

**TOWNSHIP OF CHESTER
OTTAWA COUNTY, MICHIGAN**

(Ordinance No. 2019-02-01)

At a regular meeting of the Township Board for Chester Township held at the Township offices on February 11, 2019, beginning at 7:00 p.m., Township Board Member Meerman made a motion to adopt this Ordinance, which was seconded by Township Board Member Redding:

AN ORDINANCE TO REGULATE THE USE OF CROCKERY LAKE BY LIMITING THE NUMBER OF DOCKS OR PIERS THAT CAN BE ERECTED ON PARCELS OF LAND OR LOTS ADJOINING THE LAKE AND LIMITING THE NUMBER OF BOATS THAT CAN BE MOORED AT A DOCK AND RELATED MATTERS.

THE TOWNSHIP OF CHESTER (the "Township"), OTTAWA COUNTY, MICHIGAN, ORDAINS:

Section 1 - TITLE

This Ordinance shall be known and may be cited as the "Chester Township Crockery Lake Regulation Ordinance".

Section 2 - LEGISLATIVE FINDINGS; COVERAGE

The Township Board for Chester Township, Ottawa County, Michigan, finds and determines that it is necessary to adopt this Ordinance in order to provide regulations which are appropriate to prevent nuisance conditions from developing on or near Crockery Lake arising from the use of the lake by lakefront property owners and the public in general; to prevent or avoid impairment of an important irreparable natural resource (Crockery Lake); to avoid or prevent impairment of property values of lands adjoining Crockery Lake; to provide regulations which are designed to protect the public health, safety and welfare related to the uses of the lake; and to minimize or reduce the dangers from overuse of the lake to persons using the lake and riparian property owners. Any land, easement, road, road end, lake access property, or park under the ownership, possession or control of the Township or any governmental agency or unit having access to or frontage on Crockery Lake shall be fully subject to the provisions of this Ordinance.

Section 3 - NUMBER OF DOCKS OR PIERS

From and after the effective date of this Ordinance, no parcel or platted lot which adjoins, fronts on or abuts Crockery Lake shall have thereon, or in the waters of Crockery Lake immediately adjacent to such parcel or platted lot, any dock, pier, wharf, or boat mooring site unless the parcel or platted lot has at least One Hundred (100) feet of frontage on Crockery Lake for each such dock, pier, wharf, or mooring. Provided, however, that lawful parcels or platted lots which were of record at the Register of Deeds Office for Ottawa County as of the effective date of this Ordinance and which have less than One Hundred (100) feet of frontage on Crockery Lake, may have not more than one (1) dock, pier, wharf, or boat mooring erected thereon.

Section 4 - NUMBER OF BOATS PERMITTED PER PROPERTY

No more than three (3) registered watercraft may be moored, stored, anchored or docked at one time for a given lakefront parcel or lot, whether on or at the shoreline or at a dock, pier or shore station, in the waters of the lake, on the bottomlands of the parcel or lot or on the shore. This restriction shall

apply to any registered watercraft which is moored, anchored, docked or otherwise present for periods of time in excess of 48 hours. For purposes of this section, the term "registered watercraft" shall mean a boat, vessel, or other device for which a certification and registration (or comparable document) has been issued or is required under the laws of the state of Michigan or the state in which the owner of the watercraft resides.

