

# The Port of St. James Association

Beaver Island, Michigan

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## Frequently Asked Questions

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### A. What is the Port St. James Association?

The formal answer to this question is that The Port of St. James Association is a Michigan not-for-profit corporation that is tax exempt under section 501 (c) (4) of the Internal Revenue Code. As a tax-exempt organization, the Association is exempt from paying federal or state income tax. Under sub-section (c) (4) of section 501, the donations made to the Association are not tax deductible. Underlying this bare legal description of the Association is broader mandate. The Association maintains the property that comprises the parks and common areas of the Association. It is also charged with responsibility for future planning and enforcement of the Declaration of Restrictive Covenants that controls how members may use their property. These functions are fulfilled by a volunteer Board of Directors that is charged with the responsibility to manage the affairs of the Association in a manner that provides the most benefit for the members. The Board of Directors is a volunteer force, often aided by individual members, when working to achieve its goals. In short, then, the Association is really the sum of its members working together to provide the most benefit possible for the most members - sometimes not an easy task given the diversity of opinions inevitable when over nine hundred separate parcels of land are involved in any decision.

### 1. What is its Purpose?

The purpose of the Association is embodied in the mission statement adopted by the Board. That mission statement says: It is the mission of the PSJA Board of Directors- to conduct and administer the business and oversight of PSJA in the best interest of its members; to maintain the integrity of the association through the consistent application and enforcement of the Protective Covenant; and to protect and safeguard the tranquil beauty of the environment, natural resources and real property value to the long term benefit of the association. All actions initiated by the Board should be governed by this mission statement.

### 2. Under what authority does it act?

The Association just as with any corporation conducts its business in accordance with its articles of incorporation, its by-laws, applicable Federal statutes, and the Not-for-Profit Corporation Act of the State of Michigan. Additionally the Association exercises the power to make rules for to

implement the requirements of the Covenant attached to all property in the Association and to otherwise enforce the strictures and the spirit of the Covenant.

### **3. Who Runs the Port of St. James Association?**

Strictly speaking, no persons run the Association. The authority to conduct the required business of the Association rests with the Board of Directors, A volunteer organization of nine members elected for term of three years and the membership annual meeting in September of each year. Thus, generally three director positions are up for election each year. The Board works together to solve problems and to manage the business of the Association. In the past, it has been usual that the Board discusses a matter until it reaches a consensus as to the proper course of action. The Board is proud of the fact that most decisions are the result of a unanimous vote.

### **4. Can I opt out of the Association?**

No. The restrictions placed upon members' use of property in the Association arise from a declaration of restrictions, generally referred to in the Association as the Covenant. The covenant was recorded against nearly every parcel of land in what would become the Association by the original developers of the property and attaches to the parcels it is recorded against. At the beginning of the development of The Port of St. James, some individuals owned property in what would become the Association. These individuals were given the right to opt out of the planed development and some did. The Covenant is not in force as to those parcels of land. Under the Covenant, an individual member cannot simply opt out of the Association.

### **5. What does the Association do for me?**

The Association provides the Association beach for members use, gives members without a finished home, or guests of members, a place to camp and enjoy the recreational benefits of membership, maintains a large area of common property and a number of private parks dedicated to member use, and maintains and makes available the beach pavilion. The Association also oversees Covenant enforcement, when necessary, so that the value of each member's property remains as high as possible and each member has the quiet enjoyment of his or her property, envisioned by the original developers of the Association

### **6. Where can I get a copy of the Covenant?**

Ideally, you received a copy of the Covenant when you purchased you property. Unfortunately, some realtors and quite a few members, in the case of direct sales, do not provide a copy of the Covenant to new members. The Board keeps a copy of the Covenant available for download at the association's web site at: <http://www.theportofstjamesassociation.org>. Simply click on the Downloads tab.

### **7. I did not know about the covenant when I bought property. Does it apply to me?**

Yes. Because the Covenant is recorded as to all property actually in the Association, it is a matter of public record. The recording of the Covenant gives what constructive notice to all persons that there are restrictions of record as to the parcel. This means that the restrictions

are binding on all purchasers. In fact, if your property is foreclosed by the state for failure to pay property taxes, the state cannot do anything with the land not allowed by the Covenant. Additionally, the existence of these restrictions is an exception noted in the policy of title insurance that you obtained when you purchased your property.

