE OF SUTTONS BAY
REMOTE Access Village Council Meeting
Village Hall
420 N. Front Street
Suttons Bay, MI 49682 at 5:30pm
May 17, 2021
Agenda

Electronic Remote Access, in accordance with Public Act 228 of 2020 Article 3(2) and Resolution 1 of 2021 Declaration Of State Of Emergency will be implemented in response to COVID-19. The public may participate in the meeting through Zoom access by computer and smart phone and can find the link on our website at www.suttonsbayvillage.org

1. Regular Meeting Called to Order
2. Roll Call
3. Review and Approval of the Agenda – Conflict of Interest
4. Consent Agenda
 - a. Approval of Minutes -April 19, 2021
 - b. Payment of Invoices
5. Public Comment / Communication and Reports (please limit to no more than three (3) minutes)
6. Unfinished Business
7. New Business
 - a. Report VSB 2021- 31 -Public Hearing Peddler’s Ordinance Amendment
 - b. Report VSB 2021- 32 -Public Hearing Marina Ordinance Amendment
 - c. Report VSB 2021- 33 -Resolution 2 of 2021 Par Plan Risk Reduction Grant Application
8. Special Committee Reports/Staff Reports (Verbal)
9. Good of the Order (Council Member Comments)
10. Manager’s Report
11. Public Comment (please limit to no more than three (3) minutes)
12. Adjournment

If you are planning on attending this meeting and are disabled requiring any special assistance, please notify the Village Clerk by calling 231.271.3051 or by email suttonsbay@suttonsbayvillage.org as soon as possible.

Roberto Larrea is inviting you to a scheduled Zoom meeting.

Topic: Village Council Regular Meeting

Time: May 17, 2021 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/86271562483?pwd=Tkh5SnBKbEVHd3pvM1hPWVWVsdk05UT09>

Meeting ID: 862 7156 2483

Passcode: 961598

One tap mobile

+19294362866,,86271562483#,,,,*961598# US (New York)

+13017158592,,86271562483#,,,,*961598# US (Washington DC)

Dial by your location

+1 929 436 2866 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 862 7156 2483

Passcode: 961598

Find your local number: <https://us02web.zoom.us/j/86271562483?pwd=Tkh5SnBKbEVHd3pvM1hPWVWVsdk05UT09>



VILLAGE OF SUTTONS BAY
VILLAGE COUNCIL
REMOTE MEETING MINUTES OF APRIL 19, 2021

The meeting was called to order at 5:32 p.m. by President Lutke.

Present: Bahle, Christensen, Lutke, Long, Smith and Suppes
Absent: Case
Staff present: Fay, Larrea and Miller

Approval of Agenda

Bahle moved, Christensen seconded, CARRIED, to approve the Agenda as presented, with an affirmative, unanimous roll call vote. Ayes: 6, No: 0.

Consent Agenda

Suppes moved, Smith seconded, CARRIED, to approve the Village Council meeting minutes dated March 15, 2021 and April 12, 2021, and the Payment of Invoices as presented, by an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Public Comment/Communications

Written communications were received by William Horning and Maureen Penfold, and can be found in this meeting packet.

Lois Bahle stated Duester and Sutton Park are associated historical names related to the Village. Bahle suggests setting up an Electric Vehicle (EV) charging station with the electrical already at Marina Park and believes the Village should start planning for an EV charge point downtown. Bill Perkins believes the sand at Marina Park changes the possibilities of the use of the Park, and hopes there are plans to restore it to a community park for events such as Festivals. Perkins stated there are now a lot of tree stubs at the Coal Dock park.

Sharon Sutterfield wondered if the tree stubs left at the Coal Docks aren't there to provide stabilization and further could the stubs be turned into something cool and attractive.

Report VSB 2021-23 Zoning Map Amendment

Suppes moved, Long seconded, CARRIED, to adopt the proposed amendment to the Village of Suttons Bay Zoning Map, as described in report 2021-23 and being made a part of this motion, by an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Report VSB 2021-24 Fence Amendment

Long moved, Smith seconded, CARRIED, to adopt the proposed amendment to the Village of Suttons Bay Zoning Ordinance Section 2-21, as described in Report VSB-2-21-24, by an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Report VSB 2021-25 Sidewalk/Tree Replacement (West St)

It was the consensus of Council to move forward with the proposed sidewalk replacement and tree removal along West Street. Further, Council would like increased visibility to the Tree policy whether it be the newsletter or the website. Larrea stated staff is working on replanting street trees removed last year, as well as replanting trees that will be removed on West Street.

