

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: FIRE PREVENTION AND PROTECTION; FIREWORKS

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GENERAL PROVISIONS

§ 90.01 FALSE ALARMS.

Any person who knowingly and willfully commits any one or more of the following actions shall be guilty of a misdemeanor:

(A) Raise a false alarm of a fire at any gathering or in a public place;

(B) Ring any bell or operate any mechanical apparatus or combination thereof, for the purpose of creating a false alarm of fire; and/or

(C) Raise a false alarm of fire orally, by telephone or in person.

(1989 Code, § 31.01.01) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

Statutory reference: Related provisions, see M.C.L. § 750.240

§ 90.02 INJURY TO FIRE EQUIPMENT.

No person shall willfully molest, take for his or her own private use or damage in any manner any firefighting equipment system, apparatus or any thing pertaining to firefighting, or drive any vehicle upon or against any hose or equipment of the Fire Department.

(1989 Code, § 31.01.02) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

Statutory reference:

Maliciously destroying or injuring personal property of fire department, see M.C.L. § 750.377B

§ 90.03 OBSTRUCTION OF FIRE HYDRANTS.

No person shall place any obstruction whatsoever, nor shall any person responsible for such obstruction permit it to remain, within 15 feet of a fire hydrant.

(1989 Code, § 31.01.03) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

OPEN BURNING

§ 90.15 PURPOSE.

To preserve and protect the public health, safety and general welfare of the citizens of the village, the following general provisions of this subchapter shall apply.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009)

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§ 90.16 BURNING AND BURYING TRASH AND THE LIKE.

No person shall throw any trash, garbage or other non-yard waste refuse upon the grounds or bury the same on any premises, public or private, or burn the same in any manner that may menace the public health, cause a nuisance of smoke ash or offensive odors, or burn the same in any manner that may constitute a fire hazard. It is prohibited to burn garbage of any kind.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009) (Ord. 11-01, passed 5-3-2011) Penalty, see § 90.99

§ 90.17 YARD WASTE.

YARD WASTE means leaves, grass and/or grass clippings, vegetable or other garden debris, shrubbery or brush, tree clippings or other similar materials, which can be converted into compost humus. No person shall be allowed to burn any yard waste from April 30 to November 1.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009) (Ord. 11-01, passed 5-3-2011) Penalty see § 90.99

§ 90.18 COOKING FIRES.

Fires are permitted for the cooking and smoking of food; provided that, such fires are confined to a barbecue grill, barbecue pit, smokehouse or other enclosure; and, provided further that, the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others living in close proximity.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

§ 90.19 RECREATIONAL FIRES.

(A) Recreational fires on private property are permitted and do not need Fire Department permission when in a pit or pile which does not exceed three feet in diameter and three feet in height only when the following conditions are met:

- (1) Fires are attended until fully extinguished and ashes are cold;
- (2) Only clean wood products or commercially-produced fuel products are burnt; no construction materials;
- (3) The fire does not endanger other buildings or structures;
- (4) Atmospheric conditions are favorable;
- (5) Prohibit emission of smoke or fumes which irritate, annoy or constitute a nuisance to others living in proximity of such fire; and
- (6) State, federal or county restrictions imposed during high fire hazard periods.

(B) Recreational fires are strictly prohibited on any public property within the village.
(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

§ 90.20 CONTRACTOR-GENERATED FIRES.

Fires for the heating of outdoor building sites are permitted; provided, such fires are confined to so called “salamander” heaters or similar devices. Outdoor fires are permitted when necessary to pursue a business or trade requiring the use of fire, including, by way of example, but not necessarily by way of limitation, the heating, boiling of tar, pitch or oil or other substances when used by roofers and other tradesmen.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009) Penalty, see § 90.99

§ 90.21 EXCEPTIONS AND SPECIAL CIRCUMSTANCES.

Open fires are permitted in the performance of an official duty by public officer for fires necessary for one or more of the following reasons or purposes:

(A) For the prevention of a fire hazard, which cannot be abated by other means;

(B) For the instruction of public firefighters or industrial commercial employees under the proper supervision of a qualified instructor;

(C) For the protection of public health; and/or

(D) For controlled disposal of refuse and debris as collected by or on behalf of the village as a site owned or operated by the village.

(1989 Code, § 31.02.01) (Ord. 08-10, passed 1-20-2009)

FIREWORKS

§ 90.35 DEFINITIONS.

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

ACT 256. The State Fireworks Safety Act, Public Act 256 of 2011, being M.C.L. §§ 28.451 et seq., as it may be amended from time to time.

CONSUMER FIREWORKS. As that term as defined in Act 256.

