

ORDINANCE NO. 12.1

AMENDMENT TO THE CODE OF LAKE ORION

**VILLAGE OF LAKE ORION
STATE OF MICHIGAN, COUNTY OF OAKLAND**

An Ordinance to amend the codification of ordinances by and for the Village of Lake Orion, Michigan, designated as the Code of Lake Orion, by amending the following Chapters of Title IX, in their entirety:

Title IX. General Regulations
Chapter 96: Parks and Recreation
Boating Regulations

Title IX. General Regulations
Chapter 96: Parks and Recreation
Lake Street Boat Launch Regulations

Title IX. General Regulations
Chapter 98: Watercraft Regulations
Regulations for Use of Pelton Public Boat Docks by Boats Excluding Personal Watercrafts

of the Code of Lake Orion, for the Village of Lake Orion, Michigan, to regulate watercraft and marine safety on Lake Orion and to regulate the use of Lake Street Boat Launch and the use of Pelton Public Boat Docks, to protect the public health, safety and welfare.

The Code of Lake Orion is amended and recommended by the Village Council, after public hearing was held on _____ .

THE VILLAGE OF LAKE ORION ORDAINS:

That the Chapters 96 and 98, of Title IX, of the Code of Lake Orion, for the Village of Lake Orion, Michigan, are hereby amended to read as follows:

**TITLE IX: GENERAL REGULATIONS
CHAPTER 96: PARKS AND RECREATION
BOATING REGULATIONS**

CHAPTER 96: PARKS AND RECREATION

Boating Regulations

96.15 Definitions

96.16 Changes to code

96.17 Motorboats must have mufflers

96.18 Violations

§ 96.15 DEFINITIONS.

All words and phrases used in this subchapter shall be construed and have the same meanings as those words and phrases defined in Public Act 303 of 1967, as amended, being M.C.L.A. §§ 281.1001 et seq.

§ 96.16 CHANGES TO CODE.

R281.763.9 of the Michigan Administrative Code, 1979 edition, is amended to read as follows:

Regulation No. 63, Oakland County.

R 281.763.9. Lake Orion; prohibited conduct.

Rule 9.

(1) On the waters of Lake Orion and the canals and channels connected thereto, sections 2, 3, 10, and 11, T4N, R10E, Village of Lake Orion and Orion Township, Oakland County, it is unlawful for the operator of a vessel to exceed a slow — no wake speed when within 100 feet of any shore, dock, raft, buoyed or occupied bathing area, or vessel moored or at anchor, except when water skiers are being picked up or dropped off if that operation is otherwise conducted with due regard to the safety of persons and property and in accordance with the laws of this state.

(2) On the waters of Lake Orion and the canals and channels connected thereto, sections 2, 3, 10, and 11, T4N, R10E, Village of Lake Orion and Orion Township, Oakland County, it is unlawful, during the period of one hour after sunset to one hour before sunrise to:

(a) — Operate a vessel at high speed.

(b) — Have in tow, or otherwise assist in the propulsion of, a person on water skis, a water sled, kite, surfboard, or other similar contrivance.

(3) On the waters of Lake Orion and the canals and channels connected thereto, sections 2, 3, 10, and 11, T4N, R10E, Village of Lake Orion and Orion Township, Oakland County, it is unlawful at any time to operate a vessel at a speed in excess of 40 miles per hour (64 kilometers per hour).

§ 96.17 MOTORBOATS MUST HAVE MUFFLERS.

(A) — A person shall not operate a motorboat on the waters of Lake Orion unless the motorboat is equipped with a muffler, underwater exhaust, or other modern noise reduction device in good working order and in constant operation from which emission measured at not less than 50 feet from the motorboat, does not exceed 86 decibels on the “A” scale on a sound meter having characteristics of a general purpose sound meter as defined by American Standards Association S1, 4 1966.

