

## Association Members Rules for use of Marion Street Access

Created May 2023

This document provides Association members in the Meridian Heights Subdivision a list of all rules from the Consent Agreement (2005) and Bylaws pertaining to their responsibilities as members. It is the hope that will assist lot owners to comply with all provisions.

All references to “the Association” shall be defined as “All Owners of Lots within the plat of Meridian Heights Subdivision excluding lots 9 and 37 shall be members of the Association.” (2005)

The Access shall be opened for use from 9:00 am to Sundown (no fishing from dock after Sundown). Ingress and egress to and from a members watercraft for fishing purposes shall be without limitation. (2005)

1. The Association shall erect and maintain one dock, which shall exceed not 100 feet in length and 48 inches in width. (2005)
2. The dock and post may be stored (neatly) on the premises. (2005)
3. No permanent structures of any sort (not including stairs or other similar device for access to the dock) shall be erected. (2005)
4. No more that 6 watercrafts may be moored (at any one time). (2005)
5. The boats must be moored by one of the following two methods.
  - a. 2 lines connected to the dock and 2 lines connected to removable posts place in the lakebed. (2005)
  - b. Connecting each watercraft by it bow and stern to no less than 2 removable posts placed in the lakebed. (2005)
6. The watercraft moored shall be limited to those of the owners of lots 1 through 8 and 10 through 36 in the Plat of Meridian Heights who have **permanent, habitable structures** on their lots within this Plat. (2005)
7. The watercraft shall be moored as close to the dock as is reasonably practicable relative to water depth and in line on either side of the dock. The dock shall be placed and the watercraft shall be moored in lines perpendicular to the shore, completely within the width of the easement at the shore. (2005)
8. The watercrafts shall be moored parallel to the dock (or a line running parallel to the dock extending toward the center of the lake); watercraft shall not be perpendicular to the dock. (2005)
9. The Association may also use the premises for access to and from West Twin Lake, for swimming and fishing, for maintenance of the docks and mooring equipment, for leaf raking and general yard maintenance and cleanup, and for ice fishing, skating and related winter use. (2005)
10. Not more that 20 people may us the premises at any one time. (2005)

11. The use of the dock shall be limited to the mooring of watercraft, fishing, swimming and sitting. (2005)
12. There shall be no loitering upon the premises, not recreational use made thereof that is not related to enjoyment of the waters or watercraft and other uses specified above. In addition, the following acts and uses are prohibited: (ALL 2005)
  - a. Picnicking
  - b. Barbecuing
  - c. Maintenance or installation of picnic tables, chairs (i.e., lawn chairs) and similar structures
  - d. Playing of volleyball, water polo or other similar games
  - e. Consumption of alcoholic beverages
  - f. Building Fires
  - g. Motorized vehicular traffic (except exclusively for maintenance of the premises and only on a limited basis, never overnight)
  - h. Pets shall not be allowed on the premises, except for immediate transport onto a watercraft in which case pets shall be leashed, accompanied by their owner at all times, and any excrement shall be immediately cleaned up. This prohibition does not apply to Leader Dogs and other similar Medical Assistance Pets.
  - i. Unsupervised children under the age of 10 years shall not be allowed to be at the water adjacent to the premises.
13. The Association shall forthwith adopt mandatory rules (Association Bylaws) to conform with and enforce this Judgment and shall distribute those rules to its members. (2005)
14. All Owners of Lots with the plat of Meridian Heights Subdivision excluding lots 9 and 37 shall be members of the Association. (2005)
15. Enforcement of the terms of this Judgment, including the cleanup and maintenance of the area comprising the Marion Street Road End Parcel and Section Line Road End Parcel, shall be the responsibility of the Association, at its expense. (2005)

#### **Article X – Use of the Lake Access for Mooring Watercraft**

- A. Mooring of boats
  1. Lot owners must have a residence on a lot in order to dock a boat on an access site.
  2. Only dues paying members in good standing will be allowed to moor a boat on the access site.
- B. Permits to moor boats
  1. A permit to moor boats on an access site must be obtained. Notification to the officer in charge for an access site must be received by April 30<sup>th</sup> for the dates that members intend to moor a watercraft on the site and to be included in the preferred schedule.
  2. A boat registration must be submitted by the property owner for a Watercraft Permit to be issued.
- C. Watercraft - Length of Stay
  1. For access order watercraft cannot be moored on an access site unless the member is currently present on the lot.

