

CHESTER TOWNSHIP

OTTAWA COUNTY, MICHIGAN

(Ordinance No. 1998-10-01)

An Ordinance to promote the control of aquatic vegetation in Crockery Lake by prohibiting the use of certain chemicals within three hundred feet of Crockery Lake, by prohibiting the dumping of grass clippings or lawn waste in Crockery Lake, providing for that abatement of violation as nuisances, and providing penalties for the violations of the provisions of this Ordinance.

THE TOWNSHIP OF CHESTER (“Township”), COUNTY OF OTTAWA, MICHIGAN
ORDAINS:

Section 1. Findings and Purpose

The Chester Township Board finds that Crockery Lake is a valuable natural and recreational resource, and that the overgrowth of certain varieties of aquatic vegetation poses a substantial threat to the use and enjoyment of this resource. The Board also finds that the application of commercially available fertilizers which contain manure, nitrogen, phosphorous or potassium on land located within three hundred feet (300’) of Crockery Lake has a tendency to promote or increase the growth of aquatic vegetations, such as algae and other aquatic plants. The Board, therefore, enacts this ordinance for the purpose of limiting the application of such fertilizers within three hundred feet (300’) of the waters of Crockery Lake.

Section 2. Definitions

As used in this Ordinance, the following terms as hereinafter provided:

- a. “Algac” means any of the group of nonvascular aquatic plants without true stems, flowers, leaves, and roots, either single-celled or colonial forms.
- b. “Aquatic vegetation” means algae and higher aquatic plants.
- c. “Fertilizer” means any commercially available natural or synthetic material containing manure, nitrogen, phosphorous, or potassium, or any mixtures containing a combination thereof, which is applied to land to increase the fertility of the soil.
- d. “Higher aquatic plant” means any of a group of vascularized plants with true stems, flowers, leaves, and roots which live in water and belong to the class Angiospermae.
- e. “Lakeshore” means the water’s edge of Crockery Lake, located in Chester Township, Ottawa County, Michigan, as represented by the meander line on the government plat of Crockery Lake.
- f. “Notice to Abate Nuisance” means a written document sent to the owner or occupant of real property upon which a nuisance is alleged to exist, which document directs the recipient to abate the nuisance with a time specified in the Notice.
- g. “Person” or “Persons” means any individual, firm, public, or private corporation, partnership, trust, agency, or any other entity or group of such persons.

Section 3. Regulation of Application of Fertilizer Within Three Hundred Feet of Crockery Lake

- a. No Person shall apply, deposit, leave, maintain, place, use or permit another Person to apply, deposit, leave, maintain, place, or use any fertilizer on any land or property within three hundred feet (300') of the lakeshore of Crockery Lake.
- b. No Person shall deposit, dump, or place, nor permit another Person to deposit, dump, or place any grass clippings, yard wastes, shrubs, leaves, tree branches, brush or other plant materials either on or in Crockery Lake, nor shall any Person store any such materials in a location in such close proximity to the waters of Crockery lake or in any manner that makes it more likely than not that such materials will be moved into the waters of Crockery Lake by wind, water or other means.
- c. Cemetery lots may be sold by the Township to any resident or taxpayer of Chester Township. The Township Clerk is hereby granted the authority to vary the aforesaid restriction on sales where the purchaser discloses sufficient personal reason for burial within the Township through previous residence in the Township or relationship to persons interred in the Township cemetery involved. Any such decision by the Township Clerk (either granting or denying such variance) may be overturned by a vote of a majority of the members serving on the Township Board.

Section 4. Declaration of Nuisance

Any violation of this Ordinance shall constitute a public nuisance *pre se*, which may be abated as provided in this Ordinance, any other ordinance of Chester Township, or as provided by means available under the provisions of the laws of the State of Michigan.

Section 5. Notice to Abate Nuisance

Whenever any Township officer or official determines that a violation of this Ordinance has occurred, a notice to abate nuisance shall be served upon the owner or occupant of the premises on which the nuisance exists, which notice shall require the person to abate the nuisance immediately by ceasing or stopping such violation. The notice shall specifically describe the particular violation of this ordinance which is to be abated. The notice may be served by any of the following means:

- a. Personal delivery of the notice to the owner or occupant, or by leaving the notice at his or her residence, office, or place of business with a person of suitable age and discretion;
- b. Mailing a copy of the Notice, first class certified mail, to the owner or occupant at his or her last known address; or,
- c. Posting of the notice in a conspicuous place on the premises for five (5) days, if the owner or occupant of the premises is unknown.

The nuisance specified in the Notice to Abate Nuisance shall be abated as follows:

- a. Immediately upon receipt of the Notice if the violation of the ordinance involves the application of fertilizer in violation of Section 3 (a);

- b. For violations of Section 3 (b), no further dumping of lawn clippings, yard wastes, etc., shall occur once the notice has been served. Removal (clean-up) of any lawn clippings, yard wastes, etc., from the waters of Crockery Lake, if practicable, shall be completed within seven (7) days after the notice has been served.

Section 6. Penalty for Violation of Ordinance

- a. Any Person who violates Section 3 of this Ordinance shall be responsible for a municipal civil infraction, and upon an admission or determination of responsibility thereof, shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars plus court costs. Each day that a violation occurs shall be considered to be a separate violation. The issuance of a citation for a municipal civil infraction shall not in any way limit the Township in seeking enforcement of the provisions of the Ordinance, including, but not limited to, requesting a civil restraining order from any court of competent jurisdiction.
- b. Any person who violates Section 5 of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more that Five Hundred and 00/100 (%500.00) Dollars plus court costs, or imprisonment for not more that ninety (90) days, or both. Each day that a violation occurs shall be considered to be a separate violation.

Section 7. Severability

Each provision or portion of this Ordinance shall be deemed to be severable. Should any section, subsection, paragraph, subparagraph, sentence, or clause be declared to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or of the remainder of the Ordinance.

Section 8. Effective Date

This Ordinance shall take effect thirty (30) days after its publication in the manner provided by law.

INTRODUCTION: 8-15-98

ADOPTION: 11-17-98

PUBLICATION: 11-26-98

EFFECTIVE DATE: 12-26-98

Jan Redding, Township Clerk