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FIREWORK or ***FIREWORKS***. As that the term as defined in Act 256.

RETAILER. As that the term as defined in Act 256.

WHOLESALER. As that the term as defined in Act 256.

(Ord. 14-01, passed 2-4-2014)

§ 90.36 COMPLIANCE WITH APPLICABLE ORDINANCES AND CODES.

Unless otherwise provided in this subchapter, a retailer or wholesaler of fireworks located within the village must also comply with the requirements of the village's Zoning Ordinance, as well as all building codes and regulations and state and federal law.

(Ord. 14-01 passed 2-4-2014) Penalty, see § 90.99

§ 90.37 USE OF CONSUMER FIREWORKS PROHIBITED.

No person shall ignite, discharge or use consumer fireworks in the village, except this prohibition shall not preclude any person from igniting, discharging or using consumer fireworks within the village of the day proceeding, the day of or the day after a national holiday. Consumer fireworks shall not be used, discharged and/or ignited in the village between the hours of 1:00 a.m. and 8:00 a.m. on the day before, the day of and the day after a national holiday. (Ord. 14-01, passed 2-4-2014)

Penalty, see § 90.99

§ 90.38 POSSESSION OF FIREWORKS BY MINORS.

A minor shall not possess consumer fireworks.

(Ord. 14-01, passed 2-4-2014) Penalty, see § 90.99

§ 90.39 DETERMINATION OF VIOLATION; SEIZURE.

If an enforcement officer determines that violation of this subchapter has occurred, the officer may seize the fireworks as evidence of the violation.

(Ord. 14-01, passed 2-4-2014)

§ 90.40 FIREWORKS SAFETY.

No person shall recklessly endanger the life, health, safety or well-being of any person by the igniting, discharge or use of consumer fireworks.

(Ord. 14-01, passed 2-4-2014) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) Violation of §§ 90.15 through 90.21 of this chapter constitutes a civil infraction, Grade 3, Level 1.
(1989 Code, § 31.02.01)

(C) (1) The Village President, Department of Public Safety, Code Enforcement Officer and their designees are authorized to enforce §§ 90.35 through 90.40 of this chapter.

(2) A violation shall be enforced as a municipal civil infraction under § 10.99(B) of this code of ordinances. The enforcing person may issue a notice of violation or proceed directly to a Municipal civil infraction citation within his or her discretion. Nothing in §§ 90.35 through 90.40 of this chapter shall prohibit filing other cause of action including criminal prosecution or a request for injunctive relief or other relief as allowed by law in a court of competent jurisdiction.

(3) The penalties and fines for violation of §§ 90.35 through 90.40 of this chapter are as follows.

(a) A notice violation shall be considered a Grade 3 offense as described in § 10.99(B) of this code of ordinances.

(b) A municipal civil infraction violation processed in a court of jurisdiction shall be not more than \$500 for each violation plus costs, fees, attorney fees and injunctive relief as allowed by the Revised Judicature Act of 1961, Public Act 236 of 1961, Ch. 87, being M.C.L. §§ 600.8701 through 600.8737, as amended, municipal civil infractions and as allowed under the state's Rules of Court.

(Ord. 08-10, passed 1-20-2009; Ord. 11-01, passed 5-3-2011)

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CHAPTER 91: ANIMALS

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- 91.02 Unlawful to sell or purchase
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- 91.04 Bees and apiaries

Dogs and Cats

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- 91.16 Regulation of dogs and cats
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- 91.18 Nuisance; barking or howling dogs
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GENERAL PROVISIONS

§ 91.01 KEEPING CERTAIN ANIMALS PROHIBITED.

No person shall keep or suffer to be kept upon any lot or premises owned or occupied by him or her within the corporate limits of the village any animals of husbandry, goats, sheep, swine, poultry or fowl, except on bona fide farms assessed as such; and, further provided that, fencing shall be constructed and properly maintained and so located on such farms as to prevent the occurrence of nuisance to adjoining property owners.

(1989 Code, § 4.200) (Ord. passed 6-9-1988) Penalty, see § 91.99

§ 91.02 UNLAWFUL TO SELL OR PURCHASE.

From and after the effective date of this chapter, it shall be unlawful for any person, firm or corporation to keep or harbor for sale, or to solicit or offer to solicit the sale or purchase of any horses, cattle, calves, swine, sheep, goats, lambs, fowl or any other animals (other than cats or dogs) upon any of the streets, alleys or publicly-owned grounds of the village, without specific approval of the Village Council.

