

TOWNSHIP OF LINCOLN
COUNTY OF NEWAYGO, MICHIGAN

At a regular meeting of the Township Board of the Township of Lincoln, Newaygo County, Michigan, held in the Township Hall located at 1988 N. Wisner, within the Township, on the 21st day of February, 2008, at 7:00 p.m.

PRESENT: Members: B. Geno Jr., D. Dickinson, T. Worden, G. Dickinson, and S. Noggle

ABSENT: Members: None

It was moved by Township Board Member D. Dickinson and supported by Township Board Member T. Worden, that the following Ordinance be adopted:

ORDINANCE NO. 08-01

AN ORDINANCE TO REGULATE A CERTAIN LAKEFRONT PARK IN REED'S DIAMOND LAKE PARK PLAT WITHIN LINCOLN TOWNSHIP (WHICH PARK IS LOCATED BETWEEN THE WATERS OF DIAMOND LAKE AND MOHAWK TRAIL) AND RELATED MATTERS AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS.

THE TOWNSHIP OF LINCOLN ("Township") ORDAINS:

ARTICLE 1. Intent, Purpose and Short Title.

SECTION 1.1 INTENT AND PURPOSE. The Lincoln Township Board recognizes and concludes that the proper and safe use of land and water resources at and near the park regulated by this Ordinance in Lincoln Township ("Township") is desirable in order to retain and maintain the physical, ecological, cultural and aesthetic characteristics in such area within the Township, to preserve and protect the quality and safety of Diamond Lake and its shoreline and the rights of adjoining riparian owners and users in the vicinity of such park, to promote safe use of such park, and to promote the public health, safety and welfare of all persons making use of such park within the Township at or near the park involved. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the use of the park located within the Township.

SECTION 1.2 SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the "Lincoln Township Waterfront Park Ordinance," and shall hereinafter be referred to as the "Ordinance."

ARTICLE 2. Scope and Application.

SECTION 2.1 MINIMUM STANDARDS. The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the Township.

SECTION 2.2 INTERPRETATION. This Ordinance is intended to supplement other laws and ordinances. If this Ordinance imposes more stringent requirements than other ordinances, the provisions of this Ordinance shall govern, except as otherwise herein provided.

ARTICLE 3. Coverage. This Ordinance pertains to a certain platted park located within the Reed's Diamond Lake Park Plat within Section 13 of Lincoln Township, Newaygo County, Michigan, which park is located between the waters of Diamond Lake and Mohawk Trail. More specifically, the portion of that platted park covered by this Ordinance is that portion of said park which runs from Lot 130 of the Reed's Diamond Lake Park Plat to a line drawn from the southwest corner of Lot 15 of the Reed's Diamond Lake Park Plat perpendicular to (and also running to) the shoreline of Diamond Lake (the intent being that the eastern portion of what is defined herein as the "Park" ends at the western boundary line of Lot 15 as that boundary was created by a judgment involving court-ordered vacation). Wherever this Ordinance refers to the word "Park," it shall mean and refer to such platted park. The word "Park" shall not only mean and refer to the portions of that park on dry land, but shall also mean any bottomlands (under Diamond Lake) or shoreline which is part of the Park.

ARTICLE 4. General Regulations.

SECTION 4.1 The following uses and activities shall not occur at, on or from the Park:

- (a) Littering.
- (b) Engaging in any loud or boisterous conduct. Nor shall any person play music at a volume which is audible beyond the boundaries of the Park.
- (c) Trespassing on adjoining or nearby private land.
- (d) Refueling, repairing, or working on or regarding any boat, vessel, vehicle or boat trailer.
- (e) Engaging in any conduct which impairs, impedes or diminishes the free use of or travel across the Park by others who are utilizing the Park in conformance with law.
- (f) Camping.
- (g) Disturbing the peace.
- (h) Urinating or defecating (except in the toilet facilities provided, if any).
- (i) Start or utilize a bonfire or fire.

(j) Deface any tree, official signs, or any public property.

(k) Park any car, truck, or vehicle except where expressly authorized by a Lincoln Township or Newaygo County Road Commission sign.

(l) Permit or allow any dog, cat, horse, or other pet to roam, be on, or be present on or at the Park (or the shoreline or lane bottomland thereof). Notwithstanding such prohibition, should any such pet or animal defecate anywhere on the Park, the owner of the pet or animal shall cleanup and remove any waste (and promptly dispose of the same) immediately.

SECTION 4.2 No automobile, truck, recreational vehicle, trailer, motorcycle or other vehicle shall be parked, stored or kept at or on the Park except as follows:

(a) Parking may occur only at such location or locations as are expressly designated by a parking sign or signs installed by Lincoln Township or the Newaygo County Road Commission. All other parking and parking not in compliance with such signage is prohibited.

