

## CHAPTER 31: ORGANIZATIONS

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## *HARBOR COMMISSION*

### **§ 31.01 CREATION. – REPEALED 02-15-2022**

A Harbor Commission for the Harbor of Port Sanilac County, Michigan, created on 4-6-1950, is hereby re-established and continued pursuant to Public Act 255 of 1998, §§ 35 through 39, being M.C.L. §§ 67.35 through 67.39.  
(1989 Code, § 14.1000) (Ord. 14-01, passed 2-4-2014)

### **§ 31.02 MEMBERS. – REPEALED 02-15-2022**

(A) (1) At the first meeting of the Village Council after the effective date of this code, the Council shall appoint seven members on such Harbor Commission, who are residents of the village, in accordance with the following schedule. Example: three members whose terms shall expire 3-31-1983, two members whose terms shall expire 3-31-1984, two members whose terms shall expire 3-31-1985.

(2) Prior to April 1, 1983, and each year thereafter, the Council shall appoint members to the Harbor Commission for a term of three years each to fill the place or places of those whose terms will expire at the end of that year.  
(1989 Code, § 14.1100)

(B) The Commission shall elect from its appointed members a Chairperson, Vice-Chairperson, Secretary and Treasurer, whose duties shall be as follows:

(1) *Chairperson.* The chief executive officer of Commission presiding over meetings. He or she may vote on all issues and he or she, or his or her alternate, must attend and report monthly to the Village Council meetings unless Council specifies an alternate period;  
(1989 Code, § 14.1210)

(2) *Vice-Chairperson.* Shall act in the Chairperson's absence or incapacity. Also, he or she shall act as Treasurer and general accountant for the Commission and be responsible for maintaining records of all Commission funds; and  
(1989 Code, § 14.1220)

(3) *Secretary.* Shall keep full and accurate minutes of all meetings and shall safeguard all Commission documents, papers, files and the like.  
(1989 Code, § 14.1230)  
(Ord. 14-01, passed 2-4-2014)

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### § 31.03 COMPENSATION. – REPEALED 02-15-2022

All members of the Commission shall receive compensation for his or her services as a member and may, with prior Council approval, be reimbursed for actual and necessary expenses incurred in the performance of official duties. (Refer to the annual resolution for compensation.)  
(1989 Code, § 14.1300) (Ord. 14-01, passed 2-4-2014)

### § 31.04 MEETINGS; OPEN MEETINGS ACT. – REPEALED 02-15-2022

(A) *General.* The Harbor Commission shall hold regular monthly meetings, with special sessions to be called at the discretion of the Chairperson, a majority of the members of the Commission, or by order of the Village Council at any time.  
(1989 Code, § 14.1400)

(B) *Open Meetings Act.* All meetings shall be conducted in compliance with the provisions of the State Open Meetings Act, Public Act 267 of 1976, being M.C.L. §§ 15.261 through 15.275.  
(1989 Code, § 14.1410) (Ord. 14-01, passed 2-4-2014)

(C) *Attendance of meetings by Commissioners.*

(1) Any Commissioner who is absent from:

(a) Three regular or special meetings in sequence;

(b) Two regular meetings in a six-month period; or

(c) Three regular and special meetings in a nine-month period, shall be required to show good cause for his or her absence.

(2) Individual Commissioners may establish valid cause in advance of absences upon written application to the Commission, which may authorize absence by motion.  
(1989 Code, § 14.1420)  
(Ord. 14-01, passed 2-4-2014)

### § 31.05 BUDGETS AND RECORDS. – REPEALED 02-15-2022

The Harbor Commission shall submit an annual proposed budget on or before December 31 yearly, copies of year-end financial statements, monthly financial statements and meeting minutes.  
(1989 Code, § 14.1500) (Ord. 14-01, passed 2-4-2014)

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### § 31.06 JURISDICTION AND POWERS.

(A) *Designation of area.* The Harbor of Port Sanilac shall consist of all that body of water on the shores of Lake Huron extending from the northernmost village limits to the southernmost village limits, and from the shore to a north/south line one (1) mile due east of the shore.  
(1989 Code, § 14.2000)

(B) *Facilities.* The Village of Port Sanilac shall have jurisdiction over all governmental lands and improvements adjoining and in the harbor, including all slips, piers, breakwaters, basins and structures therein, excepting that part which is village park or private property.  
(1989 Code, § 14.2100) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

### § 31.07 AUTHORITY.

(A) The Village of Port Sanilac shall have charge of and be vested with all matters connected with the operation, supervision, maintenance and improvements of the Harbor and the public facilities and service therein. In instances of undefined responsibility, the Village and its officers shall for purposes of clarification, utilize the Village Charter (Public Act 255 of 1998, being M.C.L. §§ 61.1 et seq., as amended) and make direct inquiry to the Village Council for the final approval of all harbor proposed decisions, as defined in the Village Charter.  
(1989 Code, § 14.2210) (Ord. 14-01, passed 2-4-2014)

