

TOWNSHIP OF CHESTER
COUNTY OF OTTAWA, MICHIGAN

At a regular meeting of the Township Board of the Township of Chester, Ottawa County, Michigan, held in the Township Hall located at 19340 32nd Avenue, within the Township, on the 4th day of April, 2006 at 7:00 p.m.

PRESENT: Members: Berenbrock, Goodno, E. Kelly, J. Kelly, Redding

ABSENT: Members: None

It was moved by Township Board Member Redding and supported by Township Board Member Berenbrock that the following Ordinance be adopted:

ORDINANCE NO. 2006-04-01

AN ORDINANCE TO REGULATE USES, PARKING, AND ACTIVITIES WHICH OCCUR AT ROAD ENDS ENDING AT OR TOUCHING CROCKERY LAKE WITHIN THE TOWNSHIP AND RELATED MATTERS AND TO PROVIDE PENALTIES FOR THE VIOLATION OF SUCH REGULATIONS.

THE TOWNSHIP OF CHESTER ORDAINS:

ARTICLE 1. Intent, Purpose and Short Title.

SECTION 1.1 INTENT AND PURPOSE. The Chester Township Board recognizes and concludes that the proper and safe use of land and water resources at and near public roads which end at or touching Crockery Lake in Chester Township ("Township") is desirable in order to retain and maintain the physical, ecological, cultural and aesthetic characteristics of that water body and such areas within the Township, to preserve and protect the quality and safety of that body of water and shorelines and the rights of adjoining riparian owners and users in the vicinity of such road ends at that body of water, to promote safe use of such road ends, and to promote the public health, safety and welfare of all persons making use of Crockery Lake and lands within the Township at or near the road ends involved. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the use of certain road ends at Crockery Lake within the Township.

SECTION 1.2 SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the “Chester Township Lake Road End Ordinance,” and shall hereinafter be referred to as the “Ordinance.”

ARTICLE 2. Scope and Application.

SECTION 2.1 MINIMUM STANDARDS. The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the Township.

SECTION 2.2 INTERPRETATION. This Ordinance is intended to supplement other laws and ordinances. If this Ordinance imposes more stringent requirements than other ordinances, the provisions of this Ordinance shall govern, except as otherwise herein provided.

ARTICLE 3. Coverage.

SECTION 3.1 For purposes of this Ordinance, the phrase “public road end” shall mean:

(a) 25th Avenue on the south side of Crockery Lake, from VanDyke Street to the water’s edge of Crockery Lake, which also includes the shoreline and bottomlands thereof.

(b) 24th Avenue on the north side of Crockery Lake, from Crockery Shores Road to the water’s edge of Crockery Lake, which also includes the shoreline and bottomlands thereof.

(c) 24th Avenue on the south side of Crockery Lake, from VanDyke Street to the water’s edge of Crockery Lake, which also includes the shoreline and bottomlands thereof.

ARTICLE 4. General Regulations.

SECTION 4.1 The following uses and activities shall not occur at, on or from any public road end (or the bottomlands or shoreline thereof):

(a) Littering.

(b) Loitering.

(c) Engaging in any loud or boisterous conduct. Nor shall any person play music at a volume which is audible beyond the boundaries of the public road end.

(d) Trespassing on adjoining or nearby private land.

(e) Refueling, repairing, or working on or regarding any boat, vessel, vehicle or boat trailer.

(f) Engaging in any conduct which shall impair, impede or diminish the free use or travel across the public road end by others who are utilizing the public road end in conformance with law.

(g) Camping, cooking, picnicking or having bonfires.

(h) Disturbing the peace.

(i) Urinate or defecate.

(j) Cut, injure, or deface any tree, lawful sign, shrub, or government property.

(k) Dig any hole or dredge.

SECTION 4.2 No automobile, truck, recreational vehicle, trailer, motorcycle or other vehicle shall be parked, stored or kept at or on any public road end. Notwithstanding such prohibition, the only parking allowed on or at any of the public road ends covered by this Ordinance is limited parking on 25th Avenue as follows:

(a) No more than three (3) vehicles in total may be parked at any one time along the western edge of 25th Avenue (between VanDyke Street and the waters of Crockery Lake) in the area designated by one or more regulatory parking signs. Each of the three vehicles which are permitted to so park may have a trailer attached. Such allowed parking shall occur as far to the west within the public road right-of-way as practical and no such parked vehicle (or the trailer attached thereto) shall be so parked as to impede the free flow of traffic within the traveled portion of 25th Avenue. Such allowed parking shall also be done in a parallel fashion (*i.e.*, parallel to the edge of the road right-of-way). However, in no event shall parking occur except in the area designated by the official signage and if fewer than three (3) vehicles can park within the area designated by the official signage, then only those vehicles which can reasonably fit between the two signs are allowed to park, even if fewer than three vehicles can be accommodated.

