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ROAD ENDINGS AT WATER STUDY

WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION

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September 23, 2003

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**ROAD ENDINGS AT WATER STUDY
WEST MICHIGAN SHORELINE REGIONAL PLANNING COMMISSION
FINDINGS/FRAMEWORK**

September 23, 2003

Introduction

Progressive AE was contracted for this study to assist the West Michigan Shoreline Regional Development Commission in developing a framework process for addressing road endings at water in Muskegon County. It is hoped that once in place, this framework will provide the appropriate process for future actions at the various road endings at water. In the past there appear to have been "gentlemen's agreements" between the townships and the Muskegon County Road Commission to undertake improvements or resolve issues. Hopefully, the proposed framework will provide the mechanism to formalize this process.

To develop the roads ending at water study, the following tasks were undertaken.

- Review of Statutes and Legal Precedents.
- Data Collection/Site Visits. As part of this, adjacent land use, types of activities and issues at various road endings were inventoried.
- Proposed Framework.

The West Michigan Shoreline Regional Development Commission created an advisory committee of interested parties and individuals to provide input with respect to the study. This committee met on three occasions. The first meeting was a kick-off meeting in December 2002, with subsequent meetings in March and May of 2003. Material presented by Progressive AE at these meetings forms the foundation of the following study. Subsequent to the May 2003 meeting, letters were received by the West Michigan Shoreline Regional Development Commission providing commentary, suggestions or additional background information. All of these letters may be found in Appendix "B" of this document.



Review of Statutes and Legal Precedents

The lack of existing statutes has, in many ways, contributed to much of the confusion and conflicts relating to roads ending at water. Unless specifically spelled out in any dedication of the road right-of-way, the types of activities that occurred at roads ending at water was left open to much interpretation. As a result, much of this interpretation ended up in the court system. Recent legal decisions, such as Higgins Lake Property Owners v. Gerrish Township, Roscommon County Road Commission and Department of Natural Resources, has held that reasonable uses at road ends are boating, swimming and fishing. In essence, this meant that access was for ingress and egress only. The court went on to say that "lounging, sunbathing, picnicking, and the erection of boat hoists at the road ends are prohibited as beyond the scopes of the dedications. Consistent with *Jacobs v. Lyon Township*, one, nonexclusive dock may be erected at each road end to facilitate public access to the water". In other words, the erection of boat hoists meant no permanent mooring of boats. In several other cases this seems to be a similar theme in the determination of the courts.

Due to the past vagaries of the statutes, there is currently legislation in the both the Michigan House of Representatives and the Michigan Senate to address this issue. House Bill No. 4141, an amendment to the Inland Lakes and Streams Act part of the Natural Resources and Environmental Protection Act, was introduced in the House on February 4, 2003, and has been referred to the Committee on Conservation and Outdoor Recreation. Essentially this would reinforce the acceptable uses of boating, swimming and fishing. The summary of this amendment indicates the following.

"The bill would amend the Natural Resources and Environmental Protection Act to establish certain allowable uses for a "dedicated public access site", defined to mean a site allowing public access to an inland lake or stream dedicated for use by the public through a written instrument with the register of deeds. Unless otherwise specified with the register of deeds, a dedication for public access would only include the right to enter and exit the inland lake or stream. Dedication of public access would not include the following uses:

- *Boat hoists;*
- *Construction of docks, unless the purpose of a dock is to aid public access and is authorized by the owner of the riparian land (shoreline) on which the access site is located; or,*
- *Picnicking, sunbathing, or lounging.*

Under the bill, if a dock is located at a dedicated public access site, the owner of the riparian land would be required to place a sign at the site that states the allowable uses of the site and those activities that are prohibited at the site. In addition, the bill would prohibit a person from anchoring a vessel overnight on bottomland that is directly offshore of a dedicated public access site.

A person who violates the bill would be guilty of a misdemeanor punishable by a fine of not more than \$500 per day. A peace officer would be permitted to issue an appearance ticket (a complaint or notice that directs a person to appear in court) in accordance with the Code of Criminal Procedure."

Senate Bill No. 481, also an amendment to the Inland Lakes and Streams Act, was introduced in the Michigan State Senate on May 14, 2003, and has been referred to the Committee on Natural Resources and Environmental Affairs. It is essentially the same as House Bill No. 4141, except that it does not preclude "picnicking, sunbathing or lounging". It does, however, preclude "overnight storage of boats, except for the

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temporary storage of disabled boats and equipment storage or lock boxes, unless authorized by the owner of the land on which the public access site is located".



Data Collection/Site Visits

As part of the data collection for the Road Endings at Water Study, the West Michigan Shoreline Regional Development Commission and the Muskegon County Road Commission identified twelve different sites. Though there are many more county roads that end at water, these twelve sites seem to represent a variety of uses, configurations and issues that also cover many of the road endings that were not visited. The intent was to address a representative cross-section of road endings that could be reviewed within the limited context of this study. The road endings that were visited and inventoried were:

- Lake Street (Laketon Township).
- McMillan Road (Fruitland Township).
- Dock Road (Fruitland Township).
- Scenic Drive (Fruitland Township).
- Nestrom Road (Fruitland Township).
- White Lake Drive (Fruitland Township).
- Indian Bay Road (White River Township).
- Lau Road (White River Township).
- Lloyd Landing (White River Township).
- Clear Lake (Cedar Creek Township).
- Holton Duck Lake Road at Muskegon River (Muskegon State Game Area).
- Weesies Road at White River (Montague Township).

In addition, Muskegon County correspondence and project files were reviewed for pertinent background and histories of these various road endings. Based on these site visits, it is apparent that there are a number of variables across many of these sites. These variables are also graphically depicted on the accompanying table. Among these variables are those outlined below:

Adjacent Land Use

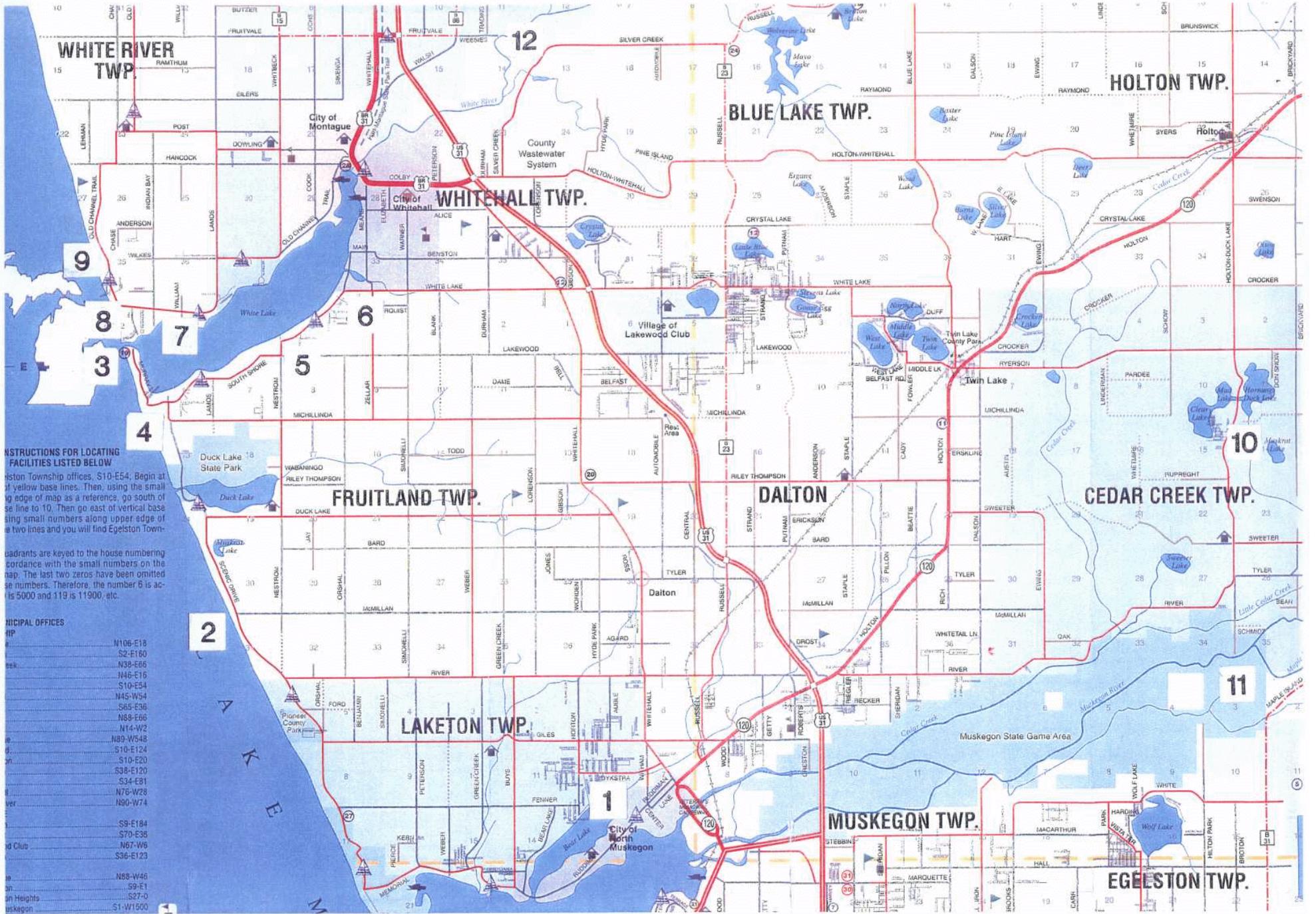
As can be seen in the table, a range of land uses exists adjacent to the road endings that were studied. Those road endings adjacent to residential uses, such as McMillan Road, Dock Road or Lau Road, seemed to have the most issues arise. Road endings with adjacent uses of undeveloped or public land, such as White Lake Drive and Holton Duck Lake Road, seemed more ideal in terms of generating fewer conflicts. The range of adjacent land uses was:

