

**ARTICLE R63**

**SECTION R 63.01 DUCK CREEK NATURAL AREA CONSERVATION DISTRICT ORDINANCE**

AN ORDINANCE TO REGULATE ACTIVITIES ON THE PROPERTY DESCRIBED HEREIN.

THE TOWNSHIP OF FRUITLAND, MUSKEGON COUNTY, MICHIGAN ORDAINS:

**SECTION R 63.02 INTENT**

It is reasonable, necessary and desirable to establish a Duck Creek Natural Area Conservation District within the confines of Fruitland Township, Muskegon County Michigan, hereinafter called "District" and to establish an ordinance governing the public use of, and activities within the District and to regulate and control the travel on all paths, driveways and parking facilities within the District, and to prohibit certain uses within the District and to establish rules and regulations in order to provide: for the safe and peaceful use of the Duck Creek Natural Area Conservation District; for the education of the public; for the protection and preservation of the property, facilities, flora and fauna of the Duck Creek Natural Area Conservation District and to set forth such fines and penalties for the violation of this ordinance.

**SECTION R 63.03 PUBLIC USE**

The Duck Creek Natural Area Conservation District is for use by the general public and to provide year-round outdoor recreation opportunities. The district's mission is to protect, conserve, enhance, and promote Fruitland Township's natural heritage for the educational and environmental benefit of present and future generations.

**SECTION R 63.04 THE DISTRICT**

The Duck Creek Natural Area Conservation District is located on property legally defined as:

The size and dimensions of the district are set forth on **Exhibit 1** as can be seen on Exhibit A, the District has been divided into two defined areas Area A and Area B.

**SECTION R 63.05 HOURS OF USE**

The District shall be open to the public from May 1<sup>st</sup> - September 30<sup>th</sup> 7:00 a.m. - 10:00 p.m. and October 1<sup>st</sup> -April 30<sup>th</sup> 8:00 a.m. - 8:00 p.m. unless otherwise specifically posted, signed, or in accordance with established public safety or snow removal procedures and as may be determined by the Fruitland Township Board of Trustees from time to time.

## **SECTION R 63.06 ALLOWABLE USES IN AREA A**

The property south of Duck Creek (designated as Area A on attached Exhibit 1) may be accessed using the parking area on Duck Lake Road.

Uses are foot travel such as hiking, geocaching, cross country skiing, and snowshoeing. The area can be used for education, natural studies and other valid scientific purposes.

Wheelchairs, including power-driven wheelchairs, are allowed in areas open to pedestrians and while operated at walking speed.

## **SECTION R 63.07 ALLOWABLE USES IN AREA B**

The northern region of the property (DCNA area north of Duck Creek and designated as Area B on the attached Exhibit 1) may be accessed using the parking area on Simonelli Road or by crossing from Area A using one of the two bridges crossing Duck Creek. All allowable uses of Area A are allowed in Area B.

In addition, Area B can be used for deer hunting as follows:

- A. Archery and archery-related activities, including hunting with a crossbow or bow and arrow, in accordance with hunting regulations of the Michigan Department of Natural Resources.
- B. Hunting with firearms is allowed only during the “Regular Firearm” season running from November 15 to November 30 annually and in accordance with hunting regulations of the Michigan Department of Natural Resources.
- C. Tree stands are to be temporary in nature and must be at least 100 feet from all marked trails. Tree stands must be removed promptly at the end of the current deer hunting season.

Except for the provision in the preceding item B, no other firearm hunting activities are permitted in any area of the entire DCNA district. Other than being allowed here, firearms and muzzle-loaders are completely banned from the entire DCNA district.