(B) Specifically, the Village of Port Sanilac shall:

(1) *Concessions and licenses.* Provide for the granting of concessions within the boundaries of the harbor, so as to furnish the public fuel, oil, food and other facilities or services;

(2) *Fees.* Provide and cause to be levied, suitable fees and leases for services and facilities provided by the Harbor Commission or its agents, with village approval;

(3) *Harbor Master.* Hire a Harbor Master and supervise said Harbor Master's activities;

(4) *Rules and regulations.* Make, amend and revise and cause to be enforced, such rules and regulations as shall be appropriate and necessary for the administration of this subchapter, for designating the particular harbor area where all or certain recreational activities are prohibited or specifically permitted;

(5) *Surveys.* May cause surveys to be made to establish or define the harbor parameters;

(6) *Mooring and dock areas.* Designate and allocate mooring and dock areas; and

(7) *Other.* Such other duties as are more specifically enumerated in this subchapter or are from time to time delegated and/or designated by the Village Council approval.  
(1989 Code, § 14.2220) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

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### **§ 31.08 REVENUES.**

*(A) Deposits.*

(1) All revenues received under the provisions of this subchapter shall be deposited in the local bank depository at the close of each business day or more often if necessary.

(2) Duplicate deposit slips shall be given to the Village Treasurer the forenoon of the first village office business day of deposit and shall be credited to a special fund to be known as the Harbor of Refuge Fund. The duplicate deposit slips shall be presented to the Treasurer with all applicable pre-numbered sales slips.

(3) The Village Treasurer will account for the sequence of the pre-numbered sales slips and reconcile the revenues thereon to the inventories disbursed. Disbursed by the Village Treasurer from said Fund shall be authorized by vouchers signed by the authorized persons approved by Village Council.  
(1989 Code, § 14.2310)

(4) All bank duplicate pre-numbered deposit slips deposited by the Harbor shall be turned over to the Village Bookkeeper for reconciliation before and be credited to a special fund to be known as the Harbor Refuge Fund. The Village Treasurer will reconcile the revenues to the inventories disbursed. Funds shall be authorized by vouchers signed by the authorized persons approved by Village Council.

*(B) Expenses.* The original bills for any and all expenses to be paid from said Fund shall be for the necessary and reasonable expenses incurred to carry out the provisions of this subchapter and to provide for the operation, supervision, maintenance and improvements of the Harbor.  
(1989 Code, § 14.2320) (Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

### **§ 31.09 CONTRACTS AND OBLIGATIONS. – REPEALED 02-15-2022**

*(A) Construction contracts.* Contractual work which exceeds 5% of the Harbor Commission total annual budget shall be awarded through open bidding with the awarding of the bid, to be handled by the Village Council, upon the recommendation of the Harbor Commission.  
(1989 Code, § 14.2410)

*(B) Obligations.* The Harbor Commission may not borrow, encumber, assume or otherwise incur any indebtedness or other obligation without the entry of the Village Council's approving resolution in the Commission's minutes prior to the borrowing or other obligation.  
(1989 Code, § 14.2420)  
(Ord. 14-01, passed 2-4-2014)

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### § 31.10 HARBOR MASTER AND PERSONNEL.

(A) *Harbor Master.* There is hereby created the office of Harbor Master. The Harbor Master shall be hired seasonally or on a full-time basis and shall be supervised by the Village Council.  
(1989 Code, § 14.3010)

(B) *Harbor personnel.* The Harbor Master shall hire and supervise adequate harbor personnel to assist him or her with his or her duties. Directives for the harbor personnel will come from the Village Council via the Harbor Master.  
(1989 Code, § 14.3020)

(C) *Enforcement.* The Village Police Department, the County Sheriff Department or the State Police shall enforce the laws and regulations pertaining to the harbor and the waters within the jurisdiction of the Village, and the Harbor Master and Harbor Personnel shall solicit their assistance as necessary.  
(1989 Code, § 14.3200)

(D) *Personnel to keep data.*

(1) The Harbor Personnel shall prepare and preserve all statistical data respecting the harbor, the movement of all vessels, watercraft and floats therein, and shall maintain a daily harbor log.

(2) They shall keep an accurate account and record of all damage to docks, wharves and other public or private property pertaining to the harbor, including cause thereof and responsibility thereof.  
(1989 Code, § 14.3300)  
(Ord. 07-02, passed 5-19-2007; Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022)

### § 31.11 VESSEL CONTROL.

(A) *Control of vessels.* The Harbor Personnel shall have authority and give such orders and directives relative to the location, berthing, change of place or station, manner of moving or use of the harbor of or by every vessel, watercraft or float moving, anchored or laid upon in the harbor as necessary in the interest of trade, navigation and safety so that conditions in the harbor shall not be hazardous or congested.  
(1989 Code, § 14.3410)

(B) *Authority to board vessels.* To this end, they shall have full authority to board and/or move any vessel that shall be within the harbor.  
(1989 Code, § 14.3420)

(C) *Compliance required.* It shall be unlawful for any owner, captain, master, consignee or other person having charge of any such vessel to refuse to comply with such orders or directions.  
(1989 Code, § 14.3430)

(D) *Detainer.* The Village shall have the right to hold such vessel for the payment of costs incurred in moving or storing it.  
(1989 Code, § 14.3440)  
(Ord. 14-01, passed 2-4-2014) (Ord. amended 02-15-2022) Penalty, see § 10.99

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### § 31.12 ENCROACHMENTS.

