

**CITY OF CRYSTAL FALLS
EMERGENCY ORDINANCE NO. 2.13**

AN EMERGENCY ORDINANCE TO PROHIBIT THE CONSTRUCTION, PLACEMENT, OR MAINTENANCE OF ANY STRUCTURE NOT INCLUDING FISHING SHANTYS OR TENTS ON THE RESERVOIR NORTH OF THE CITY OF CRYSTAL FALLS HYDRO DAM THAT MAY POSE A RISK OF DAMAGE TO THE DAM OR INTERFERE WITH ITS OPERATION.

WHEREAS

1. The City of Crystal Falls owns and operates the Hydro Dam, which is a critical piece of infrastructure providing electricity, water management, and public safety benefits to the community;
2. The structural integrity of the dam is essential for preventing catastrophic flooding, maintaining public safety, and ensuring the continued operation of hydroelectric power generation;
3. Unregulated construction, placement, or maintenance of structures on the reservoir north of the dam could create a significant risk of damage to the dam, including obstruction of water flow, undue pressure on the structure, or debris accumulation that may impair operations;
4. The potential damage to the dam poses an immediate threat to public health, safety, and welfare;
5. Pursuant to the authority granted by the City Charter and applicable state law, the City of Crystal Falls finds it necessary to enact this emergency ordinance to prevent any activities that could compromise the safety and integrity of the dam;
6. The presence of a residential structure on a frozen waterway poses an imminent risk of structural failure and potential sinking with warming temperatures and melting of the frozen surface of the water.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL FALLS:

SECTION 1. PURPOSE AND INTENT

The purpose of this ordinance is to protect the City of Crystal Falls Hydro Dam from any activities that may pose a structural or operational risk, ensuring the continued safety of residents, property, and public utilities. There is a current residential building located on the frozen surface of the waterway. The weather temperature is increasing in the area and the ice underneath the structure is melting, which would allow the structure to fall directly into the waterway and contact the dam and equipment servicing the dam.

Every act, thing, device or condition which is forbidden by this ordinance shall be deemed to be a public nuisance.

SECTION 2. PROHIBITION

A. No person, entity, or organization shall construct, place, install, or maintain any structure, floating or fixed, on the reservoir north of the City of Crystal Falls Hydro Dam that could:

1. Obstruct or alter the natural flow of water to or from the dam;
2. Exert undue physical pressure on any part of the dam structure;
3. Generate debris or materials that could clog, weaken, or damage the dam or its operational components;
4. Otherwise create a risk to the integrity or safe operation of the dam.

B. Prohibited structures include, but are not limited to, docks, piers, boathouses, floating platforms, anchoring systems, retaining walls, or any permanent or temporary structure that may interfere with the dam's functionality, not including otherwise permitted fishing shanties or tents.

SECTION 3. ENFORCEMENT AND PENALTIES

A. The City of Crystal Falls, through its designated enforcement officers, shall have the authority to inspect and remove any prohibited structure found in violation of this ordinance or to perform any other abatement necessary to ensure the safety and proper operation of the Crystal Falls Hydro Dam.

B. Any person or entity found to be in violation of this ordinance shall be subject to:

1. Immediate removal of the offending structure at the owner's expense;
2. A fine of no less than \$100 but no more than \$500 per violation;
3. Civil liability for any damages caused to the dam or surrounding infrastructure as a result of noncompliance;
4. Each day of continued violation shall be considered a new violation under this ordinance.
5. In addition to ordering that the person found in violation of this Ordinance must pay civil fines and costs the District Court Judge or District Court Magistrate may issue any writ or order necessary to enforce the Ordinance including but not limited to the authority to order the person found in violation of this Ordinance to correct the condition giving rise to the civil infraction within 30 days or be subject to the contempt powers of the District Court as authorized and provided for by applicable Michigan Statutes.

SECTION 4. EMERGENCY DECLARATION

The City Council hereby declares that this ordinance is necessary for the immediate preservation of public peace, health, and safety and shall take effect immediately upon passage.

SECTION 5. SEVERABILITY

If any provision of this ordinance is found to be invalid or unenforceable, the remaining provisions shall remain in full force and effect.

SECTION 6. EFFECTIVE DATE

This ordinance shall take immediate effect upon adoption by the City Council of Crystal Falls.

PASSED AND ADOPTED by the City Council of Crystal Falls this 26th day of February, 2025.

A handwritten signature in cursive script, reading "Tara Peltoma", written in black ink.

Tara Peltoma, City Clerk/Treasurer