Report VSB 2021-26 Park Signage

It was the consensus of Council to move forward on Park signage.

Report VSB 2021-27 Banner Policy

Suppes moved, Bahle seconded, CARRIED, to adopt the proposed Banner and Decorations Policy as presented, by an affirmative unanimous roll call vote. In addition, Council requested the Policy be reviewed by an Attorney, and if changes were necessary, the Policy would be brought back to Council at the next meeting. An attachment will be added to the application with size guidelines for the banners. Ayes: 6, No: 0.

Report VSB 2021-28 Marina Ordinance Amendment

Christensen moved, Smith seconded, CARRIED, to call for a public hearing on May 17, 2021 to consider the Amendments to the ordinance known as Marina Ordinance 2 Of 2017, as attached to Report VSB-2021-28, and being made a part of this motion, by an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Report VSB 2021-29 Peddlers Ordinance Amendment

Long moved, Christensen seconded, CARRIED, to call for a public hearing on May 17, 2021 to consider the Amendments to the ordinance known as the Peddler's Ordinance #4 of 2010, attached to Report VSB-2021-29, and being made a part of this motion, by an affirmative unanimous roll call vote. Ayes: 6, No: 0.

Good of the Order

Suppes asked about the Raingardens. Larrea stated discussions are ongoing and that permits are being applied for. He is working with the drain commissioner and notes that they have been unable to find original plans and calculations, therefore an engineer will need to come in and redo the calculations. Larrea will be requesting the elimination of two gardens on Broadway. The raingardens will be simplified and replanted with about three plant species that still have the same effect, but will be easier for the volunteers to maintain.

Christensen complimented the Clerk on her meeting minutes.

Bahle stated concerns with the new sand area, long term, noting the subsurface has not changed so issues will continue. Larrea stated the new sand is for two new volleyball courts, and to provide for better social distancing.

Public Comment

Sutterfield stated she has faith in the management of the tree replacement.

The meeting adjourned at 6:09 p.m.

Meeting minutes submitted by Shar Fay, Village Clerk.