(A) *Report of encroachments.* The harbor personnel shall report to the Village through the Harbor Master any and all encroachments upon the harbor lines as now established or which may hereafter be established and, thereupon, the Village shall take such actions as may be necessary to enforce the provisions of this subchapter, and to remove or cause to be removed any such obstructions or encroachments.

(1989 Code, § 14.3510)

(B) *Removal of encroachments, liability for expense.* If it shall be found that any pile, stone, timber, earth, dock, bridge or other obstruction whatsoever has been placed on any part of the harbor without the Village's approval or in violation of the provisions of this subchapter, or that any piling, harbor construction work, dock, bridge or other harbor facility has been abandoned, and is an obstruction upon being requested so to do by the Harbor Master or the Village, the Village shall have the power to proceed forthwith to remove such obstruction and to charge the expense of such removal to the person who placed such obstruction in the harbor or caused it to be so placed, and the imposition of any fine or penalty provided for against any person obstructing the harbor shall not be held to exempt any such person from the recovery by the Village of the cost of recovering any such obstruction.

(1989 Code, § 14.3520)

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

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### ***DOWNTOWN DEVELOPMENT AUTHORITY***

#### **§ 31.25 TITLE. – REPEALED 03-09-2017**

This subchapter shall be known and may be cited as “The Downtown Development Authority Code” of the village.  
(1989 Code, § 10.000)

#### **§ 31.26 DEFINITIONS. - REPEALED 03-09-2017**

The terms used in this subchapter shall have the same meaning as given to them in Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680.  
(1989 Code, § 10.010)

#### **§ 31.27 DETERMINATION OF NECESSITY. - REPEALED 03-09-2017**

The Council of the village hereby determines that it is necessary for the best interests of the village to halt property value deterioration and increase property tax valuation where possible in the business district of the village, to eliminate the causes of that deterioration and to promote economic growth by establishing a Downtown Development Authority, pursuant to Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, as amended.  
(1989 Code, § 10.020)

#### **§ 31.28 CREATION OF AUTHORITY. - REPEALED 03-09-2017**

There is hereby created, pursuant to Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, a Downtown Development Authority for the village. The Authority shall be a public body corporate and shall be known and exercise its powers under the title of “Village of Port Sanilac Downtown Development Authority”. The Authority may adopt a seal, may sue and be sued in any court of the state and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this subchapter and Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, as amended. The enumeration of a power in this subchapter or in Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, shall not be construed as a limitation upon the general powers of the Authority.  
(1989 Code, § 10.030)

#### **§ 31.29 GOVERNING BOARD OF AUTHORITY. - REPEALED 03-09-2017**

The Authority shall be under the supervision and control of a board consisting of the chief executive officer of the village and eight members, as determined by the governing board of the municipality. Board members shall be appointed by the Village President, subject to the approval by the governing body of the village, all in accordance with § 4 of Public Act 197 of 1975, being M.C.L. § 125.1654.  
(1989 Code, § 10.040) (Ord. 03-5, passed 5-13-2003)

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### **§ 31.30 DESCRIPTION OF DOWNTOWN DISTRICT. - REPEALED 03-09-2017**

The Downtown District in which the Authority shall exercise its powers as provided by Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, shall consist of described territory in the village, subject to such changes as may hereinafter be made pursuant to this subchapter and Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680.  
(1989 Code, § 10.050)

### **§ 31.31 MEETINGS. - REPEALED 03-09-2017**

(A) Within 30 days after the appointment of the Board of Downtown Development Authority, the Authority shall call a meeting. The meeting shall open with a call for an election of Board officers, which shall consist of the following officers: a Chairperson, a Vice-Chairperson, a Treasurer and a Secretary.

(B) The Board shall adopt procedures to govern the conduct of its meetings and to define the duties of its officers and employees, which shall be submitted to the Village Council for approval prior to adoption by the Authority Board.  
(1989 Code, § 10.060)

### **§ 31.32 POWER OF AUTHORITY. - REPEALED 03-09-2017**

The Downtown Development Authority is to be controlled and regulated strictly by the Downtown Development Authority Act, being Public Act 197 of 1975, being M.C.L. §§ 125.1651 through 125.1680, as amended, and shall have all powers provided therein.  
(1989 Code, § 10.070)

### **§ 31.33 REPEAL ORDINANCE**

(A) In compliance with the provision of 10.08 of the Village of Port Sanilac Code it is ordered that Ordinance 31.33 shall repeal those provisions of Ordinance 31.25 – 31.32 inclusive.  
(Ord. passed 03-09-2017)