

VILLAGE OF FRUITPORT - NOTICE OF ADOPTION

Boat Launch Regulation Ordinance

TAKE NOTICE that the Village of Fruitport at the Village of Fruitport Council meeting on March 20,2006, has enacted an ordinance adopting the Boat Launch Regulation Ordinance. In summary form the ordinance states as follows:

- 88.000 Purpose. An Ordinance to provide for regulation of launching and retrieving water craft at the Pomona Park boat launch and for penalties for violation.
- 88.001 Sec. 1. Definitions. Contains definitions of terms including boat launch, permit, fee and Boat Launch Manager.
- 88.002 Sec. 2. Permit Required. Requires a permit to enter the boat launch and launch a water craft.
- 88.003 Sec. 3. Fee Schedule and Terms. Provides that the Village Council may set a fee schedule by annual resolution.
- 88.004 Sec. 4. No Parking. Provides that no vehicle or trailer may be parked in the boat launch area which is not being used to launch or transport water craft.
- 88.005 Sec. 5. Maximum Trailer Size. Prohibits trailers with in excess of two axles.
- 88.006 Sec. 6. Commercial Use Prohibited. Provides that the boat launch is to be used for non-commercial recreational use only
- 88.007 Sec. 7. Penalty. Provides for penalties for violation of the boat launch regulation ordinance.
- 88.008 Sec. 8. Severability and Captions. Provides for severability of the several sections of the ordinance.
- 88.009 Sec. 9. Administrative Liability. Provides that Village employees and members of the Council are not personally liable for discharging duties under the ordinance.
- 88.010 Sec. 10. Effective Date. Provides for an effective date of March 20, 2006.

Part 88

88.000

BOAT LAUNCH FEES REGULATION

ORDINANCE NO. 30

Adopted: June 20, 1994

Amended: March 20, 2006

An Ordinance to provide for regulation of launching and retrieving water craft at the Pomona Park boat launch and for penalties for violation

THE VILLAGE OF FRUITPORT ORDAINS:

88.001        Sec. 1.        Definitions.

The following words. and phrases, when used in this ordinance, shall mean the following:

- (a) BOAT LAUNCH shall mean that facility, including designated parking areas, located in Pomona Park in the Village ,of Fruitport which is constructed and maintained for the launching of water craft into the waters of Spring Lake.
- (b) PERMIT shall mean the approval granted by the Village on a daily basis or as otherwise determined by the Village, to enter the boat launch with a motor vehicle towing a water craft trailer or having attached to the motor vehicle a mechanism capable of carrying a water craft for the Fee assessed and paid to the Village.
- ©) FEE shall mean a designated sum of money to be paid by someone for entering Pomona Park with a water craft trailer attached to a motor vehicle or a mechanism on a motor vehicle designed or capable or carrying a water craft, whether or not there is a water craft located on such trailer or carrier.
- (d) BOAT LAUNCH MANAGER shall mean a person appointed from time-to-time by Resolution of the Village Council to give such orders and directions relative to the use and occupancy of the boat launch for purposes of launching or retrieving water craft from the waters of Spring Lake as are consistent with the Resolution, the Permit, this Ordinance, the laws of the State of Michigan, and as may be necessary to promote health, safety and good order within Pomona Park.

88.002        Sec. 2.        Permit Required.

Each person entering the boat launch with a water craft trailer attached to a motor vehicle or a mechanism located on a motor vehicle designed or capable of carrying a water craft, whether or not there is a water craft located on such trailer

or carrier, shall be required to pay for and secure a Permit to enter the boat launch.

88.003            Sec. 3 .            Fee Schedule and Terms.

The Council of the Village of Fruitport, by Resolution adopted annually, shall determine the Fee(s) to be assessed to obtain a Permit to enter the boat launch and such Resolution may also determine the conditions for issuance of a Permit. All Fees and Charges connected with the issuance of such Permit shall be payable in the manner provided in the Resolution adopting the Fee Schedule. Any Permit shall provide that it may be terminated by the Village at any time without cause, in its sole discretion. By such Resolution the Village Council may designate a manager to give such orders and directions relative to the use and occupancy of the boat launch for purposes of launching or retrieving water craft from the waters of Spring Lake as are consistent with the Resolution, the Permit, this Ordinance, the laws of the State of Michigan, and as may be necessary to promote health, safety and good order within Pomona Park.

88.004            Sec. 4.            No Parking.

It shall be unlawful to park any vehicle or trailer in any area of the boat launch designated a "No Parking" area and so marked by sign or other means. It shall be unlawful to park any vehicle or trailer in the boat launch parking area which is not being used to transport water craft to or from the boat launch.

88.005            Sec. 5.            Maximum Trailer Size.

It shall be unlawful to enter the boat launch area or use the boat launch with a trailer having in excess of two axles.

88.006            Sec. 6.            Commercial Use Prohibited.

The boat launch shall be used for non-commercial recreational use only. and any commercial use of or operation at the boat launch is strictly prohibited.

88.007            Sec. 4.            Penalty.

- (a) Whenever any act is prohibited or is made or declared to be unlawful or an offense by this ordinance, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful by this ordinance, the violation of any such provision by any person shall, upon conviction, be punishable by a fine not exceeding One Hundred Dollars (\$100.00) and may be determined to be a municipal civil infraction sufficient to cause the appearance of such person and/or the owner or operator of the motor vehicle towing such water craft trailer or having such water craft carrying mechanism in the District Court having jurisdiction for such matter by the Village of Fruitport by issuance of a Parking Violation Ticket or an Appearance Ticket by a Police Officer or other deputized person having authority to enforce such matters.

- (b) Any minor who violates any provision of this Article shall be dealt with by the Juvenile Division of the Probate Court of the County of Muskegon or as prescribed by the laws of the State of Michigan.
- (c) In addition to the penalties provided above, any condition caused or permitted to exist in violation of any of the provisions of this ordinance shall be deemed a new and separate offense for each time that such condition continues to exist or such violation occurs with respect to failure to obtain a Permit and pay for the same and may be cited as a separate offense.

88.008            Sec 5.            Severability and Captions.

This Ordinance and its various parts, sections, sub-sections, sentences, phrases and clauses are hereby declared to be severable. If any part, section, sub-section, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each section are for convenience only and shall not be considered as part of this Ordinance.

88.009            Sec. 6.            Administrative Liability.

No officer, agent, employee or member of the Village Council shall render himself or herself personally liable for any damage that may accrue to any person as a result of any act, decision or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

88.010            Sec. 7.            Effective Date.

This Ordinance is approved and adopted by the Village Council of the Village of Fruitport on March 20, 2006, and shall become immediately effective.