- Single-family residential.
- Multi-family residential.
- Commercial.
- Undeveloped.
- Public (State of Michigan/Township).

Type of Activities

Numerous activities occur at the road endings at water, as shown in the accompanying table. At the twelve endings visited, the following activities included:

- Boat Launch:
 - With trailers – large and small.
 - Portage – canoes, kayaks, etc.
 - Ice boats.
- Fishing:
 - Ice fishing.
 - Warm season – Salmon, Steelhead, Walleye, etc.
- Hiking/Sunset Viewing.
- Swimming.
- Emergency Access.
- Maintenance Projects.



INSTRUCTIONS FOR LOCATING FACILITIES LISTED BELOW
 Muskegon Township offices, S10-E54. Begin at the top edge of map as a reference, go south of section line to 10. Then go east of vertical base line to 54 and you will find Egelston Township offices.

Quadrants are keyed to the house numbering system in accordance with the small numbers on the map. The last two zeros have been omitted for brevity. Therefore, the number 6 is actually 5000 and 119 is 11900, etc.

- MUNICIPAL OFFICES**
- | | |
|------------------------|----------|
| City of Montague | N106-E18 |
| City of Whitehall | S2-E180 |
| City of North Muskegon | N38-E66 |
| | N46-E16 |
| | S10-E54 |
| | N45-W54 |
| | S65-E36 |
| | N89-E66 |
| | N14-W2 |
| | N89-W54 |
| | S10-E124 |
| | S10-E20 |
| | S38-E120 |
| | S34-E81 |
| | N76-W28 |
| | N80-W74 |
| | S9-E184 |
| | S70-E38 |
| | N67-W6 |
| | S36-E123 |
| | N88-W46 |
| | S9-E1 |
| | S27-O |
| | S1-W1500 |



Lake Street (Laketon Township)



Lake Street (Laketon Township)



McMillan Road (Fruitland Twp.)



McMillan Road (Fruitland Twp.)



Dock Road (Fruitland Township)



Dock Road (Fruitland Township)



Scenic Drive (Fruitland Twp.)



Scenic Drive (Fruitland Twp.)



Nestrom Road (Fruitland Twp.)



Nestrom Road (Fruitland Twp.)



White Lake Dr. (Fruitland Twp.)



White Lake Dr. (Fruitland Twp.)



Indian Bay Rd. (Wht River Twp)



Indian Bay Rd. (Wht River Twp)



Lau Road (White River Twp.)



Lau Road (White River Twp.)



Lloyd Landing (Wht. River Twp)



Lloyd Landing (Wht. River Twp)



Clear Lake (Cedar Creek Twp.)



Clear Lake (Cedar Creek Twp.)



Holton Duck Lake Road (MSGa)



Holton Duck Lake Road (MSGa)



Weesies Road (Montague Twp.)



Weesies Road (Montague Twp.)

Issues



Many issues have arisen at the road endings at water. The purpose of this study was to flag these issues, not to judge who has been right and who has been wrong in past actions at the various road endings. Generally speaking, these seem to break down into five categories.

1. Use Conflicts/Congestion

Lack of adequate parking for cars or boat trailers occurs at some of the busier road ends, such as White Lake Drive and Scenic Drive. In some instances road end users have parked on adjacent private property without consent of the property owner. The narrow width (66 foot or less) of the existing road right-of-ways creates problems with turnarounds at many locations. At others, such as Dock Road, on-road parking is often used by adjacent private uses that do not have sufficient on-site parking. If launches are provided at road ends, it would seem that sufficient parking spaces be available to support this use. The State of Michigan does have development guidelines related to public boat launch capacity for DNR access sites. For example, past Department of Natural Resources design standards have indicated that 5 to 25 spaces be provided for one ramp. In the past, the State of Michigan had guidelines for the carrying capacity of lakes. The MDEQ, however, struck these from administrative rules, as much of this was intuitive, as opposed to an exact science.

There have also been conflicts of use, such as swimming occurring near boat launching or the use of jet skis; lounging; or the times of use. If limitation of some uses is appropriate, these could be regulated by township ordinance. Sample ordinances addressing regulation of use at road ends and parking at road ends are provided in the Appendix for reference.

2. Public Nuisance

At several locations the manner in which road endings are used is an issue. Locations such as Lau Road and Scenic Drive have experienced inappropriate acts that impacted both adjacent property owners and the general public who were using the road endings. The crux of the matter when this occurs is that the Muskegon County Road Commission does not have the power to adopt ordinances to regulate disorderly conduct or the police power to enforce such regulations. The townships do have these powers. In some cases these ordinance are already on township books. In other cases the townships could adopt ordinances to address this issue. Once adopted, these ordinances can be policed. A sample ordinance regarding disorderly conduct is included in the Appendix for reference.

3. Public Safety

At some road endings at water there have been perceived issues of public safety that have triggered MCRC action. For example, at Lau Road and at Nestrom Road, the road commission stated there were safety issues relating to low water levels on White Lake. The edge of water had receded so far back from the normal high water level that it was felt the existing launch could not be safely used. Although these road endings continue to remain open for a variety of other uses, the limitation of their usage for boat launching with trailers caused a public uproar.

Low water levels experienced throughout this area over the past several years could lead to similar concerns at many roads ending at water. If future action, such as temporary closure, needs to be taken at other road endings due to safety concerns, proper dialog with the townships and public prior to such action will help alleviate misunderstandings.



4. Maintenance/Erosion

Certain road endings, such as Indian Bay Road, have had issues relating to erosion and the level of maintenance. Understanding that there are finite funds available for maintaining the county road network, it is obvious that not all roads can be maintained equally. In some cases, certain roads and road endings at water receive only seasonal or very occasional maintenance (if any at all). Related to this, there have been occasions when property has been developed without the developer understanding the level of maintenance on the adjacent road, and the MCRC was unaware of the development. Despite the fact that a curb cut was never being requested, the township issued a building permit.

Other areas have experienced erosion at the road end where the road end is considerably higher than the water. Examples are McMillan Road and Indian Bay Road. In these cases, it is difficult for the road commission to expend maintenance funds to correct erosion problems that do not directly effect vehicular circulation or cause an environmental problem.

5. Ownership/Jurisdiction

It is questionable whether the Muskegon County Road Commission actually owns the right-of-way of all the various road endings at water. Examples of this are at McMillan Road, west of Scenic Drive, and at Weesies Road. Relating to parking and public nuisances, there appear to be issues relating to who has jurisdiction over the activities at road endings and what local ordinances exist to enforce their regulation. As previously stated, the Muskegon County Road Commission is responsible for the maintenance of these public roads and construction is a shared cost with others up to fifth percent, however, they have no legislative or police powers to create ordinances or oversee their use. Therefore, if this issue is to be dealt with, the governing townships must take the initiative, in coordination with the MCRC, to address this issue.