## **SECTION R 63.08 PROHIBITED USES IN ALL AREAS**

All uses not specifically allowed in Area A and Area B are hereby prohibited in the district. Further, the following uses are hereby specifically prohibited in Area A and Area B:

- A. Bicycles, E-Bikes, electric powered vehicles and motorized vehicles except as specifically allowed for such vehicle traffic on surfaces designated for vehicle traffic and designated parking areas as posted at the entrance of the district;
- B. Horses;
- C. Ground fires, fireworks, sparklers or incendiary devices;
- D. Camping;

- E. Activities such as baseball, football, soccer or the like;
- F. Fundraisers of any kind, without a permit issued by the Township; and
- G. Large group gatherings except as may be specially allowed by permit in posted and designated areas.

**SECTION R 63.09 DESTRUCTION/ MISUSE OF PROPERTY AND STRUCTURES**

No unauthorized person shall upon or in connection with any property of the district:

- A. Destroy, deface, paint, alter, change or remove any monument, stone, marker, benchmark, stake, post or blaze marking or designating any boundary line, survey line or reference point;
- B. Cut, break, mark upon or otherwise damage, destroy or remove any post, building, shelter, latrine, picnic table, bench, bridge, drain, well, fountain, pump, telephone, lamp post, fence, gate, refuse container, exhibit, display, tool storage box, utility outlet, movie screen, flag post or any other structure or parts thereof;
- C. Deface, destroy, cover, damage or remove any placard, notice or sign, or parts thereof, whether permanent or temporary, posted or exhibited by the Fruitland Township within the District to announce the rules, regulations and warnings or any other information to the public necessary or desirable to the proper use of the Duck Creek Natural Area Conservation District;
- D. Take, appropriate, excavate, injure, destroy or remove any historical or prehistorical ruin or parts thereof, or any object of antiquity;
- E. Throw, carry, cast, drag, push or deposit any refuse container, picnic table, barricade or any other movable or non-movable property into any stream or to otherwise move, stack or hide such property in such a way as to render it unavailable to the general public for its intended use, to cause a hazard to public safety or to damage or destroy such property;
- F. Occupy or inhabit, or cause to be occupied or inhabited, any facility, shelter, shed or other structure;
- G. Enter into or upon the Duck Creek Natural Area Conservation District or areas thereof or structure closed or posted against trespass; or
- H. Misuse any refuse container or receptacle by depositing into it any garbage, trash, refuse or other unwanted material that was not generated on the site in the course of normal, lawful use of the Duck Creek Natural Area Conservation District facilities.

## **SECTION R 63.10 DESTRUCTION/ MISUSE OF NATURAL RESOURCES**

No unauthorized person shall upon or in connection with any property of the district:

- A. Cut, remove, uproot or wantonly destroy any tree, sapling, seedling, bush, shrub, flower or plant, whether alive or dead; or chip, blaze, box, girdle, trim or otherwise deface or injure any tree, shrub or bush; or break or remove any branch or foliage thereof; or pick or gather any seed of any tree or other plant;
- B. Remove or cause to be removed any sod, earth, humus, downed timber, wood, chips, peat, fossil, rock, sand or gravel; or remove or cause to be removed any other natural material of the forest floor or earth;
- C. Hunt, pursue, trap, catch, capture, molest, poison, wound or kill or attempt to hunt, trap, catch, capture, molest, poison, wound or kill any invertebrate, animal, mammal, bird, reptile or amphibian; disturb, molest or rob the nest of any mammal, bird, insect, reptile or amphibian or the lair, den or burrow of any mammal, bird, reptile or amphibian, except as may be specifically provided for in Area B or for valid scientific purpose;
- D. Fishing guidelines shall be followed and may be viewed within the Michigan Fishing Guide  
[https://www.michigan.gov/documents/dnr/FishingGuide2020\\_684742\\_7.pdf](https://www.michigan.gov/documents/dnr/FishingGuide2020_684742_7.pdf)  
catch and release is encouraged and no spearing or bow fishing will be allowed;
- E. Release or cause to be released any wild, domestic or pet animal, bird, fish or reptile or bring in or plant or distribute the seeds or spores of any flowering or nonflowering plant brought into or upon District lands or waters from any outside source whatsoever;
- F. Use or cause to be used any chemical or biological pesticide or any other substance, measure or process designated to alter the anatomy or physiology of any organism for the purpose of directly manipulating their populations; and
- G. Deposit, dump, throw, cast, lay or place, nor cause to be deposited, dumped, thrown, cast, laid or placed any fill, sediment, ashes, medical waste, hazardous materials, trash, rubbish, paper, garbage, refuse, debris or junk. However, on site produced garbage can be deposited in designated containers or removed from site as indicated or instructed.