#### **8. How is the Association Board elected?**

Each year at the annual meeting of members the terms of three directors is up for election. The membership votes on those persons nominated for election. In the event that there are more than three nominations the three persons with the largest vote totals are elected. Votes attach to each lot owned by a member. Thus if one person owns two lots, that person has two votes. In the case of multiple owners, there is still only one vote per lot. The owners must agree between or among themselves how that one vote per lot is cast.

Under its articles of Incorporation and By-Laws, the Association does not have cumulative voting for directors. However, each member in good standing has as many votes as he or she has lots. These votes can be voted for each of three candidates. However, the votes cannot be combined and cast for only one or two candidates.

#### **B. Are there restrictions on what I can build on my property or how I can use it?**

Yes Building and use limitations imposed upon properties in the Association are set forth in Article VII of the Covenant. In general, the Covenant requires that only a single-family residence and one ancillary building may be placed upon any given lot. The Covenant also prohibits the using of property for any commercial venture. Finally, the Covenant provides standards that each building must meet and sets forth time limits for the completion of any building project.

#### **1. Doesn't the Township Zoning Ordinance control building in the Association?**

Yes and No. The property in the Association is classified under the Zoning Ordinance as R-2 single family residential. Before an owner can build on a lot in the Association, he or she must obtain the approval of the Township Zoning Administrator. This means that generally an owner must comply with all the requirements of the Zoning Ordinance. However, because the Covenant is, in some respects more restrictive than is the Zoning Ordinance, as to any such areas the Covenant will control what an owner can do. In general, a good rule of thumb to apply is that the stricter of the two requirements will be the one that controls what an owner can do.

For example, the township ordinance requires a side lot set back of at least ten feet. The Covenant on the other hand permits side lot setbacks in some instances of as little as three feet. In this case, the ordinance will control. Similarly, the Covenant has restrictions on the type of outside finished applied to a building that are not included in the township ordinance. In this case, the Covenant will control. Further, the Association may make rules concerning use of land not covered by the township ordinance. In this case, the Association rules would control.

For copies of the Township ordinance, see question 13 below. Links to the ordinance and township zoning maps are included there.

#### **2. What is the procedure for getting approval of a building project?**

The Board has prepared an Application for a PSJA Building Permit. That application is currently available from the Chairman of the Association Architectural Committee, John Fiegen or available for download at the association's web site at: <http://www.theportofstjamesassociation.org>. Simply click on the Downloads tab.

A member simply obtains a copy of the application, fills it out and submits it to the Architectural Committee along with required supporting documentation. If the committee approves the plans, the Association will issue a building permit. That permit must be posted along with the proper Township Zoning Permit.

As a rule, the Board requests that members obtain the Township Zoning Permit before applying for the Association permit. Many of the same documents will be required for both and this method insures that the Association does not inadvertently give permission to a building that violates the township ordinance.

### 3. What kinds of building projects require Association approval?

Any building or construction on your property requires a building permit from the Association. Even a fence cannot be put up without an Association permit. Similarly, excavations and foundations cannot be constructed with out a permit.

### 4. How long does it take to get approval of a project?

Generally, approval is a quick process. The Architectural committee will meet and review any applications pending and either issue the permit ask for more information. Under the Covenant, the Architectural Committee is required to rule on an application within thirty day or receipt. In the general course of things you should expect to receive an answer before even thirty days have expired.

### 5. Can I clear my land (stage it) before obtaining an Association permit?

**Please note the following answer is from the Association's viewpoint. The Township Zoning Director may not permit land clearing before issuance of a Zoning Permit as it violates the technical provisions of the township zoning ordinance.**

Technically a permit must be obtained before any work starts. However, over the years the practice has developed by owners of clearing a lot and putting in an access so that potential buyers can see how the lot will look when a cottage is built. The Association generally does not object to this practice with the following conditions. When cleared the lot must not be left in a condition that would pose a threat to any contiguous owner's property. Moreover, all trees, brush, etc. must be removed from the lot at the time of clearing. Further, note that the lot must be graded smooth and if needed for stability planted in a ground cover.

Any work beyond simply clearing the lot requires a permit from the Association. Currently this policy is under review, and it is possible that the Association, in the future, will require a permit before a lot can be cleared.

No. Your contractor is wrong. Any construction on your property is allowed only after issuance of a PSJA building permit. This is true even if the project in question would not require a township Zoning Permit.

