

# BENZONIA TOWNSHIP

## ORDINANCE NO. 2013-3

### AQUATIC NUISANCES ORDINANCE

An ordinance to prevent the introduction of non-native invasive species into the Crystal Lake Watershed by requiring the washing of watercraft, motors, trailers or other gear prior to launching into the waters of the Watershed; to prohibit the dumping of bait boxes or aquariums into the watershed; and to provide a municipal civil sanction for the violation thereof.

The Township of Benzonia Hereby Ordains:

#### Section 1. Findings.

The purpose of this ordinance is to protect the environmental quality of Crystal Lake, its shoreline and its Watershed. The protection of the Crystal Lake Watershed is deemed a public purpose in order to preserve important environmental, historical, recreational, cultural, scenic and economic attributes of the region.

More specifically, the purpose of this ordinance is to protect the public health, safety and welfare; to prevent and control water pollution; and to protect fish spawning grounds, aquatic life and other wildlife habitat.

The township recognizes that invasive, non-native species now threaten all surface waters in the Great Lakes region, and that, once introduced into a water body, those organisms may substantially affect the health and quality of the water and the enjoyment of water-related experiences.

Organisms which could harm the quality of the waters include, but are not limited to: Quagga mussel, round goby, spiny water flea, Eurasian Ruffe, Viral Hemorrhagic Septicemia Virus, hydrilla, curly leaf pondweed and starry stonewort. Introduction of any of these organisms into Crystal Lake could diminish the water quality for recreational boating, swimming and fishing, with significant impact on the economic and human health of the township.

The Journal of the American Fisheries Society reported in March of 2010 that "much of the ongoing spread of aquatic invasive species to inland waters throughout North America can be attributed to the overland movement of small-craft boats."

The Journal further reported that washing with high pressure streams of water is an effective method of removing most invasive species from boats and equipment.

The Benzonia Township Board of Trustees finds it necessary, therefor, to prohibit the launching of unwashed boats and equipment, which may harbor such non-native, invasive aquatic nuisances, into the waters of the Crystal Lake Watershed.

#### Section 2. Definitions.

"Aquatic nuisance" shall mean any invasive, non-native organism which threatens the cleanliness and health of the waters within the Crystal Lake Watershed and/or threatens the native plant and animal species residing in said waters. Aquatic nuisances include, but are not limited to: the zebra mussel, the quagga mussel, Eurasian watermilfoil, hydrilla, curly leaf pondweed, spiny water flea, fishhook water flea, round goby and Eurasian ruffe.

The rainbow smelt, Coho salmon, rainbow trout and brown trout are specifically excluded from the definition of aquatic nuisance for the purpose of this ordinance.

"The Watershed" shall mean the Crystal Lake Watershed, more specifically defined as the surface waters of Crystal Lake, Cold Creek and Round Lake, and all the area included in the Crystal Lake Watershed Zoning Overlay District of the Benzonia Township Zoning Ordinance.

"Watercraft" shall mean a boat, canoe, kayak, pedal boat, jet ski, or any similar craft, whether motorized or not, designed for use by persons to navigate a lake, stream or other body of water.

### Section 3. Prohibited conduct.

It shall be unlawful for anyone to knowingly introduce any aquatic nuisance into any waters of the Crystal Lake Watershed in Benzonia Township.

### Section 4. Launching watercraft.

It shall be unlawful for any person to launch any watercraft into any water body in the Watershed, unless such watercraft has been washed in such a manner as to clear it of any aquatic nuisances; provided, however, that watercraft which have been out of any water bodies for the 10 days immediately preceding such launching need not be washed before launching, so long as live wells and bilges have been cleaned and water has been blown out of the engine of any such watercraft.

### Section 5. Trailers; related equipment.

It shall be unlawful for any person to place any watercraft trailer, motor or related equipment into any water body in the Watershed unless such trailer, motor or related equipment has been washed in such a manner as to clear it of any aquatic nuisances; provided, however, that watercraft which have been out of any water bodies for the 10 days immediately preceding such placement need not be washed before placement into a water body in the Watershed.

### Section 6. Emptying bait boxes or aquariums.

It shall be unlawful for any person to empty any bait box or aquarium into any of the waters of the Crystal Lake Watershed within the township.

### Section 7. Enforcement.

A violation of this ordinance is a municipal civil infraction and shall be enforced in the manner provided by Chapter 87 of the revised Judicature Act [MCL 600.8701 et seq.]. Violations of this ordinance shall be enforced by the township Ordinance Enforcement Officer who is authorized to issue municipal civil infraction notices and citations pursuant to the authority of and as provided in applicable Michigan law.

### Section 8. Sanctions.

A violation of this ordinance is a municipal civil infraction and any person or firm found responsible for such a violation shall be subject to a maximum civil fine of \$500.00 plus costs. Commencing thirty (30) days after receiving notice of a violation, unless such violation is abated, each day the violation continues shall constitute a separate violation of this ordinance.

Section 9. Severability.

Each of the provisions of this ordinance is severable and, if any provision is held invalid for any reason by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 10. Effective date.


This ordinance shall take effect thirty (30) days after publication in the manner provided by law.

Adoption of the forgoing ordinance was moved by Burns and supported by Barnard.

Voting for: Priest, Heller, Burns, Barnard, Sheets

Voting against: None

The ordinance was declared adopted.

  
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James Sheets  
Township Supervisor

CERTIFICATION

The above is a true copy of Ordinance 2013-2014 which was duly adopted by the Benzonia Township Board of Trustees at the regularly scheduled meeting held on 08 May 2013.

  
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Diana Heller  
Township Clerk