



The Grand Traverse Band of Ottawa and Chippewa Indians

Legal Department

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682 • 231-534-7610 • FAX 231-534-7600

MANDATORY 30-DAY POSTING

MEMORANDUM

TO: Tribal Membership
FROM: GTB Legal Department
RE: Amendments to 14 GTBC 10, Marina Operations Code
DATE: May 24, 2018

Please post the attached proposed amendments to the above referenced ordinance that was approved for posting by Tribal Council at a Tribal Council Regular Session on May 16, 2018. Please post the above referenced ordinance in an area where GTB tribal members can review it for 30 days. This is an opportunity for tribal members to provide comments, if any, about this proposed ordinance. Your comments will be provided to Tribal Council prior to the adoption of this ordinance. This posting will end on June 24, 2018 and can be removed at that time.

Any comments regarding the above referenced should be directed to the GTB Legal Department either by writing to the GTB Legal Department, 2605 N.W. Bayshore Dr., Peshawbestown, MI 49682, or by telephone (231) 534-7601, or by e-mail, to Mary.Kelley@gtbindians.com.

Posting Sites:

Administration Building	EDC Building
Accounting Department Annex	
Annex II – Human Resources Building	Leelanau Sands Casino –
Benodjehn Child Care Center	Employees/Supervisors’ Break-room
Clinic	
Elder’s Complex	
Housing	
SBR Plant	Leelanau Sands “The Lodge” –
Natural Resources/Conservation	Employees/Supervisors’ Break-room
Maintenance Department	
Benzie Satellite Office – via e-mail	Turtle Creek Casino – Employees/Supervisors’
Charlevoix Satellite Office – via e-mail	Break-room
Traverse City Satellite Office - via e-mail	
Strongheart Center	
Library/Yo Building/Youth Center	
Tribal Court	

Attachments



**The Grand Traverse Band of
Ottawa and Chippewa Indians**

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7750

Certification of Tribal Council Action
Regular Session of May 16, 2018

**I hereby certify as the Tribal Council Secretary that the foregoing
Motion was Approved and Adopted at the Regular Session of the
Grand Traverse Band of Ottawa & Chippewa Indians Tribal Council**

Amendments to 14 GTBC 10, Marina Operations Code

Motion made by Tribal Council Member Shomin and Supported by Tribal Council
Member Wilson to approve the 30-day posting.

5-FOR; 0-AGAINST; 1-ABSENT (Bird); 0-ABSTAINING
Motion Carries

Jane A. Rohl, GTB Tribal Council Secretary

CC: Eric DePetro/Michelle Bostic

Chapter 10 – Marina Operations Code

§ 1001 – Authority

(a) The Constitution of the Grand Traverse Band vests in the Tribal Council all sovereign governmental, executive and legislative powers. These powers include the power to regulate the health, safety, and welfare of the tribe and its members; manage its economic affairs; levy and collect fees and assessments; and maintain law and order within the tribe's jurisdiction.

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(b) Use of the sheltered waters of the Grand Traverse Bay and other waters is a historical right and cultural prerogative of the Grand Traverse Band. Accordingly, the Tribal Council is obligated to regulate such use to maximize its potentials to the benefit of the tribe and its members, and preserve it for future generations.

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History: Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

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§ 1002 – Commercial and Subsistence Fishing Marinas

(a) There are established two marinas for use by commercial and subsistence fishers exercising treaty-protected fishing rights in the Great Lakes: the Arthur Duhamel Memorial Marina in Peshawbestown, and the Beaver's Landing Marina on Beaver Island.

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(b) Supervision and management of the commercial and subsistence fishing marinas in existence or as may be established is delegated to the Harbormaster.

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(c) The Harbormaster is delegated such regulatory authority as necessary to create regulations for the safe, efficient and accessible use of the marinas under his or her supervision and management. The Harbormaster may establish or amend regulations, in writing, to be effective on approval of the Natural Resources and Environmental Committee. Regulations shall be posted at the Harbormaster's office and at all commercial and subsistence fishing marinas.