**7. What are the time limits I must obey when building in the Association?**

The exterior of any construction must be finished within one year of the time after PSJA Building Permit issuance and all construction materials removed within that same time.

**8. What buildings can I put on my property?**

According to the Covenant: "No building shall be erected, altered, placed or permitted to remain on any lot other than one single family dwelling not exceeding two and one-half stories in height, and one private garage or boathouse, or combination garage and boathouse for family automobiles and boats, in keeping with the dwelling so erected. (Article VII, Section 1) The Covenant also bars the use of trailers, mobile homes, basements, tents, shacks or any other "outbuilding" as a residence.

**9. Where can I find the building restrictions in the covenant?**

The Building and Use Restrictions in the Covenant are in Article VI of the Covenant. The provisions governing the Architectural Control Committee are in Article VI. The Covenant itself can be found as a downloadable PDF file in the Downloads Section of the Association web site; <http://www.theportofstjamesassociation.org>.

**10. Is renting my cottage a non-permitted business use of my property?**

While the general purpose of the Association is not to be a rental service on a large scale, the Board recognizes that members, for a variety of reasons, may want or need to rent their cottages occasionally. If members do rent, those occupying the premises must abide by the Covenant and all Association rules. They can do nothing with the property that the member cannot do. Additionally, it is the renting member's responsibility to provide their renters with all information necessary to allow them to act within the provisions of the Covenant, Association Rules and to function within the context of Beaver Island. For example, renters must obey of the 11:00 p.m. quiet hour time at the Association's parks and common property. Similarly, renters know how to package and get rid of garbage and other trash at the transfer station.

**11. There are differences between the provisions of the Covenant and those of the Township Zoning Ordinance. Which one takes precedence?**

The Township Zoning Administrator and the Board are both in accord that in case of differences between the Covenant's provisions and those of the Zoning Ordinance, the document containing the most restrictive provision will control as to that provision. In interpreting the two documents, however, it is not always immediately obvious which one is the most restrictive. For example, The Covenant states that the minimum square footage for any residence built in the

Association will be 400 square feet of living space exclusive of porches. The Zoning Ordinance, for areas zoned R-2, which is the classification for the property in the Association, requires that a residence contain at least 600 square feet of living space. Which is the more restrictive provision?

In the case above the Zoning Ordinance will control. While it could be said that a cottage of 400 square feet is smaller than one of 600 square feet, therefore the Covenant is more restrictive and controls, such is not the case. The 600 square foot requirement of the Zoning Ordinance places a greater burden of compliance upon the member who is building in both initial cost and eventual maintenance costs. Therefore, the Zoning Ordinance is, in this case, the more restrictive document and all cottages built in the Association must have at least 600 feet of living space exclusive of porches etc.

**12. My lot is in a Michigan Critical Dune Area. Are there special restrictions on it beyond those in the Covenant?**

Yes there are. The Critical Dunes Act imposes restrictions which are more severe than those of the Covenant are and its restrictions apply to any lots within an area declared to be a critical Dune area, For the most part those areas are along Donegal Bay and also in portions of subdivisions 6 & 7. There are also different floor area requirements for any structures built in a critical dune area. While the Association is zoned as R-2 requiring a minimum cottage area of 600 square feet of living space, cottages built within a critical dune area must meet the square footage requirements of R-1 zoning; namely 768 square feet. There is a possibility that this provision may be altered in the future to simply require buildings to meet the area requirements of the underlying zoning classification. Until any change is made, however, members building in a critical dune area will have to meet the current requirement.

**13. Where can I find a copy of the Township Zoning Ordinance?**

The Combined Zoning Ordinance for St. James and Peaine Townships can be accessed and printed from this URL: [http://www.stjamestown.org/beaver\\_island\\_zoning\\_ordinance.pdf](http://www.stjamestown.org/beaver_island_zoning_ordinance.pdf). A copy of the St. James Township Zoning map showing all zoning classifications can be downloaded from this URL: <http://www.stjamestown.org/Planning%20Commission/Existing%20Zoning%20Map.pdf>.

**14. Can we build campfires on our property, in the Stable Campground, or at the beach?**

Within certain restrictions, you can build campfires. At the beach and in the Stable Campgrounds campfires are restricted to specific locations, marked by fire circles. On your own property you are free to build campfires as long as you have cleared and prepared a proper fire circle or are using a commercial outdoor fireplace. Fire circles and areas under outdoor fireplaces must be cleared of all combustible material and surrounded by either stone or a metal ring.