(1989 Code, § 4.210) (Ord. passed 6-9-1988) Penalty, see § 91.99

§ 91.03 PARKING VEHICLES CONTAINING LIVE ANIMALS ON VILLAGE STREETS.

From and after the effective date of this chapter, it shall be unlawful for any person, firm or corporation to park for more than four hours any vehicle containing live horses, cattle, calves, swine, sheep, goats, lambs, fowl or any other animals upon any of the streets, alley or publicly-owned grounds in the village for the purpose of transferring any of the said horses, cattle, calves, swine, sheep, goats, lambs, fowl or any other animals from one vehicle to another, except in cases where the vehicle becomes defective and usage or impossible to further more the same upon the streets, alley or publicly-owned grounds or said village.

(1989 Code, § 4.220) (Ord. passed 6-9-1988) Penalty, see § 91.99

§ 91.04 BEES AND APIARIES.

(A) The term *APIARY* shall mean any place where one or more colonies of bees are kept and shall include hives, bees and bee equipment associated therewith.

(1989 Code, § 4.300)

(B) It shall be unlawful for any person, as defined in § 10.02 of this code of ordinances, to keep, harbor, maintain, control or otherwise encourage the keeping of bees or apiaries in the village.

(1989 Code, § 4.310)

(Ord. passed 6-9-1988) Penalty, see § 91.99

DOGS AND CATS

§ 91.15 DEFINITIONS.

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

IMMEDIATE CONTROL. Physical control, such as having chain or leash, and the owner or keeper thereof to have secure hold of such chain or leash.

PERSON. Includes co-partnership, company or corporation.

(1989 Code, § 4.000) (Ord. passed 6-9-1988)

§ 91.16 REGULATION OF DOGS AND CATS.

Two adult dogs and two adult cats are permitted per household.

(1989 Code, § 4.010) (Ord. passed 6-9-1988)

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§ 91.17 RUNNING AT LARGE.

It shall be unlawful for any person owning, possessing or harboring any dog to suffer or permit the same to run at large within the village. Dogs on leashes and accompanied by the owner or custodian shall not be deemed to be “as running at large”.

(1989 Code, § 4.020) (Ord. passed 6-9-1988; Ord. 13-03, passed 10-1-2013) Penalty, see § 91.99

§ 91.18 NUISANCE; BARKING OR HOWLING DOGS.

No person shall harbor any dog, which, by loud and frequent or habitual barking, yelping or howling, shall cause serious annoyance to the neighborhood or to people passing to and fro upon the streets.

(1989 Code, § 4.030) (Ord. passed 6-9-1988) Penalty, see § 91.99

§ 91.19 LICENSING PROPERLY.

It shall be unlawful for any person to own, possess or harbor a dog unless the same shall be properly licensed in accordance with the provision of Public Act 339 of 1919, being M.C.L. §§ 287.261 et seq., as amended. Any person allowing any dog to be lodged or to remain or to be fed within his or her house, store, building, enclosure or premises for a period of five days shall be held and deemed to be the keeper or owner of such dog.

(1989 Code, § 4.040) (Ord. passed 6-9-1988) Penalty, see § 91.99

§ 91.20 RABIES AND OTHER DISEASES; NUISANCES.

(A) *Rabies proclamation.* Whenever the President of the village may apprehend that there is a danger of the existence of spread of hydrophobia or the spread of other diseases within or near the village, which may spread or increase because of the dogs in or near said village, he or she shall issue a proclamation holding and requiring every person who shall own or keep a dog within the village to confine and muzzle said dog for a term of not less than 30 days, or more 90 days, next after the date of such proclamation. Upon issuing such proclamation, the President of the village shall at once cause the same to be posted or published as provided for ordinances of the said village and may cause same to be published in a newspaper of general circulation in the said village.

(1989 Code, § 4.110)

(B) *Spread of disease; duty of residents.* The third day next after the President of the village shall issue such proclamation, provided for in division (A) above, it shall be the duty of every person who shall own or keep a dog within the limits of the village to either confine such dog securely within some building or structure or to some substantial object upon the premises of the owner or keeper of said dog from biting any person or an animal and from being bitten by any other dog, and to keep such dog so confined during the period specified in the proclamation, or to cause such dog to be securely and effectively muzzled during said period of the proclamation, and any muzzle shall not be sufficient unless it be of such form and strength and so attached and fastened as to effectively

prevent such dog from biting any person or animal.
(1989 Code, § 4.120)

(C) *Declaration of nuisance.* During the time mentioned in such proclamation, which may be upon the streets of the village, whether attached to a chain or leash and in the immediate control of some person without being muzzled (as hereinbefore required) or running at large, is hereby declared to be a nuisance.
(1989 Code, § 4.130)

(D) *Authorization to contact Animal Control.* During the time mentioned in such proclamations, the Department of Public Safety of the village, and any other officer appointed by the Council of the village, is hereby authorized to contact Animal Control regarding any dog or dogs found running at large within the village at any time after the effective date of this chapter.
(1989 Code, § 4.140) (Ord. passed 6-9-1988) Penalty, see § 91.99
§ 91.99 PENALTY.