Check Date	Check	Vendor Name	Description	Amount	Status
04/23/2021	44978	LESLIE COUTURIER	ZONING ADMIN AGREE - APR, 2021	480.00	Cleared
04/28/2021	44979	GRAINGER	TOILET REPAIR KITS-NORTH PARK	60.72	Cleared
04/28/2021	44980	DTE ENERGY	ACCT# 92002319848 3 SERV THRU APRIL 9,	38.45	Open
04/28/2021	44981	AT&T MOBILITY	ACCT# 3 287304252169 APRIL 2021	564.29	Open
04/28/2021	44982	THE COPY SHOP	WATER QUALITY REPORT COPIES	130.35	Cleared
04/28/2021	44983	THE COPY SHOP	WWTP HAULER MANIFEST COPIES	42.30	Cleared
04/28/2021	44984	LEO MAYER	SLIP FEE REFUND	1,406.25	Open
04/28/2021	44985	STANDARD INSURANCE COMPANY	6429460117, MAY 2020 PREMIUM	502.67	Open
04/28/2021	44986	TRAPPER RON'S	ANIMAL REMOVAL SERVICES	500.00	Cleared
04/28/2021	44987	DC COLLECTIVE GROCER	OFFICE SUPPLIES	8.79	Open
04/28/2021	44988	ETNA SUPPLY COMPANY	RESTROOM REPAIR URINAL	136.32	Open
04/28/2021	44989	DTE ENERGY	MULTIPLE SERVICES APRIL 2021	570.36	Open
04/28/2021	44990	DTE ENERGY	9200 231 9854 1, SERV THRU 04/08	40.50	Open
04/28/2021	44991	DTE ENERGY	9200 231 9848 3, 772 N ST JOSEPH TO 4/	38.45	Open
04/28/2021	44992	BS&A SOFTWARE	ANNUAL SERVICE TAX SYSTEM 2021	401.00	Open
04/28/2021	44993	CENTURYLINK	EQUIPMENT RENTAL MAY	143.40	Open
04/28/2021	44994	CHARTER COMMUNICATIONS	ACCT# 82451212219774 SERV THRU 5/10/21	131.97	Open
04/28/2021	44995	THE COPY SHOP	SPRING NEWSLETTER 500	510.00	Open
04/28/2021	44996	THE COPY SHOP	ADDT'L COPIES - ANNUAL WATER REPORT	66.18	Open
04/28/2021	44997	TKS ENTERPRISES	MARINA SUPPLIES	1,106.70	Open
04/28/2021	44998	TKS SECURITY	WASTEWATER PLANT CAMERAS	9,820.00	Open
04/28/2021	44999	PRIORITY HEALTH	GROUP 784340 S0001, MAY 2021 PREMIUM	7,307.37	Open
04/28/2021	45000	ROYLAN BUOYS	REPLACE RED NUN BUOY	902.00	Open
04/28/2021	45001	SIGNPLICITY	TRUCK DECALS	910.80	Open
04/28/2021	45002	USABLUEBOOK	YELLOW SAFETY SHIRTS	40.56	Open
04/28/2021	45003	WELLS FARGO FINANCIAL LEASING	CUST# 1000090171 COPIER RENTAL	72.92	Open
04/28/2021	45004	LELELANU COUNTY	MAPPING-Z.O. LAND USE MAP	0.00	Open
04/28/2021	45005	COUNTY OF LELELANU	MAPPING ZONING ORDINANCE AMENDMENT	50.00	Open
05/03/2021	45006	HARBOR FREIGHT TOOLS	PREDATOR 3100 PSI POWERWASHER - MARINA	0.00	Open
05/03/2021	45007	EDIE AXLSWORTH	PREDATOR 3100 PSI POWERWASHER - MARINA	399.99	Open
05/03/2021	45008	MSU ANR EVENT SERVICES/SIGN TRAIN	F SMITH & R SUPPES - SIGN TRAINING, 5/1	110.00	Open
05/05/2021	45009	BRAMER AUTO SUPPLY	30X20 TOW STRAP	61.28	Open
05/05/2021	45010	CENTURYLINK	ACCT# 300439566 SERV THRU APRIL 21, 202	659.84	Open
05/05/2021	45011	CENTURYLINK	ACCT# 405593377 SERV THRU 4-21-2021	225.53	Open
05/05/2021	45012	GRAINGER	CUST # 871012852 BROOM HANDLE	670.14	Open
05/05/2021	45013	ART'S AUTO AND TRUCK PARTS INC	ACCT# 20090 AIR FILTER ONE-TON	35.83	Open
05/05/2021	45014	NORTHERN BUILDING SUPPLY, LLC	ACCT VIL10 MULTIPLE INVOICES APRIL 2021	555.80	Open
05/05/2021	45015	BADGER METER INC	CUST#211286 BEACON HOST APRIL 2021	35.88	Open
05/05/2021	45016	CHARTER COMMUNICATIONS	ACCT# 8245121220022588 APRIL 2021	137.96	Open
05/05/2021	45017	KSS ENTERPRISES	WWTP-SOAP DISPENSERS, SCOTT TOWELS	247.95	Open
05/05/2021	45018	MICHIGAN MUNICIPAL LEAGUE	ACCT# 0801-119 1ST QUARTER CONTRIBUTION	519.79	Open
05/05/2021	45019	NETLINK BUSINESS SOLUTIONS	CUST #SBXAVIL 3 MO. COPIER VIL OFF	404.97	Open
05/05/2021	45020	OPERATIONS MANAGEMENT INT	CUST # 120525 WWTP AGREEMENT MAY 2021	13,738.58	Open
05/05/2021	45021	INTEGRITY BUSINESS SOLUTIONS	ACCT # 957380 OFFICE SUPPLIES	35.62	Open
05/05/2021	45022	PURE WATER WORKS	WWTP-WATER COOLER RENTAL MAY	8.50	Open
05/05/2021	45023	LELELANU CITY ROAD COMMISSION	DIESEL/NOLEAD THRU 4/2021	1,370.97	Open
05/05/2021	45024	VALLEY CITY LINEN	ACCT# 10467 APRIL SERV	100.00	Open
05/05/2021	45025	XYLEM WATER SOLUTIONS USA, INC	CUST#211065 WWTP SUPPLIES	2,489.62	Open
05/05/2021	45026	SECURITY SANITATION, INC	BAHLE PARK PORTA JOHN RENTAL MARCH	100.00	Open
05/12/2021	45027	PHOEBE L DEVOL	2021 IMPREST CASH FOR MARINA CASH DRAW	300.00	Open

GEN TOTALS:

(2 Checks Voided)

Total of 48 Disbursements:

48,190.60

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2021- 31	
Prepared:	May 13, 2021	Pages:	1 of 1
Meeting:	May 17, 2021	Attachments:	<input checked="" type="checkbox"/>
Subject:	Peddler’s Ordinance Amendment		

PURPOSE

To consider minor housekeeping amendments to the Peddlers Ordinance as described in the attached document.

