

COLDSPRINGS TOWNSHIP ORDINANCE NO. 1 OF 2001

AN ORDINANCE PURSUANT TO ACT 246 OF THE PUBLIC ACTS OF 1945, AS AMENDED, TO REGULATE ACTIVITIES ON ROAD ENDINGS THAT TERMINATE ON THE SHORELINE OF LAKES AND RIVERS AND LAKE ACCESS SITES WITHIN THE TOWNSHIP AND TO PROVIDE PENALTIES FOR VIOLATIONS OF THE ORDINANCE.

THE TOWNSHIP OF COLDSPRINGS ORDAINS:

Section 1. Title.

This Ordinance shall be known as the Coldsprings Township Lake Access Ordinance.

Section 2. Purpose.

Based on the findings which have been made by the Coldsprings Township Board, the purposes of this Ordinance are to protect and promote the public health, safety, and welfare of Township residents and to conserve and protect the inland lakes and rivers within the Township from pollution, destruction or impairment by regulating the use of road endings and public access sites.

Section 3. Definitions. As used in this Ordinance.

- {a} "Anchor" means the act of dropping a weighted object that is attached to a boat by means of a chain, cable, rope or other device to the bottomland of a lake or river or the act of placing a weighted object on upland property for the purpose of preventing or restricting the motion of the boat to which it is attached.
- {b} "Beach" means the act of pulling a boat on upland property or grounding a boat on the bottomlands for the purpose of preventing or restricting the motion of the boat.
- {c} "Boat" means every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft and non-motorized boats such as canoes, rowboats, and rafts. Boat, however, does not include an air mattress, paddleboard, paddleboat, boogie board, or similar devices used by one (1) or two (2) persons for floating or paddling.
- {d} "Bottomlands" means the land beneath the water of a lake or river that attaches to upland and riparian property by operation of law.
- {e} "Decibel (dB)" means a unit of measuring the volume of sound, equal to twenty (20) times the logarithm of the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).
- {f} "Dock" means a pier, platform, or other structure extending from the shore of a lake or river over the water to which a boat is moored.
- {g} "Hoist" means a mechanical device attached permanently or temporarily to the bottomland of a lake or river and used to raise or lift a boat out of the water for the purpose of preventing or restricting the motion of a boat.
- {h} "Lake" means an inland lake or portion of an inland lake located within Coldsprings Township.
- {i} "Moor" or "Mooring" means the act of securing a boat to a buoy attached or anchored to the bottomlands of a lake or river by means of a chain, cable, rope, or other device or to a dock by means of a chain, cable, rope, or other device for the purpose of preventing or restricting the motion of a boat.

- {j} "Person" means an individual, firm, corporation, association, partnership, limited liability company, or other legal entity.
- {k} "Public Access Site" means the non-road ending, riparian property owned by Coldsprings Township, including its associated bottomlands, intended by the township to serve as a means for the public to gain access to the lake or river to which it abuts.
- {l} "River" means a navigable and natural stream of water flowing in a definite course or channel within Coldsprings Township.
- {m} "Road ending" means a public road or way within Coldsprings Township which terminates at the water's edge of a lake or river, including its associated bottomlands.
- {n} "Sound level meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter and weighing networks used to measure sound pressure levels and that meets the standards of ANSI S-14 1983, or its successor.
- {o} "Weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

Section 4. Regulations. No person shall

- {a} Construct, place, or maintain a dock, hoist, or mooring device on a road ending or public access site, except as provided in this subsection. Coldsprings Township may construct, place and maintain a nonexclusive dock on a road ending or public access site to aid the general public in gaining access to the lake or river.
- {b} Anchor, beach, or moor an unattended boat on a road ending or public access site for more than five (5) consecutive hours, except in the case of an emergency, the mechanical breakdown of a boat, or as otherwise provided in this subsection.
- {c} Use a road ending or public access site in any manner that:
 - {1} Unreasonably interferes with ingress and egress to the water.
 - {2} Causes or creates any loud noise or sound that endangers or injures the safety of health of humans or animals or that annoys or disturbs a reasonable person of normal sensitivities, included but not limited to:
 - {A} Playing or using a radio, phonograph, compact disc player, tape player, television, musical instrument, sound amplifier, or other electronic or mechanical sound-producing device in such a manner or with such volume as to disturb the quiet, comfort or repose of a reasonable person of normal sensitivities.
 - {B} Yelling, shouting, hooting, singing, or making other noise that because of its volume, frequency, or shrillness unreasonably disturbs the quiet, comfort or repose of a reasonable person of normal sensitivities.
 - {C} Sounding or using any horn, siren, whistle, bell or other warning device on a boat so as to unreasonably disturb the quiet, comfort or repose of another person, unless the sounding or use of such horn, siren, whistle, bell or other warning device is authorized by state law and necessary to the safe operation of the boat.