## **SECTION R 63.11 DESTRUCTION BY OR MISUSE OF FIRE**

No unauthorized person shall upon or in connection with any property of the district:

- A. Set fire, or cause to be set on fire, any tree, forest, brushland, grassland, meadow, prairie, marsh, slash, refuse, container or structure;
- B. Build a fire anywhere, for any purpose, except as specifically allowed in designated and posted areas;
- C. Build a fire or cause a fire to start in or out of receptacle close to or in any structure whatsoever or close to any tree or other plants in such a way as to deface, damage or destroy that structure or scar, injure or destroy any tree or plants or their foliage;
- D. Drop, throw away or scatter any burning, lighted or hot coals, ashes, cigarette, cigar, firecracker or match;
- E. Build any fire whatsoever for any purpose in or out of a designated and posted receptacle and leave it unattended, unless such fire is properly extinguished. For the purpose of this Ordinance, a fire shall be deemed properly extinguished when its ashes, residue, coals and unburned substance are cold to the human touch; and
- F. Set fire, or cause to be set on fire, in or out of a receptacle, any materials not for burning, including, but not limited to, metal objects, chemicals, wood with metal pieces such as nails, etc.

## **SECTION R 63.12 PET EXERCISING**

Dogs are predators by nature and often mark their territory in order to keep competitors away. This scent marking can infringe on the terrain of wide-ranging wild predator species such as coyotes, bobcats, lynx, foxes, deer or rare cases black bears, cougars or wolves and interrupt essential contiguous wildlife corridors.

Pets that run loose can also harass or kill wildlife. Deer, birds, rabbits and other animals are sometimes chased and killed by off-leash pets. Nests can be disturbed in forested areas where some species lay their eggs on the ground or where ground nesters can be found.

The following rules apply to pets exercising:

- Pets must be on a 6-foot leash and under your immediate control at all times;
- Always clean up after your pet;
- Please carry a waste bag with you at all times;
- Pets should not be tied up unattended;
- Keep pets from interacting with wildlife; and
- Keep pets from disturbing visitors.

### **SECTION R 63.13 TRAIL USE AND ETIQUETTE**

While using trails, treat others the way you would want to be treated and know your right of way. Check signage for the trail you are hiking and follow the correct right of way yields.

Further:

