

TOWNSHIP OF ONEKAMA

ORDINANCE AMENDMENT NO. 2019-07

Supercedes 2006-01 as AMENDED JUNE 6, 2006 & Amended Aug 5, 2013

ONEKAMA TOWNSHIP ROAD END ORDINANCE

AN ORDINANCE TO AMEND THE ROAD END ORDINANCE DATED 1993, AND AMENDED IN 2002, 2003 AND 2005, REGULATING PUBLIC ROAD ENDS WHICH ARE RIPARIAN TO LAKE MICHIGAN OR PORTAGE LAKE, AND PUBLIC ROAD ENDS WHICH TERMINATE AT A PUBLIC AVENUE, OUTLOT, EASEMENT OR OTHER PUBLIC WAY, INCLUDING THE CHANNEL PIERS BETWEEN LAKE MICHIGAN AND PORTAGE LAKE, WHICH ARE RIPARIAN TO LAKE MICHIGAN, PORTAGE LAKE OR THE CHANNEL BETWEEN LAKE MICHIGAN AND PORTAGE LAKE, RESPECTIVELY AND INCORPORATING BY THIS AMENDMENT A LOCATOR MAP AND REFERENCE NUMBERS AND TO REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith:

THE TOWNSHIP OF ONEKAMA ORDAINS:

Section 1—Purpose

It is the intent of Onekama Township, in order to avoid congestion and to promote the health, safety and welfare of township residents and visitors, to regulate and control activity at public road ends which are riparian to Lake Michigan or Portage Lake, and at public road ends which terminate at and/or adjoin any other public avenue, outlot, easement or other public way, including the Channel Piers between Lake Michigan and Portage Lake, which are riparian to Lake Michigan, Portage Lake or the Channel between Lake Michigan and Portage Lake. It is further Onekama Township's intent to exercise its police powers with respect to those platted public road ends as evidence of the Township's acceptance of the dedication of these public road ends for the enjoyment of the public.

Section 2 - Definitions

Public Road End - Means the end of a public road, or any other part of a public road, including the full width of the public road's right-of-way that is riparian to Lake Michigan or Portage Lake, or that is contiguous to and bound by, and/or which terminates at, a public avenue, outlot, easement or other public way, including the Channel Piers between Lake Michigan and Portage Lake, which are riparian to Lake Michigan, Portage Lake or the Channel between Lake Michigan and Portage Lake, respectively.

Riparian - Means contiguous to and actually bound by Lake Michigan, Portage Lake or the Channel between Lake Michigan and Portage Lake.

Section 3 – Section-Scope

The regulations contained in this Ordinance shall apply to all Township public road ends. Said Township public road ends are described as follows by section number, name of road end, width, plat, and permitted use as set forth in Section 7.A and 7.B.

Lake Michigan

| Section | Road End | Width | Plat | Permitted Use | (Refer Map #) |
|---------|-----------------|-------|--|------------------|---------------|
| 4 | Burnham Street | 66' | 610, Plat of Hopkins Addition | Public Access | 1 |
| 21 | Ivanhoe Road | 91' | 330, Plat of Portage Park Addition No. 1 | Observation Area | 2 |
| 21 | Alley H | 25' | 290, Plat of Portage Park Addition | Observation Area | 3 |
| 21 | Alley G | 25' | 290, Plat of Portage Park Addition | Observation Area | 4 |
| 21 | Lakeside Avenue | 300' | 290, Plat of Portage Park Addition | Observation Area | 5 |

| | | | | | |
|----|----------------|-----|----------------------------------|------------------|----|
| 28 | Avenue E | 40' | 370, Plat of Portage Park Resort | Observation Area | 6 |
| 28 | Avenue C | 30' | 370, Plat of Portage Park Resort | Observation Area | 7 |
| 28 | Avenue B | 30' | 370, Plat of Portage Park Resort | Observation Area | 8 |
| 28 | Eighth Street | 30' | 410, Plat of Portage Point | Observation Area | 9 |
| 28 | Seventh Street | 30' | 410, Plat of Portage Point | Observation Area | 10 |
| 28 | Third Street | 40' | 410, Plat of Portage Point | Observation Area | 11 |