There have been discussions regarding transferring ownership of some road endings from the MCRC to the various townships. To date, none have been transferred. In some cases there appear to be advantages to such a transfer. Transfer could provide townships with better regulation of these road endings, through their power to adopt ordinances and to enforce them. Also, if appropriate, townships could include such road endings in their community recreation plans and use these as a means to seek grant monies for additional land acquisition or for improvements. A second possibility in terms of transfer of ownership would be transfer to the Michigan Department of Natural Resources. This would also keep the road endings in public ownership.

Communication

Though not depicted on the accompanying table, there is one additional issue that recurs that does not relate to adjacent use, site configuration or physical factors. In reviewing the project files and correspondence, it appears there have been lapses in communication, both from the MCRC to the townships and from the townships to the MCRC. For example, removal of a boat ramp at one of the road ends caused much consternation among residents, although the road commission took the initiative for what it stated were public safety reasons. This appears to have caught township officials off guard. In this instance, it seems a more formal process of communicating/meeting with township officials and possibly holding a public meeting to communicate the public safety concerns could have eased tensions. Likewise, when one township's meeting notes indicate that at one point the Township Board

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delegated "the authority to be in charge of road ends" to the Township Parks and Recreation Committee, it begs the question, "who gave the township authority to develop something on road commission right-of-way in the first place?"

ROAD ENDING INVENTORY
STUDY OF ROAD ENDINGS AT WATER
 WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION

Road Ending	Adjacent Land Use					Existing Activities							Issues				
	Multi-Family Residential	Single-Family Residential	Commercial	Undeveloped	Public (State/Township)	Trailer Boat Launch	Portage Boat Launch	Sunset Viewing/Walking	Maintenance Projects	Fishing	Swimming	Emergency Access	Use Conflicts/Congestion	Public Nuisance	Public Safety (low water)	Maintenance/Erosion	Ownership/Jurisdiction
Lake Street		●			●	●	●	●	●	◐	◐	●		●	●		
McMillan Road		●						●			●			●		●	●
Dock Road	●		●			◐	●	●		●	●	●	●		●		
Scenic Drive		●	●			●	●	●	●	●	●	●	●	●	●		
Nestrom Road		●	○			◐	●	●		●	●	●		●	●		
White Lake Drive				●		●	●	●		●	●	●	●		●		
Indian Bay Road		●					◐	●		◐	◐					●	
Lau Road		●				○	●	●		◐	●	●	●		●		
Lloyd Landing			●	●	●		◐	●		◐	●	◐					
Clear Lake		●					●	●		●	●	◐	●	●	●		
Holton Duck Lake Road				●	●	●	●	◐		●	◐	◐			●		
Weesies Road		●					○	●		○		◐			●		●

Legend ● Current Use ◐ Potential/Occasional Use ○ Past Use

September 23, 2003

Proposed Framework



In developing a framework for the future handling of road endings at water in Muskegon County, there are several overall “understandings” that should be stated. These are:

- The Muskegon County Road Commission has stated it wishes to keep road endings at water open for public use, whether by the road commission or transfer to the local township or the Michigan Department of Natural Resources.
- The Muskegon County Road Commission has stated it understands the value of these road endings at water to the general public.
- A road commission’s mission is related to building and maintaining roads within its dedicated right-of-ways, not with recreational development, the adoption of ordinances, or the enforcement of ordinances.
- The townships have the authority to adopt ordinances to regulate the use of roads ending at water and to enforce those ordinances.
- The townships have the authority to prepare and submit community recreation master plans to the Michigan Department of Natural Resources. These master plans become the foundation for applying for MDNR grant monies for recreation improvements. However, the township must own this property or have an easement on it.
- Either the township or the Muskegon County Road Commission may apply for Great Lake Fisheries Trust grants for improvement to fishing access.
- Act 51 monies cannot be used by the Muskegon County Road Commission for maintenance or construction of recreational improvements at road endings at water.
- There are numerous user groups that make identifying a single overall solution difficult, if not impossible.
- It is not reasonable to expect all road endings to provide the same complement of facilities. For example, it should not be expected that a trailer boat launch be provided at every road ending. There are six road endings on White Lake, two on the north and four on the south. It does not seem reasonable to think that all should allow boat trailers, especially since several have steep grade issues, narrow passages and no parking facilities.
- A more formal communication plan/process between the Muskegon County Road Commission and townships should be developed. It appears that in the past, unclear communications or lack of communications has led to conflicts relating to road endings at water.

Framework Flow Chart

To begin establishing a framework for better addressing the issues at road endings at water, the accompanying flow chart depicts a possible sequence of events when either the Muskegon County Road Commission or one of the townships is considering action.

As issues arise, either the Muskegon County Road Commission or the township would develop a proposed course of action vis-à-vis the particular issue. A discussion document outlining the proposed course of action could even be developed. As an observation, it may be appropriate for some road endings to be considered simultaneously. For example, it may be appropriate to address some or all of the six road ends on White Lake in a comprehensive manner.

The next step would be for MCRC representatives and the appropriate township officials to meet to seek common ground and consensus, as well as solicit input. Appropriate township officials could include the supervisor, trustees or pertinent



committee/commission members. Appropriate MCRC officials could include the director, commissioners or engineers.

At this point a Go/No Go decision would be made. If there does not appear to be a common ground for proceeding, the initiative would go no further. If there does appear to be common ground, a letter of understanding would be developed between the MCRC and the township establishing the common course of action. The letter of understanding would address issues such as specific actions, responsibilities of the various parties and financial obligations.

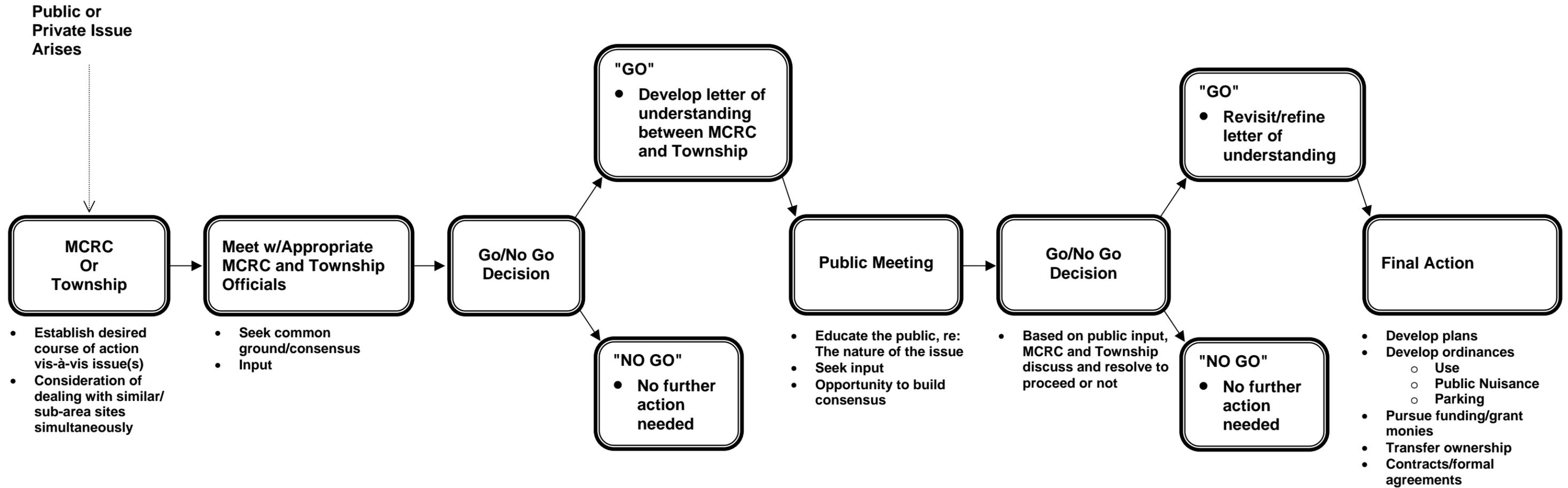
If the process moves on, a public meeting would then be held. The public meeting would be held to educate the public regarding the nature of the issue, seek input and provide an opportunity to build consensus. This is referred to as a public meeting, as opposed to a public hearing, because a public hearing is usually required when a statutory issue is being impacted. Since this may not always be the case for proposals for road endings at water, it seems more appropriate to call these public meetings. It should be noted that in certain circumstances, such as if a township were to adopt an ordinance limiting permitted activities at a road end, a public hearing may be needed in addition to or instead of a public meeting. Adjoining land owners at the waters edge should be notified by letter.