2. If the property owner needs to leave the area up to a maximum of 14 days they may leave the boat moored at the access, but they must have prior approval by their access captain in case someone needs that mooring site. It is the responsibility of the property owner to designate which resident will monitor their boat in their absence. The boat must be moored at their designated access. There will be a \$50 fine for violation of leaving a watercraft moored beyond the agreed upon days when you leave the area.
3. If the watercraft is moored at an access site while the owner leaves the area and it exceeds the agreed upon days the watercraft will be removed from the lake and the owner will pay for the removal and storage costs associated with such removal and storage.
4. Any watercraft moored after its permit has expired will be subject to the same fines and removal.

D. 1. Augers

For reason of safety, all augers must have a float on them and be screwed all the way down. All mooring posts must be visible two feet above the waterline.

2. Members are responsible for furnish/maintain boat moorings (i.e. augers). Board Members/Access Captains shall have the right to direct auger location for access order and watercraft spacing.

E. Only one watercraft moored

1. There shall be no more than one registered watercraft per residence moored on the access site at any one time, unless there are open mooring sites. A property owner may moor their second watercraft, but must get prior approval from the Access Captain (i.e. the number of days, location at the access site, etc.).

2. Watercrafts shall be defined as, but not limited to a boat, kayak, paddle boat, canoe, paddleboard, etc. per MCL 324.280301 "Paragraph C"

F. Locations for mooring watercraft

1. The location to moor watercraft on the sites is based on the location of the lot within the subdivisions.

2. Residential Address	Access to be used
a. Oak and West Side of Pine	Oak Street
b. Birch Street and East Side of Pine	Birch Street
c. East side of Louise and Meridian Heights	Marion Street
d. West side of Louise and Park	Birch and Oak Street

3. Boats may be moored at Louise Street Access during the day only. Please use it to swim and to launch boats to fish. Absolutely no overnight mooring of any watercraft.

4. Boat racks are allowed at the Birch and Oak accesses only and must be coordinated with the Access Captain. One watercraft is allowed per rack and constitutes the one registered watercraft per residence. If the watercraft is removed from the access, the boat rack must be removed from access property as well.

5. A watercraft may only be moored in the water. Watercraft may not be stored on shore or Association access.

G. Limited number of watercraft at each access

1. Permits will be issued for mooring privileges
2. Birch and Oak Access: Eight watercraft
3. Marion Access: Six watercraft
4. First In, First Out Rule: When the number of watercraft to be moored at any on access exceeds the maximum limit, the first in, first out rule will apply. If space is available a move to another access site with permission of the person in charge. Watercraft will be returned to original space when schedule opening allows.

H. Non-Resident owned boats

Non-Resident owned boats will not be allowed to moor at Fernwood Beach and Meridian Heights access sites.

I. Commercial use of watercraft

The commercial use of watercraft moored at any access sited is prohibited.

**Article XI - Enforcement of Bylaws**

If a member, their family member or guest violates the Consent Judgement/By-Laws (i.e. posted Access Rules) the following progressive action shall occur:

1. For the first offense, the member shall be given a written warning.
2. For the second offense, the member will be fined \$100
3. For the third offense, the member will be fined \$250
4. For the fourth offense, the member (and all associates of that member) shall forfeit their rights to all Association water access and watercraft mooring for a period of twelve months.

The progressive window of discipline shall be twelve months commencing from the first actionable offense and ending on the Sunday prior to Memorial Day. At that time all offenses will reset to a "clean slate". All assessed fines are still due. It shall be the sole right of the Association Board to determine the scope of the investigation and discipline, including skipping a step if the Board believes the offense is so warranted. The judgement shall be provided to the member in a certified letter. If a member wishes to appeal, the Board will review a written appeal submitted within (30) thirty days from the receipt of judgement. The Board will respond to the appealing member in writing within 30 days. The appeal review and subsequent judgement by the Board shall be final.

All fines are to be paid to the Association Treasurer within 30 days of receipt of certified mailing. If the fine is not paid within the timeframe the fine shall be doubled and an additional certified mailing will be sent with an additional 30 day timeline for payment. If the fine and penalty isn't paid within such time frame the Association reserves the right to seek relief through the courts, that includes all court cost associated with processing said action.

\*It is the right of the Association per Michigan ACT 162 of 1982 to set conditions of Membership and create rules to enforce these conditions through our Association By-Laws.

The following documents will be part of the Association Bylaws.

1. Watercraft Permit Registration
2. Association Liability Insurance Policy
3. Delinquent Dues Letter