(A) Any person who shall violate the provisions this chapter shall, upon conviction, be punished under the provision of § 10.99(A) of this code of ordinances.
(1989 Code, § 4.400)

(B) The Village Council or its agents may, at their discretion, initiate an appropriate civil action along with a claim for damages to curtail and/or restrain of this chapter.
(1989 Code, § 4.410) (Ord. passed 6-9-1988)

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CHAPTER 92: HEALTH AND SANITATION; NUISANCES

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- 92.02 Engine exhaust
- 92.03 Yelling, singing and the like
- 92.04 Hawking in a loud and boisterous manner
- 92.05 Loudspeakers and amplifiers
- 92.06 Playing radios, television sets and the like
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Brush, Grass, Noxious Weeds and Unlawful Growths

- 92.20 Title
- 92.21 Definitions
- 92.22 Location of noxious weeds
- 92.23 Unlawful presence; public nuisance
- 92.24 Exceptions
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NOISE

§ 92.01 CONSTRUCTION NOISES.

The erection, including excavating therefor, demolition, alteration or repair of any building, and the excavation of streets and highways at any time on Sundays and on other days, except between the hours of 7:00 a.m. and 9:00 p.m., is hereby prohibited.

(1989 Code, § 17.000) (Ord. passed 11-19-1988; Ord. 13-05, passed 10-1-2013) Penalty, see § 10.99

§ 92.02 ENGINE EXHAUST.

The discharge into the open air of the exhaust of any steam, engine, stationary internal combustion engine or motor vehicle, except through a muffler or other device, which effectively prevents loud or explosive noises therefrom is hereby prohibited.

(1989 Code, § 17.010) (Ord. passed 11-19-1988; Ord. 13-05, passed 10-1-2013) Penalty, see § 10.99

§ 92.03 YELLING, SINGING AND THE LIKE.

Yelling, shouting, hooting, whistling or singing or the making of any other loud noise on the public streets between the hours of 10:00 p.m. and 7:00 a.m., or the making of any such noise in the village at any time so as to annoy or disturb the quiet, comfort or repose of persons or of any person in the vicinity, is hereby prohibited.

(1989 Code, § 17.020) (Ord. passed 11-19-1988; Ord. 13-05, passed 10-1-2013) Penalty, see § 10.99

§ 92.04 HAWKING IN A LOUD AND BOISTEROUS MANNER.

The hawking of goods, merchandise or newspapers in a loud and boisterous manner is hereby prohibited.

(1989 Code, § 17.030) (Ord. passed 11-19-1988; Ord. 13-05, passed 10-1-2013) Penalty, see § 10.99

§ 92.05 LOUDSPEAKERS AND AMPLIFIERS.

Any use of loudspeakers or amplifiers must have prior approval from the Village President and the Public Safety Director. In the absence of either, the President Pro Tem can fill the position. Otherwise, the use of any loudspeaker, amplifier or other similar instrument or device, whether stationary or mounted on a vehicle, is hereby prohibited; provided, speakers in the course of a public address which is non-commercial in character may use such an instrument or device, subject to the following restrictions.

(A) The only sounds permitted are music or human speech.

(B) Sound-amplifying equipment mounted on vehicles shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten mph, except when such truck is stopped or impeded by traffic.

(C) No sound-amplifying equipment shall be operated with an excess of 15 watts of power in the last stage of amplification

(D) Sound-amplifying equipment may not disturb the peace of the residents of the village.

(1989 Code, § 17.040) (Ord. passed 11-19-1988; Ord. 13-05, passed 10-1-2013) Penalty, see § 10.99

§ 92.06 PLAYING RADIOS, TELEVISION SETS AND THE LIKE.

The playing of any radio, television set, phonograph or musical instrument in such a manner or with such volume, particularly during the hours between 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in the village, is hereby prohibited.

(1989 Code, § 17.050) (Ord. passed 11-19-1988; Ord. 13-05, passed 10-1-2013) Penalty, see § 10.99

§ 92.07 LOADING, UNLOADING VEHICLES; OPENING, DESTRUCTION OF BALES, BOXES AND THE LIKE.

The creation of any loud and excess noises in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers are hereby prohibited.