A second Go/No Go decision would occur in the process at this time. Based on the public input, the MCRC and township would discuss and resolve to proceed any further or not to proceed. If there does not appear to be common ground for proceeding, the initiative would go no further. If there appears to be common ground, the letter of understanding would be revisited or refined as needed.

If the decision is to proceed, the framework process would move forward to final action. This final action could take the form of:

- Developing plans and specifications.
- Developing ordinances relating to:
 - Use regulation.
 - Public nuisance.
 - Parking.
- Pursue funding/grant monies.
- Transfer ownership.
- Contracts/formal agreements.

**Framework Process
Road Endings at Water Study
West Michigan Shoreline Regional Development Commission
September 23, 2003**



Framework Considerations



The following graphic, Framework Considerations, is a table that depicts the various potential considerations and responsibilities that may occur during this process. Most of these considerations relate to the five sets of issues identified during review of the various road endings at water. They relate to:

- Use conflicts/congestion
- Public nuisance
- Public safety
- Maintenance/erosion
- Ownership/jurisdiction

In addition, potential considerations and responsibilities are identified relating to proposed improvements, as physical changes may have to be provided in order to address the situation.

**FRAMEWORK CONSIDERATIONS
ROAD ENDINGS AT WATER STUDY
WEST MICHIGAN SHORELINE REGIONAL DEVELOPMENT COMMISSION
September 23, 2003**

<u>ISSUE</u>	<u>CONSIDERATIONS</u>	<u>RESPONSIBILITY</u>
Use Conflicts / Congestion	Ordinances <ul style="list-style-type: none"> Regulate Public Use and Activities Regulate Parking 	Township
	Confirm Plat Dedications	MCRC
	Enforcement	Township
	Land Acquisition	MCRC / Township
	Improvements / Modifications	MCRC / Township
	Signing	Township
	Costs	MCRC / Township
Public Nuisance	Ordinances <ul style="list-style-type: none"> Disorderly Conduct 	Township
	Enforcement	Township
	Signing	MCRC
	Costs	MCRC / Township
Public Safety	Improvement / Modification	MCRC
	Costs	MCRC
Maintenance/Erosion	Improvement / Modification	MCRC
	Costs	MCRC (possibly shared with Township, and others if not a normally maintained area)
Ownership/Jurisdiction	Confirmation of Ownership	MCRC / Township / Others
	Transfer of Ownership <ul style="list-style-type: none"> To Township (1st Option) To Michigan DNR (2nd Option) To Abutting Land Owners (3rd Option) 	MCRC / Township / Others
Improvements	Road Related	
	<ul style="list-style-type: none"> Engineering 	MCRC
	<ul style="list-style-type: none"> Construction 	MCRC
	<ul style="list-style-type: none"> Cost 	MCRC/Township/Others
	Non-Road Related	
	<ul style="list-style-type: none"> Engineering 	Township / Others
	<ul style="list-style-type: none"> Construction 	Township / Others
<ul style="list-style-type: none"> Cost 	Township / Others	

APPENDIX "A"



The following appendix contains sample materials of Letter of Understanding and sample ordinances that may be used for reference in later agreements and development of roads ending at water.

The Letter of Understanding is from Fruitland Township's agreement with the Army Corp of Engineers, and is only intended to provide an illustration of what such a document might address.

Tom O'Toole, the legal counsel for the Muskegon County Road Commission, previously developed three different model ordinances. These are only intended to serve as examples. These ordinances pertain to:

- Regulating use.
- Regulating disorderly conduct.
- Regulating parking.

If appropriate, these ordinances could be used as the basis of development of new township ordinances, if none are currently on the township books. Also included for reference are actual ordinances from Fruitland Township and Laketon Township, which address the regulation of parking at specific locations and public nuisance.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DETROIT DISTRICT CORPS OF ENGINEERS AND FRUITLAND TOWNSHIP

SUBJECT: Local Cooperation at White Lake Harbor, Michigan

1. Policy. It is the policy of the Detroit District Corps of Engineers to install and maintain safety features on federal navigation structures within this District where deemed advisable or necessary.
2. Purpose. This Memorandum of Understanding establishes general guidelines concerning the furnishing of assistance by Fruitland Township in providing the safe use of federal navigation structures within the Township.
3. Authority. Fruitland Township, in accordance with the State of Michigan Statutes, M.S.A. §28.861 (101), M.S.A. §4.61 and M.S.A. § 18.1287 (191) has the authority to enter upon federal navigational structures for the purpose of furthering safe use of same.
4. Responsibilities.
 - A. The Corps of Engineers will furnish ring buoys and provide the initial installation on the federal navigational structures, where required. In the agreement, the terms "buoy" or "ring buoys" include the ring, attached rope and the supporting structure which consists of a metal box mounted on a pipe post.
 - B. Fruitland Township hereby assumes responsibility for periodic inspections in an effort to keep buoys present and in good condition. The Township agrees to install replacements as necessary so that ring buoys are reasonably available to the public, taking into account that ring buoys are frequently lost due to natural causes or theft and also that the Township has limited resources available for this purpose.
 - C. Fruitland Township shall assume all liability for the life rings and hold and save the federal government harmless against any and all claims filed against the federal government resulting from personal injury and/or loss of life due to absence of ring buoys.
 - D. The parties agree that there are no third party beneficiaries to this Memorandum of Understanding and nothing in this Addendum should suggest that the parties ever intended there to be any third party beneficiaries.

TOWNSHIP

Ordinance No. _____

An ordinance to regulate public use and activity at "road ends," being county roads and certain immediately contiguous bodies of water where the said roads terminate at, cross, boarder on or are adjacent to the said bodies of water.

The Township Board of _____ Township ordains:

1. **Definitions**

"Road-end" is any county road or public highway, or portion thereof, that terminates at, crosses, boarders on, is adjacent to, or ends at a lake or the general course of a stream. The definition shall include the area of a lake or stream where the road, or the contiguous dimensions of the road which would, if continued or widened (the latter in the case of an adjacent road) extend into the lake or stream up to the thread of a stream or the center of a lake, or, in the alternative, for the distance determined by the township board.

"Road," for purposes of this ordinance, means a county road or public highway, and includes the entire right of way of the said road, whether or not improved.

2. **Scope.** The regulations of this ordinance shall control activity at the following described road-ends :

[Road end locations should be separately listed here by location and defined as to the distance back or away from the ordinary or established high water mark where the road first contacts the lake or stream, together with that portion of the road end which extends into the lake or stream.]

3. **Purpose.** This ordinance is enacted to regulate activity at road-ends in order that their use will benefit township residents and the general public, and assure reasonable peace and tranquility for abutting land owners and legal occupants.

4. **Prohibitions.** The following activities are prohibited in road-ends.

- a. Anchoring of any watercraft within any road-end as extended into the waters of any lake or stream, except between the hours 7:00 a.m. and 10:00 p.m.
- b. The placing of any permanent or seasonal boat anchoring or mooring device, swimming raft or other permanent object except as permitted by this ordinance within the area of any road-end as extended into a lake or

stream. "Permanent" or "seasonal" mean any object which remains for more than the period of time between 7:00 a.m. and 10:00 p.m., of a single day.

- c. The parking or storage of any motor vehicle, boat, ice shanty, or any other item of personal property, except between the hours of 7:00 a.m. and 10:00 p.m.
- d. Parking of motor vehicles, boats, boat trailers, ice shanties or other item of personal property at any place within a road-end where official signs prohibit any such parking or storage, whether in the road end or on the road end as extended into the lake or stream. The building of camp fires or the use or possession of any controlled substances as defined by the statutes of the State of Michigan or alcoholic beverages within the area of any road-end and as such road-end is extended into the waters of any lake or stream.
- e. Any conduct or behavior by any person prohibited by the ordinances of the township, including, without limitation, any ordinance prohibiting disorderly or obscene conduct.
- f. Lounging and picnicking.
- g. The construction and maintenance of any boat hoist or similar device.