Portage Lake-Lake Michigan Channel Piers

| Section | Road End | Width | Plat | Permitted Use | |
|---------|----------------|-------|----------------------------|-----------------------------|----|
| 28 | First Street | 40' | 410, Plat of Portage Point | Public Access to North Pier | 12 |
| 33 | Portage Street | 66' | 650, Plat of Williamsport | Public Access to South Pier | 13 |

Portage Lake

| Section | Road End | Width | Plat | Permitted Use | |
|---------|-------------------------|-------|---|--|----|
| 28 | Twelfth Street | 42' | 410, Plat of Portage Point | Public Access | 13 |
| 28 | Sunnyside Ave | 50' | 370, Plat of Portage Park Resort | Public Access | 13 |
| 28 | Outlet Avenue | 60' | 370, Plat of Portage Park Resort; 410, Plat of Portage Point | Public Access, Non-Exclusive Private Dock | 14 |
| 28 | Portage Ave | 60' | 410 & 370 | Public Access | |
| 28 | First Avenue | 50' | 370, Plat of Portage Park Resort | Public Access | 16 |
| 28 | Ardmore | 50' | 290, Plat of Portage Park Addition | Public Access | 17 |
| 28 | Arborvitae | 50' | 290, Plat of Portage Park Addition | Public Access | 18 |
| 28 | Juniper | 50' | 290, Plat of Portage Park Addition | Public Access | 19 |
| 27 | Midway | 60' | 290, Plat of Portage Park Addition | Public Access | 20 |
| 27 | Golfmore Way | 50' | 300, Plat (Amended) of Portage Park | Public Access | 21 |
| 27 | Batesmore Way | 50' | 300, Plat (Amended) of Portage Park | Public Access | 22 |
| 27 | Sylvan Way | 50' | 300, Plat (Amended) of Portage Park | Public Access | 23 |
| 22 | “Twenty-Foot Access” | 20' | 290, Plat of Portage Park Addition | Public Access | 24 |
| 22 | “Eight-Foot Access” | 8' | 290, Plat of Portage Park Addition | Public Access | 25 |
| 22 | Hilltop Road | 40' | 290, Plat of Portage Park Addition | Public Access | 26 |
| 22 | Clark Road | 66' | 290, Plat of Portage Park Addition | Public Access | 27 |
| 35 | Eagle Street | 50' | 130, Plat of Eagle Point | Public Access | 28 |

Section 4 - Docks

A. No more than one non-exclusive private dock with no riparian extensions shall be allowed at the end of Outlet Avenue leading to Portage Lake. It should be placed so as to extend approximately perpendicular to the shoreline and must remain within the right-of-way of the street as extended into the waters of Portage Lake (i. e. not encroaching onto or over the riparian land of adjacent property).

B. Said non-exclusive private dock shall be no more than four (4) feet in width and must have attached to the end of said dock some type of reflective device to promote safe night navigation.

C. Said non-exclusive private dock must be maintained in safe condition and must be removed from the lakebed and right-of-way of Outlet Avenue before October 15 of each year. This also includes Arborvitae leading to Portage Lake.

D. Such dock shall be maintained free of any restriction or prohibition against use by the general public. Such signs as “Keep Off” or “Private Dock” are prohibited thereon.

E. Overnight mooring of any watercraft to such non-exclusive private dock or within the area of any public road end as extended into Portage Lake is prohibited to insure the safe, complete, and full use of the area by the general public.

F. Any individual or group of individuals erecting a dock according to this Ordinance, for the use of the general public, hereby assumes a liability for its erection and public use, and agrees by the erection of this non-exclusive private dock to hold Onekama Township and its officials harmless from any liability for its erection and public use. Any such individual or group of individuals erecting a dock according to this Ordinance shall, before installing such dock, provide proof of liability insurance coverage in a minimal amount of \$1,000,000.00 per incident, naming Onekama Township as an additional insured, to the Onekama Township Clerk and shall maintain such insurance coverage in effect until such dock is removed.

Section 5 - Permanent Anchoring Devices—Boat Hoists

A. The auguring or driving of any boat mooring posts, the placing of any permanent or seasonal boat anchoring devices or swimming rafts within the area of any public road end as extended into Lake Michigan or Portage Lake is prohibited.

B. Encroachments or appropriations by any individual for private purposes, other than one non-exclusive private dock placed at the end of Outlet Avenue as permitted by this Ordinance, are prohibited within the area of any public road end as extended into Lake Michigan, Portage Lake or the Channel Piers to insure the safe, complete, and full use of these areas by the general public.

