

**Ordinance to Regulate Boats, Kayaks and Paddle Boards on Village of Michiana Public Beaches and Village Beach Storage Racks for Kayaks and Paddle Boards**

ORDINANCE NUMBER 2017-02

**WHEREAS**, it is deemed necessary and appropriate to protect the health, safety, and welfare of the public to regulate and make rules regarding the storage of private property on public lands, including the storage of boats, kayaks, paddle boards, and all related water floatation equipment and devices which may be stored on public property belonging to the Village of Michiana, and

**WHEREAS**, the Village may allow storage of private property on public lands subject to certain rules and regulations, including a requirement that the Village be able to contact the owner of any private property stored or left overnight on public lands.

**NOW THEREFORE**, the Village of Michiana ordains:

**Section 1. Definition.** Boats, Kayaks, Paddle Boards and related water floatation equipment and devices shall be defined as “Watercraft” for purposes of this Ordinance.

**Section 2. Registration Required for Watercraft Stored Overnight on Public Beach or Storage Rack.** To protect the health, safety and welfare of the general public, any Watercraft left overnight on any Michiana Public beach or Village Beach Storage Rack must have a Village of Michiana Watercraft registration sticker affixed to the front right side of the Watercraft, regardless of whether the Watercraft is owned by a Village resident or a non-Village resident. Annual registration sticker cost will be established by the Village Council each Calendar year by Resolution, which may be amended from time to time.

**Section 3. Failure to Register Watercraft.** Failure to have a Watercraft registration sticker displayed on the Watercraft may result in your Watercraft being removed from the Village Public beach or Village Beach Storage Rack. In addition, the violation of this section is a municipal civil infraction. The following fines may be assessed:

1. Fines for not having a Watercraft registration sticker on your Watercraft: \$5.00 per day to be charged to the owner of record.
2. Fine if removed by the Village from the Beach or Storage Rack for not displaying a registration permit; \$100.00 flat fee for hauling fees, plus \$5.00 per day storage fee.

**Section 4. Date for Removal of Watercraft from Public Property.** All Watercraft must be removed from the Village of Michiana Public Beach lands and Beach Storage Racks by October 31, of any given year.

**Section 5. Refusal to Remove Watercraft by October 31.** Any Watercraft not removed from the public beach and/or the Village Beach Storage Rack after October 31 in any given year shall

be confiscated and removed by the Village of Michiana. If, after being contacted by the Village in writing at the owner's address, the owner refuses to pick up and/or remove their Watercraft from the Village within ten (10) days after being sent written notice by the Village, the owner shall forfeit rights of ownership of the Watercraft to the Village of Michiana. The Village of Michiana reserves the right to charge the owner of record all costs associated with the removal of the Watercraft from its Public Beach Land and Beach Storage Racks after October 31 in any given year at \$5.00/day.

**Section 6. Violation a Civil Infraction.** Violation of this Ordinance shall be a municipal civil infraction and the minimum fine for a first offense shall be \$100.00, with \$150.00 for a first offense, and at least \$200.00 for a third or additional offense, plus costs and fees incurred by the Village as stated in Section 3 of this ordinance.

**Section 7. Severability.** If any section or provision of this Ordinance is found to be unenforceable for any reason or on any basis, the remainder of the Ordinance shall still be given full force and effect to the maximum extend allowed by law.

**Section 8. Effective Date.** This Ordinance shall become effective on 3/31/17, fourteen days after publication.

AYES: Ronald Jior, Terpa Stein, [Signature], [Signature]  
NAYS: \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

[Signature]  
ANNE HEYWOOD, Clerk

**CERTIFICATION**

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF MICHIANA, County of Berrien, State of Michigan, at a Regular Meeting, held on the 10th day of February, 2017, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

[Signature]  
ANNE HEYWOOD, Clerk