During periods of dry weather, the townships often declare a burn ban. Notice of a burn ban is posted prominently around the Island and the Association posts its own notices at the Stable Campground and the Pavilion. **When a township burn ban is in effect, all campfires at any location within the Association are prohibited.**

**C. What other restrictions besides building controls are there on my use of property or on what I can do in the Association?****1. Can I use my property for business?**

No, you cannot. The Covenant specifically states: "...and no business, commercial, or manufacturing enterprise shall be conducted on [a members property]" Article VII, Section 1. This is another example of conflict between the Township Zoning Ordinance and the Covenant. Under the Zoning Ordinance, certain types of home-based businesses can be carried out in R-2 areas. In this case, however, the Covenant is the more restrictive document in that it disallows business and places the highest burden of compliance on the member.

**2. Can I store equipment on my property?**

No, you cannot store equipment on your property. For example, a member cannot permanently store equipment such as tractors, backhoes, etc. on his or her property. This does not mean that a member cannot park a panel truck that he or she uses in business on his or her property at night.

This is an area that the Board is looking into as there seems to be a general increase in the number of boats and other pieces of equipment either on a members vacant property or on parcels with a home or cottage on the parcel.

In general in enforcing this provision of the Covenant the Board has, in the past, made determinations on the basis of whether the use of the property constitutes an unacceptable visual appearance either in general or to neighboring members. The Board will act on any complaints it receives from members. It is possible that in the future the Board will have to implement more specific rules concerning exactly what may be stored on a members property. As always, the Board welcomes input from members on such questions.

**3. Are there quiet hours in the Association?**

Yes. There are as to the Association parks, facilities and common properties. In these areas, quiet hours begin at 11:00 p.m. each day and continuing until 8:00 a.m. the following day.

Currently, there are no rules in the Association, which establish general quiet hours for all members. In the past members have by-and-large been considerate of their neighbors and there has been no need for the board to act in this area. As noted above, however, member input is always welcome and the Board will respond to individual cases brought to its attention. Further, if the members wish, the Board will consider instituting quiet hours for the entire Association during the summer season.

**4. My cottage is not very big. Can visitors camp on my property?**

No. They cannot. The Covenant specifically prohibits any camping on a member's property. As stated in Article VII, Section 2: "No trailer, mobile home, or similar type structure, basement, tent, shack, garage, barn or other outbuilding shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character or any building in the process of construction, be used as a residence."

This restriction is the main reason why the Association maintains the Stable Campground. The campground has both rustic and improved sites. Members who have guests they cannot accommodate in their homes, should arrange for guests to stay at the campground.

Members should contact Bob Pryor at 906.869.2414 to make reservations at the Stable Campground. He will make all necessary arrangements for you to stay at the campground. If a member needs to use the campground on short notice and Bob cannot be reached, board members Jim Flanagan, John Roberts or James Latta, can help with arrangements. Each of these board members telephone numbers are listed in the Beaver Island telephone directory.

**5. I have not built a cottage yet. Can I camp on my property when I visit?**

No. You cannot. Section 2 of Article VII of the Covenant noted in the answer to the previous question prohibits use of a member's property for camping in all cases. The Stable Campground is available for just such times. Contact the Association board member responsible, Bob Pryor at 906.869.2414 to make reservations at the campground. See the answer to Question 4, above, for additional contact information if needed.

**6. Can I park and use my RV on my property?**

No you cannot. Use of an RV on a lot is use of a mobile home or other temporary structure to live on a parcel and is prohibited. This is true even if the proposed stay is of short duration. The easy answer to this situation is to use the Stable Campground. Contact the Association board member responsible, Bob Pryor at 906.869.2414 to make reservations at the campground. See the answer to Question 4, above, for additional contact information if needed.

**7. Can I hunt or allow other to hunt on my property?**

Hunting is forbidden in the parks and common areas of the Association. Whether you allow hunting on your property is your decision. If, however, you wish to allow hunting by anyone other than yourself It can only be done by the giving of written permission as Michigan law forbids any hunting by any means within 450 feet of any dwelling without written permission of the property owners.

