

**LYON TOWNSHIP, ROSCOMMON COUNTY,
MICHIGAN**

**PUBLIC DOCK PERMIT
ORDINANCE**

Ordinance No. 62

An Ordinance to regulate the licensing, installation, and removal of public docks in Lyon Township and to repeal all conflicting Ordinances or Parts of Ordinances.

THE TOWNSHIP OF LYON, ROSCOMMON COUNTY, MICHIGAN, ORDAINS:

Section 1: Title.

This Ordinance shall be known and cited as the Lyon Township Public Dock Permit Ordinance No. 62.

Section 2: Definitions.

As used in this Ordinance:

- A. "Applicant" means any Person who submits an Application for a Permit under this Ordinance.
- B. "Application" means an application for a Permit under this Ordinance and includes all supplemental documentation that is required to be attached to the Application.
- C. "Dock" means a public dock that is used to facilitate access to Waters located at a Public Road End and is installed at a Public Road End pursuant to this Ordinance.
- D. "Permit" means a current and valid permit to construct a Public Dock at a Public Road End within the boundaries of the Township.
- E. "Permit Holder" means a Person who has been issued a current and valid Permit to construct a Dock pursuant to this Ordinance.
- F. "Person" means a natural person, partnership, profit or non-profit corporation, limited liability company, joint venture, or any similar entity.
- G. "Public Road" means a county road or a township street that is open for use by the public.
- H. "Public Road End" means a Public Road that terminates at an inland lake or stream. For purposes of this Ordinance, Public Road End also includes the riparian lands and bottom lands adjacent to a Public Road End that extend out from the shoreline of a Public Road End.
- I. "Township" means Lyon Township, a general law township located in Roscommon County, Michigan.
- A. "Township Board" means the Township Board of Lyon Township, Roscommon County, Michigan.
- K. "Township Clerk" means the Lyon Township Clerk.
- L. "Waters" means any inland lake or stream within the Township at which a Public Road terminates.

Section 3: Permit Required.

- A. No Person shall construct, install, operate or maintain a Dock at a Public Road End within the Township without having first obtained a Permit from the Township in the manner provided in this Ordinance. No Person shall construct, install, operate or maintain a private dock, or any part thereof, at a Public Road End, including any riparian or bottom lands at any time.
- B. Only one permit shall be issued for any Public Road End.
- C. Unless otherwise provided in this Ordinance, every Person required to obtain a Permit shall make Application for such permit to the Township Clerk, upon an application form provided by the Township Clerk, and shall state under oath or affirmation such facts as may be required to be disclosed by such application form.
- D. Issuance of a Permit under this Ordinance shall constitute permission to any officer of the Township to enter upon and inspect the Dock at all reasonable times.
- E. No Permit shall be issued by the Township Clerk where the proposed Dock or any use or activity associated with the Dock would violate any law or ordinance of the United States of America, the State of Michigan, Roscommon County, or the Township.
- F. No Permit may be transferred by the Permit Holder to any other Person. A proposed transfer of a Permit shall require a new Application by the Person intending to receive the Permit.
- G. No Permit shall become effective prior to February 28th of the year in which it is issued.

Section 4: Permit Procedure.

- A. Any Person wishing to construct a Dock shall submit an Application to the Township Clerk for a Permit to construct a Dock on a Public Road End. The Application must be on a form approved by the Township and must be accompanied by all of the required documentation and fees.
- B. The Application for a Permit shall contain:
 - 1) The Applicant's name, phone number, name of public road, the name of the Applicant's insurance company and policy number applicable to the Dock.
 - 2) A copy of a valid insurance policy providing the insurance coverages required by this Ordinance. A certificate of insurance is not acceptable. A policy document demonstrating the coverage required by this Ordinance is required.
 - 3) A copy of a plat dedication, easement, or deed demonstrating the Public Road End is dedicated to public use.
 - 4) Proof of compliance with state law, including but not limited to a copy of any permit or license obtained by the applicant from any relevant state agency.
 - 5) Proof that the Dock does not obstruct ingress or egress from the waters upon which the Dock is located, and proof that the Dock will not impede or block the travel of vessels on the surface of the waters upon which the Dock is located.

- 6) Construction or installation plans for the proposed Dock, including but not limited to a description of the proposed length and width of the Dock, the proposed building materials, and whether any component of the Dock will be embedded into the ground or bottomlands near or beneath the waters upon which the Dock is located.
- C. If the Application is approved, the Township Clerk will return one (1) signed copy of the Application with the Permit and retain the Application in its original form.
 - D. If the Application is rejected, the Township Clerk will notify the Applicant in writing and provide a written statement of the reason(s) why the Application was rejected. The Applicant may reapply if the deficiencies specified by the Township are resolved.
 - E. The Applicant shall conspicuously post the Permit on the Dock so as to be visible to the public at all times.

Section 5: Duration of Permit

- A. The Permit will be valid upon issuance, or upon February 28th of the year in which the Permit is approved, whichever is later. No Permit will be issued until all Application materials are submitted and approved and all required fees have been paid.
- B. After the Permit is issued by the Township, the Permit Holder must commence construction of the Dock within 30 days after the waters are free from ice. Any deviation from the original plans submitted in the Permit Holder's Application must be approved by the Township before construction can begin. Failure by a Permit Holder to obtain Township approval for a deviation from the plans submitted in the Permit Holder's Application shall constitute a violation of this Ordinance.
- C. The Permit will remain valid for a period no longer than one (1) year from the date it is issued. Docks located on any inland lake must be removed from the Waters of the lake no later than October 31 of the year in which the Permit is issued. Upon the expiration of the Permit, the Permit Holder may renew his or her Permit by filing another Application with the Township.