5. **Permitted Activities.** The following activities, carried on during the hours of 7:00 a.m. and 10:00 p.m., are permitted:

- a. Swimming, boating and fishing.
- b. Launching or temporary docking of watercraft at locations where a launch or dock has been permitted and constructed for that purpose in accordance with this ordinance.
- c. The temporary anchoring of boats within the road-end as it extends into a lake or stream, provided that no such temporary anchoring shall unreasonably interfere with navigation, or violate any federal or state law or regulation.

6. **Construction of Docks and Launch Ramps.**

- a. Docks and Launch Ramps shall not be placed in the water or the bottomland or at any place within a road end without the permission of the

Township Board, which may exercise its sole discretion in determining whether to allow any such installation.

b. In the event the Township Board determines to allow such installation, the following procedures and conditions shall apply:

- (1) No more than one non-exclusive dock or launch ramp, or one of each (provided the township determines that both may be constructed) shall be constructed at the extension of any road-end into the waters of a lake or stream. Any person desiring to construct a dock or launch ramp shall first obtain a permit from the township board. **[or other township body designated in the ordinance]**. The dock shall be not more than four feet wide and of a length, to be determined by the township and set forth in the permit, that will not unduly interfere with navigation or any other lawful public activity at the road-end. In applying for a permit to construct a dock or launch ramp, the applicant shall submit to the township plans and specifications of sufficient detail to allow the board to determine that the dock or launch ramp will be reasonably safe for public use, and constructed in accordance with applicable codes and standards promulgated by the U.S. Army Corps of Engineers or the State. The non-exclusive private dock or launch ramp must bear the name and address of the owner thereof, or the party responsible for its erection; and, as to any dock, the entire structure must be removed from the lake or stream bed and right of way of the road-end before December 1st of each year. The dock or launch ramp shall be maintained in good, operable condition at the sole expense of the permittee. If said dock or launch ramp is not maintained in good, operable condition, if it causes a nuisance in the sole determination of the township board, or if the insurance is terminated, it may be removed by the Township at the expense of the permittee.
- (2) All such docks or ramps shall be maintained, made available and utilized free of any restriction or prohibition against use by the general public. Signs or notices with wording such as "keep off" or "private dock" are prohibited.
- (3) Overnight tying or storing of any watercraft at any such non-exclusive private dock or launch ramp is prohibited.
- (4) No dock or launch ramp shall be installed without necessary permits, (if any are required), from the Corps of Engineers or the State of Michigan.

(5) Any person(s) who applies for a permit to construct a dock launch ramp agrees, upon issuance of said permit to assume any liability for its erection and public use and agrees upon issuance of the permit to hold _____ Township and the Muskegon County Road Commission and their officers, employees and volunteers harmless from any liability for its erection, maintenance or use.

(6) As a further condition to the issuance of and continuance in effect of any permit, the applicant, prior to the issuance of any such permit shall (and before installing such dock or launch ramp) provide proof of liability insurance coverage in the amount of not less than \$ _____ per incident naming _____ Township and the Muskegon County Road Commission as additional insureds, and shall maintain such insurance coverage in effect until such dock or launch ramp is completely removed. The applicant shall deliver certificates of said coverage to the township and the road commission. The certificates and insuring agreements shall provide that no cancellation shall be effective for any reason unless 30 days prior written notice is delivered to the township and road commission.

7. **Penalty.** Any violation by any person of any provision of this ordinance shall constitute a misdemeanor and, upon conviction, shall be subject to a fine not exceeding \$500 for each and every day the violation continues, or by imprisonment in the County Jail for a period not to exceed 90 days, or by both such fines and imprisonment.

8. **Severability.** Should any portion of this ordinance be declared invalid by court action, the ordinance as a whole, and all remaining provisions, shall be considered valid and in full force and effect.

9. **Effective Date.** This ordinance shall take effect 30 days after first being published in accordance with Michigan law.

This Ordinance Passed :

Ayes _____

Nays _____

_____ TOWNSHIP

By _____, Clerk

_____ TOWNSHIP

Ordinance No. _____

An ordinance to regulate and prohibit disorderly conduct.

The Township Board of _____ Township hereby ordains:

1. **Definitions.** The term "public place," as used in this ordinance, shall mean any street, alley, park, public building, and place of business or assembly open to or frequented by the public, and any other place which is open to public view or hearing, or to which the public has access. The term "obscene" means that to the average person applying contemporary community standards: a) the predominant appeal of any conduct taken as a whole is to the prurient interest, that is a shameful or morbid interest in sexual conduct, nudity, excretion or pseudo masochistical abuse; b) conduct which taken as a whole portrays sexual conduct or nudity in a patently offensive way; and, c) conduct which, taken as a whole, lacks serious literary, artistic, political or scientific value.

2. **Acts Prohibited.** No person shall:

- (1) Commit an assault, or an assault and battery on any person.
- (2) Be intoxicated in any public place or under the influence of any narcotic drug in any public place, and act in any manner which endangers the safety of any other person, or creates a public disturbance.
- (3) Engage in any obscene conduct in any public place.
- (4) Fire, discharge, display, or possess any fireworks, except of the type and under the conditions permitted by the laws of the State of Michigan.
- (5) Engage in peeping in the windows of an inhabited place.
- (6) Beg in any public place.
- (7) Bathe in any body of water in a naked state, or with his or her person so much undressed that there shall be an indecent exposure of the body.
- (8) Make any obscene exposure of his or her person.
- (9) Willfully destroy, remove, damage, alter or, in any manner, deface any property not his or her own, including any building, bridge, fire hydrant, alarm box, streetlight, street sign, traffic control device, any sign or tree, or

mark or post handbills, on or, in any manner, mark the walls of, any building, fence, tree, or pole.

- (10) Engage in any disturbance, fight, quarrel, or commit any breach of the peace.
- (11) Jostle or roughly crowd persons in any public place.
- (12) Loiter or conduct oneself in any public place so as to obstruct the free and uninterrupted passage of the public.
- (13) Engage in any act of prostitution.
- (14) Attend, frequent, operate, or be an occupant or inmate of any place where prostitution, gambling, the illegal sale of intoxicating liquor, or where any other illegal or immoral business or occupation is permitted or conducted.
- (15) Disturb the public peace and quiet by loud, boisterous, or vulgar conduct.
- (16) Permit or suffer any place occupied or controlled by him or her to be a resort of noisy, boisterous, or disorderly persons.
- (17) Obstruct, resist, hinder or oppose any member of a police department, sheriff's department or any peace officer, lawfully discharging his or her duties.

3. **Penalty.** Any person who shall violate this ordinance shall be guilty of a misdemeanor punishable by a penalty of not to exceed ninety (90) days in the county jail or a \$500 fine, or both.

4. **Effective Date.** This ordinance shall take effect thirty days after first being published in accordance with Michigan law.

This ordinance adopted :

Ayes _____

Nays _____

_____ TOWNSHIP

By _____

, Clerk

TOWNSHIP OF _____
COUNTY OF MUSKEGON
STATE OF MICHIGAN

Ordinance No. _____

SHORT TITLE: ORDINANCE TO _____

THE TOWNSHIP OF _____ ORDAINS:

Section 1: TITLE: This ordinance shall be known and cited as _____

Section 2: PURPOSE: The purpose of this ordinance is to create and enforce the following no-parking zones and give the Muskegon County Road Commission authority to post no-parking signs thereat.

Section 3: PROHIBITION: No person shall park a motor vehicle, boat, trailer, jet-ski, snowmobile, fish shanty or other structure within the following rights-of-way:

- 1.
- 2.
- 3.
- 4.

Section 4: SEVERABILITY: Should any part of this ordinance be held invalid by a court of competent jurisdiction, the remaining parts of the ordinance shall be severable and continue in full force and effect.

Section 5: ORDINANCE REPEAL: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed upon the effective dates of this ordinance.

Section 6: PENALTY PROVISION: Any person convicted of violating this ordinance shall be fined an amount not to exceed \$100, or shall be imprisoned in the county jail for a period not to exceed 90 days, or by both such fine and imprisonment.