Section 5 - MAXIMUM LENGTH OF A DOCK AND OTHER DOCK REQUIREMENTS

- A. No more than one (1) dock or pier shall be permitted per lawful parcel or lot.
- B. No dock or pier shall extend into Crockery Lake for a distance greater than fifty (50) feet as measured perpendicularly from the shoreline.
- C. Each dock, pier, store-station and boat hoist (and any and all parts thereof) shall be completely removed from Crockery Lake during the winter season (i.e. from December 15 through the following March 15). If a permanent dock, pier or other nonconforming dock lawfully existed prior to the adoption of this Ordinance and if any such dock or pier is replaced, reconstructed, moved, or altered, it shall lose its lawful nonconforming structure status, in which case such dock or pier (as well as any replacement dock or pier) shall be fully subject to this Ordinance and shall be completely removed from Crockery Lake from December 15 through the following March 15. Notwithstanding such prohibition contained in this subsection and the prohibitions contained in Section 9 hereof, cement blocks and similar small marker items may remain in the lake year round so long as they comply with Michigan law, are located below the ice (and are not frozen in the ice) and do not present a safety or navigability hazard.
- D. For all properties with frontage on Crockery Lake in any residential or agricultural zone district under the Chester Township Zoning Ordinance, as amended, only boats or watercraft owned by the owner or occupant of the lake property involved may be moored, kept, beached, docked or stored on that property (or the bottomlands thereof) overnight. Notwithstanding such restriction, the children or parents of the owner of the lake property involved may moor, keep, beach, dock or store their boat at that lake front property more than 48 hours, but the three registered watercraft limitation of Section 4 hereof shall still apply.

Section 6 - LIMITS ON RIPARIAN RIGHTS AND TRANSFERS

No owner of riparian land shall in any way lease, sell, rent or otherwise alienate the riparian rights of dockage or boat moorage to any person, firm or corporation unless the transferee acquires the entire fee ownership to the same riparian land. Except as otherwise provided in Subsection 5(D) hereof, no riparian landowner shall permit a person, firm or corporation which does not have riparian rights on Crockery Lake to use the riparian land of that riparian owner, with or without compensation, for a period greater than two (2) consecutive days.

Section 7 - SIZE AND LOCATION RESTRICTIONS

Docks, piers, floating rafts, shore-station, boat hoists, trampolines, floats, ski jumps, or platforms shall not be located in Crockery Lake so as to impede navigation or present a safety hazard to watercraft. No person shall install or maintain a dock, pier, shore-station or boat hoist or anchor a raft, ski jump, trampoline, float or platform on bottomlands not owned by that person. All docks, piers, floating rafts, shore-station, boat hoists, trampolines, floats, ski jumps, or platforms must stay completely on the bottomlands of the owner's property.

SECTION 8 - SETBACK REQUIREMENTS

- A. No dock or pier shall be placed or located within eight (8) feet of the side lot lines of the lot or parcel where it is located as extended to the center of the lake.
- B. No shore-station or boat hoist shall be located within two (2) feet of a side lot line as extended to the center of the lake. If the shore-station or boat hoist has a canopy that extends out further than the other parts of the shore-station or boat hoist, the measurement used shall be from the edge of the canopy and not the shore-station or boat hoist.
- C. No watercraft or other boat shall be launched, stored, moored or docked within two (2) feet of the side lot lines of a lake parcel or lot, as extended to the center of the lake.
- D. Where a parcel or platted lot lawfully existed as of record prior to the date of this Ordinance and the lake frontage of that lot or parcel is not wide enough to accommodate or allow a dock or pier to be located at least eight (8) feet from both side lot lines, then the parcel or lot may have one dock or pier which must be centered within the lake frontage. The exact location, size and length of the dock or pier, as well as the placement of boats or watercraft thereon, must be approved by the Chester Township Zoning Administrator. In no case, however, shall the dock, pier or moored boats extend beyond or over the bottomlands of the parcel or platted lot involved.

SECTION 9 - BOAT STORAGE DEVICE DESIGN REQUIREMENTS.

No fill or the addition of any permanent stabilizing structure or material shall be added to the bottomlands of Crockery Lake to support any pier, dock, boat hoist or shore-station. Temporary dock or pier supports may be utilized so long as they comply with Subsection 5(C) hereof.

SECTION 10 - PARKS, EASEMENTS, and COMMON AREAS.

No dock, pier, shore-station, boat hoist or mooring for a watercraft (or any boat) shall be located at or on any road right-of-way, park, road end, common area, alley, dedicated walkway, or easement (or bottomlands thereof) which abuts, fronts on or terminates at Crockery Lake, nor shall any watercraft, boat, canoe, kayak, paddle boat, rowboat, or similar vessel be anchored, moored, beached, or stored at or on any such park, road right-of-way, common area, road end, dedicated walkway, or easement (or bottomlands thereof).

