

Lake Currents

Lake of the Woods Improvement Association

President's Message by Roy Pearson

I send greetings to all Lake Of the Woods Association members. As we head into the snowbird months (for those of you lucky enough to be retired), I thought I'd update you a little on the mission of the lake association and some of the LOW Board's future thoughts and plans.

One of my concerns is that we need to keep the association relevant to the interests of our members. There are certainly maintenance issues that should be of concern to all residents. The weed control program requires board oversight, marker buoys have to be taken in during the winter and replaced in the spring, any LOW activities have to be planned and carried out, etc. Beyond the necessities, current activities such as the annual meeting and picnic and the 4th of July boat parade have not been well attended or participated in by members. We talked about these issues in our October board meeting and may decide to make a few changes to the format. For example, holding a very brief business meeting dealing mostly with electing any new members and eliminating the prizes which take a lot of time to collect and pass out at the meeting. Our current bylaws require an annual meeting but it could be abbreviated. The main purpose of the annual meeting would be

just to get together and meet other members and have a good time. We would be very interested in your thoughts. Please make suggestions to me or any of the board members or even respond to our Facebook page. We will hold the 4th of July boat parade at least one more year and then assess whether to continue it. Last year we only had 6 entries.

Another item the Board has discussed is communication with our members. We decided to prepare a newsletter in the future to go out January 1 and May 15. This year, it will be distributed in October. Also, we plan to only mail the newsletter in the future to those who do not have email addresses established. The newsletter can be accessed on line for many and will be less expensive to distribute and more environmentally responsible.

For any who are not aware, you can find all kinds of information about our association at our web site: lakeofthewoodsmi.org or by checking Facebook. Don't know how? Ask your children or grandchildren.

This year we will begin a membership drive to attract new members to our association. The bargain basement cost is only \$10 per year. We

currently have 112 members out of a possible 238 lakefront residents. Also, the people who utilize the RV campground typically are not members. We can surely attract a larger percentage of eligible members.

We realize that many residents only come to the lake for relaxation and enjoyment and don't want to be involved in meetings, but certainly all of us want to keep our lake beautiful for both ourselves and future generations. Any ideas you have for making LOW Association more relevant to you are welcome!

Thank you

At the July Lake of the Woods Association meeting, two long-time members resigned. Andy Broekhuizen who served on the Board for 33 years and Roger Mattens who served for 21 years were recognized and thanked for their service.

It is extraordinary for community members to stay on a volunteer board for that length of time.

On behalf of the Lake of the Woods Board Members and the entire Association, a hearty thank you is extended to Andy and Roger for there many years of service.

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Keep Us Up To Date:

Have you recently changed your mailing or email address or any other pertinent information that would keep us from getting important information to you?

Please remember to keep your Lake Of Woods information current.

New neighbors? Please put them in touch with any Lake of the Woods Board member, so we can send them a membership application form.

Inside this issue:

Miscellaneous Matters Regarding Docks and Swim	2
4th of July boat parade results	2
Docks With Bad Wiring Continue To Be Deadly	3
Annual Meeting/Picnic Highlights	3
Contact Information	4



Miscellaneous Matters Regarding Docks and Swim Rafts

Reprinted from The Michigan Riparian Spring 2013 Issue

Attorney Writes:

Clifford H. Bloom

Bloom Sluggett Morgan, PC

Grand Rapids, Michigan 49503

I am frequently asked whether docks and swim rafts on private properties on inland lakes are subject to government or other regulations. In fact, docks, swim rafts, boat hoists, and similar items are potentially subject to regulation by both the State of Michigan and local municipalities (that is, a township, city or village). Theoretically, for any given inland lake, there are five levels of regulations that could be applicable to a dock or raft as follows

- State of Michigan
- Local government police power ordinances
- Zoning regulations
- Deed restrictions/restrictive covenants
- The Riparian Rights Doctrine

For docks and rafts used for single-family purposes only, there are generally two provisions of state law that apply. First, docks, piers, and rafts that are utilized only for single-family purposes and are not permanent (i.e., they are removed from the water during the off-season) generally do not require a state permit under what used to be called the Michigan Inland Lakes and Streams Act (now a part of the Michigan Natural Resources and Environmental Protection Act). See MCL 324.30103. However, where any of those items remain in the water year-round or are utilized by more than one family or for commercial or business purposes, a state permit is usually required. See MCL 324.30101 *et seq.*

Second, a portion of what used to be called the Marine Safety Act was also recently amended to address navigability hazards. MCL 324.80163(1) provides that if an anchored raft, dock, pier or similar item presents a safety problem or hazard to navigation, the Michigan Department of Natural Resources may relo-

cate or remove the item or order its relocation or removal. If such item is not relocated or removed as required, the State can act and collect the actual and reasonable costs of such relocation or removal from the riparian landowner involved, which can become a lien against the waterfront property. See MCL 324.80163 (2).

