

**ORDINANCE NO. 31
USE OF PUBLIC ACCESS SITES AND ROAD ENDS**

Section 1 PURPOSE

The purpose of this ordinance is to provide for the general health, safety and welfare of the citizens and property owners of the Township of Rollin, Lenawee County, Michigan, hereinafter called Township. To accomplish this purpose an ordinance governing the use of public lake access sites, road ends, public rights of way and other lands dedicated to the use of the public and held by the Township in trust for the public within Rollin Township, Lenawee County, Michigan for the purpose of storing private property is hereby ordained and adopted.

Section 2 DEFINITIONS

- 2.1 Public road end shall mean the terminus of a public road at an inland lake or stream, as defined in Michigan Compiled Law §324.30111b(6)(c).
- 2.2 Public access shall mean a parcel of land or lot whether or not said parcel or lot is located in a plat of record which terminates at or near the high water mark of a lake or stream located within the Township and which is dedicated to public use.
- 2.3 Public right-of-way shall mean a parcel of land or a lot whether or not located in a recorded plat extending from the center of a road or street on each side thereof to a point specified by the Lenawee County Road Commission which is dedicated to public use and held in trust by the Township for the benefit of the public or a strip of land dedicated to the public use for the placement of utilities.

Section 3 OWNERSHIP

- 3.1 All public road ends, public accesses and public rights-of-way in the Township have been transferred to the Township, or are administered by the Township.
- 3.2 No public road end, public access and public right-of-way shall be considered private property unless a bona fide deed transferring ownership from the Township to a private party can be shown.

Section 4 USE OF PUBLIC ROAD ENDS

The use of public road ends shall be governed by the provisions of Michigan Compiled Law §324.30111b.

Section 5 USES OF PUBLIC ACCESS AND PUBLIC RIGHT-OF-WAYS

- 4.1 The following uses of public accesses and public rights-of-way are prohibited:
 - 4.1.1 Storage, leaving or dumping any items, including, but not limited to: vehicles, docks, boat lifts, trailers, wood, dirt, construction materials and the like.

- 4.1.2 Parking of motor vehicles, trailers, aircraft or watercraft and the like.
- 4.1.3 Installation of seawalls or other obstruction.
- 4.1.4 Open burning or locating a burn barrel.

Section 6 ENFORCEMENT AND PENALTIES

6.1 The Township Supervisor, or his designee, and the Lenawee County Sheriff Department are authorized to enforce the provisions of this Ordinance.

6.2 Enforcement and Penalties

- A. Any person violating any provision of this ordinance shall be deemed responsible for a civil infraction. Penalties may be imposed as set forth in Ordinance 34, the Rollin Township Municipal Civil Infractions Ordinance, together with costs and all expenses, direct and indirect, to which the plaintiff has been put in connection with the municipal civil infraction, including actual attorney fees, up to the entry of judgment. Costs of not more than \$500.00 shall be ordered.
- B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also initiate an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this Ordinance or any provision of the Ordinance.
- C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.
- D. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.
- E. Any person, firm or entity that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.

6.3 The violator shall pay all costs which may include all expense, direct and indirect, which the Township has incurred in connection with the municipal infraction. In no case shall a cost of less than \$10.00 or more than \$300.00 be ordered. Furthermore, the township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance.

Section 7 SEVERABILITY

Should any provision or Section of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 8 REPEALER

All ordinances or parts of ordinances in conflict herewith, including without limitation existing Ordinance 31 which was adopted on February 8, 2012, are repealed.

Section 9 EFFECTIVE DATE

This Ordinance shall take effect 30 days after its publication.

YEAS: (5) Trustee Wilson, Trustee Walker, Treasurer Willett,
Clerk Combs and Supervisor Jenkins

NAYS: (0)

ABSENT: (0)

Ordinance declared adopted on July 8, 2015.

e/s John Jenkins
John Jenkins
Supervisor for the
Township of Rollin

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Denice Combs, the duly elected Clerk of the Township of Rollin certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Township of Rollin on July 8, 2015 and published in the _____, a newspaper circulated in the Township of Rollin on _____, 2015.

e/s Denice Combs
Denice Combs
Clerk for the
Township of Rollin