(1989 Code, § 17.060) (Ord. passed 11-19-1988; Ord. 13-05, passed 10-1-2013) Penalty, see § 10.99

§ 92.08 BLOWING SIRENS.

The blowing of any sirens, except to give notice of the time to begin or stop work or as a warning of fire or danger, is hereby prohibited.

(1989 Code, § 17.070) (Ord. passed 11-19-1988; Ord. 13-05, passed 10-1-2013) Penalty, see § 10.99

§ 92.09 EXCEPTIONS.

None of the terms or prohibitions of this subchapter shall apply to or be enforced against:

(A) Any police or fire vehicle or any ambulance, while engaged upon emergency business; and/or

(B) Excavations or repairs of bridges, streets or highways by or on behalf of the village or the state, during the night, when the public safety, welfare and convenience renders it impossible to perform such work during the day.

(1989 Code, § 17.080) (Ord. passed 11-19-1988; Ord. 13-05, passed 10-1-2013)

BRUSH, GRASS, NOXIOUS WEEDS AND UNLAWFUL GROWTHS

§ 92.20 TITLE.

This subchapter shall be known and may be cited as “Noxious Weeds Subchapter of the Code of Ordinances of the Village of Port Sanilac”.

(1989 Code, § 30.000) (Ord. 11-04, passed 6-7-2011)

§ 92.21 DEFINITIONS.

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

NOXIOUS WEEDS. Includes brush and/or grass over eight inches in height, ythrum salicarial, poison ivy (rhus toxicodentron), poison sumac (toxicodentron vermix) or other plants which are recognized as deleterious to health, safety or public welfare and/or constituting a nuisance.

PERSON. Includes one or more person of either sex, natural persons, corporations, partnerships, associations, joint stock companies, societies and all other entities of any kind capable of being sued.

RIGHT-OF-WAY. The width of property, including roadway, ditches and adjacent areas that are deeded, dedicated or otherwise granted to the municipality, County Road Commission or State Department of Transportation for use by the general public.

(1989 Code, § 30.010) (Ord. 11-04, passed 6-7-2011)

§ 92.22 LOCATION OF NOXIOUS WEEDS.

This subchapter shall apply to and cover noxious weeds found growing within a distance of 135 feet from the right-of-way line on all residential, commercial and industrial zoned properties and residential lands. (1989 Code, § 30.020) (Ord. 09-2, passed 6-16-2009) (Ord. 11-04, passed 6-7-2011)

§ 92.23 UNLAWFUL PRESENCE; PUBLIC NUISANCE.

It shall be unlawful for the owner, agent or occupant of any developed and/or undeveloped lot in any subdivision of the village, where buildings have been erected in said subdivision, to cause or permit to grow any noxious weeds on said lot. The presence of such weeds upon such lot is hereby deemed to be detrimental to the public health, safety and welfare and shall constitute a public nuisance.

(1989 Code, § 30.040) (Ord. 09-2, passed 6-16-2009; Ord. 11-04, passed 6-7-2011) Penalty, see § 10.99

§ 92.24 EXCEPTIONS.

Wooded lots are exempt, except for cutting right-of-way.
(1989 Code, § 30.060) (Ord. 11-04, passed 6-7-2011)

§ 92.25 AGENT; APPOINTMENT.

The Village Zoning Administrator is hereby appointed as agent responsible for the enforcement of the provisions of this subchapter.
(1989 Code, § 30.070) (Ord. 11-04, passed 6-7-2011)

CHAPTER 93: HARBOR REGULATIONS

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Cross-reference:

Harbor Commission, see §§ 31.01 through 31.12

Statutory reference:

Marine safety, see M.C.L. §§ 327.80101 et seq.

GENERAL PROVISIONS

§ 93.01 VESSEL COMPLIANCE.

All vessels, watercraft and floats using said harbor shall be equipped and operated according to M.C.L. §§ 327.80101 et seq., the Marine Rules and Regulations established under the authority of Act 303, the maritime laws of the United States, the statutes of the state and shall be registered under law and licensing laws of the state, as required for the particular class of vessel.
(1989 Code, § 14.4000) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.02 VESSEL SPEED.

(A) *Five mph limit.* Vessels, watercraft and floats navigating the harbor shall not proceed at a speed greater than five mph and shall not in any case proceed at an excessive speed, even though it be less than five mph, such as to cause loss or damage or to endanger the life, limb or property of person(s) in or on the waters of said harbor.

(B) *Power to regulate.* Special restricted or unrestricted speed zones may be established by rule and regulation of the Village Council.

