GARFIELD TOWNSHIP CLARE COUNTY, MICHIGAN ORDINANCE NUMBER 1992-17

Adopted: September 28, 1992 Effective: November 4, 1992

An Ordinance enacted pursuant to the authority of MCL 41.181 and MCL 41.184 to limit the hours of high speed boating upon Perch Lake within the Township of Garfield, County of Clare; to preserve, promote, and protect the health, safety, and general welfare of the persons and property within the Township; to provide for the enforcement hereof; and to provide penalties for the violation hereof including a provision that violations will constitute a misdemeanor, and to establish that any violation shall be a public nuisance.

The Township of Garfield, Clare County, Michigan, ordains:

SECTION 1 TITLE

This Ordinance shall be known and cited as the Garfield Township Perch Lake High Speed Boating Ordinance and it shall be sufficient to any action for enforcement of the provisions hereof to define the same by such title or reference to the number hereof.

SECTION 2 PURPOSE

It is the purpose of this Section to promote the general health, safety, and welfare of the residents and property owners by limiting the hours of high speed boating upon Perch Lake.

SECTION 3 UNLAWFUL BEHAVIOR

WC-18-92-001 Perch Lake: Hours for high speed boating. On the waters of Perch Lake, all within Section 23, T17N, R6W, Garfield Township, Clare County, Michigan, it is unlawful between the hours of 6:30 p.m. and 10:00 a.m. of the following day to:

- A. Operate a vessel at high speed,
- B. Have in tow or otherwise assist in the propulsion of a person on water skies, water sled, kits, surfboard, or other similar contrivance.

The hours should be 7:30 p.m. to 11:00 a.m. of the following day when eastern daylight savings time is in effect. High speed boating is defined by the Marine Safety Act to mean a speed at or above which a motorboat reaches a planing condition.

SECTION 4

ENFORCEMENT AND PENALTIES

Any person who shall violate any of the terms of this Ordinance shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and be subject to a fine of not more than five hundred and no/100 (\$500.00) dollars, imprisonment for a period of not more then ninety (90) days, or both, plus costs of prosecution. Nothing contained in this Ordinance shall prevent the Township Board, public official, or private citizen from taking lawful action as is necessary to restrain or prevent any violation of this Ordinance.

SECTION 5

SEVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such finding shall in no way affect or invalidate the remainder of this Ordinance.

SECTION 6

EFFECTIVE DATE

This Ordinance will take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

William J. Scott, Supervisor Garfield Township

Florence Mowery, Clerk Garfield Township