

**BOIS BLANC TOWNSHIP**  
**MACKINAC COUNTY, MICHIGAN**

**(Ordinance No. 3 )**

Revised 6/13/18

At a regular meeting of the Township Board for Bois Blanc Township held at the Township offices located at 431 Sioux Avenue, Pointe Aux Pins, Michigan 49775, beginning at 5:00 p.m., on January 10, 2018, the following Ordinance was offered for adoption by Township Board Member D Akright and was seconded by Township Board Member L Sullivan:

**AN ORDINANCE TO REAFFIRM AND CONTINUE THE BOIS BLANC ISLAND HARBOR COMMISSION; TO PROVIDE FOR THE AUTHORITY AND PROCEDURES FOR THAT COMMISSION; TO PROVIDE FOR A HARBORMASTER AND THE HARBORMASTER'S AUTHORITY; TO ESTABLISH RULES AND REGULATIONS FOR THE USE AND MAINTENANCE OF THE PUBLIC DOCKS, MARINA, WHARVES AND HARBOR LOCATED ON THE SOUTH SHORE OF BOIS BLANC ISLAND AND ELSEWHERE ON THE ISLAND; TO PROVIDE FOR EMERGENCY POWERS; TO PROVIDE FOR THE IMPLEMENTATION OF THE REQUIREMENTS OF THIS ORDINANCE AND TO ESTABLISH ENFORCEMENT AND PENALTY MECHANISMS FOR THE VIOLATION OF THIS ORDINANCE.**

THE TOWNSHIP OF BOIS BLANC (THE "TOWNSHIP") ORDAINS:

**Section 1. Name.**

This Ordinance shall be known and may be cited as the "Bois Blanc Township Harbor, Public Docks and Harbor Commission Ordinance".

**Section 2. Definitions.**

For purposes of this Ordinance, the following words, phrases and terms shall mean as follows:

- A. "Marina" shall mean the area described as follows together with all lake bottomlands and waters of Lake Huron within 100 feet of the following legal and other descriptions:

The area commonly known as 241 Ferry Dock Road.

Also described as that portion of Permanent Parcel No. 001-029-002-00 located south and southeast of the county road. Also described as that part of Government Lot 5 in Section 29 of Bois

Blanc Township, Mackinac County, Michigan, located south and southeast of the county road.

The Marina is comprised of paved parking areas, drives and unloading areas, public restroom facilities, breakwaters, a ferry landing, cement piers, finger piers, rock barricades, a shed, a flagpole, lawn areas and other public marina facilities and structures.

In addition to the above-mentioned description, the word “Marina” shall also include and mean all docks, wharves, ferry landings, structures, buildings, sheds, parking areas, facilities, fixtures and other features within the area described above.

- B. “Facility” means any building, area, structure, or fixture owned or operated by the Township located at or associated with the Marina or any harbor, lakefront or bay of Bois Blanc Island, which includes, but is not limited to, any dock, pier, wharf, boat landing or launch, ferry landing, parking area and appurtenances.
- C. “Person” shall mean any individual, firm, partnership or co-partnership, corporation (public or private), limited liability company, organization, trust, association or any other entity recognized as a person under the laws of the State of Michigan.
- D. “Vessel” shall mean any boat, watercraft or similar item, including, but not limited to, personal watercraft, row boats, speed boats, canoes, ferries, kayaks, scows, pile drivers, sailboats, power boats and dredges.

**Section 3. The Harbor Commission.**

- A. This Ordinance confirms and re-establishes the Bois Blanc Township Harbor Commission (the “Harbor Commission”).
- B. The Harbor Commission shall consist of seven (7) members. Terms for the members shall be for four years and shall coincide with the terms of the elected Bois Blanc Township Board members. Members of the Harbor Commission shall be appointed by the Township Board.
- C. Except as otherwise expressly provided in this Ordinance, the Harbor Commission shall be a recommendatory and advisory body only and shall make periodic recommendations to the Township Board.
- D. One member of the Township Board may serve as a member of the Harbor Commission.
- E. A quorum to conduct business at a meeting shall be a majority of the members of the Harbor Commission. In order for a motion or resolution to be adopted by the Harbor Commission at one of its meetings, the motion or resolution must be

approved by a majority of the members present at a meeting at which a quorum occurs.