(b) Along the eastern edge of 25th Avenue (between VanDyke Street and the waters of Crockery Lake), no vehicle or boat trailer shall be parked, stopped, or remain longer than is reasonably necessary to launch, load, or unload a boat to/from Crockery Lake, but in no event shall any such vehicle or trailer remain parked or stopped along the eastern edge of 25th Avenue in that area for more than 15 minutes. Furthermore, any such limited allowed parking, stopping, or remaining in order to launch, load, or unload a boat shall occur as far to the east within the public road right-of-way as practical and no such stopped or parked vehicle (or the trailer attached thereto) shall be so temporarily parked or stopped as to impede the free flow of traffic within the traveled portion of 25th Avenue.

All “no parking” and parking restriction directives on government-placed signs shall be fully complied with.

SECTION 4.3 No dock, wharf, pier, shorestation, boat cradle, boat launch, boat tether, raft, buoy or similar item shall be installed, stored, kept or utilized at any public road end (or the shoreline or bottomlands thereof), except for any such structure specifically authorized by the Township and installed by the Township or by the Ottawa County Road Commission or other governmental unit pursuant to Section 6.1 hereof.

SECTION 4.4 No boat, watercraft, personal watercraft, rowboat, sailboat, jet ski or other water vessel shall be beached, stored, docked, anchored or kept at or on any public road end (or the shoreline or bottomlands thereof) while the owner is not physically present on the boat or watercraft or for any time period longer than simply picking up or dropping off passengers.

SECTION 4.5 No public road end (or the bottomlands or shoreline thereof) shall be utilized for lounging, sunbathing, picnicking, playing volleyball or other game or similar uses or activities.

SECTION 4.6 No lounge chair, towel, or other personal item shall be kept, stored, or left at or on any public road end.

SECTION 4.7 No boat, watercraft, personal watercraft, rowboat, sailboat, or other vessel shall be launched on or from a public road end. Notwithstanding such prohibition, boats and watercraft may be launched where 25th Avenue intersects the waters of Crockery Lake, but such launching shall only be done in a safe fashion and so as not to adversely impair or affect the gravel road base, cause erosion into the lake, or have the boat, trailer, or vehicle become stuck. When launching from 25th Avenue, no vehicle or trailer shall remain within the roadway or water, except to promptly launch or retrieve a boat or watercraft at that location.

SECTION 4.8 No vehicle or boat trailer shall be so parked, placed, or remain within the traveled or improved portion of 25th Avenue (between VanDyke Street and the waters of Crockery Lake) in such a fashion so as to interfere with or impede traffic flow or the ability of any vehicle to travel freely on the traveled or improved portion of 25th Avenue.

ARTICLE 5. Penalties and Enforcement.

SECTION 5.1 PENALTY. Violation of this Ordinance is a civil infraction, for which the fines shall be not less than One Hundred Dollars (\$100) or more than Five Hundred Dollars (\$500) for the first offense and not less than Two Hundred Dollars (\$200) nor more than Two Thousand Five Hundred Dollars (\$2,500) for subsequent offenses, in the discretion of the Court, and in addition to all of the costs, damages and expenses provided by law. For purposes of this Ordinance, “subsequent offense” means a violation of this Ordinance committed by the same person within twelve (12) months of a previous violation of the Ordinance for which said person admitted responsibility or was adjudicated to be

responsible, provided, however, that offenses committed on subsequent days within a period of one (1) week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 5.2 INJUNCTION. Any violation of this Ordinance is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this Ordinance by proceeding under Section 5.1 above, the Township or any Township resident may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.

SECTION 5.3 ENFORCEMENT AND ADMINISTRATION. This Ordinance shall be enforced and administered by the Township Zoning Administrator, or such other Township official as may be designated from time to time by resolution by the Township Board.

ARTICLE 6. Exemptions.

SECTION 6.1 This Ordinance shall not apply to any structure or improvement installed by a governmental unit or to any uses, activities or vehicles regarding any employee, agent or contractor of a governmental unit (including, but not limited to, Chester Township, the Ottawa County Road Commission and the State of Michigan) when engaging in a governmental function regarding maintenance or repair to the public road end or any item thereon, or any emergency fire or rescue uses or activities engaged in by any firefighting, police or ambulatory officials or services.

ARTICLE 7. Severability.

SECTION 7.1 SEVERABILITY. In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance.

ARTICLE 8. Effective Date.

SECTION 8.1 EFFECTIVE DATE. The provisions of this Ordinance shall take effect thirty (30) days from the date of publication of the Ordinance or a summary of its provisions in accordance with law.

YEAS: Members: Berenbrock, Goodno, E. Kelly, J. Kelly, Redding

NAYS: Members: None

ABSTAIN/ABSENT: Members: None

ORDINANCE DECLARED ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance adopted by the Township Board for Chester Township at a regular meeting held on April 4, 2006, pursuant to the required statutory procedures.

Janice Redding
Chester Township Clerk

10591 (001) 283415.02