(B) — If a motorboat is equipped with a muffler or any other modern noise reduction device, including, but not limited to, a water injected exhaust, but is also equipped with the capability of disengaging that device through the use of any equipment such as, but not limited to, a water turnoff valve, bypass, or similar device, this shall be prima facie evidence

~~that the muffler or noise reduction device is not in constant use, and shall be considered a violation of this chapter.~~

~~Penalty, see § 10.99~~

~~§ 96.18 VIOLATIONS:~~

~~Any person, firm or corporation determined to have been in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of § 10.99(A)(2).~~

TITLE IX: GENERAL REGULATIONS
CHAPTER 96: PARKS AND RECREATION
LAKE STREET BOAT LAUNCH REGULATIONS

~~CHAPTER 96: PARKS AND RECREATION~~

~~Lake Street Boat Launch Regulations~~

~~96.30 Definitions~~

~~96.31 Residents use only~~

~~96.32 Regulations~~

~~96.33 Penalty~~

~~96.34 Trespassing~~

~~§ 96.30 DEFINITIONS:~~

~~For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.~~

~~A RESIDENT is defined as an individual who owns, rents, leases or resides in real property within the boundaries of the Village of Lake Orion.~~

~~§ 96.31 RESIDENTS USE ONLY:~~

~~The Lake Street boat launch is provided for the use of the village residents only. It is a violation of this section for a non resident to use the launch, and in addition for a resident to allow a non resident to use the launch. The penalties for said violation are set forth herein.~~

~~§ 96.32 REGULATIONS:~~

~~(A) In order to utilize the launch, a resident must obtain an access code to the lock on the gate from the Lake Orion Police Department dispatch center.~~

~~(B) The resident shall not provide the access code to any other person.~~

~~(C) After each use, the resident shall re secure the gate prior to leaving the launch area.~~

~~(D) The residents shall immediately report new or found damage or any other hazardous circumstances to the Lake Orion Police Department.~~

~~(E) There shall be no parking, standing or storage of unoccupied vehicles or trailers at or near the launch area or on any public right of way on Lake Street or North Shore Street.~~

~~(F) Litter and refuse shall be placed in the garbage receptacle at the launch area.~~

~~(G) Noise levels shall be at the minimum level required and consistent with normal levels of conversation and boat launching operation.~~

§ 96.33 PENALTY.

~~Any violation of § 96.32 above shall be a municipal civil infraction and shall result in a 30 day suspension of ramp use. A second violation in the same calendar year shall result in the suspension for the remainder of that calendar year.~~

§ 96.34 TRESPASSING.

~~Unauthorized use by a non resident or a suspended resident is considered to be trespassing and will be punished as a misdemeanor.~~

TITLE IX: GENERAL REGULATIONS

CHAPTER 98: WATERCRAFT AND MARINE SAFETY REGULATIONS

ADOPTION OF WATERCRAFT AND MARINE SAFETY ACT

CHAPTER 98: WATERCRAFT REGULATIONS

Adoption of Watercraft and Marine Safety Act

98.01 Adoption of Watercraft and Marine Safety Act by Reference.

98.02 References in Watercraft and Marine Safety Act.

98.03 Changes to Code

98.04 Copies of Watercraft and Marine Safety Act.

98.05 Violations.

98.06 Enforcement Limitation.

§ 98.01 ADOPTION OF WATERCRAFT AND MARINE SAFETY ACT BY REFERENCE.

The Watercraft and Marine Safety Act, being Subchapter 5, of the Natural Resources and Environmental Protection Act, of Act 451 of Public Acts of 1994, Parts 801, 802 and 803, MCL 324.80101 et seq., and all future amendments and revisions thereto when they are promulgated and effective in this state, for the regulation of watercraft and marine safety in the village, are hereby adopted by reference as an ordinance of the village.

§ 98.02 REFERENCES IN WATERCRAFT AND MARINE SAFETY ACT.

Where necessary to the enforcement of the Watercraft and Marine Safety Act or the collection and distribution of fines, cost and penalties for violations as a village ordinance, references in the Watercraft and Marine Safety Act to "local authorities", "local authority" or "authority having jurisdiction" shall mean the Village of Lake Orion Council; references to "municipality" shall mean the Village of Lake Orion; references to "municipal charter"

shall mean the Charter of the Village of Lake Orion; references to "local ordinances" shall mean the Code of Lake Orion; and references to the "village" shall mean the Village of Lake Orion.