In making the decision whether or not to hunt of your property, you should do so only after acquainting yourself with all Michigan laws regarding hunting, and with a full understanding of the potential legal liability you may have in the event of a hunting mishap. Port St. James is a residential subdivision with many full time residents and hunting within its borders can pose serious risks to homeowners, dog walkers, and trail hikers. Members who hunt or wish to allow others to hunt are strongly advised to check the relevant Michigan laws to be sure they are in compliance with all regulations. Hunting laws and regulations are on the state DNR web site at: <http://www.michigan.gov/dnr>. Once there, click on the hunting and trapping tab.

**8. Can I use off road vehicles in the association?**

Currently, the short answer to this question is that ORV's may be driven on county roads within the Association but may not be used in any places within the Association off roads.

At the time of this answer, the State of Michigan has passed a law allowing use of ORV's on



some roads under certain circumstances. However, counties and townships have the ability to exempt certain roads from use by ORV's. The appropriate local governmental units on Beaver Island have not yet finally made those decisions.

Regardless of whether the townships restrict use of ORV's on county roads within the Association, the plain fact is that there is no land within the Association (aside from county roads) ORV's may use legally. All land in the Association is private property. There is no state land in the Association where, under the current law, use of an ORV off the road would be legal. Further, the Association has had a long-standing rule, noted on the signboard on Donegal Bay Road, that use of any vehicle off road is prohibited in the Association.

This rule was put in place because of the danger of damage to the dune and forest areas within the Association. Further, much of this land is, in fact, Critical Dune area as are a large number of specific lots in the Association. Use of ORV's in these Critical Dune areas is prohibited under state law.

Members should also note that the current discussion of ORV's does not apply to snowmobiles. Different state laws govern use of these vehicles. Use of snowmobiles on the roads within the association is permitted and in fact may be necessary in the winter to permit members to access their properties.

#### **9. Can I store building materials on my property?**

No. You cannot. Other than temporary storage during the period of construction, the Covenant Article VII, Section prohibits the use of property as a dumping ground for trash or rubbish. All "trash, garbage or other waste shall not be kept except in a sanitary container" This means that permanent storage of construction materials on a members property is not permissible.

#### **10. Can I take my dog to the Association's beach at Donegal Bay?**

Yes. You can. Many members have dogs that enjoy a good swim or romp on the beach. The only thing that the Board asks of members who do bring dogs to the beach is that they be considerate of other members who use the beach. This means that members must have on their person a means to pick up any dog waste their pet leaves, and they must clean up after their dogs.

This policy holds in the Association parks and common areas and on the roads as well. Our trails provide a wonderful opportunity for hiking with a dog. It is good exercise for members and dogs. Incidentally, if you walk your cat, the same policy applies. Please do pick up after your pet. This is a simple human courtesy that all members have a right to expect.

One note of caution, as of the time of this answer (June of 2009) there is evidence along the Font Lake Trail of its rather frequent use by coyotes. A good number of coyote scats are evident on or very near some sections the trail. If you are concerned about walking your dog in an area where it might meet coyotes, you may want to avoid taking Font Lake Trail until you have had a chance to walk it yourself and analyze the situation personally.

#### **11. My property is in a Michigan Critical Dune Area. Does the Critical Dune Act apply to me?**

Yes it does. You must comply with all aspects of the Critical Dune Act both as to any buildings

you erect on the property and as to any activities you carry engage in on the property. For example, cutting of vegetation or other "beach grooming" is not permitted on property within a critical dune area.

**12. I see yellow speed limit signs along some roads. Is the speed limit really 35 m.p.h.?**

This is an interesting question. The Board believes that the speed limit in the Association is actually 25 m.p.h. This is because the Association is an R-2 zoned residential subdivision. Michigan law says that such subdivisions are limited in speed to 25 m.p.h. However, the county road authorities believe that this limit applies only to R-2 subdivisions with paved roads. After a number of years of argument back and forth, the Board met with the commission in 2008 and drove the roads. While the road commission did agree that a speed of 25 m.p.h. was appropriate and anything in excess 35 m.p.h. was unsafe, it felt powerless to post the speed as 25 m.p.h.

The current yellow warning signs noting a speed limit of 35 m.p.h. are the result of that meeting and represent a compromise. The commission agrees that 25 m.p.h. is a reasonable speed on the roads in the Association. Absent its perceived ability to implement such a speed, the commission agreed to post the speed as 35 m.p.h. using warning speed signs. These signs indicate that the maximum safe speed on these roads is 35 m.p.h.

If you see persons driving in excess of the posted safe speed, please notify the sheriff. Tickets can be given out for driving at a unsafe speed on the roads in the Association and the road commission has asked the sheriff to enforce the posted speed limits as the maximum safe speed.