STAFF COMMENT

The proposed amendments are minor and viewed mostly as housekeeping amendments. The Administration & Personnel Committee reviewed the changes at their April 7, 2021 meeting and sent the changes to the Village Council for consideration. The committee emphasized educating the public on the amendments and felt that the uniform enforcement of the Ordinance was essential. The Village Council at their April 19, 2021 meeting concurred with committee comments and scheduled the amendments for public hearing.

REQUESTED ACTION

If the VC is generally supportive of the amendments then a motion for consideration is as follows:

MOTION TO: Adopt the amendments to the ordinance known as the Peddler’s Ordinance # 4 of 2010, as attached to Report VSB-2021-31 and being made a part of this motion.

Should the VC prefer to wait on its adoption and refer it back to the committee for changes or further discussion a **consensus** to that affect would be sufficient.

Relevant Reports:

- Report VSB-2021-29

VILLAGE OF SUTTONS BAY
LEELANAU COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF SUTTONS BAY LEELANAU COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

Public notice is hereby given that the Suttons Bay Village Council will hold a public hearing on Monday, May 17, 2021 at 5:30p.m., at the Village Hall located, via remote access at 420 N. Front Street, Suttons Bay, Michigan, 49682. The purpose of the public hearing is for consideration of adopting Ordinance 22 Amending Ordinance 4 of 2010, being the Peddler's Ordinance, to include the following language identified in italics and underlined:

Section 2 Definitions:

"Peddler" means a person who goes about from place to place, traveling by foot, wagon, motor vehicle, vessel, trailer or other type of conveyance, selling or renting or offering for sale or rent any goods, wares, excursions or merchandise. The term "peddler" also includes "hawkers" and "huckster."

"Vessel" means a craft designed to navigate on water

Section 3. Regulations.

A peddler and a veteran peddler shall comply with all of the following applicable regulations: (a). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not sell or rent or offer for sale or rent any goods or excursions, wares or merchandise from a public street, alley, park, marina, or other public place, unless such activity is in conjunction with a mass gathering licensed under the Village of Suttons Bay Mass Gathering Ordinance.

A copy of the proposed Ordinance is available for review on the Village Web site at www.suttonsbayvillage.org.

All interested persons are invited to attend this meeting VIA Remote Access. A link can be found on our website. If you are unable to attend, written comment may be submitted to the Village Clerk at the Suttons Bay Village Hall located at 420 N. Front Street, 49682, up to the date of the hearing and may be further received by the Village Council at said hearing.

The Village of Suttons Bay will provide necessary reasonable auxiliary aids and services, such as signers for hearing impaired and audio tapes of printed materials being considered at the meeting to individuals

with disabilities upon the provision of reasonable advance notice to the Village. Individuals with disabilities requiring auxiliary aids or services should contact the Village of Suttons Bay by writing or calling Shar Fay, Clerk, Ph: (231) 271-3051.

Leelanau Enterprise:

Please publish one (1) time: April 29th, 2021
Send affidavit and bill to: Village of Suttons Bay
Sent VIA E-MAIL

Date: _____ By: _____

Ordinance 4 of 2010
PEDDLER'S ORDINANCE

Proposed Amendments in blue below.

AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO REGULATE PEDDLERS WITHIN THE VILLAGE OF SUTTONS BAY AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF.

THE VILLAGE OF SUTTONS BAY ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Village of Suttons Bay Peddlers Ordinance.

Section 2. Definitions. As used in this Ordinance,

"Motor vehicle" means any wheeled vehicle which is self-propelled or intended to be self-propelled.

"Peddler" means a person who goes about from place to place, traveling by foot, wagon, motor vehicle, vessel, trailer or other type of conveyance, selling or renting or offering for sale or rent any goods, wares, excursions or merchandise. The term "peddler" also includes "hawkers" and "huckster."

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

"Trailer" means any wheeled vehicle designed and normally towed behind a motor vehicle which is required to have a currently valid registration to be lawfully operated on a public highway.