§ 98.03 CHANGES TO CODE.

R281.763.9 of the Michigan Administrative Code, 1979 edition, is amended to read as follows:

Regulation No. 63, Oakland County.

R 281.763.9. Lake Orion; prohibited conduct.

Rule 9.

(1) On the waters of Lake Orion and the canals and channels connected thereto, sections 2, 3, 10, and 11, T4N, R10E, Village of Lake Orion and Orion Township, Oakland County, it is unlawful for the operator of a vessel to exceed a slow — no wake speed when within 100 feet of any shore, dock, raft, buoyed or occupied bathing area, or vessel moored or at anchor, except when water skiers are being picked up or dropped off if that operation is otherwise conducted with due regard to the safety of persons and property and in accordance with the laws of this state.

(2) On the waters of Lake Orion and the canals and channels connected thereto, sections 2, 3, 10, and 11, T4N, R10E, Village of Lake Orion and Orion Township, Oakland County, it is unlawful, from sunset to until 8am.

(a) Operate a vessel at high speed or creating a wake.

(b) Have in tow, or otherwise assist in the propulsion of, a person on water skis, a water sled, kite, surfboard, or other similar contrivance.

(c) Operate a motorized vessel without operational navigation lights.

(3) On the waters of Lake Orion and the canals and channels connected thereto, sections 2,3, 10, and 11, T4N, R10E, Village of Lake Orion and Orion Township, Oakland County, it is unlawful at any time to operate a vessel at a speed in excess of 40 miles per hour (64 kilometers per hour).

§ 98.04 COPIES OF WATERCRAFT AND MARINE SAFETY ACT.

Printed copies of the Watercraft and Marine Safety Act shall be kept on file in the office of the Village Clerk and made available to the public at all times that office is open.

§ 98.05 VIOLATIONS.

The penalties adopted and set forth in the Watercraft and Marine Safety Act are adopted by reference as ordinance violations of the Village of Lake Orion.

§ 98.06 ENFORCEMENT LIMITATION.

Violations of the Watercraft and Marine Safety Act for which the maximum period of imprisonment is greater than 93 days shall not be enforced by the village as an ordinance violation.

TITLE IX: GENERAL REGULATIONS
CHAPTER 98: WATERCRAFT AND MARINE SAFETY REGULATIONS
LAKE STREET BOAT LAUNCH REGULATIONS

CHAPTER 98: WATERCRAFT AND MARINE SAFETY REGULATIONS

Lake Street Boat Launch Regulations

98.21 Definitions

98.22 Residents use only

98.23 Regulations

98.24 Penalty

98.25 Trespassing

§ 98.21 DEFINITIONS.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

A RESIDENT is defined as an individual who owns, rents, leases or resides in real property within the boundaries of the Village of Lake Orion.

§ 98.22 RESIDENTS USE ONLY.

The Lake Street boat launch is provided for the use of the village residents only. It is a violation of this section for a non-resident to use the launch, and in addition for a resident to allow a non-resident to use the launch. The penalties for said violation are set forth herein.

§ 98.23 REGULATIONS.

(A) In order to utilize the launch, a resident must obtain an access code to the lock on the gate from the Lake Orion Police Department dispatch center.

(B) The resident shall not provide the access code to any other person.

(C) After each use, the resident shall re-secure the gate prior to leaving the launch area.

(D) The residents shall immediately report new or found damage or any other hazardous circumstances to the Lake Orion Police Department.

(E) There shall be no parking, standing or storage of unoccupied vehicles or trailers at or near the launch area or on any public right-of-way on Lake Street or North Shore Street.

(F) Litter and refuse shall be placed in the garbage receptacle at the launch area.

(G) Noise levels shall be at the minimum level required and consistent with normal levels of conversation and boat launching operation.

(H) Residents cannot operate personal watercraft from sunset until 8 am.