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(d) Sections §§ 1003 – 1017 of this Marina Operations Code do not apply to commercial and subsistence fishing marinas.

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History: Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1003 – Grand Traverse Band Municipal Marina Port Authority

(a) The Tribal Council adopted Resolution #07-25-1707 at a Regular Session on May 16, 2007. Said resolution established the Grand Traverse Band Municipal Marina Port Authority.

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(b) The Tribal Council may, in its discretion, designate marinas for use other than commercial and/or subsistence fishing to be supervised and managed by the Grand Traverse Band Municipal Marina Port Authority and this Marina Operations Code.

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History: Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1001-1004 - Definitions

The following terms, as used in this code, are hereby defined to have the following meanings. All other terms shall have their regular dictionary meanings.

- (a) "Vessel" means a craft designed to navigate on water.
- (b) "GTB" or "Owner" means the Grand Traverse Band of Ottawa and Chippewa Indians.
- (c) "Tenant" means the person assigned to a seasonal or transient slip.
- (d) "Dinghy" means a human powered or outboard powered watercraft, less than twelve (12) feet in length, which is designed to carry people from their vessel to a dock or to shore.
- (e) "Marina" shall mean the Grand Traverse Band Municipal Marina.

History: Tribal Act #07-25,1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1002-1005 - Rules and Procedures for the Operation of the Waiting List

- (a) The GTB Marina shall keep two (2) waiting lists, one (1) for vessels thirty-four (24) feet to forty-eight (48) feet and one for vessels forty-eight (48) feet one (1) inch to eight (80) feet. No vessels larger than eighty (80) feet may be moored in the Marina. The waiting lists are operated as an annual renewal for which the Grand Traverse Band sends out notices. The waiting list fee is due no later than January 31st of each year. If not received by February 1st, a ten percent (10%) late penalty will be assessed. If a renewal is not returned by February 1st the name shall be removed from the waiting list.
- (b) The Grand Traverse Band shall establish the fee for the waiting list in the Grand Traverse Band's Schedule of Fees.
- (c) The waiting list fee shall not be considered any part of the lease fee if a person obtains a slip lease.
- (d) The intent of the slip renewals is to give each applicant the opportunity to update any information such as mailing address, phone number or vessel information. All changes and updated information shall be submitted with the annual renewal slip to allow Grand Traverse Band to update its records.
- (e) Any applicant may increase or decrease his/her vessel size within the range of the list on which he/she is placed without the risk of losing his/her position. If the applicant changes his/her vessel size so that it no longer is in the range of the list on which he/she is reserved, he/she forfeits his/her place on the original list and will be placed at the end of the other list.

(f) Any appliance may ask to be placed on both lists at his/her discretion upon paying each annual fee, and shall be entitled to the reservation of his/her selection at the time a slip becomes available. Upon obtaining a slip lease only the vessel for which he/she obtained the lease may be kept in the slip once a slip is obtained. Changing to a different vessel places him/her at risk of forfeiture of a future slip.

(g) Grand Traverse band may reject any application for the waiting list at its own discretion.

History: Tribal Act #07-25:1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1003-1006 – Determination of Selection from Waiting List

(a) Selection from the waiting list for a lease shall be granted to the first person on each list according to slip size availability. This placement shall be based on the vessel information provided by the applicant and shall not be substituted without prior authorization from the Harbor Master.

(b) Grand Traverse Band will make reasonable attempts to contact the applicant according to the information provided during the annual renewal. It is the applicant's responsibility to notify Grand Traverse Band of any change in contact information and Grand Traverse Band is not responsible if the applicant fails to update information.

(c) Grand Traverse Band will first attempt by telephone to contact the next person with the appropriate size vessel for the available slip to notify them of a slip's availability. Grand Traverse Band shall leave a message if possible and the applicant then has seventy-two (72) hours to return the call. If Grand Traverse Band must leave a message, a notice shall be mailed or emailed the same day to the person. The person receiving such mail or email must reply immediately upon receipt of notice.