Section 7: EFFECTIVE DATE: This ordinance will become effective immediately after adoption.

TOWNSHIP OF _____

Introduced: _____
Adopted: _____
Published: _____
Effective: _____

By _____
_____ - Clerk

TOWNSHIP OF _____
COUNTY OF MUSKEGON
MUSKEGON, MICHIGAN

RESOLUTION

At a regular meeting of the _____ Township Board, located in the County of Muskegon, State of Michigan held at the _____ Township Hall, on the ____ day of _____, _____, a quorum being present:

MOTION BY: _____

SECONDED BY: _____

to adopt the following Resolution:

BE IT RESOLVED that Ordinance No. _____, attached hereto and made a part hereof, is hereby adopted, described as:

BE IT FURTHER RESOLVED that publication of Notice of Ordinance Adoption and Summary be made in a newspaper of general circulation in the Township of _____ within fifteen (15) days after the adoption of this resolution.

This Ordinance was adopted on the ____ day of _____, _____, with the following votes:

		<u>AYE</u>	<u>NAY</u>
SUPERVISOR:	_____	_____	_____
CLERK:	_____	_____	_____
TREASURER:	_____	_____	_____
TRUSTEE:	_____	_____	_____
TRUSTEE:	_____	_____	_____
TRUSTEE:	_____	_____	_____
TRUSTEE:	_____	_____	_____

The above Resolution was adopted by a vote of ____ Ayes and ____ Nays.

Subscribed and sworn to before me
this ____ day of _____, _____.

TOWNSHIP OF _____

By _____

- Clerk

Notary Public, Muskegon County, Michigan
My Commission Expires: _____

**SECTION 19-1-0
PARKING AT WHITE RIVER LIGHT STATION**

SECTION

- 19-1-1 DEFINITIONS
- 19-1-2 PARKING PROHIBITED
- 19-1-3 PENALTIES
- 19-1-4 EFFECTIVE DATE

AN ORDINANCE TO REGULATE THE PARKING OF VEHICLES IN THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN AT THE WHITE RIVER LIGHT STATION.

THE TOWNSHIP OF FRUITLAND ORDAINS

SECTION 19-1-1 DEFINITIONS

A vehicle, for the purposes of this Ordinance, shall mean any device in, upon, or by which any person or property, is or may be transported or drawn upon a highway.

SECTION 19-1-2 PARKING PROHIBITED

No person shall park any vehicle in the Township of Fruitland at the White River Light Station parking lot or in the drive entering said parking lot between the hours of 10:00 p.m. and 5:00 a.m.

SECTION 19-1-3 PENALTIES

Any person who shall violate the provisions of this Ordinance shall, upon conviction of such violations be punished by a fine of not to exceed One Hundred Dollars (\$100) or by imprisonment in the Muskegon County Jail for a period of not to exceed ninety (90) days or both such fine and imprisonment.

SECTION 19-1-4 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

Amendment Adopted: April 28, 1997
Effective: May 6, 1997
Published: May 5, 1997

**SECTION 19-2-0
PARKING ON OR NEAR SCENIC DRIVE**

SECTION

- 19-2-1 DEFINITIONS
- 19-2-2 PARKING PROHIBITED-DUCK LAKE AREA
- 19-2-3 PARKING REGULATIONS-SOUTH SHORE DRIVE AREA
- 19-2-4 PENALTIES FOR VIOLATION
- 19-2-5 EFFECTIVE DATE

AN ORDINANCE TO REGULATE THE PARKING OF VEHICLES WITHIN FRUITLAND TOWNSHIP ON SCENIC DRIVE BETWEEN WABANINGO ROAD AND DUCK LAKE ROAD AND NEAR THE INTERSECTION OF SOUTH SHORE DRIVE, AND ALSO ON PORTIONS OF SOUTH SHORE DRIVE AND MURRAY ROAD NEAR THE INTERSECTION OF SCENIC DRIVE.

SECTION 19-2-1 DEFINITIONS

A vehicle for the purpose of this ordinance shall be any device in, upon or by which any person or property, is or may be transported or drawn upon a highway. A trailer, for the purpose of this Ordinance, shall mean any device that is typically towed by a vehicle for the purpose of carrying a watercraft or any other objects. All distances in this ordinance are measured from the center of the applicable road.

SECTION 19-2-2 PARKING PROHIBITED – DUCK LAKE AREA

No person shall park any vehicle in the Township of Fruitland on Scenic Drive between Wabaningo Road and Duck Lake Road between the hours of 10:00 p.m. and 5:00 a.m.

SECTION 19-2-3 PARKING REGULATIONS-SOUTH SHORE DRIVE AREA

- A. No person shall park any vehicle or trailer on the easterly side of the Scenic Drive right of way from a point 100 feet southerly of South Shore Drive to a point 290 feet northerly of South Shore Drive.
- B. No person shall park any vehicle or trailer on the westerly side of the Scenic Drive right of way from a point 100 feet southerly of South Shore Drive to a point 100 feet northerly of South Shore Drive.
- C. No person shall park any vehicle or trailer along either side of Scenic Drive from a point 750 feet northerly of South Shore Drive to the water's edge of White Lake.
- D. Only vehicles with a trailer attached may park along the westerly side of Scenic Drive from a point 100 feet northerly of South Shore Drive to a point 750 feet northerly of South Shore Drive. No person shall park any vehicle or trailer within this area unless they are attached.
- E. No person shall park a vehicle with a trailer attached along the easterly side of Scenic Drive from a point 290 feet northerly of South Shore Drive to a point 600 feet northerly of South Shore Drive. Vehicles, but no trailers may be parked within this area.

- F. No person shall park a vehicle along the easterly side of Scenic Drive from a point 600 feet northerly of South Shore Drive to a point 750 feet northerly of Scenic Drive unless such vehicle is parked at an angle within the angle parking lines located within this area. Trailers or vehicles with trailers shall not be parked in this area in any manner.
- G. No person shall park any vehicle or trailer along South Shore Drive between Scenic Drive and a point 100 feet easterly of Scenic Drive.
- H. No person shall park any vehicle or trailer along Murray Road between Scenic Drive and a point 100 feet westerly of Scenic Drive.

SECTION 19-2-4 PENALTIES FOR VIOLATION

Any person who shall violate the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction of such violation, shall be punished by a fine of not to exceed \$100, or by imprisonment in Muskegon County Jail for a period not to exceed 90 days, or by both such fine and imprisonment.

SECTION 19-2-5 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after the date of publication.

Adoption date: July 16, 2002

Publication date: July 21, 2002

ANTI-NOISE AND PUBLIC NUISANCE ORDINANCE

An ordinance to secure the public health, safety and general welfare of the residents and property owners of Laketon Township, Muskegon County, Michigan, by the regulation of noise, odors and the production of dust within said township; to prescribe penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

THE TOWNSHIP OF LAKETON, MUSKEGON COUNTY, MICHIGAN, ORDAINS:

SECTION 1. TITLE.

This ordinance shall be known and cited as the Laketon Township Anti-Noise and Public Nuisance Ordinance.

SECTION 2. ANTI-NOISE REGULATIONS.

- A. No person, firm, or corporation shall cause or cause to be made or permit to be continued any unreasonable or improper noise or disturbance, injurious to the health, peace, repose, or quiet of the residents and property owners of the Township of Laketon.
- B. The following noises and disturbances are hereby declared to be a violation of this ordinance; provided, however, that the specification of the same is not thereby to be construed to exclude other violations of this ordinance not specifically enumerated:
 - (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle for any purpose other than to avoid an accident or collision.
 - (2) Radios, phonographs, etc. The using, operating or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven o'clock P.M. and seven o'clock A.M. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
 - (3) Yelling, shouting, hooting or singing on the public streets between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in the vicinity.
 - (4) The keeping of any animal, bird or fowl which emanates frequent or extended noise which shall disturb the quiet, comfort and repose of any person in the vicinity.

