

**NEW BUFFALO TOWNSHIP
BERRIEN COUNTY, MICHIGAN**

SLOW-NO WAKE SPEED ORDINANCE

AN ORDINANCE TO REGULATE THE SPEED OF VESSELS AND TO PROVIDE FOR THE SAFE USE OF WATER IN THE NEW BUFFALO TOWNSHIP, BERRIEN COUNTY, MICHIGAN; TO PRESCRIBE CERTAIN DUTIES AND RESPONSIBILITIES OF OPERATORS OF VESSELS; TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF; TO PROVIDE FOR THE ENFORCEMENT HEREOF; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HERewith; THE SAME BEING ENACTED IN ORDINANCE WITH THE PROVISIONS OF THE MARINE SAFETY ACT, ACT 303 OF THE PUBLIC ACTS OF 1967 AS AMENDED.

THE NEW BUFFALO TOWNSHIP, BERRIEN COUNTY, MICHIGAN DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title

This Ordinance shall be known and may be cited as the Slow-No Wake Speed Ordinance.

Section 2. Words and phrases; definitions

Words and phrases used in this Ordinance shall be defined and construed in accordance with the definitions set forth, in section 6 and 8 of Act 303 of the Public Acts of 1967, as amended, the same being Section 281.1006 and 281.1008 of the Michigan Compiled Laws (MSA 18.1287 (6) and 18.1287 (8); MCLA 281.1006 and 281.1008).

Section 3. Galien River, Portion of; Slow-No Wake Speed

On that portion of the waters of the Galien River and the channels and canals connected thereto, Section 3, Township 8 South, Range 3 West, New Buffalo, Berrien County, upstream from the New Buffalo City limit to a line extending southeasterly from Sloan Lane along the easterly boundary of Lot 10, Block 24, Lake Michigan Riviera Subdivision, to the water edge, and thence southeasterly to the nearest opposite shore, it is unlawful for the operator of a vessel to exceed a slow-no wake speed.

Section 4. Enforcement

This Ordinance shall be enforced as provided in Act 303 of the Public Acts of 1967, as amended, the same being section 281.1001 et seq of the Michigan compiled laws (MSA 18.1287 (1) et seq; MCLA 281.1001 et seq).

Section 5. Violations; Penalties

Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, punishable upon conviction thereof by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than one hundred and no/100 dollars (\$100.00), or by both such fine and imprisonment.

Section 6. Constructions; Severability

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not effect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or valid.

Section 7. Repeal

All ordinances or parts ordinances in conflict herewith, or inconsistent with any provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

RESOLUTION

The following resolution was offered by Member Rahm and supported by Member Prusa:

WHEREAS the New Buffalo Township Ordinance No. 780413 being an ordinance to regulate the speed of vessels and to provide for the sage use of water in New Buffalo Township does not include the entire Galien River;

AND WHEREAS a request has been made on behalf of the Preserves as well as the Galien River Homeowners Association to the New Buffalo Township Board to pass the necessary resolution;

THEREFORE, BE IT RESOLVED that New Buffalo Township requests the assistance from the Department of Natural Resources in conducting an investigation into any problems or safety hazards on the Galien River from the bridge on Red Arrow Highway northwest to the current posted no wake zone at the Riviera Homeowners Association.

Roll Call Vote: Yeas: Rahm, Melendy, Grim, Kerhoulas, Prusa.
 Nays: None
 Absent – None

RESOLUTION DECLARED ADOPTED. (2/22/94)