The Board believes that the safe speed limit in the Association is 25. m.p.h. and asks all members to observe that speed limit. Remember we do have young children and adult members riding bicycles and walking along these roads. Further, members walk dogs on the roads. In the recent past, there has been one instance in which a driver killed a dog being walked. Please see that you do your best not to let any accidents happen. Certainly, no one wants an accident of this type to happen which involves children or adult riders or pedestrians. Keeping to 25 m.p.h. when you drive is a good way to avoid accidents.

**13. Can I use a snowmobile in the Association?**

Yes. Snowmobiles are permitted on roads in the Association. Please note however that they are not permitted off road. In this respect, snowmobiles are subject to the general restriction in the Association of use of any vehicle off road. For a fuller discussion of the reasons behind this prohibition, please see the answer to question 8 dealing with ORV's.

**14. Can I walk along the beaches in the Association even if the property is private?**

Yes within certain limits. Michigan law provides that there is an easement to the high water mark for the public on any shoreline in the state. This means that a narrow strip of beach is available on all beaches for the public to walk. However, it is not permissible for people to gain access to the beach by crossing over private property.

Therefore, if you access the beach at some permitted point, you may theoretically walk around the entire island on the beach. However, as with all privileges, there are responsibilities that accompany the exercise of a right. The Board expects that all persons walking along the beach

will confine themselves to the narrow permitted area and not leave trash of any kind behind. Obviously, vehicular access is not permitted, nor is any activity that would damage the beach in question. Further, if you do bring a dog along you must to clean up after it. Owners of beachfront property have a right to expect that the quiet enjoyment of their property will not be interrupted or otherwise impacted by people who walk on the beach.

### **15. Can I rent my cottage to non-members?**

Yes. You can rent your cottage. If you do so, however, you are responsible to see that the renters are aware of all Association rules and regulations and that they follow them. Members who rent are personally responsible for any damage done renters either to Association property or to the property of other members. You may want post a list of Board members with telephone numbers for use of your renters if they have any questions. You also may want to write up and post for your renters a list of do's and don'ts as well as information on what to see and how to do things such as how to take trash to the transfer station.

## **D. I see signs noting Parks, Common Property, and other sites in the Association. What are they?**

### **1. Can I and my guests use the beach at Donegal Bay?**

Yes. The beach at Donegal Bay is owned by the Association and is available for member's use of the. Unless there is a burning ban in place, you are free to use the established fire circles for beach fires as well. Please remember that you must fully extinguish all beach fires and remove all trash before you leave. We have a large number of people who use the beach. Courtesy dictates that you leave it as you found it, or better yet, better than you found it. So, pick up your litter and any that others may have left and enjoy the beach. It is one of the glories of the island.

Please note that vehicles either four or two wheeled are not allowed on the beach

### **2. I see signs for trails. Can I use the trails?**

Yes. The trail system is one of the lesser-known benefits of the Association. They are very good for cutting walking distances between portions of the Association and they offer a wonderful opportunity to observe native animals and plants. If you do not know where the trails are just ask a Board member for a map of the trails. Do remember portions of the trails run along the property lines of neighbors whose property abuts the Association, for their sake and for the sake of other members who want to use the trails, treat the trails with respect. Try always to leave nothing but footprints.

Also, if you see anything in the way of an obstruction on any trail, notify the chairs of the Board's Trails Committee: Dave DeRosia 231.360.0189 Craig Turnbull 989.560.4392 While we try to walk the trails regularly to find windfalls and other problems, sometimes things get ahead of us. If you tell us of a problem with any park, trail or common area we will get it repaired as quickly as possible.

### **3. Can I use motor vehicles on the Association trails?**

No. The Association trails are exclusively for walking. Many of them are in critical dune areas that are especially subject to damage from anything other than careful foot traffic. Please enjoy the trails, but use them for foot travel only.

**4. What is the purpose of the Pavilion at Donegal Bay?**

The Pavilion is in fact an old pool house from the early days when the Association kept a swimming pool. Today the Pavilion used by members for meetings, barbeques, and parties. In fact, members often use it for summer wedding receptions. Members can bring their own grills to the Pavilion or they may use the permanent grill at the Pavilion. In addition, a fire circle there can be used during a gathering unless there is a township burn ban in effect due to dry conditions.