"Wagon" means any wheeled vehicle designed and normally pulled by an individual or under the power of an individual.

"Vessel" means a craft designed to navigate on water

"Veteran Peddler" means an individual who is a veteran of the armed forces of the United States and who receives a license from the county clerk to sell his or her own goods under the state Peddler's License Act, being MCL 35.441, *et seq.*

Section 3. Regulations.

A peddler and a veteran peddler shall comply with all of the following applicable regulations:

- (a). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not sell or rent or offer for sale or rent any goods or excursions, wares or merchandise from a public street, alley, park, marina, or other public place, unless such activity is in conjunction with a mass gathering licensed under the Village of Suttons Bay Mass Gathering Ordinance.
- (b). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not shout, make any cryout, blow a horn, ring a bell or use any sound

device, including any loudspeaker, radio or sound amplifying system upon any public street, alley, park or other public place or upon any private property where sound of sufficient volume is emitted or produced that is capable of being plainly heard upon the streets, alleys, parks, and other public places for the purpose of attracting attention to any goods, wares or merchandise which the peddler proposes to sell or rent.

- (c). A peddler, a veteran peddler, or any other person on behalf of the peddler or veteran peddler shall not remain on upon any public street, alley, park or other public place after being requested by a police officer to leave that public street, alley, park or other public place.

Section 4. Nuisance

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

Section 5. Violations and Penalties.

- (a). Any person who violates any provision of this Ordinance, except Section 4(c), 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(c) 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.

Section 6. Enforcement Officials.

The village manager and police officers of the Village of Suttons Bay and the Leelanau County Sheriff's Department are hereby designated as the authorized officials to issue municipal civil infractions directing alleged violators of this Ordinance to appear in court.

Section 7. Civil Action

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, 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 8. Validity.


If any section, provision or clause of this ordinance or the application thereof to any person or circumstance is held valid, 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 9. Repeal.

Village of Suttons Bay Ordinance No XXXIII (33) enacted on July 26, 1946 and entitled "transient Traders" is hereby repealed in its entirety.

Section 10. Effective Date.

This Ordinance shall be effective 20 days after publication.

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2021- 32	
Prepared:	May 13, 2021	Pages:	1 of 1
Meeting:	May 17,2021	Attachments:	<input checked="" type="checkbox"/>
Subject:	Marina Ordinance Amendment		

PURPOSE

To consider minor housekeeping amendments to the Marina Ordinance as described in the attached document.

STAFF COMMENT

The proposed amendments are minor and viewed mostly as housekeeping amendments. The Marina Committee reviewed the changes and felt they were appropriate to move forward to the Village Council for consideration. The Committee emphasized the need to educate patrons of the marina and others on the changes and wanted Staff to ensure fair enforcement practices were to be followed.

The Village Council, at their April 19, 2021 meeting, reviewed the changes and concurred with the committee on the above-mentioned statements regarding fairness and educating patrons and users alike. Internal discussion with Staff regarding the above was well received as education is typically the key to voluntary compliance.

REQUESTED ACTION

Following the public hearing, if the VC is generally supportive of the amendments, a motion for consideration has been provided.

MOTION TO: adopt the amendments to the ordinance known as Marina Ordinance # 2 of 2017, for the reasons discussed and as stated in Report VSB- 2021-32 and being made a part of this motion.

Should the VC prefer to wait on its adoption and refer it back to the committee for changes or further discussion a **consensus** to that affect would be sufficient.

Relevant Reports:

- VSB- 2021-28

VILLAGE OF SUTTONS BAY
LEELANAU COUNTY, MICHIGAN

NOTICE OF PUBLIC HEARING

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE VILLAGE OF SUTTONS BAY, LEELANAU COUNTY, MICHIGAN, AND ANY OTHER INTERESTED PERSONS:

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

A copy of the proposed Ordinance is available for review on the Village Web site at www.suttonsbayvillage.org.

All interested persons are invited to attend this meeting VIA Remote Access. A link can be found on our website. If you are unable to attend, written comment may be submitted to the Village Clerk at the Suttons Bay Village Hall located at 420 N. Front Street, 49682, up to the date of the hearing and may be further received by the Village Council at said hearing.