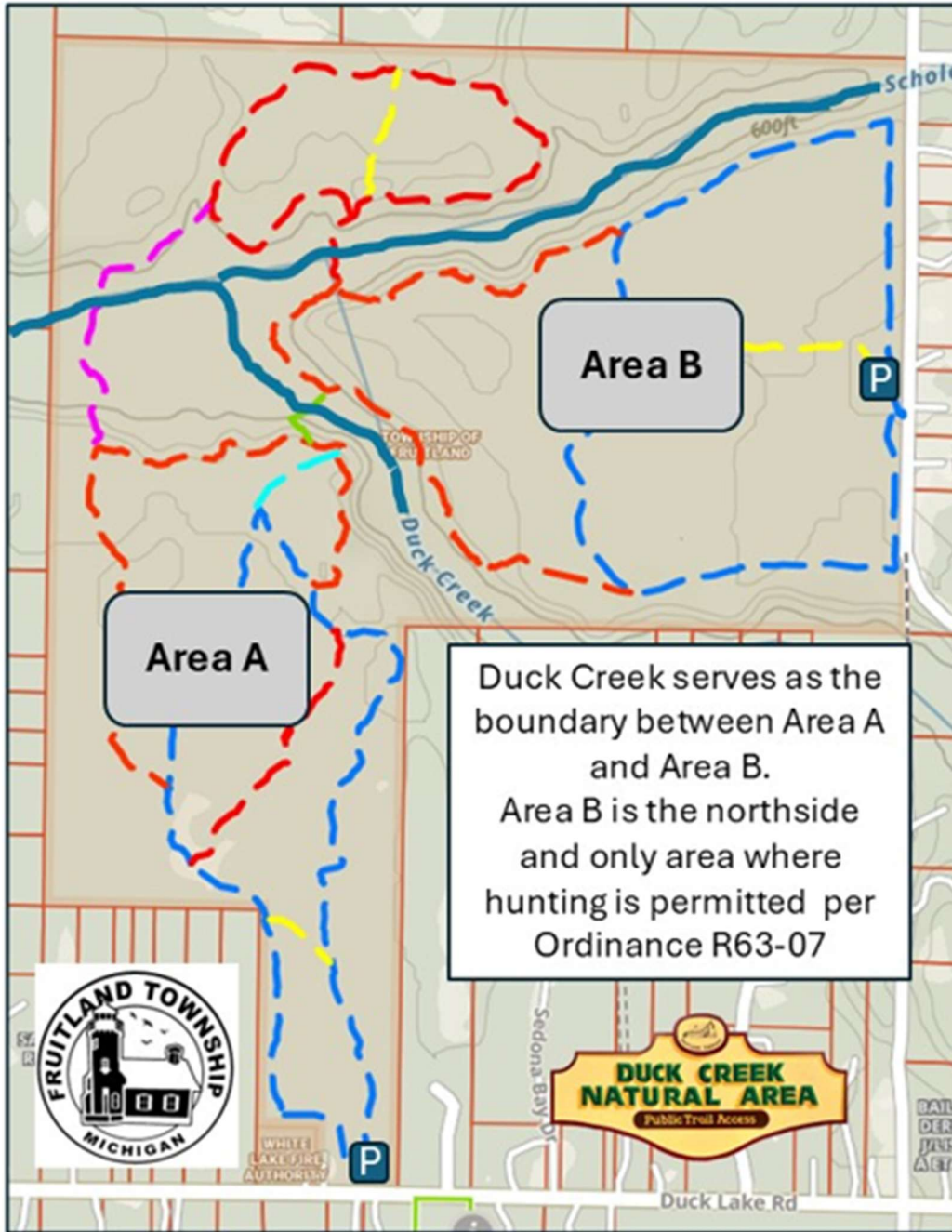
- Stay on the trails to keep natural areas how you found them. Don't step off the trail unless absolutely necessary. Going off trail can damage or kill certain plant or animal species and can hurt the ecosystems that surround the trail.
- Clean up after yourself and place trash in designated garbage containers. This includes "organic trash" such as orange rinds, apple cores, nut shells, and banana peels.
- Don't remove flowers, ferns, antlers, or even sticks. Discovering natural objects is one of the most interesting and fun parts of a hike and we ought to give all hikers the same opportunity.
- Be mindful of trail conditions and be aware of your surroundings.
- Make yourself known and offer a friendly "hello" or a simple head nod. If you approach another trail user from behind, announce yourself in a friendly, calm tone and let him/her know you want to pass.
- Take time to listen. Be respectful of both nature and the other users and keep the noise from electronic devices at bay.