- {D} Making any noise exceeding 60 db(A), weighted sound level, as measured by a sound level meter from the nearest shoreline between the hours of 10:00pm and 6:00am. Evidence of such noise shall serve as prima facie evidence that such noise disturbs the comfort, quiet and repose of reasonable persons of normal sensitivities in the area. However, this subsection shall not be applied to the noise created by the motor of a boat during the operation of that boat.
- {3} Causes littering on the road ending, public access site, or adjoining property.
- {4} Results in trespassing on adjoining property.
- {5} Unreasonably interferes with the use and enjoyment of shoreline properties.
- {6} Creates any other nuisance condition.
- {d} Drive or back a trailer into the water at a road ending or public access site for the purpose of launching a boat into the lake or river, unless the Township designates that road ending or public access site as an official boat launching site.
- {e} Camp on a road ending or public access site at any time.
- {f} Start, use or maintain a campfire, bonfire, or other recreational fire on a road ending or public access site.
- {g} Remain on a road ending or public access site after being requested by a police officer to leave that road ending or public access site.
- {h} Park any motor vehicle on any road ending between the hours of 10:00 pm and 8:00 am during the period beginning with Memorial Day and ending with Labor Day; and, during the remainder of the year, no person shall park a motor vehicle on any road ending during the period beginning with sunset and ending with sunrise.
- {i} Picnic, Sunbathe or lounge on any public access site or road ending at any time.
- {j} Pump or otherwise remove water from a lake or river at a road ending or public access site, except for fire suppression or training purposes.

Section 5. Removal of Boat; Report of Emergency or Mechanical Breakdown.

If an unattended boat is anchored, beached or moored greater than five (5) consecutive hours as prohibited in Section 4(b) above, that boat must be removed from the road ending or public access site in the shortest time necessary to end the emergency or mechanical breakdown. If the boat is not removed within twenty-four (24) hours, the owner or operator of the boat shall report the emergency or mechanical breakdown to the Kalkaska County Sheriff's Department.

Section 6. Violations and Penalties.

- {a} Any person who violates any provision of this Ordinance, except Section 4{g}, shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to the following fines:
 - {1} For a first offense, the offender shall pay a fine of One Hundred and 00/100 (\$100.00) Dollars.
 - {2} For a second offense within two (2) years of the date on which the person was found responsible

for the first violation, the offender shall pay a fine of Two Hundred Fifty and 00/100 (\$250.00) Dollars.

- {3} For a third or subsequent offense within two (2) years of the date on which the person was found responsible for the first violation, the offender shall pay a fine of Five Hundred and 00/100 (\$500.00) Dollars.
- {b} Any person who knowingly violates Section 4{g} of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars and/or imprisonment in the county jail for not more than ninety (90) days.
- {c} Each day this Ordinance is violated shall be considered a separate violation.
- {d} Violations of this Ordinance may be reported to the Township Supervisor and/or the Kalkaska County Sheriff's Department.

Section 7. Enforcement Officials.

The Township Supervisor and police officers of the Kalkaska County Sheriff's Department are hereby designated as the authorized officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

Section 8. Nuisance Per Se.

A violation of this Ordinance is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

Section 9. Separate Court Action.

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding or a criminal prosecution, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

Section 10. Validity.

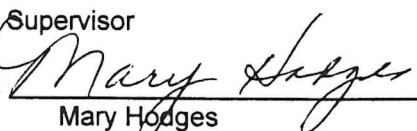
If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or applications.

Section 11. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF COLDSPRINGS

By: 
Michael Neubecker

Its: Supervisor
By: 
Mary Hodges
Its: Clerk

ORDINANCE CERTIFICATION

At a regular meeting of the Coldsprings Township Board, Kalkaska County, held in the COLDSPRINGS Township Hall, located at 6515 COUNTY ROAD 571, Michigan, on December 10, 2001, at 7:00 P.M.

PRESENT: NEUBECKER, HODGES, CASTO, BONDY & PALADINO

ABSENT: NONE

It was moved by Dino Paladino and supported by Neubecker that the

following Ordinance be adopted:

(See attached #1 OF 2001 TOWNSHIP ORDINANCE)

YES: NEUBECKER, HODGES, CASTO, BONDY & PALADINO

NO: NONE

ORDINANCE DECLARED ADOPTED.

Coldsprings TOWNSHIP

By: [Signature]
Supervisor

I, the undersigned, the Clerk of the Township of COLDSPRINGS, Kalkaska County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the COLDSPRINGS Township Board of said County at its regular meeting held on DECEMBER 10, 2001, relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the KALKASKA LEADER on DECEMBER 19, 2001 and was filed with the County Clerk on DECEMBER 21, 2001.

Dated: DECEMBER 21, 2001 [Signature]
Clerk

Note: The Ordinance and this Ordinance Certification should be filed with the County Clerk within one (1) week of publication and the Ordinance should be placed in the Township Ordinance Book.