

ERIE TOWNSHIP WATERCRAFT SPEED CONTROL ORDINANCE

An Ordinance enacted pursuant to Act 246 of the Public Acts of 1945, as amended, and Act 451 of the Public Acts of 1994, as amended, to repeal the existing Erie Township Watercraft Speed Control Ordinance, (Erie Township Ordinance No. 52, as amended by Erie Township Ordinance No. 52-A), and as may be otherwise amended; and to re-adopt the same or similar provisions under Act 451 of the Public Acts of 1994; and to add the Hoopers Run and Perch Drive area as being an area containing regulated waters pursuant hereto; and to further provide for the public health, safety and general welfare of the persons and property of the Township of Erie; and to repeal all other ordinances and regulations or parts of ordinances and regulations in conflict hereof.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE, STATE OF MICHIGAN, ORDAINS:

SECTION 1 – SHORT TITLE.

This Ordinance shall be known and referred to as the "Erie Township Watercraft Speed Control Ordinance".

SECTION 2 – DEFINITIONS.

All words and phrases used in this Ordinance shall be construed and have the same meaning as those words defined in Act 451 of the Public Acts of 1994 generally, and Subchapter 5, "Watercraft and Marine Safety", Part 801, "Marine Safety", of said Act 451 specifically, or if not defined therein, then as would be defined by normal custom and usage, some of which are stated below:

- a. "Boat" means a vessel.
- b. "Motorboat" means a vessel propelled wholly or in part by machinery.
- c. "Operate" means to be in control of a vessel while the vessel is under way and is not secured in some manner such as being docked or at anchor.
- d. "Operator" means the person who is in control or in charge of a vessel while that vessel is under way.

- e. "Peace Officer" means any of the following:
 - (i) A sheriff.
 - (ii) A sheriff's deputy.
 - (iii) A deputy who is authorized by a sheriff to enforce watercraft regulations and who has satisfactorily completed at least 40 hours of law enforcement training, including training specific to watercraft regulation.
 - (iv) An officer of the Erie Township Police Department.
 - (v) An officer of the Michigan State Police.
 - (vi) The Director and Conservation Officers employed by the Michigan Department of Natural Resources.

- f. "Personal watercraft" means a vessel that meets all of the following requirements:
 - (i) Uses a motor-driven propeller or an internal combustion engine powering a water jet pump as its primary source of propulsion.
 - (ii) Is designed without an open load carrying area that would retain water.
 - (iii) Is designed to be operated by 1 or more persons positioned on, rather than within, the confines of the hull.

- g. "Slow-no wake speed" means a very slow speed whereby the wake or wash created by the vessel would be minimal.
- h. "Use" means operate, navigate, or employ.
- i. "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water.

SECTION 3 – SLOW-NO WAKE ZONE.

A person shall not use or operate a personal watercraft, boat, motorboat, or vessel at a speed greater than slow-no wake speed on, in or over the following described waters within the territorial limits of Erie Township:

- a. On waters of Halfway Creek, Sections 32 to 34, Town 8 South, Range 8 East, from Suder Avenue Road Bridge, easterly to a line drawn from the easternmost point of land in the Northwest 1/4 of Section 34 to the southernmost point of Indian Island, thence to the

the easternmost point of land in the Southeast 1/4 of Section 34.

- b. On the waters of Shantee Creek, Section 4, Town 9 South, Range 8 East, and Section 33, Town 8 South, Range 8 East, from the Michigan–Ohio State line to its confluence with Halfway Creek.
- c. On the waters of the Ottawa River, Section 3, Town 9 South, Range 8 East and Section 34, Town 8 South, Range 8 East, from the Michigan–Ohio State line to its confluence with North Maumee Bay.
- d. On the waters of the Hoopers Run and Perch Drive Area, located in Section 33, Town 8 South, Range 8 East, to-wit: An area located in the Northeast 1/4 of Section 33, Township of Erie, County of Monroe, bounded on the North by Sterns Road, on the East by Bass Drive and Lots 10, 11, 12, 13 and 14 in Willow Point, on the South by North Maumee Bay and on the West by Perch Drive and Lots 1, 2, 3 and 4 of Willow Point.

SECTION 4 – PEACE OFFICER ENFORCEMENT.

Any peace officer may enforce this Ordinance and shall have the powers granted them by this Ordinance, any other Ordinance of Erie Township or Monroe County, and the laws of the State of Michigan, including those enumerated in Act 451 of the Public Acts of 1994 generally, and Subchapter 5, "Watercraft and Marine Safety", Part 801, "Marine Safety" of said Act 451 specifically.

SECTION 5 – PENALTY.

Any person who fails to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Hundred and No/1000 (\$500.00) Dollars, or imprisonment in the Monroe County Jail for a period not to exceed ninety (90) days or by both such fine and imprisonment in the discretion of the Court.