(C) *Exceptions.* The provisions of this section shall not be construed to prohibit the running or racing of exhibition vessels, muffled or unmuffled, during a publicly announced, properly authorized and adequately patrolled regatta or speed trial exhibition.

(1989 Code, § 14.4100) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

(Ord. amended 02-15-2022)

Statutory reference: Related provisions, see M.C.L. § 327.80145

§ 93.03 DISTURBING THE PEACE.

It shall be unlawful for any person to operate or for the owner of any vessel, watercraft or float to permit it to be operated upon the waterways of this harbor in such a manner as to destroy the peace and quiet of the inhabitants of the village.

(1989 Code, § 14.4200) (Ord. 14-01 passed 2-4-2014) Penalty, see § 93.99

§ 93.04 CREDENTIALS.

Every person in charge of any vessel, watercraft or float shall, upon request of the Harbor Master, furnish information as to the owner of the vessel, watercraft or float and his or her address, cargo, passengers aboard, how long they will be in port and such other information as may be reasonable and desirable to keep a complete record of harbor activities.

(1989 Code, § 14.4300) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.05 SUNKEN VESSELS.

No person, firm or corporation shall abandon any vessel, watercraft or float or allow the same to sink within the harbor. Every vessel, watercraft or float which shall be so abandoned or allowed to sink in the harbor is hereby declared to be a public nuisance. The owner thereof shall be required to remove said nuisance immediately. Whenever the owner thereof shall not have taken action within 24 hours of said nuisance, the Village Council shall proceed to remove or have removed the said vessel, watercraft or float, and the owner thereof shall be liable for the expense and necessary costs of said removal.

(1989 Code, § 14.4400) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022) Penalty, see § 93.99

§ 93.06 COMMERCIAL OR RESIDENTIAL USES.

No person shall occupy any vessel, watercraft or float upon the waters of the harbor as a residence or for the purpose of engaging in any business trade or traffic whatsoever without first obtaining a permit and paying all permit fees to the Village Clerk. Such permit shall be posted and remain at all times in a conspicuous place in or on such vessel, watercraft or float.

(1989 Code, § 14.4600) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.07 WHARVES AND DOCKS; MAINTENANCE.

Every owner, lessee or person in possession of premises immediately adjacent to or abutting on the harbor shall at all times keep the wharves, docks and bulkhead walls on such premises in good repair and safe condition.

(1989 Code, § 14.5000) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022) Penalty see § 93.99

§ 93.08 FIRE CONTROL.

No fires, whether contained by grills, hibachis or singular units shall be allowed on the harbor's wooden docks or finger piers. The agency in charge of the Harbor Park shall provide adequate picnic tables and charcoal grills for public convenience. The Village Council shall designate no smoking areas in the harbor confines.

(1989 Code, § 14.5200) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022) Penalty see § 93.99

§ 93.09 POSTING OF REGULATIONS.

It shall be the duty of the Harbor Master and personnel to see that harbor regulations established by the Village Council for public docks and facilities shall be posted in a conspicuous place on such public dock and facility.

(1989 Code, § 14.5300) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

§ 93.10 ENFORCEMENT.

Officers of the Village Police Department, the County Sheriff's Department, the State Department of Natural Resources or the State Police are hereby empowered to enforce the laws and regulations pertaining to the harbor and the waters within the jurisdiction of the Commission, and the Harbor Master and harbor personnel shall solicit their assistance as necessary.

(1989 Code, § 14.6200) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

§ 93.11 POLLUTION.

(A) *Dumping from land.* No person shall throw, discharge, dump or deposit or cause, suffer or procure to be thrown, discharged, dumped or distributed within the limits of the harbor, any clay, earth, ashes or other heavy substance, filth, logs, floating matter, obstructions or refuse.

(1989 Code, § 14.7000)

(B) *Dumping or discharging from vessels.* All vessels, watercraft or floats entering or leaving upon the harbor shall not discharge oil, refuse or other fouling substances upon the waters of the harbor and shall deposit all garbage, refuse and other unwholesome substances at places and in containers as designated by the Village Council.

(1989 Code, § 14.7100)

(C) *Blowing.*

(1) *Prohibition.* Unless authorized by the DNR and/or U.S.A. Corps of Engineers, it shall be unlawful for the operator or owner of any vessel or other mechanical device to use or allow the use of a means of propulsion or excavation (e.g., propeller, water or jet stream, bucket, shovel, auger and the like) in such fashion as would cause or tend to cause redistribution of sediment, soil, detritus or debris underwater within the harbor.