- F. Any member of the Harbor Commission who has three consecutive unexcused absences shall be deemed to have committed malfeasance in office and shall be removed from the Harbor Commission by the Township Board.
- G. The duties and authority of the Harbor Commission shall include the following:
  - (1) To make recommendations to the Township Board regarding the Marina, the ferry or the ferries serving Bois Blanc Island, matters pertaining to the waters and harbor adjacent to the Marina (and all approaching waterways), Township docks and facilities at any of the inland lakes on the Island, water transport and other nautical and navigation matters.
  - (2) To engage in long-range planning for the nautical and water transportation needs of the Township and to make reports and recommendations regarding the same to the Township Board.
  - (3) To prepare a proposed annual budget for the Harbor Commission and to provide the same to the Township Board for possible revision and adoption by the Township Board.
  - (4) To propose capital improvements to the Marina and other Township docks, wharves and facilities located anywhere within or beyond the Township and to forward any such recommendations to the Township Board.
  - (5) To review and make recommendations to the Township Board on all significant Marina and Township waterfront improvement or maintenance projects.
  - (6) To make recommendations to the Township Board on the acquisition of additional waterfront properties, facilities, wharves, landing areas and docks.
  - (7) To recommend to the Township Board the adoption of proposed relevant amendments to this Ordinance (and other ordinances) and the adoption of rules and regulations regarding the Marina and Township facilities.
  - (8) To provide an annual report to the Township Board on the progress and activities of the Harbor Commission for the prior year and its projects.
  - (9) To work with and assist the Harbormaster.
- H. On or before January 15 of every year, the Harbor Commission shall prepare a proposed annual budget for the Harbor Commission and shall forward the same to the Township Board for review and approval or modification.

- I. On or before January 1 of each year, the Harbor Commission shall select, from its members, a chairperson, a vice-chairperson and secretary who shall each serve for a term of one year. Such officers may be reappointed indefinitely, so long as they are still members of the Harbor Commission.
- J. All meetings of the Harbor Commission are subject to both the Michigan Open Meetings Act, being MCL 15.261 *et seq.* and the Michigan Freedom of Information Act, being MCL 15.231 *et seq.* Minutes shall be taken, adopted and kept pursuant to the Open Meetings Act.
- K. The Harbor Commission shall establish bylaws for the Harbor Commission, which must be approved by the Township Board before becoming effective.

**Section 4. The Harbormaster.**

- A. A Harbormaster shall be appointed by the Township Board for a term of four (4) years, which shall run concurrently with the terms of the Township Board members. The Township Board may also appoint up to two (2) Deputy Harbormasters who shall serve in the absence or disability of the Harbormaster (and who shall have the same powers and authority as the Harbormaster when so serving). If both the Harbormaster and the two Deputy Harbormasters are not on Bois Blanc Island or available at a particular time when a harbormaster is needed, then the most senior member of the Harbor Commission available on Bois Blanc Island shall automatically serve as the temporary Harbormaster until either the Harbormaster or one of the two Deputy Harbormasters are available on Bois Blanc Island. The Harbormaster (and each Deputy Harbormaster) shall serve at the pleasure of the Township Board and may be removed by the Township Board at any time, with or without cause.
- B. The Harbormaster's duties and responsibilities shall be as specified in MCL 342.79302 *et seq.*, as amended. In addition, the Harbormaster shall also have the following additional authority, duties and responsibilities:
  - (1) The Harbormaster shall oversee and have day-to-day control over the Marina (and its adjacent waters), Township facilities at inland lakes and elsewhere and any other Township nautical or aquatic facilities, including, but not limited to, moorings, floats, wharves, landings, docks, ramps, parking areas at or along the waterfront, Township waterfront buildings or structures, and Township buoys.
  - (2) The Harbormaster shall work with and make recommendations to the Harbor Commission and the Township Board for the maintenance and improvement of all Township-owned and operated waterfront facilities.
  - (3) The Harbormaster shall have the authority to enforce the provisions of this Ordinance.