### **SECTION R 63.14 FINES FOR VIOLATIONS**

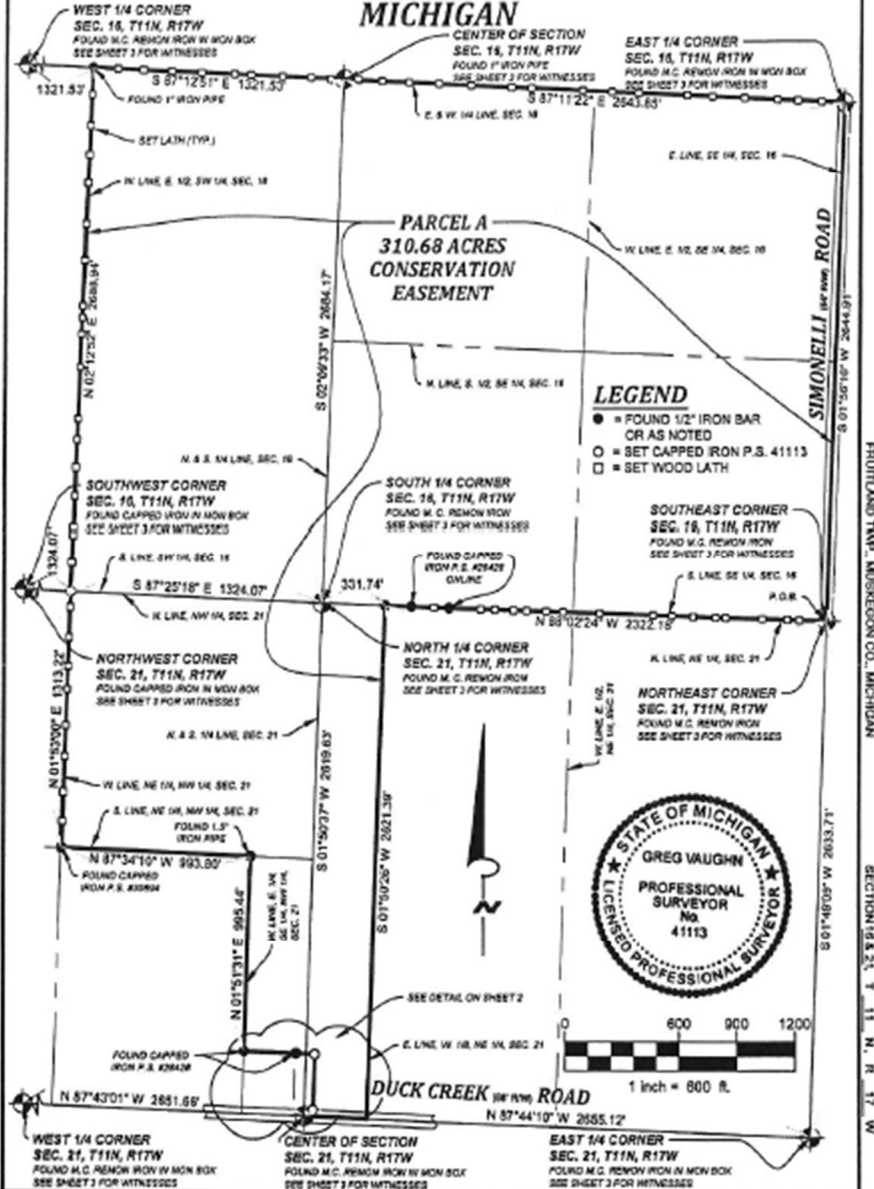
Any person, firm or corporation who violates a provision of this Ordinance or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be responsible for a civil infraction and subject to fines as published by Fruitland Township from time to time. Each day's continued violation shall constitute a separate and distinct offense.