**5. Do I need to make a reservation to use the Pavilion for a party or a picnic?**

Yes. The Pavilion is available for members use on a first come first served basis. Reservations should be made by contacting the Acting Association Secretary, Donna Hardenberg. There is a nominal fee for use of the Pavilion. That fee goes to cover the costs of clean up and to help maintain the Pavilion structure.

**6. What is Mt. Pisgah, and can I climb it?**

Mt. Pisgah is the highest point on Beaver Island, and you can climb it on foot. It is also a sand dune in a critical dune area. So please enjoy the climb to the top but be careful that you do not disturb the plants and trees on the dune. They are the only thing that holds it in place. As with all common areas in the Association, use of any vehicles two or four wheeled on Mt. Pisgah is prohibited.

**7. Are there any maps that show the complete set of trails in the Association?**

Yes. A number of years ago the people at the CMU Biological station prepared a map of all the trails in the Association. If you would like a copy of that map, please ask any board member. He or She can get you a copy of the map.

**8. Can I launch a boat from any of the parks or Common areas?**

Now the Association has no facilities for launching watercraft. Members can use the public launching site at Font Lake to launch small fishing boats. The beach at Donegal Bay is not available for launching any boats. However, if you have a small kayak or a canoe that can be hand carried to the water, you can launch it at the North Park. Please note that any craft launched from there must be hand carried. There is not provision for use of a trailer or for parking a trailer after use at the park.

**9. There are maps of the island that imply that the beach at Donegal Bay and the M<sup>c</sup>Cauley's Point access trail are public property. Are they correct?**

No. Both these locations are, in fact, property owned by the Association. The M<sup>c</sup>Cauley's Point Access Trail is located on a lot owned by the Association. The Association also owns the beach at Donegal Bay. Technically, these properties are for the use of members of the Association

only.

That, however, is not the complete answer. While the Association owns these properties, there has been a long standing policy of the Board to permit use of the Donegal Bay beach by island residents. It is a beautiful spot and has been used for years by all island residents as a place to watch a glorious sunset and even to swim. Similarly, the M<sup>C</sup>Cauley's Point Access Trail is the shortest, but not only, way for people to get to M<sup>C</sup>Cauley's Point and the Association has permitted island residents to use the trail. However, it is incorrect to say that these locations are public property or constitute public access points.

It is also incorrect and inappropriate to advertise the locations as areas open to the general public. The Association has no plans to change its long-standing policy on use of these areas by island residents. It does reserve the right to deny access to any one who uses these locations in any manner that violates Association's rules or policies, whether they be members, island resident or the general public. The final answer is that these locations are private not public property and use by anyone other than Association members is by permission only.

#### **10. Can I use the Campground?**

Yes. As a member of the Association, you and your guests can use the Stable Campground. See the Section on the Stable Campground for full information about the facilities and use of it.

#### **What is the Stable Campground and how do I use it?**

##### **1. Are the rules at the Stable Campground?**

Yes the rules of the campground are posted on the Association web site, <http://www.theportofstjamesassociation.org>, and may be downloaded from there.

##### **2. Can I store my RV or camper at the Stable Campground?**

On a case-by-case basis and subject to space availability, a camper may be stored for a short time at the campground. For example, if a member has friend visiting and who will be staying at the member's house but needs a place to store a camper or camp trailer for a few days arrangements can be made to use the campground at a reduced rate for very short term storage. Members should note that the campground is a parking space for member's campers.

##### **3. Can I have a campfire at the Stable Campground?**

As noted in other answers, campfires are allowed at the campground subject to the rules for campfires unless there is a township burn ban in effect. All campfires must be attended at all times and you must completely extinguish the fire when you retire or leave the campsite.

##### **4. Is there any length of stay restrictions at the Stable Campground?**

Subject to availability and the campground opening and closing dates, there is no maximum time limit for use of the campground. Reservations are on a first come first served basis so members planning a lengthy stay should reserve a campsite early in the season. The

campground closes from mid October to May 15 and no camping is allowed during this period.

**5. Does the Stable Campground have sites with electrical hookup?**

Yes. A certain number of campsites are equipped for use of campers and camper trailers. These sites have electrical hookups.

**6. Does the Stable Campground have water hookups?**

No. There are no water hookups for individual campers at the campground. Running water is available at the stable building. In addition, there are no facilities for removal of sanitary waste from campers at the campground. Persons wishing to camp should see that sanitary wastes are removed from all campers before arrival.