- (4) The Harbormaster shall attend such meetings of the Township Board and Harbor Commission as is requested by such board and commission.
- (5) The Harbormaster shall have full supervision and control of the movement, moorage and anchorage of all vessels at and within the Marina and the waterways approaching and adjacent to the Marina consistent with this Ordinance and state laws.
- (6) The Harbormaster shall have the power and authority, whenever the needs of navigation and the rights and safety of persons and property require, to order the moving or change of anchorage, docking or direction of any vessel within the waters of or adjacent to the Marina. The Harbormaster shall also have the power and authority to order the moving or removal of any vehicle, trailer or item that is blocking, parked or stored within any parking area or Township facility adjacent to or along the waterfront. Any person who refuses, fails or neglects to comply with any such order shall be deemed to be in violation of this Ordinance.
- (7) It shall be the duty of the Harbormaster to make prompt complaints or reports to police authorities for any violation of the provisions of this Ordinance or state law relating to the waterfront, the Marina or the waters of Lake Huron and to aid in the prosecution thereof.
- (8) The Harbormaster shall have the power and authority to seize and remove any vessel or boat moored or anchored within the Marina or at any Township pier, wharf, dock, landing or area contrary to this Ordinance or any order of the Harbormaster. The Harbormaster is empowered to cause any such vessel or boat to be placed in storage under his or her control, and the boat or vessel shall not be released until the expense and charges for moving, docking and/or storage of that boat or vessel are paid by the owner or owners thereof to the Harbormaster or the Township.
- (9) The Harbormaster shall also have the power and authority to seize and remove any vehicle or trailer parked or stored in, at or on any Township parking lot or area at or near the waterfront contrary to this Ordinance or any order of the Harbormaster. The Harbormaster may cause any such vehicle or trailer to be placed in storage under his or her control, and the vehicle or trailer shall not be released until the expense and charges for moving, towing, and/or storage of that vehicle or trailer are paid by the owner or owners thereof to the Harbormaster or the Township.
- (10) The Harbormaster may declare a nautical emergency based on a severe weather event, a natural or man-made disaster, a nautical or navigational problem or catastrophe, the ferry being disabled or out of service or similar severe event. Should the Harbormaster declare such an emergency, the Harbormaster shall promptly notify either the Township Supervisor or Township Clerk immediately, as well as the Mackinac

County Sheriff's Department. When such an emergency has ceased, the Harbormaster shall promptly so notify either the Township Supervisor or Township Clerk and also the Mackinac County Sheriff's Department. While such a declared emergency remains in effect, the Harbormaster shall have the power and authority to:

- (a) Take such measures as are reasonably necessary and lawful to protect the safety of individuals and protect property in general.
  - (b) Take such measures as are reasonable and lawful to facilitate nautical travel and navigability to and from Bois Blanc Island.
  - (c) Ensure that the Marina remains open, able to accommodate the ferry coming and going and is reasonably safe.
  - (d) Help facilitate emergency communications between Township officials, the Bois Blanc Township Fire Department, the United States Coast Guard, the Mackinac County Sheriff's Department and any other relevant governmental authorities
- (11) When wind conditions on Lake Huron attain a magnitude whereby 1/3 of the waves resulting from the conditions cause any public dock, pier, wharf, or retaining wall to be awash, then it constitutes a state not conducive to the orderly and safe use and occupancy of those structures, and the Harbormaster may rope off or barricade entry to such structures or post in a conspicuous manner notices that entry on those structures for the purpose of fishing, swimming, or other recreational activity is prohibited.
- (12) The Harbormaster shall work with and coordinate matters with the Bois Blanc Township Fire Department where appropriate.

**Section 5. Boat or Vessel speed limits.**

It shall be unlawful for any person to navigate or operate, or cause to be navigated or operated, in the Marina any boat or vessel at a speed greater than a slow/no wake speed, or at a greater rate of speed than is safe and reasonable under the then-existing conditions and circumstances.

**Section 6. Littering.**

It shall be unlawful for any person to deposit or discharge, or cause to be deposited or discharged, in the waters of the Marina, or in any waters within the corporate limits of the Township, any rubbish, garbage, refuse, offal, sewage, oil or any other foreign material or substance, or to place, deposit or leave, or cause to be placed, deposited or left, any such foreign material or substance upon any Township dock or pier, launch ramp, parking lot, marine facility, or swimming area within the Township, except in a receptacle provided by the Township or the Harbormaster for that purpose.