# EXHIBIT 1

Fruitland Township Duck Creek Natural Area Conservation District Map



**SURVEY IN THE SOUTH 1/2 OF SECTION 16 AND THE NORTH 1/2 OF SECTION 21, TOWN 11 NORTH, RANGE 17 WEST, FRUITLAND TOWNSHIP, MUSKEGON COUNTY, MICHIGAN**



**W+ WIGHTMAN**

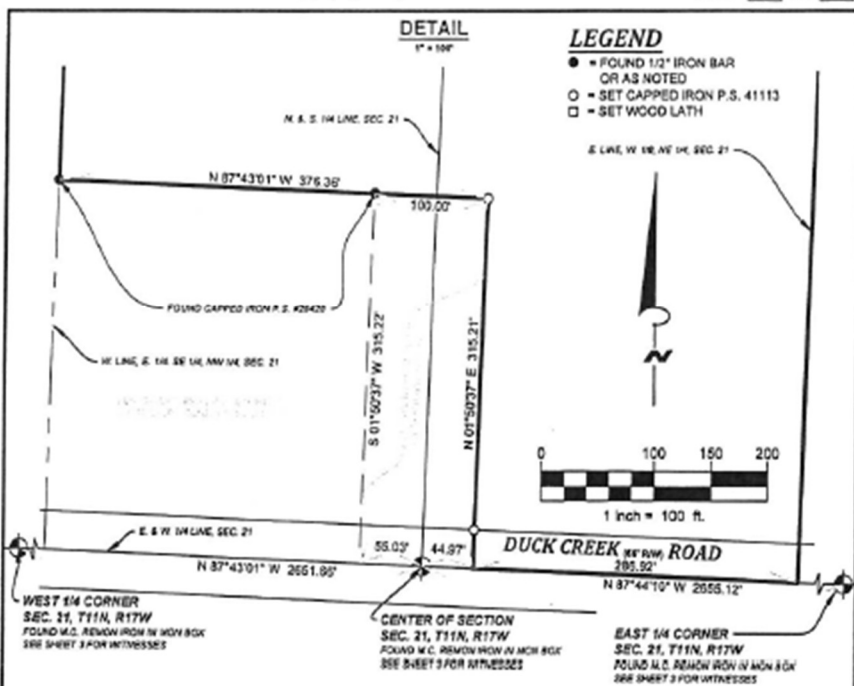
2353 Pipestone Road, Easton Harbor, MI 49622  
433 East Pearson Street, Kalamazoo, MI 49007  
1976 Lincoln Road, Allegan, MI 49010  
www.gowd.com

JOB NO: 192085  
DATE: 04/25/2019  
SCALE: 1" = 800'  
DRAWN BY: MAJ  
CHECKED BY: CVJ

366.827 6700  
269.207 3523  
269.873 8405

GREG VAUGHN  
P.S. 41113

FRUITLAND TWP, MUSKEGON CO., MICHIGAN  
SECTION 16 & 21, T. 11 N., R. 17 W.  
132965



ORIGINAL DESCRIPTIONS FOR SURVEY BASED UPON TRANSMANATION TITLE AGENCY TITLE NO.:  
225399/WMR WITH EFFECTIVE DATE OF OCTOBER 06, 2017.

