

**CITY OF NEW BUFFALO
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 261

AN ORDINANCE TO ADD ARTICLE VI, "DANGEROUS CONDITIONS," TO CHAPTER 7, "HARBOR," OF THE CODE OF ORDINANCES TO REGULATE WATER ENTRY FROM PUBLIC PROPERTY IN CERTAIN CIRCUMSTANCES

THE CITY OF NEW BUFFALO ORDAINS:

Section 1. Addition of Article VI to Chapter 7 of the Code of Ordinances. Article VI, "Dangerous Conditions," is hereby added to Chapter 7, "Harbor," of the Code of Ordinances of the City of New Buffalo to read as follows:

Article VI Dangerous Conditions

Section 7-33 – Water Entry Prohibited If Dangerous Conditions.

It shall be unlawful to use the public boat launch facility or any City-owned recreational properties for the purpose of entering into or swimming in the Galien River or Lake Michigan when entry is prohibited by signage and/or communication by a city employee due to a human health and safety risk, including but not limited to, contamination, unsafe debris washing ashore, rescue/recovery efforts, or severe weather or coastal hazard event identified by the National Weather Service and as evidenced by a double red flag. Notwithstanding the civil fines schedule set forth in Section 1-6 of this Code, a person determined responsible for a violation of this section shall pay a civil fine of \$500 plus costs and other sanctions for each municipal civil infraction.

Section 2. Publication and Effective Date. This Ordinance shall be published in a newspaper of general circulation in the City, and shall be effective 20 days after its enactment or upon publication, whichever is later.

YEAS: Robertson, Lijewski, Flanagan, Price, Humphrey

NAYS:

ABSTAIN:

ABSENT:

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

This is a true and complete copy of an ordinance adopted by the City Council of the City of New Buffalo, Berrien County, Michigan, at a meeting held on October 16, 2023.

John Humphrey, Mayor

Ann M. Fidler, Clerk