**Section 7. Docking or mooring boats or vessels engaged in commercial business.**

It shall be unlawful for any person to use or occupy any Township dock, pier, landing or swimming area for docking or mooring any boat or vessel engaged in a commercial business or other business for gain or profit, or for the storage of any such boat or vessel or cargo or other material, other than as may be permitted by Township marine regulations, except those docks, piers or wharfs which are specially designated for such use and purposes and provided that a permit therefore is first obtained from the Township or the Harbormaster. No permit or approval for commercial use or business use at the Marina shall be issued by the Township or the Harbormaster unless and until the Michigan Waterways Commission (or its successor state agency) approves such commercial or business use.

**Section 8. Anchoring or storing vessels.**

- A. It shall be unlawful for any person to use any Township dock, pier, swimming area or wharf for mooring, docking, anchoring or storing any vessel or boat for a longer period of time than is permitted, or in any other manner contrary to Township regulations, or to moor, dock or store any vessel or boat at a Township dock, pier or wharf without a required license or permit issued by the Township under the provisions of this Ordinance.
- B. It shall be unlawful for any person to have their boat or vessel docked, anchored or moored on the launch/ramp side of the launch dock in the Marina (or other boat launch within the Township with such a dock) other than for the normal period of time needed to launch or retrieve such a boat or vessel.

**Section 9. Landing or docking vessels or boats near swimming areas.**

It shall be unlawful for any person to land or dock any vessel or boat within any Township designated swimming area or to anchor any vessel or boat within 100 feet of such area.

**Section 10. Speeding near designated swimming areas.**

It shall be unlawful for any person to navigate or operate any vessel or boat in or near any Township designated swimming area in such a manner or at a rate of speed so as to endanger the lives or safety of persons using such swimming area, or in such a manner as to interfere with the free and proper use of the swimming area and waters.

**Section 11. Prohibiting swimming, bathing and diving.**

Swimming, bathing, and diving is prohibited in the Marina and at Township launch ramps unless otherwise expressly designated by the Township as allowing such uses.

**Section 12. Official permit and berth assignment required.**

No person shall moor or anchor a vessel or boat at a Township dock or in the Marina without first obtaining a Township permit or license and berth assignment from the Harbormaster. A fee shall be charged for such dockage. Fees will be charged according to rates set annually by the Michigan Waterways Commission and adopted annually by the Township

Board. Fees are based on the duration of the stay and the length of the vessel (and include the entire length of the vessel and any extensions protruding from the bow or stern of the vessel).

**Section 13. Special berth assignment to be followed.**

No person shall moor a vessel or boat in a Township berth or moorage space other than that assigned to the vessel or boat by the Township.

**Section 14. Rules and regulations adopted by the Township Board.**

The Township Board may, by resolution or ordinance, adopt rules and regulations for the implementation of this Ordinance and for the control, management and operation of the Marina and of all Township docks, piers, ferry landings, boat launches and facilities. A violation of any such rule or regulation shall be deemed to be a violation of this Ordinance.

**Section 15. Disturbing official Township signs, posters or notices.**

It shall be unlawful for any person to destroy, manipulate, alter, molest, remove, change the location of or in any manner interfere with any official Township sign, monument, posting, poster or other notice placed upon, within or adjacent to the Marina or at any Township dock, wharf, facility, pier or parking area.

**Section 16. Special parking regulations at the Marina.**

The following regulations shall apply to parking, vehicles and trailers within the Marina:

- A. No vehicle shall be so parked or positioned as to unreasonably interfere with the loading or unloading of a ferry operating by permission of the Township.
- B. The paved parking spaces on the west side of the approach between the Hoover monument on the north and the small building on the south are reserved for vehicles waiting for the ferry and the loading and unloading of other vessels at the Marina. Such parking spaces shall not be utilized except by a vehicle disembarking from the ferry or waiting to embark onto the ferry or vehicles used for the loading and unloading of other vessels in the Marina.
- C. Within the paved parking area located between the public road on the north and the Hoover monument on the south, no vehicle shall be parked for longer than 48 consecutive hours. Within that area, no vehicle with a trailer (or a trailer parked by itself) shall be parked for longer than 24 consecutive hours.
- D. The parking of vehicles shall comply with any signage posted by the Township for a particular spot or space regarding time limitations, the type of vehicle or trailer allowed to be parked or similar directive.