**PARCEL A (CONSERVATION EASEMENT AREA):**

THAT PART OF THE SOUTH HALF OF SECTION 16 AND THE NORTH HALF OF SECTION 21, TOWN 11 NORTH, RANGE 17 WEST, FRUITLAND TOWNSHIP, MUSKEGON COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF SECTION 16; THENCE NORTH 88° 02' 24" WEST ON THE SOUTH LINE OF SECTION 16 A DISTANCE OF 2322.18 FEET TO THE EAST LINE OF THE WEST EIGHTH OF THE NORTHEAST QUARTER OF SECTION 21; THENCE SOUTH 01° 50' 29" WEST ON SAID EAST LINE 2821.39 FEET TO THE EAST AND WEST QUARTER LINE OF SECTION 21; THENCE NORTH 87° 44' 10" WEST ON SAID QUARTER LINE 285.92 FEET; THENCE NORTH 01° 50' 23" EAST 315.21 FEET; THENCE NORTH 87° 43' 01" WEST 376.38 FEET TO THE WEST LINE OF THE EAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21; THENCE NORTH 01° 51' 31" EAST ON SAID WEST LINE 995.44 FEET TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21; THENCE NORTH 87° 34' 10" WEST ON SAID SOUTH LINE 993.80 FEET TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 21; THENCE NORTH 01° 53' 00" EAST ON SAID WEST LINE 1313.22 FEET TO THE NORTH LINE OF SECTION 21; THENCE NORTH 02° 12' 52" EAST ON THE WEST LINE OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SECTION 16 A DISTANCE OF 2898.34 FEET TO THE EAST AND WEST QUARTER LINE OF SECTION 16; THENCE SOUTH 87° 12' 51" EAST ON SAID QUARTER LINE 1321.53 FEET TO THE CENTER OF SECTION 16; THENCE CONTINUING ON SAID QUARTER LINE SOUTH 87° 11' 22" EAST 2843.85 FEET TO THE EAST LINE OF SECTION 16; THENCE SOUTH 01° 55' 15" WEST ON SAID EAST SECTION LINE 2844.91 FEET TO THE POINT OF BEGINNING. CONTAINING 310.88 ACRES.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED, OR DEEDED FOR STREET, ROAD, OR HIGHWAY PURPOSES.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

THE RELATIVE POSITIONAL PRECISION OF EACH CORNER IS WITHIN THE LIMITS ACCEPTED BY THE PRACTICE OF PROFESSIONAL SURVEYING AND THE REQUIREMENTS OF P.A. 132 OF 1973, AS AMENDED, HAVE BEEN COMPLIED WITH.

BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE.



**WIGHTMAN**

2203 Piquette Road, Benton Harbor, MI 49022  
402 East Rossars Street, Kalamazoo, MI 49007  
1070 Locust Road, Alhambra, MI 49010

269.927.3190  
269.227.2522  
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CLIENT: LAND CONSERVANCY OF WEST MICHIGAN  
JOB No: 192068  
DATE: 04/25/2019  
SCALE: 1" = 100'  
DRAWN BY: MAJ  
CHECKED BY: GV

*Greg Vaughn*  
GREG VAUGHN  
P.S. 41113

FRUITLAND TWP. MUSKEGON CO., MICHIGAN

SECTION 16 & 21, T. 11 N. R. 17 W.

192068

**SECTION CORNER WITNESS TIES:**

**WEST 1/4 CORNER  
SEC. 16, T11N, R17W**

FOUND M.C. REMOV IRON W MON BOX  
-FND N/4 TAD N, SIDE 12' BEECH N57°E 32.71'  
-FND NAIL W, SIDE 20' MAPLE S31°E 74.34'  
-FND NAIL SE, SIDE 30' TWIN OAK S32°W 40.22'  
-FND NAIL NE, SIDE 18' TWIN MAPLE N72°W 36.68'

**CENTER OF SECTION  
SEC. 16, T11N, R17W**

FOUND 1" IRON PIPE  
-FND NAIL N, SIDE 18' OAK N63°E 22.75'  
-SET NAIL S, SIDE 18' OAK S33°W 31.70'  
-SET NAIL N, SIDE 18' TWIN OAK N81°W 34.46'  
-SET NAIL E, SIDE 18' TWIN OAK N15°W 25.54'

**EAST 1/4 CORNER  
SEC. 16, T11N, R17W**

FOUND M.C. REMOV IRON W MON BOX  
-FND 1" CUT IN N. END OF W. BRIDGE WALL S19°W 58.44'  
-N. EDGE OF DOUBLE ARROW SIGN POST N57°W 18.32'  
-SET NAIL N, SIDE 8' POPLAR S47°E 36.88'  
-N. FACE STOP SIGN POST N40°E 66.62'