Section 6 - Public Road Ends - Parking and Encroachments

A. Overnight parking of any vehicle in the public road end right-of-way is prohibited.

B. Storage of any boats, boat hoists, docks, ice shanties, or placement of any other man-made structures or plantings which obstruct or which encroach upon the public road end right-of-way are absolutely prohibited at any time.

Section 7 - Public Road Ends - Improvements and Maintenance

A. No public road end governed by this Ordinance shall be altered and/or improved upon in any manner by any individual or group of individuals without first obtaining the written permission for such improvements from the Onekama Township Board of Trustees, the United States Army Corps of Engineers, and the Michigan Department of Environmental Quality, and, whenever applicable, the Manistee County Road Commission and/or the Manistee County Board of Commissioners, and without compliance with soil erosion control procedures and permits pursuant to MCL 324.9101, *et. seq.*

B. Any individual or governmental body responsible for changes in the use or characteristics of a public road end by erection of any structure, placement of litter barrels, or the like shall also be held responsible for their proper upkeep and maintenance to assure health, safety, and environmental protection.

Section 8 - General Use

A. As to those public road ends for which the permissible use is described as “public access,” pedestrian traffic to and from the water’s edge or the Channel piers is allowed pursuant to Section 8.B. Outlet Avenue may be utilized pursuant to Section 8.B as well as Section 4. All other road ends for which the permissible use is described as “observation area” are not prohibited as pedestrian-only access to the water, however direct access to the water’s edge may be detrimental to the environment and/or dangerous to pedestrian use, and these areas will be maintained in a natural state.

B. Except as otherwise prohibited by this Ordinance, the general public may utilize any public road end and/or right-of-way as extended into Lake Michigan, the Channel piers, and Portage Lake for firefighting water, access to the lakes, fishing, swimming, boating, and uses incidental thereto, provided such activities do not create a safety hazard, cause unreasonable congestion, interfere with the intended use, or otherwise disturb the peace.

C. Where provisions of this Ordinance conflict with the Sand Dunes Protection Act, the Sand Dunes Protection Act shall prevail.

Section 9 - Penalties and/or Enforcement of Ordinance

A. Any person or other entity who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction as defined by Michigan law and subject to a civil fine determined in accordance with the following schedule or that given in any amended Municipal Civil Infraction Ordinance approved by the Onekama Township Board:

| | |
|--|--------|
| First violation within a three (3) year period* | \$ 100 |
| Second violation within a three (3) year period* | \$ 200 |
| Third violation within a three (3) year period* | \$ 300 |
| Fourth or subsequent violation within a three (3) year period* | \$ 400 |

*Determined on the basis of the date of the violation(s) on the same road end, parcel or tract.

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the Township has been put in connection with the violation, including any attorney fees, and all costs incurred by the Township to correct a violation in the event of continued non-compliance by the person or other entity determined to be the violator on the road end.

A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day the same violation of this Ordinance continues to exist on the same road end, parcel or tract constitutes a separate violation. Provisions of this Ordinance may also be enforced by a suit for injunctive relief.

B. The Township Board, the Township Ordinance Enforcement Officer, the Attorney of the Township, or any owner or owners of real estate within the Township may institute a nuisance, injunction, mandamus, abatement, or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate, or remove any said unlawful boat dock, boat hoist, erection, construction, or use not permitted under this Ordinance in Manistee County Circuit Court or the Manistee County District Court.

Section 10 - Severability

Shall any portion of this Ordinance be declared invalid by Court action, the Ordinance as a whole and all remaining portions shall be considered valid and in full force and effect.

Section 11 - Effective Date

This Ordinance shall take effect thirty (30) days following its publication as required by law, following adoption by the Township Board.

THOSE VOTING IN FAVOR:

THOSE VOTING AGAINST:

THOSE ABSENT OR ABSTAINING:

ORDINANCE DECLARED PASSED

David Meister, Supervisor

CERTIFICATE

Shelli Johnson, Clerk of Onekama Township, hereby certifies that the foregoing Ordinance was adopted by the Township Board of Onekama Township at a regular meeting of said Board held on _____, 2019.

Shelli Johnson
Clerk of Onekama Township