

## Part 51

51.000

### AIRCRAFT ORDINANCE

Adopted: December 9, 1963

An Ordinance to protect the public health, safety, and general welfare of persons and property within the Township of Porter, Cass County, Michigan, by regulating the landing and take-off of aircraft upon the lakes, streams and bodies of water within the limits of Porter Township in said County by regulating the maneuvering of such aircraft and by providing penalties for the violation of such regulations.

#### TOWNSHIP BOARD OF PORTER TOWNSHIP, CASS COUNTY, MICHIGAN, ORDAINS:

**51.001 Title.** This Ordinance shall be known and cited as the Porter Township Aircraft Ordinance.

**51.002 Purpose.** The purpose of this Aircraft Ordinance is to protect the health, safety, and general welfare of the persons and property within Porter Township, Cass county, Michigan, by restricting the use of the small lakes, streams, and bodies of water within said Township as landing and take-off areas for aircraft; by providing regulations and limitations on the maneuvering of such aircraft, commensurate with the size, shape and usage of the lakes, streams, and bodies of water within the Township and the development of the neighborhood surrounding the same and within said Township.

**51.003 Definitions.** The term aircraft as used in this Ordinance shall be defined as any vehicle designed for transportation and travel above the ground or water, whether lighter or heavier than air and regardless of how propelled.

**51.004 Regulations.** Hereafter, it shall be unlawful for any person to pilot any aircraft, either directly or indirectly onto or off from any lake, stream, or body of water within Porter Township, except in the event of an unforeseen emergency, unless such lake, stream, or body of water complies with the following conditions and requirements:

**A** Contains not less than 350 acres of surface area.

**B** Has a width of diameter, as the case may be, of not less than 800 feet and a length for up-wind take-off and landing of not less than 2,000 feet, provided there are no unreasonably high obstacles on the land in the area of the approach way to such 2,000-foot length, in which latter case, such length shall be proportionately increased so that the angle of descent of the air craft for landing purposes shall not be in excess of the ratio of 20 to 1.

**C** Is not improved with homes and cottages or other buildings along the water frontage to the extent of an average of more than one (1) such home, cottage or building per 1,000 feet of shore line.

**D** No boat or water craft occupied by any person or persons is located upon the surface of the lake, stream, or body of water at the time of the take-off or landing or approach for landing of the aircraft, which is within 660 feet (1/8<sup>th</sup> mile) of such aircraft at any point of its maneuver in taking off or landing or approaching such lake, stream or body of water.

It shall further hereafter be unlawful for any person to pilot any aircraft in such a manner within or above Porter Township as to constitute the same a nuisance or annoyance to persons or

property within such Township by reason of the emission of noise, smoke, dust, powder, vibration, wind, or the creation of wave action or dust movement or by the low altitude at which such aircraft is piloted.

- 51.005 Penalties for violations.** Any person who violates any of the provisions of the Ordinance shall be deemed guilty of a misdemeanor and shall be subject to the enforcement penalties of the Decriminalization Ordinance, ordinance number 27, adopted June 9, 1998. Each day that a violation occurs shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. In addition, or in lieu of the imposition of the foregoing fines and penalties, the Township may proceed with such other damage or injunctive remedies as it may deem appropriate and in accordance with law and statute provided. (Amended 8/9/2006)
- 51.006 Saving clause.** Should any section, clause, word or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 51.007 Amendments.** This Ordinance may be amended by the Porter Township Board in accordance with law and statute provided.
- 51.008 Repealing clause.** Those provisions of prior Ordinances imposing restrictions of a lesser degree than imposed this Ordinance or in conflict with any of the provisions of this Ordinance are hereby repealed.
- 51.009 Effective date.** This Ordinance shall take effect of January 18, 1964