(d) If Grand Traverse Band is not successful in contacting the first applicant as described above, Grand Traverse Band will contact the next applicant following the above guidelines, and will continue this process until an applicant has been reached and the slip has been assigned.

(e) All applicants may reject their first slip offer without risk of losing their place on the waiting list. A second rejection of a slip assignment shall result in the applicant being removed from their place on the list and placed at the bottom of the list. The Grand Traverse Band is not required to send notice when placing the applicant at the end of their list.

History: Tribal Act #07-25:1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1004-1007 – Selection of Annual Slip Tenants

(a) Grand Traverse Band shall send annual lease renewals to current tenants.

- (b) Prior-year tenants shall be given first right of refusal for the coming year's leases. However, Grand Traverse Band reserves the right to refuse any lease at its own discretion.
- (c) Full payment of the lease is due to Grand Traverse Band no later than February 15th of each year. Any payments received between February 16th and March 1st shall be subject to a ten percent (10%) late penalty. Any penalties MUST be paid in full for the lease to be fully paid.
- (d) No payments made after March 1st shall be accepted. Any slip in which the lease has not been paid in full prior to March 1st shall be available for lease to another Tenant at the discretion of Grand Traverse Band.
- (e) All vessels shall be identified at the time of lease payment. Proof of identification shall include vessel ownership, size, length, draft, beam, and power or sail. The vessel shall be registered and insured in the name of the Tenant. If the registration or insurance information does not match the application, the application will be returned without being processed.
- (f) Grand Traverse Band shall assign all available slips after March 15th and before March 31st of each year.
- (g) If a tenant changes to a vessel of a different size, he/she may risk losing his/her slip assignment. Tenants who have changed or will be changing vessels from the prior year shall contact the Harbormaster for prior approval of the vessel. Grand Traverse Band may reject a vessel change in the Marina.
- (h) Grand Traverse Band may, at any time, change any slip assignments deemed in the best interests of Grand Traverse Band.
- (i) Dinghy slip leases are available on a first come, first serve basis each year. Dinghy slips shall be available after January 1st of each season. No leases, applications or payments shall be accepted before January 1st. Prior tenants do not have any priority for dinghy leases.
- (j) No tenant may sublease or rent his/her slip to any person at any time.
- (k) The tenant shall be responsible for any property damage, nuisance or violations of this Marina Code, including those caused by a visitor of the tenant or an invited guest.

History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act# _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1005-1008 – Marina Season

- (a) The Grand Traverse Band Municipal Marina season begins May 15th and ends October 31st of each year. The Marina bathhouse and restrooms, water service, electric, pump outs or gas pumps might not be open or functional prior to this date.
- (b) Vessels may be placed in the Marina between April 15th and May 15th only with the expressed permission of the Harbormaster and only after the Tenant has provided updated

copies of vessel registration and proof of insurance to Grand Traverse Band for the Harbormaster's review and approval.

- (c) All vessels and personal equipment shall be removed from the Marina and public lands no later than November 15th.
- (d) If any vessel remains in the Marina after November 15th, the owner shall be charged twice the established daily rate.
- (e) If any vessel remains in the Marina after November 30th, it shall be removed from the Marina and impounded by Grand Traverse Band. The tenant shall be responsible for one and one-half times the costs incurred by Grand Traverse Band for the removal and impound of the vessel. The impound fees shall be established in Grand Traverse Band's Schedule of Fees.
- (f) Neither the Grand Traverse Band nor any company working in conjunction with the Grand Traverse Band to remove any vessel from the Marina shall be liable for damages to a vessel removed from the Marina as provided in this Code.

History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1006-1009 – Hours of Operation

- (a) Unless otherwise specified the Marina's hours of operation shall be:

May 15th through June 23rd: 8:00a.m. to 6:00 p.m.
June 24th through September 5th: 8:00a.m. to 8:00p.m.
September 6th through October 15th: 8:00 a.m. to 6:00p.m.
After October 15th: by appointment only

- (b) If there is an emergency after the posted hours, all calls shall be placed to 911.