(2) *Presumption.* The owner and operator of a vessel, which has its means of underwater propulsion activated (e.g., operated “in gear”) while the vessel is secured in position shall be presumed to intend the displacement (i.e., “blowing”) of sediment in violation of this section.

(1989 Code, § 14.7200)

(Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022) Penalty see § 93.99

MOORING AND DOCKING OF VESSELS

§ 93.25 USE OF DOCKS.

No vessel, watercraft, barge or float shall be docked, moored, laid up, anchored in, at on or in a dock, well or slip within the harbor without the express permission of the Harbor Master, harbor personnel or private dock owner.

(1989 Code, § 14.4510) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.26 LAUNCH RAMPS.

(A) No vessel, watercraft, barge or float shall:

(1) Be left unattended; or

(2) Obstruct traffic while docked, moored, laid up, brought to a stop, or anchored in or at the launch ramps or the launch ramp docks without the express permission of the Harbor Master.

(B) A vessels engine(s) shall not be running during launch off or loading on, trailer at the North Ramp launch site.

(C) No vessel shall be launched or loaded under power at the launch site.

(1989 Code, § 14.4520) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.27 INTERFERENCE WITH NAVIGATION.

No vessel, watercraft, barge or float shall be docked, moored, laid up, brought to a stop or anchored within the harbor so as to interfere with navigation on the channel or fairways of said harbor.

(1989 Code, § 14.4530) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.28 MOORING OF VESSELS.

No vessel, watercraft, barge or float shall be moored to any aids to navigation, breakwaters, abutments or harbor protective work without the express permission of the harbor personnel.
(1989 Code, § 14.4540) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.29 SECURING OF VESSELS.

(A) No person, firm or corporation shall allow or permit any vessel, watercraft or float owned, leased or in his or her possession or charge to lie in the harbor insecurely moored or anchored or to drift upon the waters of the harbor.

(B) The Harbor Master shall notify the master, owner or other person in charge of any vessel, watercraft or float to secure the same without delay. If he or she shall be unable to find the master, owner or person in charge of such vessel, watercraft or float, he or she shall have the power to secure and fasten such vessel, watercraft or float with all cost incurred chargeable to the owner, lessee or person in possession of said vessel.

(1989 Code, § 14.4550) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.30 LIGHTS.

No master or other person in charge of possession of any vessel, watercraft or float anchored, moored or tied up in the harbor shall allow the same to remain during the nighttime, unless properly lighted in accordance with applicable state and/or federal law.

(1989 Code, § 14.4560) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.31 ANCHORING VESSELS; USE OF DOCKS.

(A) *Anchoring for refuge.* When all public boat slips or wells are occupied and small craft warnings have been displayed at the harbor within the previous 24 hours, vessels may anchor in the designated anchorage for periods, not to exceed three consecutive days (unless waived by the Harbor Master.)

(B) *Designated anchorage.* The designated anchorage is an area within the harbor lying east of a line 100 feet east of the private and public docks and south of a line between the fuel dock and the north end of the south wall.

(C) *Anchor lights.* Anchored vessels shall display appropriate lighting and anchor only in such manner as does not obstruct navigation in the harbor.

(1989 Code, § 14.4570) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

ENCROACHMENTS; CONSTRUCTION

§ 93.45 PROHIBITION.

No person shall drive, place, cause to be driven or placed, or keep any pile or piles of stone, timber, earth or other obstruction of any kind whatsoever in the harbor, or build, construct or make any additions to any dock therein or build, or cause to be built any bridge or other structure across any part of the harbor, or drive or place or cause to be driven or placed any pile or piles of timber, or to make any excavation for the purpose of furnishing or laying foundations for any building or structure at any point within 40 feet of any part of the harbor without obtaining a special permit in writing from the Village of Port Sanilac and approved by the Village Council to do so.
(1989 Code, § 14.5100) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022) Penalty see § 93.99

§ 93.46 CONSTRUCTION PERMITS.

(A) No person shall perform any construction as hereinbefore provided in, on or along the harbor without a permit from the DNR and Army Corps of Engineers.

(B) The fee for such permit shall be set by the DNR and Army Corps of Engineers.
(1989 Code, § 14.5120) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.47 PRODUCTION OF PERMIT REQUIRED.

It shall be the duty of the Harbor Master to require all persons who may be engaged in altering or constructing any dock within the harbor to produce a permit from the DNR and Army Corps of Engineers which permit shall specify the character and location of such alteration or construction and, in default of the production of such permit, the Village of Port Sanilac shall at once cause all such work to stop.
(1989 Code, § 14.5130) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

§ 93.48 REPORTS OF ENCROACHMENTS.

