

CITY OF MUNISING
REGULATING OPERATIONS OF
THE MUNISING MUNICIPAL PIER AND MARINA

ORDINANCE NO. 17

An ordinance governing the operation of the Munising Municipal Pier and Marina in the City of Munising, State of Michigan, and providing penalties for the violation thereof.

THE CITY OF MUNISING ORDAINS:

SECTION 1. There shall be named a Harbor Master, who shall serve as directed and at the pleasure of the Commission, and who shall have the authority to enforce the provisions of this Ordinance and any regulations promulgated hereunder governing the operation and use of the Munising Municipal Pier and Marina, as herein set forth, and make complaints for violation thereof, at a salary designated by the City Commission.

SECTION 2. There shall be imposed upon all boats using the Municipal Pier and Marina a dockage and/or anchorage charge, in such amount as shall be set by the City Commission, which charge shall be applied towards maintenance and improvement of said Pier and Marina, and administration of this Ordinance, and shall be payable in advance upon registration with the Harbor Master, and each thirty days (30) thereafter, and upon failure to pay such charge, the boat owner shall be denied regular dockage or anchorage space for his craft.

SECTION 3. No craft shall be anchored in the Marina except those moored at regularly allotted spaces along the docks.

SECTION 4. Provisions of Michigan's "Watercraft Pollution Control Act", being MCLA 323.331, et seq., as same may be amended from time to time, are hereby adopted and incorporated by reference. A copy of this ordinance and the referenced statute shall be maintained for public inspection at the Harbor Master facility. In the event any inconsistency exists between the referenced statute and this ordinance, or any rules and regulations for the Bay Shore Park Marina and Boat Launching facilities that may be adopted by the City, from time to time, provisions of the statute shall control.

SECTION 5. No person shall trespass upon or in any way molest any boat while moored at the Pier or in the Marina.

SECTION 6. The City Commission shall from time to time by resolution promulgate such regulations as it deems necessary governing the use of the Municipal Pier and Marina, and shall provide therein for the allotting of space for mooring and/or anchorage at the Pier or in the Marina, and the fees to be paid

for the same, and such regulations, when made by the Commission, shall be posted upon the Harbor Master building. Those regulations shall be a part of this ordinance for all enforcement purposes.

SECTION 7. PENALTY-CIVIL INFRACTION/MISDEMEANOR. Except for violations of MCLA 323.331, et seq., a person responsible for activity that violates this ordinance, or the rules and regulations promulgated hereunder, shall be guilty of a civil infraction or a misdemeanor, as provided below. If the person responsible for an activity which violates Section 1 cannot be determined, the owner, lessee or occupant of the property on which the activity is located shall be deemed responsible for the violation.

A person found responsible hereunder shall be guilty of a civil infraction as defined in RJA Section 113, MCLA 600.113, punishable by civil fine according to the following schedule:

First offense within one year \$50.00;

Second offense within one year \$100.00.

Any person who commits three or more violations of Section 1 shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$500.00, and/or imprisoned for not more than 90 days.

For purposes of computing the one year period, time shall run from the date the first ticket was issued.


Violations of MCLA 323.331 are misdemeanors as provided therein.

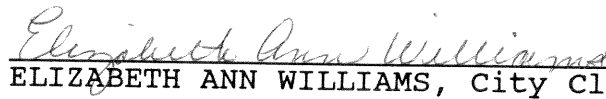
SECTION 8. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portion.

SECTION 9. NOTICE TO BE PUBLISHED. The City Clerk shall publish this ordinance in the manner required by law.

SECTION 10. WHEN EFFECTIVE. This ordinance shall be in full force and effect in this governmental unit ten (10) days after the date of publication.

ADOPTED: March 15, 1993


GLENN CHAMPAGNE, Mayor


ELIZABETH ANN WILLIAMS, City Clerk

Date Introduced: November 23, 1992

Date Adopted: March 15, 1993

Date Published: April 14, 1993

Date Effective: April 25, 1993