- (5) The operation of any automobile, motorcycle, or other vehicle so out of repair, so loaded or constructed as to cause loud and unnecessary grating, grinding, rattling, exhausting or other noise disturbing to the quiet, comfort or repose of other person.
- (6) The operation of any steam whistle attached to a boiler of any type except for the purpose of giving notice of the time to begin or stop work or as a warning of fire or other danger, or for other purposes upon special permit therefor from the Township Board.
- (7) The discharging outside of any enclosed building of the exhaust of any steam engine, internal combustion engine, motor vehicle, or motor boat engine except through a muffler or other similar device which will effectively prevent loud or explosive noises resulting therefrom.
- (8) The erection, excavation, demolition, alteration, or repair of any building or premises in any platted residential district or section of the township, including the streets and highways therein, in such a manner as to emanate noise or disturbance unreasonably annoying to other persons, other than between the hours of 6:00 A.M. and sundown on week days, except in cases of urgent necessity, in the interest of public health and safety, upon receipt of a permit therefor from the building inspector of the township, which permit shall limit the period that the activity may continue.
- (9) The emission or creation of any excessive noise on any street which unreasonably interferes with the operation of any school, church, hospital or court.
- (10) The creation of any loud or excessive noise, unreasonably disturbing to other persons in the vicinity in connection with the loading or unloading of any vehicle, trailer, box car, or other carrier, or in connection with the opening or destruction of bales, boxes, crates, or other containers.
- (11) Loud Speakers, Amplifiers for Advertising, The using, operating or permitting to be played, used, or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier, or other machine or device for the producing or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure.
- (12) The operation of any race track, proving ground, testing area, or obstacle course for motorcycles, motor vehicles, boats, racers, automobiles or vehicles of any kind or nature in any area of the township not specifically zoned for such an operation and/or where the noise emanating therefrom would be unreasonably disturbing and annoying to other persons in the vicinity.
- (13) Schools, Courts, Churches, Hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.

C. None of the prohibitions hereinbefore enumerated shall apply to any of the following:

- (1) Any police vehicle, ambulance, fire engine or emergency vehicle while engaged in necessary emergency activities.
- (2) Excavation or repair of bridges, street or highways by or on behalf of the Township of Laketon, State of Michigan, or County of Muskegon, between the hours of 6:00 P.M. and 7:00 A.M. when the public welfare, safety, and convenience render it impossible to perform such work during other hours.

SECTION 3. SOUND TRUCKS.

In the interpretation of this ordinance the following definitions shall apply:

- A. "Sound Truck". The words "sound truck" as used herein shall mean any motor vehicle, or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound amplifying equipment.
- B. "Sound Amplifying Equipment". The words "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music or other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

NON-COMMERCIAL USE OF SOUND TRUCKS

- A. Registration required. No person shall use, or cause to be used, a sound truck with its sound amplifying equipment in operation for non-commercial purposes in the Township of Laketon before filing a registration statement with the Township Clerk in writing. This registration statement shall be filed in duplicate and shall state the following:
 - (1) Name and home address of the applicant.
 - (2) Address of place of business of applicant.
 - (3) License number and motor number of the sound truck to be used by applicant.
 - (4) Name and address of person who owns the sound truck.
 - (5) Name and address of person having direct charge of sound truck.
 - (6) Names and addresses of all persons who will use or operate the sound truck.
 - (7) The purpose for which the sound truck will be used.
 - (8) A general statement as to the section or sections of the Township in which the sound truck will be used.
 - (9) The proposed hours of operation of the sound truck.
 - (10) The number of days of proposed operation of the sound truck.
 - (11) A general description of the sound amplifying equipment which is to be used.
 - (12) The maximum sound producing power of the sound amplifying equipment to be used in or on the sound truck. State the following:

- i. The wattage to be used.
 - ii. The volume in decibels of the sound which will be produced.
 - iii. The approximate maximum distance for which sound will be thrown from the sound truck.

- B. Registration statement amendment: All persons using or causing to be used, sound trucks for non-commercial purposes shall amend any regulation statement filed pursuant to section 3A (Non-Commercial Use of Sound Trucks) within forty-eight (48) hours after any change in the information therein furnished.

- C. Registration and identification. The Township Clerk shall return to each applicant under Section 3A (Non-Commercial Use of Sound Trucks) one copy of said registration statement duly certified by the Township Clerk as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating the sound truck at all times while the sound truck's sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman of the Township of Laketon upon request.

- D. Regulations for use. Non-commercial use of sound trucks in the Township of Laketon with sound amplifying equipment in operation shall be subject to the following regulations.
 - (1) The only sounds permitted are music or human speech.
 - (2) Operations are permitted for four (4) hours each day, except on Sundays and legal holidays when no operations shall be authorized. The permitted four (4) hours of operation shall be between the hours of 11:30 A.M. and 1:30 P.M. and between the hours of 4:30 P.M. and 6:30 P.M.
 - (3) Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic, the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.
 - (4) Sound shall not be issued within one hundred (100) yards of hospitals, schools, churches, or courthouses.
 - (5) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.
 - (6) The volume of sound shall be controlled so that it will not be audible for a distance in excess of one hundred (100) feet from the sound truck and so that said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.
 - (7) No sound amplifying equipment shall be operated within excess of 15 watts of power in the last stages of amplification.

COMMERCIAL ADVERTISING BY SOUND TRUCK PROHIBITED

No person shall operate, or cause to be operated, any sound truck for commercial sound advertising purposes in the Township of Laketon with sound amplifying equipment in operation.

SECTION 4. Validity.

The several provisions of this ordinance are declared to be separate and the holding of any court that any section or provision thereof is invalid shall not affect or impair the validity of any other section or portion.

SECTION 5. PENALTIES FOR VIOLATION.

Any person, firm, or corporation found violating any of the provisions of this ordinance shall, upon conviction, be punished by a fine of not to exceed \$100.00 or by imprisonment not to exceed 90 days, or by both such fine or imprisonment, at the discretion of the court. Each day that a violation shall continue shall constitute a separate offense. The provisions of this ordinance may also be enforced by suit for injunction, damages, or other appropriate legal action.

SECTION 6. EFFECTIVE DATE.

This ordinance shall take effect 30 days from its publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Kyran J. Kane – Township Clerk

Published: Feb. 7, 1970

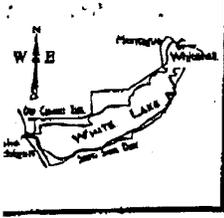
Effective: March 9, 1970

(Adopted Feb. 2, 1970)

ProgressiveAE

APPENDIX "B"

For information purposes, the following appendix contains letters received after review of the draft report.



THE
WHITE LAKE ASSOCIATION

P.O. Box 151
Montague, MI 49437

Web Site: www.mlswa.org/white-lake-829

FILE COPY

June 27, 2003

PROJECT #

6335

West Michigan Shoreline Regional
Development Commission
P. O. Box 387
Muskegon, MI 49443

JUN 30 2003

Art. Brian Mulnix

On behalf of The White Lake Association, I would like to comment on the Road Endings at Water Study Draft Report. We are pleased that the report proposes:

That how a road end is used or not used is a decision between the County Road Commission and the local township.

That any use of a road end must comply with what is permitted by state law including case law.

That a procedure would be in place for any proposal on usage of a road end that would include public hearings.

That if there were agreement on any usage of a road end, that a letter of understanding would be created between the township and Road Commission on who is responsible for maintaining certain improvements, etc.

I would like to offer the following additions to your report draft dated May 16, 2003:

1. That the opening paragraph should be clarified by adding road endings at water can be used only for ingress and egress to the lake. That no erection of boat hoists means no permanent mooring of boats.
2. That your opening discussion should include that the State of Michigan has developmental guidelines in relation to public boat launch capacity and the carrying capacity of the lake.
3. That there have been gentlemen's agreements between townships and the Muskegon County Road Commission in regards to road ends as evidenced by the exchange of funds between Fruitland Township and the Road Commission regarding improvements at the Nestrom Road end back in 1982-84.
4. That on the procedural chart that states "public meeting", be changed to "public hearing" and a notice letter be sent to adjoining property owners at the waterfront.

Board of Directors

Tom Thompson, Pres. (894-4313)
D. Duane Trombly, Trustee (894-5772)

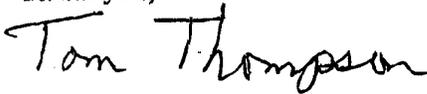
John Truxell, V. Pres. (894-8433)
Dave Stevens, Trustee (894-2281)

Sandra Coddington, Secretary/Treasurer (894-2218)
John Luttrill, Trustee (894-9877) Stan Jones, Trustee (894-4013)

We urge you to pass on your final draft report to the Road Commission so that they may consider it in September as targeted at our last meeting.