§ 98.24 PENALTY.

Any violation of § 96.22 above shall be a municipal civil infraction and shall result in a 30-day suspension of ramp use. A second violation in the same calendar year shall result in the suspension for the remainder of that calendar year.

§ 98.25 TRESPASSING.

Unauthorized use by a non-resident or a suspended resident is considered to be trespassing and will be punished as a misdemeanor.

TITLE IX: GENERAL REGULATIONS
CHAPTER 98: WATERCRAFT AND MARINE SAFETY REGULATIONS
REGULATIONS FOR USE OF PELTON PUBLIC BOAT DOCKS BY BOATS EXCLUDING
PERSONAL WATERCRAFTS

CHAPTER 98: WATERCRAFT REGULATIONS

Regulations for use of Pelton Public Boat Docks by Boats Excluding Personal Watercrafts

98.41 Definitions

98.42 Dock pass required

98.43 Operations

98.49 Violations/penalties

§ 98.41 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“BOAT” means a vessel as defined by the Watercraft and Marine Safety Act, being Subchapter 5, of the Natural Resources and Environmental Protection Act, of Act 451 of Public Acts of 1994, Parts 801, 802 and 803, MCL 324.80101 et seq., as adopted by reference under this Chapter.

§ 98.42 DOCK PASS REQUIRED.

(A) Use of Pelton Point public boat dock is restricted to those with a valid dock pass issued by the village, for boats and pontoons that are motorized, and not for personal watercraft, jet skis, kayaks, canoes or wave boards.

(B) Seasonal dock passes will be issued by the Village Clerk for a fee that shall be established by resolution of the village council.

(C) Seasonal dock passes will be valid from April 1 to October 31 in the year the pass is issued.

(D) The required dock pass shall be affixed to the port side front panel of the boat and in plain view.

(E) All boats must be properly registered with the State of Michigan.

§ 98.43 OPERATIONS.

- (A) Boats must be maintained in a safe and seaworthy condition in accordance with Coast Guard regulations.
- (B) Boats must be moored and secured in a safe manner.
- (C) No boat shall be moored for more than three continuous hours.
- (D) Use of the docks is for visitors to the downtown, not for employee or business owner use.
- (E) Use is on "first come first serve" basis, no reservations allowed.
- (F) Boats may not be moored overnight.
- (G) The waters of the marina shall not be fouled in any way. Toilet facilities shall be equipped with holding tanks and must be in compliance with all the laws of the State of Michigan. No garbage, oil, sludge, refuse matter, sewage or waste material of any kind shall be thrown, deposited, or permitted to fall in the water or upon the piers, docks or shore areas of the marina. Siphoning of bilge water using the municipal water supply is permitted ONLY in case of emergency. At all times, when siphoning of bilge water is in use, the boat owner must be in attendance. No fueling of any boat is permitted.
- (H) The required dock pass shall be affixed to the port side front panel of the boat and in plain view.
- (I) Permit holders must immediately notify the Village of Lake Orion Police Department in the event of any damage to boat dock.
- (J) Litter and other refuse shall be placed in a garbage receptacle.
- (K) Noise levels shall be at the minimum level required and consistent with normal levels of conversation.
- (L) All other ordinances of the Village of Lake Orion shall be complied with.

§ 98.4499 VIOLATIONS/PENALTIES.

Violations of this chapter will be a civil infraction with a fine to be set by Village Council, and may be amended from time to time, as set forth in the fee schedule. The third violation of this chapter will also result in a civil fine and revocation of dock pass.

Amended only as specified above and in the Chapters specified, the Code of Lake Orion shall remain in full force and effect.

A synopsis of this ordinance passed by the Council shall be published at least once in some legal newspaper of general circulation in the village within fifteen (15) days after its adoption by the Council. This ordinance shall become effective immediately upon the publication of said synopsis after having been passed. If any provision of this Ordinance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision.

VILLAGE OF LAKE ORION

By: _____
Teresa Rutt, PRESIDENT

By: _____
Sonja Stout, CLERK/TREASURER