

**RE: Legality of the Negaunee Ordinance governing Teal Lake**

- A. Three judges have ruled that the Negaunee Ordinance is legal and does not conflict with the Attorney General opinion concerning the Marine Safety Act.
- 1) 1996 - District Court Judge Micklow (I-96-293-CM)
  - 2) 2003 - District Court Judge Kangas (I-03-0400-OM)
  - 3) 2004 - Circuit Court Judge John Weber.
- B. Attorney General rules in favor of comparable Ordinance in Dickenson County governing Fume Lake
- 1) Fume Lake in Norway
    - a. Former water supply – governed by County Ordinance
    - b. Abandoned as water supply
    - c. Dickinson County continues Ordinance governing Lake
    - d. **No navigable outlet**
  - 2) Teal Lake Ordinance
    - a. Former water supply - governed by City Ordinance
    - b. Abandoned as water supply
    - c. City of Negaunee continues Ordinance governing Lake
    - d. **No navigable outlet**
    - e. Teal Lake Ordinance up-held by the above three judges.
- F. Marine Act governs lakes with navigable inlets and/or outlets.
1. Teal Lake does **NOT HAVE A NAVIGABLE OUTLET**
  2. Marine Act non-applicable to Teal Lake
  3. Therefore, Negaunee, not the DNR has the right to govern Teal Lake.
- E. 2015-2017 –
- 1) Planning Commission spends 18 months preparing the Negaunee Long Range Plan
    - a. Reviews Ordinance
      - i.. CUPAD sends out a survey for the Planning Commission
      - ii. Over 70% of the respondents in favor of the Ordinance
  - 2) January 2017 the present Council adopted the Long Range Plan
  - 3) April 13, 2017 addition made to agenda by Councilman Visser attempting to repeal Ordinance
    - i. Identifies the Ordinance as outdated
    - ii. Illegal under the Marine Act Safety Act
    - iii. Discussion includes economic development (logging, road to Ishpeming)
    - iv. Change in Ordinance requires two readings and a public hearing.
  - 4) May 11, 2017 Negaunee Teal Lake Ordinance, second reading and public hearing

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