Please keep us informed as to your final draft copy and date when the Road Commission will consider any action.

Thank you,

A handwritten signature in cursive script that reads "Tom Thompson". The signature is written in black ink and is positioned below the typed name.

Tom Thompson, President
The White Lake Association



FILE COPY

PROJECT # 6335

WHITE LAKE AREA SPORT FISHING ASSOCIATION

P.O. Box 157, Montague, MI 49437

Since 1981 ... improving the quality of
fishing in the White Lake Area

June 28, 2003

Road Endings at Water Committee
% WMSRDC & ProgressiveAE

RE: Comments on Road Endings at Water Study of May 16, 2003

The following are general observations and facts that should be corrected in the May 16, 2003 Findings/Framework.

Issues

1. Use Conflicts/Congestions

Add -- Lack of adequate parking is being aggravated by artificial barriers that serve no useful or positive purpose. This is the case at Nestrom Road end on White Lake with nine post placed across the middle of the parking area. The posts were installed by the MCRC under orders of Norm Erickson in 2002. The functions of the posts are to aggravate the public, create safely hazards and liability for the MCRC, create limitations to public parking, obstruct snow removal, and create great inconvenience to the senior neighbors on the West side of Nestrom Road.

Note: The action of MCRC placing the posts at Nestrom Road was the large cause of a violent assault against a citizen visiting the work of the MCRC on July 19, 2002.

2. Public Nuisance

Add -- Inappropriate acts, disorderly, and violent conducts by an adjacent road end landowners can be intimidating to visiting tourist and neighbor residents. Nestrom Road end is also being used as a trailer storage yard by the visitors to the area. County road ends at water are not designed to be local neighborhood trailer storage yards at public expense.

3. Public Safety

Major fact errors are present. Strike out all references of safety issue at road ends due to low water conditions. As example, the boat launch at Nestrom Road was only temporarily out commission due to low water, but "NOT" a safely problem! The perfectly good launch was in place waiting for the normal rise cycle in water level. (The boat launch was destroyed and removed in 2002 as a personal vendetta of the MCRC against the local community.) All that is

Comments on Road Endings at Water Study p.2,

needed is a sign "Launch at your own risk". This follows the same example as the signs of "Swim at your own risk" at unattended beach areas or USACE pier revetments.

Communication

Correction -- The removal of a boat launch (Nestrom Road)the road commission took the initiative for public safety reasons. Remove this false statement.

This appears to have caught.....possibly holding a public meeting with township officials...and public...to communicate safety concerns could have eased tensions. Again there were no safety concerns to discuss. Remove this red herring statement.

Note: No public hearing was a deliberate move by the MCRC to prevent the public from protecting the perfectly good boat launch. The MCRC removal of the Nestrom Road boat launch was a planned surprise attack. The MCRC only claimed "safety concerns" after their destructive act in attempt to cover their actions.

It is important that the report be factual to protect the integrity of the WSRDC and ProgressiveAE. Any attempt to cover for the misconduct or mistakes of the MCRC will cause this report to be widely debunked by the community reflecting upon the authors and the other committee members.

WLASA

Road end committee

WHITE RIVER TOWNSHIP
7386 POST ROAD
MONTAGUE, MI. 49437

FILE COPY

PROJECT # 6335

Brian Mulnix
WMSRDC
316 Morris Ave. Suite 340
Muskegon, Mi. 49443

Re: Road Ends at Water

Dear Brian,

The White River Township Board appreciates that you are discussing and making recommendations for road ends at water. It has been an on going problem for many Townships, White River included.

An update on Lau and Indian Bay Road ends: The Township is presently in discussion with Ken Hulka , Managing Director of the MCRC for upgrading and maintaining the Indian Bay Road end to White Lake. The present discussion is a three way effort with the MCRC, Township and abutting property owners to share cost to keep the road end open to the public for ice fishing, snowmobilers and walkers to access the lake. It would greatly improve access for the abutting property owners also.

Lau Road to White Lake has been recently surveyed and signs placed to show the property lines by the MCRC. Two trees have been removed by the MCRC to help facilitate a turn-around for vehicles. No more work has been done at this time. The gate at the end of Lau Road is open for small boats that can be portaged to the water. In the future, if and when the Lake water comes back up, we would like to improve the boat launch for trailered boats as it was used in the past. We understand that it is not safe at this time for any large boats to launch. We will continue to work with the MCRC to keep this road end open to the public.

Eilers Road end at Lake Michigan has been used for many many years to access the beach. Hancock Road end at Lake Michigan has foot travel to and from the Lake. The abutting property owner to north is encroaching on the Hancock Road right-of-way at the present time. We hope that these two roads can remain permanently open for public use.

The road end at water ordinance that you enclosed will be looked at when you have completed your study.

Thank you,

The White River Township Board


Joy Ann Lehman, Clerk

PROJECT #

6335

5724 South Shore Drive
Whitehall, MI 49461
June 23, 2003

Brian Mullins
West Michigan Shoreline Commission
316 Morris Ave., Suite 340
P.O. Box 387

Muskegon, MI 49461

Dear Mr. Mullins,

I have been to two of your meetings regarding road endings at White Lake. Your presentations and graphics I found to be informative. I recall that there was a statement made to the effect that each road ending is unique. In view of this, I would like to comment that on the Muskegon road ending, there has been what I was told is torque sand placed beyond the posts. The plan was that vehicles would be parked behind the posts and anyone wanting to launch a canoe, small boat or kayak would be required to carry the craft across this loose sand to the water which would be a short 150 feet. I sincerely hope that this plan is not put into effect. In view of limited parking space at most road endings, this 150 feet could be well utilized for parking, provided the torque sand is removed.

I am enclosing snapshots that were taken this past winter during ice fishing activity. This Muskegon road ending has a long history of providing lake access for the local people. I do hope this tradition can be carried on.

Thank you for your effort and for allowing me to comment.

Sincerely,
Clara L. Potter

From: <DWheeler9430@aol.com>
To: <bmulnikx@wmsrdc.org>
Subject: Road Endings at Water
Date: Friday, June 27, 2003 8:40 PM

FILE COPY
PROJECT # 6335

Brian;

First off, I want to thank you and your team for giving me the opportunity to sit in and be a part of this working committee. If nothing else, it has given me a clearer understanding of the complexity of seemingly clear issues. Nothing is quite as easy as it may appear. The more I've learned, the less I know about solving these issues. In reviewing my meeting notes and in talking to several people in the Fruitland Twp. area, my feelings and conclusions are as follows:

Apparent Facts:

1. MCRC does not have power to adopt or regulate ordinances which are relative to these road endings...
2. None of the road ends in Fruitland Twp. have sufficient on site parking to support a high level of activity at these sites.
3. All White Lake sites have safety issues associated with them...everything from low water to heavy adjacent beach and boat traffic...
4. All White Lake sites have maintenance issues associated with them...everything from "trash to erosion and environmental problems"
5. The lack of a clear governing agency makes the policing of these areas very difficult if not impossible.
6. The public has a clear and indisputable right to access the lake through these sites.

Summary Conclusions:

1. A committee will always have difficulty in reaching an agreement as to how these areas are to be used. (Too many self interests...)
2. Given the MCRC lack of plans and lack of historical activity regarding these sites, I wonder why they want to be involved in the development of these properties for their best uses.
3. The MCRC does not have funds allocated to develop these areas.
..
4. It seems to me that the responsibility for these areas should fall to the township level. At this level, ordinances could be passed to support the planned uses and development of these areas.
5. Townships as a governmental agency, are in a position to budget for the development of these areas. Also grants could be applied for to aid with the planned development and use of these road endings.
6. The public interest would be better served at the local level by township government. They have a vested interest in developing in the name of "the public".

Bottom Line:

These issues need and must be addressed in the near future. We cannot "just let it ride". It is our responsibility as stewards of the environment to develop common sense plans to accommodate the public and to protect the lake.

I would certainly be willing to help in any way possible.

Sincerely,

David G. Wheeler