

EMPIRE TOWNSHIP

ROAD END ORDINANCE NO. 03-08

AN ORDINANCE TO REGULATE THE USE OF PUBLIC ROADS ENDING AT AN INLAND LAKE, RIVER, STREAM OR OTHER INLAND BODY OF WATER AND THE LAND EXTENDING FROM PUBLIC ROADS INTO SUCH LAKE, RIVER, STREAM OR OTHER BODY OF WATER; AND TO PROVIDE PENALTIES AND SANCTIONS FOR THE VIOLATION THEREOF.

EMPIRE TOWNSHIP HEREBY ORDAINS:

Section 1. Statement of Intent and Purpose

Empire Township hereby finds that public road ends terminating at the shores of an inland lake, river, stream or other inland body of water have historically provided access to such lake, river, stream or other body of water to the general public on an equal, non-exclusive basis, and that Michigan appellate court decisions have repeatedly provided that, unless the dedication in a recorded plat specifically provides otherwise, said public access may be utilized by the general public for boating, swimming and fishing, but not for erection or placement of docks, boat hoists or for permanent mooring of watercraft or for shore activities that would prohibit such public access.

Empire Township desires to protect the rights of all members of the public to equally use, on a non-exclusive basis, said road ends for access to lakes, rivers, streams and other bodies of water for boating, swimming and fishing without interference or obstruction by docks, boat hoists or other installations, or by other shoreline activities that would prohibit such public access.

Section 2. Definitions

For purposes of this ordinance, the terms listed below shall have the meanings assigned to them herein.

Boat Hoist means an apparatus for lifting or raising a boat or other watercraft out of water for purposes of temporary or permanent storage.

Body of Water means an area of land covered by water that has definite banks, a bed, and visible evidence of the continued flow or the continued occurrence of said water.

Dock means a platform extending from a shore over water and supported by piles, pillars, or other device, used to secure, shelter or provide access to watercraft.

Mooring means equipment used for overnight or permanent securing of a watercraft to a fixed location in the water. A mooring does not include an anchor used for temporarily securing a watercraft in place.

Person means an individual, partnership, corporation, association, governmental entity, or other legal entity

Public Road End means a road right of way which is dedicated to the public and which ends at the shore of an inland lake, river, stream, or other body of water.

Watercraft means a boat, canoe, kayak, pedal boat, jet ski, or any other similar craft, whether motorized or not, designed for use by persons to navigate a lake, river, stream, or other inland body of water.

Section 3. Prohibited Activity

A. Unless specifically provided otherwise in the dedication in a recorded plat, it shall be unlawful for any person to use any public road end and/or the land extending from said public road end into any inland lake, river, stream, or other inland body of water for any of the following:

- 1) the erection, installation or storage of docks, boat hoists or other boat or watercraft storage facilities;
- 2) the overnight mooring of any watercraft;
- 3) shore activities that would prohibit public access on a non-exclusive basis to such inland lake, river, stream or other inland body of water;
- 4) overnight parking of any motor vehicle, including recreational vehicles, watercraft, or a trailer designed for transporting watercraft or recreational vehicles or recreational equipment.

B. It shall be unlawful for any person, other than the governmental entity having jurisdiction over such road end access and being authorized to do so by law, to charge, or attempt to charge, another person any fee or consideration of any kind for the use of such road end for public access to any inland lake, river, stream or other inland body of water.

C. Nothing herein shall, however, be deemed to prohibit public access to an inland lake, river, stream or other inland body of water for purposes of the non-exclusive use of said access for boating, swimming and fishing or other recreational activity.

Section 4. Penalty

Any person violating the provisions of this ordinance shall, upon conviction thereof, be subject to a fine of up to Five Hundred Dollars (\$500.00) or imprisonment in the county jail for a period up to ninety (90) days, or both such fine and imprisonment.

Section 5. Effective Date

This ordinance shall take effect January 17, 2009, thirty (30) days after publication in accordance with law.

Adoption of the foregoing ordinance was moved by Neiswonger and supported by Noonan.

Voting for: Deering, Neiswonger, Bolton, Manning, Noonan.

Voting against: None

The ordinance was declared adopted.

William B. Bolton
Township Supervisor

CERTIFICATION

The above is a true copy of ordinance No. 03-08 which was duly adopted by the Empire Township Board at a regularly scheduled meeting held on December 9, 2008.

Christine M. Neiswonger
Township Clerk