**SOUTHWEST CORNER  
SEC. 16, T11N, R17W &  
NORTHWEST CORNER  
SEC. 21, T11N, R17W**

FOUND CAPPED IRON W MON BOX  
-FND NAIL SW, SIDE P.P. N34°W 46.58'  
-FND NAIL W, SIDE P.P. N21°E 43.27'  
-FND NAIL SW, SIDE 12" WHITE PINE S27°E 55.22'  
-FND NAIL E, SIDE P.P. S45°W 47.52'

**SOUTH 1/4 CORNER  
SEC. 16, T11N, R17W &  
NORTH 1/4 CORNER  
SEC. 21, T11N, R17W**

FOUND M.C. REMOV IRON  
-FND N/4 TAD SE, SIDE 24' TWIN OAK N22°E 31.22'  
-FND NAIL SW, SIDE 12' OAK S32°E 34.79'  
-FND NAIL W, SIDE 32' OAK N18°E 18.48'  
-SET NAIL W, SIDE 24' OAK S12°W 33.52'  
-GL PATH SOUTH 1/4

**SOUTHEAST CORNER  
SEC. 16, T11N, R17W &  
NORTHEAST CORNER  
SEC. 21, T11N, R17W**

FOUND M.C. REMOV IRON  
-FND NAIL NE, SIDE 12' CHERRY N32°W 15.54'  
-FND NAIL W, SIDE 12' ASH S10°W 25.28'  
-FND NAIL W, SIDE 12' MAPLE S30°E 42.19'  
-FND CAPPED IRON 400100 S57°E 32.34'  
-FND NAIL SE, SIDE P.P. N52°E 42.59'

**WEST 1/4 CORNER  
SEC. 21, T11N, R17W**

FOUND M.C. REMOV IRON W MON BOX  
-FND 3" SPIKE E, SIDE 8' OAK N47°E 56.68'  
-FND SPIKE W, SIDE 12' OAK N90°E 61.67'  
-FND SPIKE W, SIDE 12' OAK S45°E 66.24'  
-FND NAIL SE, SIDE 20' OAK S50°W 61.67'  
-FND SPIKE E, SIDE P.P. N52°W 63.34'  
-FND SPIKE E, SIDE 30' OAK N45°W 63.02'

**CENTER OF SECTION  
SEC. 21, T11N, R17W**

FOUND M.C. REMOV IRON W MON BOX  
-FND 1" NAIL W, SIDE P.P. N15°E 27.02'  
-FND 3" SPIKE W, SIDE 8' PINE N32°E 52.34'  
-FND 3" SPIKE W, SIDE 28' OAK S20°E 45.08'  
-FND SPIKE, SIDE 18' OAK SOUTH 41.02'  
-FND 3" SPIKE E, SIDE 30' OAK S47°W 52.02'  
-FND 3" SPIKE W, SIDE 12' OAK N12°W 44.42'

**EAST 1/4 CORNER  
SEC. 21, T11N, R17W**

FOUND M.C. REMOV IRON W MON BOX  
-FND NAIL W, SIDE P.P. N62°E 38.11'  
-FND NAIL E, SIDE 8' TWIN OAK S23°E 39.22'  
-FND NAIL E, SIDE 32' OAK S22°W 78.12'  
-FND NAIL S, SIDE 20' OAK S12°W 62.89'  
-FND NAIL E, SIDE 12' CHERRY N12°E 44.72'  
-FND NAIL SE, SIDE 20' OAK N85°E 56.72'

FRUITLAND TWP., MUSKEGON CO., MICHIGAN

SECTION 16, 21, T. 11 N., R. 17 W.

192025



2303 Piquette Road, Barton Harbor, MI 49822 269.327.2100  
423 East Ramparts Street, Kalamazoo, MI 49007 269.327.2032  
1870 Lincoln Road, Allegan, MI 49510 269.673.8465  
www.wightman.com

CLIENT: LAND CONSERVANCY OF WEST MICHIGAN

JOB No: 192065

DATE: 04/25/2019

SCHL: N/A

DRAWN BY: MAJ

CHECKED BY: GV

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