SECTION 6 – PRIOR AND INCONSISTENT ORDINANCES REPEALED.

All ordinances or parts of ordinances in conflict with this Ordinance are to the extent of such conflict repealed, and specifically, Erie Township Ordinance No. 52, as

amended by Erie Township Ordinance No. 52-A, and as may otherwise be amended, is hereby repealed.

SECTION 7 - SEVERABILITY.

This Ordinance, the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance, and each section, subsection, phrase, sentence and clause thereof, irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses are declared invalid.

SECTION 8 - EFFECTIVE DATE.

This Ordinance shall become effective on the 31st day after it, or a summary of its, is published in a newspaper of general circulation in the Township of Erie.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY OF
MONROE, STATE OF MICHIGAN:

By: Gayle A. Burlen
Gayle A. Burlen,
Township Clerk

AUTHENTICATED:

By: Daniel J. Bonkoski
Daniel J. Bonkoski,
Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by

the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board at the Erie Township Hall, Erie, Michigan, on the 14th day of November, 2000.

The vote on said Ordinance, 5 members being present and 0 member absent, was as follows:

Member's Last Name

Voting in Favor:	<u>Bonkoski</u>	<u>Cousino</u>
	<u>Burlen</u>	<u>Grodi</u>
	<u>Baum</u>	
Voting Against:	<u>0</u>	<u></u>
Abstained:	<u>0</u>	<u></u>
Absent:	<u>0</u>	<u></u>

Dated: 11/14/00

Gayle A. Burlen
Gayle A. Burlen,
Township Clerk

ATTEST:

Daniel J. Bonkoski
Daniel J. Bonkoski,
Township Supervisor

I, Gayle A. Burlen, the Township Clerk of the Township of Erie, do hereby certify that this Ordinance or a summary of it, was published on the 7 day of December, 2000 in the Monroe Evening News, located in the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of the Ordinance.

Dated: 12-07-00

Gayle A. Burlen
Gayle A. Burlen,
Township Clerk

ATTEST:

Daniel J. Bonkoski
Daniel J. Bonkoski,
Township Supervisor

ADOPTED: 11/14/00

PUBLISHED: 12-07-00

EFFECTIVE: 01-07-01

WTG/tw

ERIE TOWNSHIP ORDINANCE NO 52-C

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

SPECIAL LOCAL WATERCRAFT CONTROL

Regulation No. 58 - Monroe County

WC-58-00-001 **Halfway Creek, Shantee Creek, Ottawa River, and Hooper's Run
And Perch Drive area: SLOW--NO WAKE SPEED**

It is unlawful for the operator of a vessel to exceed a slow--no wake speed on the following waters in Erie Township, Monroe County, State of Michigan:

- (a) On the waters of Halfway Creek, Sections 32 to 34, Town 8 South, Range 8 East, and Fractional Section 5, Town 9 South, Range 8 East, from Hagman Road Bridge, easterly to a line drawn from the easternmost point of land in the Northwest $\frac{1}{4}$ of Section 34, thence South to the easternmost point of land in the Southeast $\frac{1}{4}$ of Section 34.
- (b) On the waters of Shantee Creek, Fractional Section 4, Town 9 South, Range 8 East, and Section 33, Town 8 South, Range 8 East, from the Michigan-Ohio State line to its confluence with Halfway Creek.
- (c) On the waters of Ottawa River, Fractional Section 3, Town 9 South, Range 8 East, and Section 34, Town 8 South, Range 8 East, from the Michigan-Ohio State line to its confluence with North Maumee Bay.
- (d) On the waters of the Hoopers Run and Perch Drive Area, in the Northeast $\frac{1}{4}$ of Section 33, Town 8 South, Range 8 East, bounded on the North by Sterns Road, on the East by Bass Drive and Lots 10, 11, 12, 13 and 14 in Willow Point, on the South by North Maumee Bay and on the West by Perch Drive and Lots 1, 2, 3 and 4 of Willow Point.

The boundaries of the area described immediately above shall be marked with signs and with buoys. All buoys must be placed as provided in a permit issued by the Department of Natural Resources and be in conformance with the State Uniform Waterway Marking System.

Pursuant to Section 80113 of 1994 PA 451, as amended by 2000 PA 215, being Section 324.80113 of the Michigan Compiled Laws, and Erie Township Ordinance #52-B is hereby rescinded.

THE TOWNSHIP BOARD OF THE
TOWNSHIP OF ERIE, COUNTY OF
MONROE, STATE OF MICHIGAN

By Gayle A. Burlen
Gayle A. Burlen, Township Clerk

AUTHENTICATED:

By: DJB
Daniel J. Bonkoski, Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by Township Board at the Erie Township Hall, Erie, Michigan, on the 9th day of April, 2002 .