**Section 17. Sunken Items.**

The owner of any vessel or boat, snowmobile in the winter, or other item exceeding 50 pounds in weight which sinks within the waters of the Marina shall promptly remove the same or



reimburse the Township or other governmental authority for the costs of retrieving any such sunken item.

**Section 18. Observance of signs.**

Every person shall observe, heed and obey all signs, posters and notices placed by the Township within or adjacent to the Marina or at any Township pier, facility, swimming area, marine facility, launch ramp, or revetment for the regulation and control of navigation, parking or other uses and for the regulation and control of said facilities.

**Section 19. Damage to the Marina or Township property.**

It shall be unlawful for any person to willfully, recklessly or carelessly destroy, steal, damage, disturb or interfere with any public or private property within the Marina or at any Township facility. In addition to any penalties imposed by prosecution or legal proceedings pursuant to this Ordinance, any person found guilty or responsible for such damage shall reimburse the Township for all costs and expenses of repairing or remedying the damage done to any such Township property, fixtures or items.

**Section 20. Interference with a lawful ferry.**

Within the Marina, and for the approach from Lake Huron to the Marina, any ferry operating with the permission of the Township shall have the right-of-way at all times (except for emergency vessels operating during emergencies). No boat or vessel shall interfere with, block or impede the docking, approaching or departing movements or travel of any ferry operating with the permission of the Township.

**Section 21. Fees; Restricted Funds.**

Upon the recommendation of the Harbor Commission, the Township Board shall set fees from time to time for permits, licenses and approvals pursuant to this Ordinance and applicable state laws or regulations. Any fees or monies collected by the Township from uses of the Marina and any funds received by the Township for the Marina from the State of Michigan shall be spent only in compliance with any restrictions on the use of such funds.

**Section 22. Severability.**

Should any portion of this Ordinance be declared to be invalid or unconstitutional by a court of competent jurisdiction, that shall not affect the rest of this Ordinance or other provisions of this Ordinance, which shall remain intact and in full force and effect.

**Section 23. Repeal.**

This Ordinance shall repeal Bois Blanc Township Ordinance No. 3, as amended (often referred to as the “Bois Blanc Township Public Docks and Harbor Ordinance”) in its entirety. However, the Harbor Commission established under that prior Ordinance shall be deemed continuing and shall be the same Harbor Commission as under this Ordinance.

**Section 24. Violations and penalties for Violation of this Ordinance.**

- A. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, any person who disobeys or refuses to obey a lawful order of the Harbormaster, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, “subsequent offense” means a violation of any of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- B. A violation of this Ordinance shall also be deemed to be a nuisance *per se*.
- C. Anyone who assists another in violating this Ordinance, or who aids and abets another in violation of this Ordinance, shall also be deemed to be in violation of this Ordinance.
- D. In addition to the above-mentioned remedies, the Township is also authorized (at its option and discretion) to pursue a civil lawsuit to enforce and/or ensure compliance with this Ordinance in the Mackinac County Circuit Court (or equivalent court). All remedies under this Ordinance are cumulative and not exclusive.
- E. This Ordinance may be enforced by the Harbormaster, the Township Supervisor, the Township Ordinance Enforcement officer or any Mackinac County Sheriff Deputy.

**Section 25. Effective date.**

This Ordinance shall become effective upon the expiration of thirty (30) days after a notice of adoption of this Ordinance appears in the newspaper as provided by law.

The vote to adopt and enact this Ordinance was as follows:

YEAS: A. Kennedy, L Sullivan, D Akright, B. Sharpe  
NAYS: None  
ABSENT/ABSTAIN: T Wybranowski

ORDINANCE DECLARED ADOPTED. Motion 2018-005 Carried.

**CERTIFICATION**

I hereby certify that the above is a true copy of an Ordinance adopted by the Township Board for Bois Blanc Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: \_\_\_\_\_

Diane Akright  
Bois Blanc Township Clerk