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Leelanau Enterprise:

Please publish one (1) time: April 29th, 2021
Send affidavit and bill to: Village of Suttons Bay
Sent VIA E-MAIL

Date: _____ By: _____

**VILLAGE OF SUTTONS BAY
MARINA ORDINANCE
Ordinance No. 2 of 2017**

Proposed Amendment in blue page 8.

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 is 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 transient 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 Ramp.

- 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 ramp.
- 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 ramp.
- 9.9 The Village reserves the right to close the launch ramp 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 3. Effective Date. This Ordinance shall become effective 20 days after publication of the Ordinance or a synopsis of the Ordinance, in a newspaper of general circulation within the Village.


Approved: June 19, 2017

Steve Lutke, Village President

Publication Date: June 28, 2017

Effective: July 18, 2017

Shar Fay, Village Clerk

		VILLAGE OF SUTTONS BAY	
		REPORT VSB -2021-33	
Prepared:	05-13-2021	Pages:	1 of 1
Meeting:	05-17-2021	Attachments:	<input checked="" type="checkbox"/>
Subject:	Par Plan Grant Request		

PURPOSE

To discuss submitting a grant for security camera purchase at North Park.

OVERVIEW

We are continuing our efforts to protect our infrastructure with the installation of security cameras. Cameras have been placed at Suttons Park, overseeing our main lift station, and as of this month the wastewater treatment plant. The resolution before you would support our intent to seek funding for the installation of cameras at North Park. We have been successful in the past in securing these grants and hoping to continue that trend with this request. It should be mentioned that we have seen an increase in vandalism at North Park over the past several months and we are looking to deter such behavior. The cameras would oversee the pavilion, boat launch and maintenance building located on the property.

ACTION REQUESTED

Consideration and adoption of the attached resolution.

VILLAGE OF SUTTONS BAY
LEELANAU COUNTY, MICHIGAN
RESOLUTION# 2 OF 2021
MICHIGAN TOWNSHIP PARTICIPATING PLAN
RISK REDUCTION GRANT PROGRAM APPLICATION

At a regular meeting held by the Village Council on May 17, 2021 at 5:30p.m. at the Village Hall, 420 N. Front Street, PO Box 395, Suttons Bay MI, the following resolution was offered for adoption by motion of _____, and supported by _____

WHEREAS, the Village of Suttons Bay was made aware of the opportunity to make application to the Risk Reduction Grant Program to install security cameras at North Park; and

WHEREAS, the Village of Suttons Bay has been a member in good standing with the Par Plan for many years; and

WHEREAS, the Village of Suttons Bay has experienced several incidents of malicious activity at North Park and the Village Council desires to maintain a safe environment for residents, visitors and park users while protecting Village owned amenities and;

NOW, THEREFORE, BE IT RESOLVED, THAT the Village Council of the Village of Suttons Bay, hereby adopts Resolution 2 of 2021, Michigan Township Participating Plan Risk Reduction Grant Program Application, indicating its sincere interest in providing the safest possible experience for its residents, visitors and park users by submitting this grant for the purpose of purchasing and installing security cameras at North Park.

MOVED:

SUPPORTED: AYES:

NAYS: 0

Absent/ Excused:

CERTIFICATION

I, Shar Fay, Clerk of the Village of Suttons Bay, do hereby certify that the above is a true and correct copy of a Resolution which was adopted by the Village of Suttons Bay at a special meeting held on the 17th day of May, 2021.

Shar Fay, Clerk

Date



Suttons Bay

May 10, 2021

Dear Mr. Lutke,

We have had company recently. They were so surprised to see Suttons Bay. No trees, wide sidewalks and trash cans everywhere. The charm is gone! Rather sad. Please consider planting lots of trees. Do a fundraiser if there is no money. We would buy at least 2 trees. Leland and Glen Arbor are very nice. Traverse City is just beautiful with all the trees. Years ago friends



² Suttons Bay

visited us from CA. They loved Suttons Bay. They compared Suttons Bay to Carmel, Ct. And that said really something. Carmel is Storybook. We used to be.

Then there is the Silver-tree Deli. BLIGHT! What an eyesore. At least they could take down those disgusting awnings. And put up simple white cotton curtains. They destroyed the inside and probably want a fortune.



We should not have to put up with this. We are happy to pay taxes to live in paradise.

The health dept. should get involved. Rodents Filth. Actually it is very dangerous on so many levels. They should be responsible, Clean up or get fines.

Inland Seas is just Wonderful. Thank you for your consideration. Best Regards. God Bless.
S.B biggest Fan