

**TOWNSHIP OF LINCOLN
COUNTY OF NEWAYGO, MICHIGAN**

At a regular meeting of the Township Board for the Township of Lincoln, Newaygo County, Michigan, held in the Township Hall located at 1988 N. Wisner, within the Township, on the 20th day of February, 2020, at 7:00 p.m.

PRESENT: Members: Dennis Dickinson, Amy Stockwell, Sharon Noggle, Roger Ungrey

ABSENT: Members: Buck Geno

It was moved by Township Board Member Noggle and supported by Township Board Member Dickinson, that the following Ordinance be adopted:

ORDINANCE NO. 20-01

AN ORDINANCE TO REGULATE TWO LAKEFRONT PARKS IN REED'S DIAMOND LAKE PARK PLAT WITHIN LINCOLN TOWNSHIP (WHICH PARKS ARE 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 parks 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 parks, to promote safe use of such parks, and to promote the public health, safety and welfare of all persons making use of such parks within the Township at or near the parks involved. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the use of the parks 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 - II," 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 two platted parks located within the Reed's Diamond Lake Park Plat (hereafter, the "plat") within Section 13 of Lincoln Township, Newaygo County, Michigan, which parks are located between the waters of Diamond Lake and Mohawk Trail. Those parks are:

- a. The first park is referred to in this Ordinance as "West Park." West Park is bounded on the west by the waters of Diamond Lake, on the southwest by the northeastern boundary line of Lot 115 of the plat, on the east/southeast by Mohawk Trail and on the north/northeast by the southwestern boundary line of Lot 114 of the plat.
- b. The other park covered by this Ordinance shall be referred to as "North Park." North Park is bounded on the north by the waters of Diamond Lake, on the south/southeast by Mohawk Trail, on the north/northeast by the southern/southwestern boundary line of Lot 108 of the plat and also on the northeast by Arrowhead Pass. North Park is bounded on the southwest and west by Hiawatha Drive and also on the west by the eastern boundary of Lot 109 of the plat.
- c. Wherever this Ordinance refers to the word "Parks," it shall mean and refer to both such platted parks. The words "Park" or "Parks" shall not only mean and refer to the portions of the park involved on dry land, but shall also mean any bottomlands (under Diamond Lake) or shoreline which is part of the Park or Parks at issue.

ARTICLE 4. General Regulations.

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

(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 Parks.

(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 Parks by others who are utilizing the Parks 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 Parks (or the shoreline or lane bottomland thereof). Notwithstanding such prohibition, should any such pet or animal defecate anywhere on the Parks, the owner of the pet or animal shall cleanup and remove

waste (and promptly dispose of the same) immediately.

SECTION 4.2 No automobile, truck, recreational vehicle, frailer, motorcycle or other vehicle shall be parked, stored or kept at or on the Parks 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 Parks 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 on or at the Parks (or the shoreline or bottomlands thereof), except as follows:

(a) With regard to West Park, no more than four (4) docks may be installed at the shoreland and bottomlands of West Park as follows: Lots 84, 85, 86 and 87 of the plat 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 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 \$500,000. 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 at West Park (except for a

government dock or docks as specified in subsection (b), below).

(b) With regard to North Park, no more than five (5) docks may be installed at the shoreland and bottomlands of West Park as follows: Lots 90, 91, 92, 93 and 94 of the plat 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 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 \$500,000. 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 at North Park (except for a government dock or docks as specified in subsection (b), below).

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

SECTION 4.4

(a) With regard to West Park, 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 84, 85, 86 and 87 of the plat, 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 84, 85, 86 and 87 of the plat), 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).

(b) With regard to North Park, 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 90, 91, 92, 93 and 94 of the plat, when moored to the docks or shorestations allowed pursuant to such Section 4.3(b) hereof. There shall be no more than two (2) boats or watercraft allowed for each of those lots (Lots 90, 91, 92, 93 and 94 of the plat), 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).

(c) Government boats may be kept at the Parks 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 Parks overnight.

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

ARTICLE 5. Penalties and Enforcement.

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SECTION 5.1 PENALTY. Violation of this Ordinance is a municipal 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.

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ARTICLE 7. Severability.
SECTION 7.1
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: Stockwell, Noggle, Dickinson, Ungrey

NAYS: Members: None

ABSTAIN/ABSENT: Members: Geno

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 20, 2020, pursuant to the required statutory procedures.



Sharon Noggle
Lincoln Township Clerk