- A. This Section 10 shall apply whether the right-of-way, easement, park, road, common area, alley, or dedicated walkway is public or private.
- B. Notwithstanding the prohibitions contained in this Section 10, boats and watercraft may be temporarily beached, anchored or moored at Grose Park on Crockery Lake between dawn and dusk, but boats and watercraft shall not be kept, stored, moored, beached or anchored at that park overnight or between dusk and dawn the following morning.
- C. Legal Exception: If lots or parcels front on a road right-of-way, easement, or similar way which runs along and parallel to the shoreline of the lake and such abutting lots or parcels are deemed to be riparian pursuant to Michigan law, then each individual lot or parcel so deemed to be a riparian property under Michigan law shall be considered a "separate frontage" for purposes of this Ordinance as to each such parcel or lot's portion of the right-of-way, easement, or other way involved, and this Section 10 shall not apply to each such separate frontage.

Section 11 - NO BOAT RAMPS OR LAUNCHES

No boat launch, boat ramp or similar access for a boat or watercraft to Crockery Lake shall be installed, created or used after the effective date of this Ordinance. Any and all boat ramps, boat launches

and similar lake access areas that were lawfully in existence prior to the date of this Ordinance may remain and may be maintained, but shall not be upgraded, widened or expanded. This prohibition shall not apply to the hand or vehicle launching of canoes, kayaks and other watercraft by the owner or occupant of a lakefront property from his/her lake frontage, so long as no permanent improved boat launch, boat ramp or similar access is utilized.

Section 12 - REPEAL

All ordinances or resolutions of Chester Township which are in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such conflict. In addition, Ordinance No. 1993-10-01, as amended, and Ordinance No. 2018-04-01 are expressly repealed by this Ordinance (although this Ordinance is the successor ordinance to those prior ordinances).

Section 13 - SEVERABILITY

If any sentence, section, paragraph or part of this Ordinance is determined to be unconstitutional or unenforceable by a court of competent jurisdiction, it shall be severed from the remainder of the Ordinance and such determination shall not affect the remainder of the Ordinance which shall remain valid and in effect.

Section 14 - PENALTIES

- A. A violation of this Ordinance constitutes a municipal civil infraction. Any person who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance, or any amendment thereof, or any person who knowingly or intentionally aids or abets another person in violation of this Ordinance, shall be in violation of this Ordinance and shall be responsible for a civil infraction. The civil fine for a municipal civil infraction shall be not less than one hundred dollars (\$100.00) for the first offense and not less than two hundred dollars (\$200.00) for subsequent offenses, in the discretion of the court, in addition to all other costs, damages, expenses and remedies provided by law. For purposes of this section, "subsequent offense" means a violation of the provisions of this Ordinance committed by the same person within twelve (12) months of a previous violation of the same provision of this Ordinance or similar provision of this Ordinance for which said person admitted responsibility or was adjudged to be responsible. Each day during which any violation continues shall be deemed a separate offense.
- B. Anyone who assists another in violating this Ordinance, or who aids and abets another in violation of this Ordinance, shall also be deemed to be in violation of this Ordinance.
- C. In addition to the above-mentioned remedies, the Township is also authorized (at its option and discretion) to pursue a civil lawsuit to enforce and/or ensure compliance with this Ordinance in the Ottawa County Circuit Court.
- D. This Ordinance may be enforced by the Township Zoning Administrator, the Township Building Inspector, the Township Zoning Enforcement Officer, a Deputy Sheriff, and such other Township official or agent as the Township Board may designate from time to time by resolution.
- E. A violation of this Ordinance is also hereby declared to be a nuisance *per se* and is declared to be offensive to the public health, safety and welfare.

Section 15 - EFFECTIVE DATE

This Ordinance shall take effect upon the expiration of thirty (30) days after its publication (or a summary thereof) in the manner provided by law.

The vote to adopt this Ordinance was as follows:

YEA: Coxon, Dunnuck, Goodno, Meerman and Redding

NAYS: None

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify the above is a true copy of an Ordinance adopted by the Township Board for Chester Township at the time, date and place as specified above, pursuant to the required statutory procedures.

Respectfully submitted,

By _____
Janice Redding
Chester Township Clerk