History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1007-1000 – General Provisions

- (a) It is the responsibility of every Marina user, tenant, or transient user to know and comply with this code. Grand Traverse Band shall supply each current and new tenant with a copy of this code at the time it is adopted, or at the time a tenant is offered a seasonal slip. A copy of this code shall be made available on Grand Traverse band's website and shall be posted at the Harbormaster's office in plain view for all transient users to review. This code shall supersede any and all prior rules or regulations. All tenants shall comply with this Code and, at the time they accept a seasonal, day use, or transient rental, affirm they will comply with the Code by paying the Marina slip annual lease, day rental, or transient fee.

- (b) Tenants shall notify the Harbormaster if leaving the slip for twenty-four (24) hours or longer. Slips vacated for twenty-four (24) hours or longer may be rented at the discretion of the Harbormaster. In the event of extended absences from the slip, the slip holder may be required to use an alternative assigned slip for up to three (3) days until his or her slip becomes available.
- (c) The Marina is a no-wake zone with a maximum speed of five (5) nautical miles per hour (mph).
- (d) All slip users shall supply their own bumpers.
- (e) All tenants shall immediately report any damage or deficiencies to a Marina employee.
- (f) Tenant may place one (1) enclosed storage box near the entrance to their dock, in which personal effects may be stored. Other than those objects stored in the box or on the boat, tenants shall not keep any personal effects on the premises. If a tenant uses such storage box, it must be removed no later than November 15th, or the box and its contents will be deemed abandoned, and Grand Traverse Band may, without notice, dispose of the box and any contents in any manner it deems appropriate, without liability to Tenant.
- (g) No open flames or cooking shall be permitted within one hundred (100) feet of the gas storage tank, unless it is on a vessel specifically designed with below-deck kitchen facilities.
- (h) Tenants shall keep pets on a leash at all times when on land and shall not permit the pet to run at large. The tenant is responsible for clean up of his/her pet and disposal of droppings in approved waste containers.
- (i) It is unlawful for any slip holder to turn off, dismantle, or damage lighting in or around the Marina.
- (j) Tenant may have only the registered vessel in the slip. Tenant may keep a dinghy in the slip, provided the dinghy is tied to or placed on the vessel, and does not protrude into any other slip or beyond the dock. No dinghy may be kept in a slip unless the registered vessel is also in the slip. Any motorized dinghy must be registered with owner, who must also provide the insurance and registration information required for a vessel, and the dinghy must be registered and insured in the name of tenant.
- (k) Minor maintenance and repairs are permissible in the slips. Exterior painting, varnishing or restoration work shall not be done with the vessel in the slip; all major work shall only be done on dry docked vessels.
- (l) No swimming is permitted in the main Marina basin or off the Marina pier.
- (m) If any vessel has a gas or oil leak, the owner is responsible for the immediate containment of the leak. If any vessel is found with a gas or oil leak it shall be immediately removed from the Marina by its owner. If the vessel's owner cannot be immediately located, Grand Traverse

Band may remove the vessel without the owner's prior consent. The owner shall be responsible to Grand Traverse Band for all costs associated with removal of the vessel and/or clean up. Grand Traverse Band shall not be responsible for damage to the vessel in the event of such removal.

- (n) The tenant is responsible for ensuring his/her vessel is in proper working order and afloat. The tenant is responsible for immediately removing his/her vessel from the Marina in the event that it may be in danger of sinking. Grand Traverse Band may immediately remove any such vessel from the Marina without the owner's prior consent. The Harbormaster shall notify the owner of a vessel removed under this section immediately. The owner shall be responsible to Grand Traverse Band for the cost of removal of the vessel and/or any cleanup cost. Grand Traverse Band shall not be responsible for damage to the vessel in the event of emergency removal.
- (o) Grand Traverse Band Municipal Marina is open to the general public during normal business hours. The tenants shall comply with the rules and regulations regarding noise and nuisances as provided in this Code. No tenant shall play audio devices at levels that disturb adjacent boaters. No tenant shall permit his/her pet to bark in a manner causing a nuisance to adjacent slip holders.
- (p) No overnight camping is allowed other than on boats.
- (q) No fireworks are permitted in the Marina at any time.
- (r) No commercial operations are permitted in the Marina at any time without prior approval of Grand Traverse Band Municipal Marina Port Authority.