The vote on said Ordinance 4 members being present and 1 member absent was as follows:

Member's Last Name

Voting in Favor: Bonkoski Burlen

Baum LaPlante

Voting Against: 0

Abstained: 0

Absent: Gordy

Dated: April 9,

Gayle A Burlen
Gayle A. Burlen, Township Clerk

ATTEST:

DJB
Daniel J. Bonkoski, Township Supervisor

Adopted April 9, 2002

Published April 15, 2002

Effective April 15, 2002

RESOLUTION REQUESTING ASSISTANCE
FROM THE MICHIGAN DEPARTMENT OF NATURAL RESOURCES
FOR ADOPTION OF A LOCAL SLOW-NO WAKE ORDINANCE
FOR CERTAIN WATERS OF ERIE TOWNSHIP

1. Preliminary Recitals

THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE, COUNTY OF MONROE,
STATE OF MICHIGAN, STATES:

WHEREAS, the Township of Erie is a general law township municipal corporation located in Monroe County, Michigan, which adjoins Lake Erie, and has other navigable and non-navigable waters located within its territorial limits; and

WHEREAS, the Township of Erie has, in the past, adopted a slow-no wake ordinance, designating certain portions of certain waters within Erie Township as slow-no wake zones, specifically, it has adopted Erie Township Ordinance No. 52, as amended by Erie Township Ordinance No. 52-A; and

WHEREAS, the Township of Erie desires to add a new portion of its waters to be designated as a slow-no wake zone; and

WHEREAS, the State of Michigan has repealed Act 303 of the Public Acts of 1967, under which Erie Township Ordinance No. 52, and Amending Erie Township Ordinance No. 52-A, were adopted, and added a new law governing slow-no wake zones and local ordinances relating thereto, that being Act 451 of the Public Acts of 1994; and

WHEREAS, The Township of Erie desires to re-adopt a local ordinance for certain existing and new slow-no wake zones for certain waters located within the territorial limits of the Township of Erie; and

WHEREAS, Section 80112 of Act 451 of the Public Acts of 1994 requires that the Township of Erie submit a request tot the Department of Natural Resources, in the form of a written resolution, requesting that a local ordinance be enacted governing items normally covered in Act 451 of the Public Acts of 1994.

II. Resolution

NOW THEREFORE, THE TOWNSHIP BOARD OF THE TOWNSHIP OF ERIE HEREBY RESOLVES AS FOLLOWS:

1. The Township Board of the Township of Erie, Monroe County, Michigan, after having reviewed the proposed new Erie Township Watercraft Speed Control Ordinance, determines that it desires to adopt said Erie Township Watercraft Speed Control Ordinance.
2. The Township Board of the Township of Erie, Monroe County, Michigan, hereby requests that the Michigan Department of Natural Resources review the proposed Erie Township Watercraft Speed Control Ordinance, and make whatever investigations and inquiries it deems necessary concerning the adoption of same, advise the Township as to what changes it deems necessary, if any, and if the proposed Ordinance is to be adopted, make that recommendation to the Township, and provide for the required public hearing to be held concerning the adoption of same.
3. The Township Supervisor and the Township Clerk of the Township of Erie, Monroe County, Michigan, are hereby empowered to take any and all actions deemed

necessary by them to work with the Michigan Department of Natural Resources concerning the review, consideration and adoption of the proposed Ordinance.

4. A copy of the proposed Erie Township Watercraft Speed Control Ordinance shall be attached to this Resolution.

5. This Resolution, after being adopted by the Township Board of the Township of Erie, and having attached thereto a copy of the proposed Erie Township Watercraft Speed Control Ordinance, shall be submitted by the Township Clerk and/or the Township Supervisor to the Michigan Department of Natural Resources as soon as is reasonably possible after the date that this Resolution has been adopted by the Township Board.

THE TOWNSHIP BOARD, ERIE
TOWNSHIP, COUNTY OF MONROE,
STATE OF MICHIGAN

By: Gayle A. Burlen
Gayle A. Burlen,
Township Clerk

AUTHENTICATED:

Daniel J. Bonkoski
Daniel J. Bonkoski,
Township Supervisor

I, Gayle A. Burlen, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Erie, and I do hereby certify that this Resolution was approved and

adopted by The Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Erie Township, Michigan on the 9th day of November, 1999.

In favor of the Resolution: 5.

Against the Resolution: 0.

Dated: 11/09/99.


Gayle A. Burlen
Gayle A. Burlen,
Township Clerk

ATTEST:

Daniel J. Bonkoski
Daniel J. Bonkoski
Township Supervisor

CERTIFICATION (FOR COPIES OF ORIGINAL)

I, Gayle A. Burlen, on this 9th day of November, 1999, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Erie, and that in such capacity, I am the legal custodian of the public records of the Township, and I further certify, after review of such public records, that the foregoing Resolution is a true and correct copy of the original which was approved and adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie Township, Michigan on the 9th day of November, 1999.



Gayle A. Burlen,
Township Clerk