(b) Emergency, fire department, police, and Township government vehicles may park at or on the Park when engaged in a governmental function.

SECTION 4.3 No dock, wharf, shorestation, boat cradle, boat launch, boat tether, buoy or similar item shall be installed, stored, kept or utilized at the Park (or the shoreline or bottomlands thereof), except as follows:

(a) No more than four (4) docks may be installed at the shoreline and bottomlands of the Park as follows: Lots 75, 76, 77, and 78 shall each be allowed one (1) dock. No such dock shall be installed at or on the Park unless a written permit has been issued by the Township approving the specific size, location and configuration of any such dock. The permit shall normally be valid for two years from the date of issuance by the Township, but the Township Board can revoke a permit at any time for any violation of this Ordinance or any other Township ordinance. No such dock shall be installed or utilized unless such a permit has been issued by the Township and there is full compliance with the permit. No permit shall be issued to the owner of one of the lots specified above until and unless such lot owner provides written proof to the Township that he/she has liability insurance covering such dock in an amount of at least \$300,000. Except for such allowed docks (and one shorestation or boat hoist for each of those lots at such docks), no other boat docks, shorestations, or boat cradles are allowed (except for a government dock or docks as specified in subsection (b), below).

(b) A dock or docks may also be installed for governmental or public day use by the Township or Newaygo County.

SECTION 4.4 No boat, watercraft, vessel, personal watercraft, jet ski, sail boat or similar vessel or item shall be moored, stored, anchored or kept at the Park (or the bottomlands or shoreline thereof) except by the owners of Lots 75, 76, 77, and 78, when moored to the docks or shorestations allowed pursuant to such Section 4.3(a) hereof. There shall be no more than two

(2) boats or watercraft allowed for each of those lots (Lots 75, 76, 77 and 78), but only in one of the following combinations:

- Two (2) personal watercraft (and no other boats and watercraft); or
- One (1) personal watercraft and one (1) other watercraft (and no other boats or watercraft).

Government boats may be kept at the Park or any dock thereon so long as they are kept and utilized for governmental use.

SECTION 4.5 No lounge chair, towel, or other personal item shall be kept, stored, or left at or on the Park overnight.

SECTION 4.6 Hours of Usage. Unless different hours are posted by the Township on signage at and for the Park, the Park shall not be utilized between the hours of 11:00 p.m. and 6:00 a.m.

ARTICLE 5. Penalties and Enforcement.

SECTION 5.1 PENALTY. Violation of this Ordinance is a civil infraction, for which the fines shall be not less than One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500) for the first offense and not less than Two Hundred Dollars (\$200) nor more than Two Thousand Five Hundred Dollars (\$2,500) for subsequent offenses, in the discretion of the Court, and in addition to all of the costs, damages and expenses provided by law. For purposes of this Ordinance, “subsequent offense” means a violation of this Ordinance committed by the same person within twelve (12) months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 5.2 INJUNCTION. Any violation of this Ordinance is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this Ordinance by proceeding under Section 5.1 above, the Township or any Township resident may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.

SECTION 5.3 ENFORCEMENT AND ADMINISTRATION. This Ordinance shall be enforced and administered by the Township Zoning Administrator, the Newaygo County Sheriff’s Department or such other Township official as may be designated from time to time by resolution by the Township Board.

ARTICLE 6. Exemptions.

SECTION 6.1 This Ordinance shall not apply to any structure or improvement installed by a governmental unit or to any uses, activities or vehicles regarding any employee, agent or contractor of a governmental unit (including, but not limited to, Lincoln Township, the Newaygo County Road Commission and the state of Michigan) when engaging in a

governmental function regarding maintenance or repair to the Park or any item thereon, or any emergency fire or rescue uses or activities engaged in by any firefighting, police or ambulatory officials or services.

ARTICLE 7. Severability.

SECTION 7.1 SEVERABILITY. In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

ARTICLE 8. Effective Date.

SECTION 8.1 EFFECTIVE DATE. The provisions of this Ordinance shall take effect thirty (30) days from the date of publication of the Ordinance or a summary of its provisions in accordance with law.

YEAS: Members: D. Dickinson, T. Worden, G. Dickinson, S. Noggle, and B. Geno Jr

NAYS: Members: None

ABSTAIN/ABSENT: Members: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Township Board for Lincoln Township at a regular meeting held on February 21 2008, pursuant to the required statutory procedures.

Sharon Noggle
Lincoln Township Clerk