It shall be the duty of the harbor personnel to report to the Village any and all encroachments upon the harbor lines as now established or which may hereafter be established and, thereupon, the said Village shall take such action as may be necessary to enforce the provisions of this code, and to remove or cause to be removed any such obstructions or encroachments.
(1989 Code, § 14.5140) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

RECREATIONAL ACTIVITIES

§ 93.60 FISHING RESTRICTIONS WITHIN THE HARBOR; AREAS OF PROHIBITED FISHING.

(A) Recreational fishing, as defined and controlled in the Hunting and Fishing Law, M.C.L. §§ 324.43501 et seq., shall only be permitted within the jurisdictional limitations of the Village of Port Sanilac subject to the following restrictions:
(1989 Code, § 14.6000)

(B) (1) Fishing is prohibited in the south basin of the harbor in an area defined by the stone causeway on the south, the shore on the west, the north side of the Bark Shanty Marina floating docks on the north and a line between the east end of the Bark Shanty Marina floating docks and the east end of the southern stone causeway.

(2) Fishing is prohibited in all boat channels and fairways.

(3) Fishing is prohibited within the dock and ramp area of the boat basin, except as follows.

(a) Fishing is prohibited from village docks except at posted times, dates and places as designated by the Village Council.

(b) Fishing is prohibited from shore and docks north of the village docks, except by written permission of upland property owner.
(1989 Code, § 14.6010) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022) Penalty see § 93.99

§ 93.61 NUISANCE.

Persons fishing within the harbor shall not do so in such manner as to annoy, intimidate, harass or cause or tend to cause personal injury or property damage.
(1989 Code, § 14.6020) (Ord. 14-01, passed 2-4-2014) Penalty, see § 93.99

§ 93.62 DEFINITIONS.

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

DOCK AND RAMP AREA OF THE BOAT BASIN. The west portion of the harbor waters extending from the stone causeway on the south to the steel break wall on the north, bounded on the west by the shore and on the east by the federal line (which runs approximately from the eastern end of the stone causeway, northerly along the east end of the boat docks and extends to the northeast end of the MiDNR boat ramp.)

FISHING. The pursuing, capturing, catching, killing or taking of fish, and includes attempting to take fish.
(1989 Code, § 14.6030) (Ord. 14-01, passed 2-4-2014)

§ 93.63 CLOSURE BY HARBOR MASTER.

The Harbor Master is authorized to close any area of the harbor from fishing for 24-hour periods upon evidence that:

(A) Fairways are being obstructed;

(B) Boats are being damaged by the fishing process; and/or

(C) Personal injury has occurred or is likely to occur if fishing within the harbor is not restrained.

(1989 Code, § 14.6040) (Ord. 14-01, passed 2-4-2014)

§ 93.64 OTHER PROHIBITED ACTIVITIES.

No person shall bathe, swim, water-ski, dive, ice skate, launch any boat or make any other recreational use of any harbor waterways adjacent to the Village controlled land or within the confines of harbor break walls, including, but not limited to, the following.

(A) No throwing sports or camping shall be permitted on the Harbor premises.

(B) No bicycles or motor vehicles shall be operated on the Harbor docks.

(C) All dogs or other pets shall remain on a leash while on harbor docks or finger piers, except in such areas where the activity engaged in is specifically permitted and signs authorizing such activity are erected.

(D) Fish cleaning in the public areas of the village is prohibited unless by special permit is requested and issued.

(E) No person use may use any private or Village controlled land to gain access to adjacent waters for the purpose of engaging in such activities in such prohibited areas.

(F) The Harbor Master shall post suitable signs conspicuously on all Village controlled property where any harbor recreational use or activity is not allowed, giving notice to the public of what recreational activities are authorized in that particular harbor area. The Harbor Master is authorized to erect signs conspicuously on Village controlled waterfront property where harbor recreational activity is not authorized, which signs may specify the particular recreational activities prohibited; provided, the absence of any sign shall not contribute a defense to any charge of violation of this section.

(1989 Code, § 14.6100) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022) Penalty see § 93.99

§ 93.99 PENALTY.

(A) Any master, owner or person in possession, charge or control or any vessel, craft or float, or any other person, firm or corporation, who shall violate any of the provisions of this chapter or shall refuse or fail to comply with any lawful order of the Village Council given under the authority hereof shall be responsible for a Grade 2 civil infraction unless otherwise provided.

(1989 Code, § 14.800)

(B) (1) Violation of § 93.26(A) of this chapter shall be a Grade 2 civil infraction.

(2) Violation of § 93.26(C) of this chapter shall be a Grade 3 civil infraction.

(1989 Code, § 14.4520) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)