While many municipalities with lakes inside their jurisdictional limits do have local regulations regarding docks, piers and rafts, that is not always the case. In general, there are two types of ordinances under which local municipalities can regulate docks and rafts – zoning ordinances and general police power ordinances. Pursuant to a zoning ordinance, docks and rafts can be regulated indirectly by side yard setback and use regulations, although zoning regulations sometimes expressly regulate docks and rafts for size, location, etc. Some municipalities have lake access or anti-funneling zoning regulations that also regulate docks and rafts. Certain local municipalities have a separate police power ordinance that regulates docks and rafts either in lieu of or in addition to the zoning regulations. In some instances, county zoning regulations apply in townships that have no zoning ordinance.

Some properties (but not most) are subject to what is commonly referred to as a plat restriction, deed restriction, restrictive covenant or the equivalent. On occasion, such restrictions can regulate docks and rafts.

Finally, Michigan has a common law doctrine sometimes referred to as the “reasonable use” or “riparian rights” doctrine. Pursuant to that doctrine, a riparian property owner can only use his/her/its waterfront in such a way that it does not unreasonably interfere with the riparian uses of adjoining or nearby property owners. Accordingly, even if a particular dock or raft complies with all applicable governmental regulations and deed restrictions, the dock or raft could still run

afoul of the riparian rights doctrine if, due to the use or placement of the raft or dock, it unreasonably interferes with use by adjoining nearby property owners of their riparian rights. See *Thompson v Enz*, 379 Mich 667; 154 NW2d 473 (1967); *Three Lakes Assn v Kessler*, 91 Mich App 371; 285 NW2d 300 (1979); *Pierce v Riley*, 81 Mich App 39; 264 NW2d 110 (1978); *West Michigan Dock & Market Corp v Lakeland Investments*, 210 Mich App 505; 534 NW2d 212 (1995), and *Square Lake Hills Condo Assn v Bloomfield Twp*, 437 Mich 310; 471 NW2d 321 (1991).

In addition to the above regulations, if a lake is directly tied into one of the Great Lakes by a canal, inlet or other connection, both the Michigan Department of Environmental Quality and the U.S. Army Corps of Engineers have joint jurisdiction over all docks and piers. The permitting requirements for docks or piers in those situations are too detailed to cover in this article.

When it comes to docks and swim rafts on inland lakes, do not assume that a riparian property owner can do anything that he or she desires to do!

July 4th Boat Parade

The annual Lake of the Woods 4th of July boat parade was enjoyed by many onlookers on water and shore.

This years parade had 7 boats with a variety of themes. All entrants were eligible to win one of four prizes donated by High’s Marine and the Lake Association.

1st Place: Sharon and John Neubauer.

Theme: Stanley Cup

2nd Place: The Younker Family

3rd Place: Mary and Don Kussman

4th Place: The Bathje Family

The Lake Association would like to congratulate the winners and thank all those that participated and High’s Marine for donating half the prizes.





Docks With Bad Wiring Continue To Be Deadly

(Summarized from article by Boat Owners Association of the U.S.)

ALEXANDRIA, Va., July 17, 2013 – Last year over Fourth of July weekend, Alexandra Anderson, 13, and her brother, Brayden Anderson, eight, were swimming near a homeowner’s dock on the Lake of the Ozarks in Missouri when they started to scream. By the time the siblings were pulled from the lake, they were unresponsive and a short while later were pronounced dead. Two hours later on Cherokee Lake in Tennessee, 10-year-old Noah Winstead, died in a similar manner, while Noah’s friend, 11-year-old Nate Parker Lynam, passed away the following evening. These were not drowning victims. In all four of these cases, 120-volt AC (alternating current) leakage from nearby boats or docks electrocuted or incapacitated swimmers in freshwater. This little-known and often-unidentified killer is called [Electric Shock Drowning](#) or ESD.

“Every one of these deaths was preventable,” said Boat Owners Association of The United States (BoatUS) Director of Technical Services Beth Leonard. “Any boater and every adult who swims in a freshwater lake needs to understand how ESD happens, how to stop it from happening, and what to do — and not to do — if they ever have to help a victim.” To help them with this vital task, BoatUS has put together a new online Electric Shock Drowning Resource Center to educate and inform the public about ESD at [BoatUS.com/seaworthy/ESD.asp](#), and offers helpful tips below.