**7. Are there showers and toilets at he Stable Campground?**

Yes. The stable building has showers and bathrooms.

**8. What cooking facilities are available at the Stable Campground?**

There is a kitchen in the stable building available for use, by all campers. The kitchen has a sink with running water, a stove and a refrigerator.

**9. How do I sign up for a campsite at the Stable Campground?**

Reservations should be made by contacting the Board member responsible, Bob Pryor at (906) 869-2414. Before using the campground, you must pay all fees.

**10. Are there quiet hours at the Stable Campground?**

Yes. Specific provisions relating to quite hours and consideration for other campers are in the campground rules at the Association web site.

**11. When is the Stable Campground open?**

The Stable Campground opens on May 15 each year. It remains open depending on weather until approximately October 15.

**E. Are there any maps that show the extent of the Association?**

Yes. There are a number of maps available relating to the association. In years past, the Association had a supply of white print (blue lines on a white background; also called diazo prints) maps that it gave out to members. Unfortunately, time has made those mps unusable today. However, the Association has scanned the best copies of the remaining maps and is currently working on restoring the best copy, literally pixel by pixel. It is a daunting task that has taken three years of part time work. However, we are making progress.

In addition, to the old prints, the association has obtained copies of all the plat maps of the

association and digitized them. These maps show every platted and un-platted parcel in the Association with measurements and boundary markers.

Together with a selection of historic maps of the Association, the plat maps have been collected and are available as a DVD. The DVD is free to Association members. To obtain a copy, please contact Jim Latta at [jameslatta@mac.com](mailto:jameslatta@mac.com). When you do so, make sure to reference PSJA Maps in the subject line of your e-mail.

When the reconstruction of the white print map is finished, the Association plans to print copies and make them available to members.

Additionally, a map of the Association trails is available from Jim Latta.

## **F. How do I apply for an Association building permit?**

### **1. When do I apply for a permit?**

You should apply for a building permit as soon as you have received a township Zoning Permit. The Association work closely with the township Zoning Administrator. It will act on your application quickly. You should not apply for an Association permit before submitting you plans to the township. Issues such as setbacks, size of building and placement of sanitary and well facilities are controlled by the township Zoning Code. Members should be certain that their plans are acceptable to the township before seeking Association approval.

### **2. Where should I send the permit application?**

In the summer, you should deliver applications for an Association building permit to the chairman of the Architectural Committee, John Fiegen at 27380 Pine Chip Rd. Beaver Island, Mi 49782. In the winter applications should be sent to Mr. James Flanagan, 4439 N. California, Chicago, IL 60625. Or a PDF copy of all documents can be emailed to Jim @ [jhflanagan@gmail.com](mailto:jhflanagan@gmail.com). Submission are effective when received for purposes of calculating time limits.

### **3. How do I get a Permit application?**

Permit applications can be picked up from any member of the Architectural Committee, namely John Fiegen, Jim Latta and Donna Hardenburg. The application is also available for download from the Association's website at: <http://theportofstjamesassociation.org>.

### **4. How long does the review process take?**

The approval process is usually rapid as long as the application submission is complete. Members will have to submit copy of the plans for the project and information about exterior finishes. The location of all structures and/or fences must be marked clearly so that the Architectural Committee can determine whether the proposed project will negatively affect neighboring members. According to the Covenant, The Architectural Committee is required to review submitted plans within thirty days of submission. If the plans raise questions or the

submission is incomplete, the approval process may take more than thirty days, but such situations are unusual.

**5. Can I clear my land (stage it) before obtaining an Association permit?**

**Please note the following answer is from the Association's viewpoint. The Township Zoning Director may not permit land clearing before issuance of a Zoning Permit as it violates the technical provisions of the township zoning ordinance.**

Technically, a permit should be obtained before any work starts. However, over the years the practice has developed by owners of clearing a lot and putting in an access so that potential buyers can see how the lot will look when a cottage is built. The Association generally does not object to this practice with the following conditions. When cleared the lot must not be left in a condition that would pose a threat to any contiguous owner's property. In addition, all trees, brush, etc. must be removed from the lot at the time of clearing. Further, note that the lot must be graded smooth and if needed for stability planted in a ground cover.

Any work beyond simply clearing the lot requires a permit from the Association. Currently this policy is under review, and it is possible that the Association will require, in the future, a permit before a lot can be cleared.

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