

SILVER CREEK TOWNSHIP

CASS COUNTY, MICHIGAN

**AMENDMENTS TO THE BUBBLER PROVISIONS
OF THE SILVER CREEK TOWNSHIP CODE OF ORDINANCES**

ORDINANCE NO.

Adopted: September ~~28~~⁹, 2022

Effective: November 7, 2022

An ordinance to make amendments to the Silver Creek Township Code of Ordinances provisions related to bubblers; to repeal conflicting ordinance provisions and to set an effective date.

TOWNSHIP OF SILVER CREEK

CASS COUNTY, MICHIGAN,

ORDAINS:

SECTION I

**AMENDMENT TO SECTION 90.01 OF THE
SILVER CREEK TOWNSHIP CODE OF ORDINANCES**

Chapter 90 "Boats and Lakes", Section 90.10 "Ice Control" is hereby amended to read as follows:

"90.10 Ice Control

- A. The installation and use of ice control aerators, bubblers, circulation pumps or any other device that prevents the natural form of ice to occur on the surface of any lake (hereinafter "bubbler") is prohibited, except when a Bubbler Permit has been issued and all conditions related to such permit are met.
- B. All property owners or occupants of shoreline properties on any inland lake in Silver Creek Township intending to make use of an "aerator", "bubbler" and/or "circulation pump" as defined herein shall obtain a Bubbler Permit from the Township Building Department on or before November 30 of each year by filling out the application form,

providing details of the bubbler and paying the application fee set via resolution by the Township Board.

- a. Persons utilizing bubblers that make application for the same after November 30 shall be required to pay the permit fee and a late permit application fee as shall be established by resolution of the Township Board.
 - b. No late bubbler permits will be issued after January 1 of any given calendar year.
 - c. Failure to obtain permit by January 1 constitutes forfeiture. Bubbler permit applications made after January 1 shall not be considered and any person, firm, corporation or property owner that has not made an application for bubbler by January 1 of any year shall have forfeited their ability to apply for a permit and use a bubbler during such season.
- C. It is the property owner's sole responsibility to maintain and ensure that the operation of the device does not harm the public or limit or create and unsafe use of the lake/ice area/ice arena. Use or operation of a bubbler in an unsafe manner constitutes a violation of this Section.
- D. Any person, firm, corporation or property owner or occupants with shoreline property on an inland lake in Silver Creek Township that effectuates the use of a bubbler after December 1 of any year without a permit shall be deemed to be in violation of this Ordinance provision.
- E. Operation of a bubbler without a permit constitutes and violation of this Ordinance.
- F. Violation of this Section constitutes a municipal civil infraction, subject to a fine in accordance with the following fine schedule:

First offense in three-year period:	\$300
Second offense in three-year period	\$400
Third or more offense in three-year period	\$500

Additionally, the violator shall pay all costs incurred by Silver Creek Township in prosecuting such violation, including the costs of attorneys' fees and the taking of remedial action taken in accordance with subsection G, below. The violator shall additionally be required to pay court costs in the amount of not less than \$10.00.

- G. Remedial Action. The Township Board of Silver Creek Township finds that the unpermitted use of bubblers on inland lakes within the Township constitutes a public health, safety and welfare danger to individuals and pets that may access the lake under the impression that ice is located in an area where the bubbler is being operated. As such, and in addition to the other penalties prescribed herein, the Township board grants the building official and/or his designee the ability to take the following remedial measures for unpermitted bubblers:
- a. Red Tag the bubbler by placing a sticker on the dock from which the bubbler is being operated and providing mailed notice to the property owner at his/her mailing address as established with the township's tax records; and
 - b. Cordon off the dock on which the bubbler is being located to prohibit access.
 - c. Any costs incurred by the Township in taking such remedial measures to warn the public shall be borne by the property owner.

SECTION II

SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION III

REPEAL AND EFFECTIVE DATE

Conflicting Ordinances and Ordinance Provisions are repealed. This Ordinance shall take effect thirty (30) days after publication, after adoption.

SILVER CREEK TOWNSHIP
Lorri Behnke, Clerk
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TOWNSHIP OF SILVER CREEK
CASS COUNTY, STATE OF MICHIGAN

NOTICE OF ORDINANCE ADOPTION
AMENDMENTS TO THE BUBBLER PROVISIONS OF
THE SILVER CREEK TOWNSHIP CODE OF ORDINANCES

To: THE RESIDENTS AND PROPERTY OWNERS OF SILVER CREEK TOWNSHIP
AND TO ALL OTHER INTERESTED PERSONS:

The following is a summary of Ordinance No. 22-16 adopted by the Silver Creek Township Board at its meeting on September 28, 2022, said ordinance to take effect 30 days after the date of this publication.

Ordinance No. 22-16

- SECTION I **AMENDMENT TO SECTION 90.01.** Chapter 90 "Boats and Lakes", Section 90.10 "Ice Control" is amended to define the phrase "bubbler"; to require a permit to be obtained prior to November 30 in any year in which a bubbler may be used; allowing the township board to set a permit fee by resolution; and allowing for a late fee. The Township may take certain remedial actions in the case a bubbler is operating without a permit and may charge the costs to the property owner. Violation of this section is a municipal civil infraction, punishable by a fine of up to \$500 and court orders requiring compliance hereof. Each day that a violation continues may be cited as a separate offense.
- SECTION II **SEVERABILITY.** The various provisions of the ordinance are severable from each other.
- SECTION III **REPEAL AND EFFECTIVE DATE.** Conflicting ordinance provisions are repealed. The ordinance is effective 30 days after the date of this publication.

Please take further notice that a copy of the Ordinance has been posted at the office of the Township Clerk and can also be examined or obtained by contacting the Township Clerk at the address and telephone number provided below. The Township's Code of Ordinances is also posted on its website at www.silvercreektwpmi.org.

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