“An effort to increase safety standards on marina docks has been underway for several years now, but few resources have been available for the general public,” said Leonard. “ESD is a complicated subject, and what information has been available for boaters, private dock owners, and swimmers has, all too often, been inaccurate, incomplete, or misleading. Our Electric Shock Drowning Resource Center addresses this problem with a range of helpful articles and presentations, all of which have been vetted for technical accuracy. We’ll continue to add to and update this material to ensure it remains a valuable source of information,” she added.

So what should boat owners, private dock owners, and swimmers do to prevent ESD?

IF YOU HAVE A PRIVATE DOCK:

- NEVER swim within 100 yards of ANY dock using electrical power!
- If you have not electrified your dock or put an AC system on your boat, weigh the risks carefully before doing so.
- If you need electricity on your dock, hire a licensed electrician and make sure the wiring meets the requirements in NFPA 303 and NEC 555. If your dock is already wired, hire an electrician to check that it was done properly. Because docks are exposed to the elements, their electrical systems should be inspected at least once a year.
- Exercise your GFCIs/ELCIs as rec-

ommended by the manufacturer.

- If you normally run a power cord from your house or garage to charge your batteries, make sure the outlet has a GFCI and include a GFCI somewhere in the shore power cord.
- NEVER swim off your dock without shutting down all shore power to the boat and the dock.
- Even if you adhere to all of these rules, nearby docks can still present a shock hazard. Educate your neighbors and work together with them to make the waterfront safe.

IF YOU'RE IN THE WATER AND YOU FEEL TINGLING OR SHOCKS:

- DO NOT follow your instinct to swim toward the dock!
- SHOUT! When electricity is not involved, drowning victims cannot speak, let alone shout. Tell those around you exactly what you’re feeling so they can help you while keeping themselves safe.
- Try to stay upright and back out of the area the way you came, warn any other swimmers in the area of the danger, and then head for shore 100 yards or more from the dock.
- Alert the dock or marina owner and tell them to shut the power off to the dock until they locate the problem and correct it.
- Go to the hospital, explain what happened, and ask to be checked over to be sure there are no adverse health effects

Annual Meeting and Picnic

On Saturday, July 20th, the annual Lake of the Woods Association meeting and picnic was held at Red Woolfe Park. The meeting was called to order by President Roy Pearson at 1:10 PM. This year’s meeting focused on such items as the water quality of the lake and election of new board members.

The report on the weed control progress

was given stating that the lake water was in good shape with only spot treatments required.

It was reported by Bill Kiss that the 2013 Boating Safety Course sponsored by the Lake Association was the best class ever with 100% pass rate.

Elections for three Board seats with terms

ending in 2016 were held. Elected to the board were Bill Kiss, Jim Neubauer and Janet Roeder. Elections for a 1 year team vacated by Andy Broekhuizen were also held. Dan Buenz was elected to the Board.

Special thanks were extended for the donation of door prizes. Hope to see you at next year’s picnic.



*Lake of the Woods
Improvement Association*

www.lakeofthewoodsmi.org

Facebook: Lake of the Woods, Michigan

Craig and Kitty Morey

Newsletter Editors/Webmasters

P.O. Box 188

Decatur, MI 49045-0188



*Servicing Lake of the Woods residents
since 1980!*



2013-2014 Contact Information

President: Roy Pearson
455 Austin Blvd
Decatur, MI 49045
269-978-4690
roy4619@comcast.net

Secretary: Sandra Eich
46253 Lakeview Dr
Decatur, MI 49045
269-423-7103
sandyatthelake@comcast.com

Jim Neubauer
46938 Meadow Lane
Decatur, MI 49045
jneubauer@catching.com

Vice President: Craig Morey
45284 Shore Drive
Decatur, MI 49045
847-223-6516
craig@themoreys.net

Dan Buenz
46250 86th Ave
Decatur, MI 49045
630-688-0172
danbuenz@hotmail.com

Janet Roeder
46211 Lakeview Dr
Decatur, MI 49045
269-423-9222
roederpotluck@comcast.net

Treasurer: : Wayne Potter
46412 86th Ave
Decatur, MI 49045
269-423-4801
marshway10@yahoo.com

Bill Kiss
83686 Fritz Drive
Decatur, MI 49045
269-423-6592
wrkengineering@aol.com

Chris Schaap
46641 Lakeview Drive
Decatur, MI 49045
269-436-1270
Chris@BlueSkyHomeSales.com

