

TOWNSHIP OF CHESTER OTTAWA COUNTY, MICHIGAN

Ordinance Number 1993-10-01 (Amended)

An Ordinance to regulate the use of Crockery Lake by limiting the number of docks 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.

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

Section 1 TITLE

This Ordinance shall be known and cited as the “Chester Township Crockery Lake Regulation Ordinance”.

Section 2 LEGISLATIVE FINDINGS

The Board of Trustees of 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 adjoining property owners and the public in general; to prevent or avoid impairment of an important irreplaceable natural resource (Crockery Lake); to avoid or prevent impairment of property values of the land 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.

Section 3 NUMBER OF DOCKS

From and after the effective date of this ordinance, no piece of land or platted lot which adjoins to or abuts to Crockery Lake shall have erected thereon, or in the waters of Crockery Lake immediately adjacent to such piece of land or platted lot, a dock, wharf, or mooring unless the piece of land or platted lot has at least One Hundred (100) feet of frontage on Crockery Lake for each dock, wharf, or mooring. Provided, however, that pieces of land or platted lots, which are 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 dock, wharf, or 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 property or lot, whether on or at the shoreline or a dock or shore station, in the waters of the lake or the bottomlands of the property or lot. This shall apply to any registered watercraft which is moored, anchored, docked or otherwise present for periods of time in excess of 24 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

No dock shall extend into Crockery Lake for a distance greater than Fifty (50) feet from the high water mark on shore. However, all docks lawfully in existence (as of the date of enactment of this Ordinance in 1993) which exceed this length are permitted to remain in place. When such docks are repaired or replaced, the dock shall then be brought into full compliance with this section. No more than one (1) dock shall be permitted per lawful property or lot. Docks shall be seasonal in nature and shall be completely removed from the waters of the lake from December 1st through March 15th of each year.

A. Multi-family or multiple uses

No lot or property (or bottomlands thereof), lake frontage, boat anchorage, dock or boat moorage shall be used by or for more than one family or for anything other than use by one single family unless such use is approved by the Township Board pursuant to the notice and hearing requirements of Section 6 hereof. The Township Board may impose reasonable terms or conditions pursuant to any such approval. This section shall apply to any multiple or joint use situation or device including, but not limited to, a lake access easement, jointly-owned property, private park, common area or similar device.

Section 6 EXCEPTIONS

The Township Board of Chester shall have authority to grant exceptions to the limitations provided in Section 3 & Section 5 of this Ordinance, where unusual conditions pertaining to a particular piece of land or platted lot imposed significant difficulties or hardship on the property owner. The property owner shall apply to the Township Board, which shall conduct a public hearing on the request prior to making a decision. The Township Board may impose reasonable terms or conditions upon its approval of an exception. Any exception granted is subject to suspension or revocation if the property owner violates the terms of this Ordinance, other pertinent Township ordinances, or applicable state and federal laws or regulations. Prior to suspension or revocation of an exception, the Township Board shall give notice to the property owner and opportunity for the property owner to respond to the notice.

Section 7 LIMITS ON RIPARIAN RIGHTS

No owner of riparian land shall in any way lease, sell, rent or otherwise alienate the riparian rights of dockage to any person, firm or corporation unless the transferee acquires the entire fee to the riparian land. No riparian owner shall permit a person, firm or corporation which does not have riparian rights to use the riparian land of the riparian owner, with or without compensation, for a period greater than two (2) consecutive days.

Section 8 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.

Section 9 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.

Section 10 PENALTY

Any person, firm or corporation which violates a provision of this ordinance shall be guilty of a misdemeanor, and shall be punished by a fine of up to Five Hundred Dollars (\$500.00) plus court costs or by confinement in the county jail not to exceed Ninety (90) days, or by both such fine and confinement. Each day that a violation continues or exists shall be considered a separate violation.

Section 11 EFFECTIVE DATE

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

The above ordinance was offered for adoption at a regular meeting of the Chester Township Board held on March 21, 2000 by Township Board Member Berenbrock, and was seconded by Township Board member Joiner, the vote being as follows:

Yeas-Meerman, Redding, Berenbrock, Joiner, Denhof

Nays-none

Absent/Abstain-none

Ordinance declared adopted.

Submitted by,

Janice Redding
Chester Township Clerk