Section 6: Permit Requirements.

It is the responsibility of the Permit Holder to ensure that the Dock remains in compliance with all provisions of this Ordinance following its construction. A Permit Holder must ensure the following requirements are met:

- A. The Dock must be constructed or installed in a safe and professional manner, so that it will withstand exposure to the elements and extended use by the public.
- B. The Dock must be kept in a state of reasonable repair and kept free of any defects which may cause injury to person or property.
- C. No vessels may be docked or moored on the Dock outside of the hours specified by the permit, and in no circumstance, may vessels be docked between midnight and sunrise.

- D. The Dock must be open to all members of the public. No access or other fee may be charged for use of the Dock nor may the Dock be operated in any manner that constitutes unlawful discrimination under State or Federal law against any person or group of people.
- E. In addition to the Permit required under this Ordinance, the Dock must remain licensed or permitted as required by state law, and must be operated in a manner consistent with state law.
- F. Any Permit Holder(s) erecting, maintaining, or operating a Dock for the use of the general public according to the terms of this Ordinance assume all liability associated with the erection, maintenance, and public use of that Dock. All Permit Holders agree, as a condition of being issued a Permit, to hold the Township and its officials harmless from any liability for the erection, maintenance, or public use of a Dock, and to indemnify the Township for any costs it may incur associated with an action or dispute arising out of a public dock, including any applicable attorney's fees. Permit Holders must maintain proof of liability coverage on a "claims incurred" basis in a minimal amount of \$1,000,000.00 per incident naming the Township as an additional insured, and must maintain that coverage until the expiration of the Permit and removal of the Dock.
- G. Any officer of the Township must be permitted to enter upon and inspect the Dock at any reasonable time.
- H. The Permit Holder shall immediately notify the Township Clerk of any alteration made or damage caused to the Dock that renders it unsafe or substantially changes it from its original state.
- I. No more than one Dock shall be permitted at any Public Road End.
- J. All Docks must extend approximately perpendicular to the shoreline, and be located along an extension of the center line of the Public Road End. In no circumstances may any dock extend onto or over the riparian land of an adjacent property.
- K. No Dock shall have any form of sign or warning that implies restricts access, including but not limited to signs stating "Keep Off," "Private Dock," or "No Trespassing."
- L. M. All Docks shall have some form of reflective device attached at the end of the Dock to ensure safe navigation in low light conditions.
- M. 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 is prohibited.
- N. No Public Road End shall be altered and/or improved upon in any manner without the Permit Holder(s) first obtaining written permission and any required permits for such improvements from the Township, the Michigan Department of Environmental Quality, the Roscommon County Road Commission, and the Roscommon County Board of Commissioners, as required by law.
- O. Overnight parking of any vehicle in the public road end right-of-way is prohibited.

- P. The storage of any boats, boat hoists, docks, ice shanties, or placement of any other man-made structures or plantings which obstructs or which encroach the public road end right-of-way are prohibited.
- Q. Notwithstanding any other provision of this Ordinance, any Dock installed pursuant to a Permit issued under this Ordinance shall be removed by the date set forth in the Permit or by no later than October 31 of each year.

Section 7: Revocation and Removal.

- A. The Permit may be revoked by order of the Township Board at any time. The Dock shall be removed by the Permit Holder within five (5) days of notice of order of revocation/removal being delivered to the address of the Permit Holder as set forth in the Application.
- B. Removal of a Dock must occur in a manner that returns the Public Road End to its original condition, or as near to that condition as is possible. Any and all building materials, Dock components, improvements and structures built in connection with the Dock must be completely removed by the Permit Holder from the Public Road End.
- C. Failure by the Permit Holder to completely remove a Dock prior to the Permit expiration date, by October 31 of each year, or pursuant to order of revocation/removal, constitutes a violation of this Ordinance and shall result in removal of the Dock by the Township and forfeiture of Dock in addition to any other penalties authorized by law.

Section 8: Administration and Enforcement.

Any Person in violation of any of the provisions of this Ordinance shall be guilty of a municipal civil infraction, and is subject to a civil fine of not more than \$500 plus costs, which may include all of the Township's direct or indirect expenses associated with that violation. A Person who violates this Ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

Section 9: Severability.

The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 10: Repeal.

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 11: Effective Date.

This Ordinance Number 62, shall take effect immediately upon publication as required by law following adoption by the Township Board.

Roll Call:

YEAS: Edward Nellist, Craig Williams, Terry Bartel, Eric Carlson

NAYS: None

ABSENT/ABSTAIN: Dolores Munoz

ORDINANCE 62 DECLARED ADOPTED.

Edward Nellist

Edward Nellist, Supervisor
Lyon Township

CERTIFICATION

I hereby certify that:

1. The above is true copy of an Ordinance adopted by the Lyon Township Board at a duly scheduled and noticed meeting of the Township Board on August 16th, 2017, pursuant to the required statutory procedures.
2. A summary of the above Ordinance was August 24th, 2017 duly published in the Houghton Lake Resorter newspaper, a newspaper that circulates within Lyon Township, on, 2017.
3. Within 1 week after such publication, I recorded the above Ordinance in a book of Ordinances kept by me for that purpose, including the date of passage of the Ordinance, the names of the members of the township board voting, and how each member voted.
4. I filed an attested copy of the above Ordinance with the Roscommon County Clerk on August 24th, 2017.

ATTESTED

Terry Bartel

Terry Bartel, Clerk
Lyon Township