History: Tribal Act #07-25:1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act# , enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1008.1011 – Transient Rentals and Day Use

- (a) Transient and day use rentals are on a first come, first serve basis. The Marina does not accept prior reservations.
- (b) All transient and day use boaters must immediately report to the Harbor office to complete the required forms and make payment. All transient and day use boaters are required to pay in advance for one (1) night at the time of arrival. Grand Traverse Band requires all transient renters to provide a credit card number at the time of registration upon which unpaid balances shall be billed.
- (c) Transient boaters who arrive after business hours shall complete the registration form available at the Harbormasters office upon arrival, and shall include the slip number and slip where they have docked. The transient shall confirm the slip they entered is open to transient boaters by searching the map located at the office. A transient shall not rent or dock at any slip not assigned or designated as a transient slip unless designated to do so by Marina staff.

- (d) Transients understand the slip they arrived at after hours may not be available for rent and Grand Traverse Band may if necessary move the transient to another slip.
- (e) Transients shall immediately remove their vessel from a slip which is not available for rent.
- (f) Transient boaters may stay at the Marina as space permits for a maximum of two (2) weeks and shall be charged full day rate fees for the entire time they are in the Marina.
- (g) Transient check out is 12:00 p.m. Transients who remain in the Marina after 12:00 p.m. shall be charged an additional day.

History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1009-1012 – Enforcement

- (a) The Harbormaster and any GTB Police Officer or other officer deputized by the Grand Traverse Band is hereby authorized to issue municipal civil infraction citations directing alleged violators of this Code to appear in Tribal court.
- (b) The Harbormaster may enforce any provision of this code up to and including eviction of any Tenant, visitor, guest or day-user.
- (c) Any person who does not remove his/herself from the Marina as ordered by the Harbormaster or a police officer is guilty of misdemeanor trespassing.

History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ 1010-1013 – Violations and Penalties

- (a) Any person who violates any provision of this Code, except Section 1009(c), shall be responsible for a Tribal civil infraction as defined.
 - (1) For a first offense within three-year period: \$50.00.
 - (2) For a second offense within three-year period: \$125.00.
 - (3) For a third offense within a three-year period: \$250.00.
 - (4) For a fourth or subsequent offense within a three-year period: \$400.00.
- (b) Any person who knowingly violates Section 1009-1012(c) of this code shall be subject to a civil fine of not less than one thousand dollars (\$1,000.) or more than five thousand dollars (\$5,000.) for each violation.

(c) Each day this code is violated shall be considered a separate violation.

History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007 History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ ~~1011~~ 1014 – Nuisance Per Se

A violation of this Code is hereby declared to be a nuisance per se and is declared to be in violation of the public health, safety and welfare of Grand Traverse Band.

History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007 History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ ~~1012~~ 1015 – Separate Court Action

In addition to enforcing this code through the use of a municipal civil infraction proceeding, Grand Traverse Band may initiate proceedings in the Tribal Court to abate or eliminate the nuisance per se or any other violation of this Code.

History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007 History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ ~~1013~~ 1016 – Validity

If any section, provision or clause of this code or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any remaining portions or applications of this Code, which can be given effect without the invalid portion or application.

History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007 History: Tribal Act #07-25.1851, enacted by Tribal Council in Special Session on September 26, 2007; citation amended by Tribal Act # _____, enacted by Tribal Council in Regular Session on May 16, 2018.

§ ~~1014~~ 1017 – Effective Date

This Code shall become effective upon adoption by Tribal Council.