

**Ordinance No. 98-10-1 Chester
Township, Ottawa County Michigan**

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 the abatement of violations as nuisances, and providing penalties for the violation of the provisions of this Ordinance.

THE TOWNSHIP OF CHESTER, OTTAWA COUNTY, 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 (300') of the waters of Crockery Lake.

Section 2. Definitions,

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

- (a) "Algae" 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.

(a) "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.

(b) "Person" or "Persons" mean 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.

Section 4. Declaration of Nuisance

Any violation of this Ordinance shall constitute a public nuisance *per 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, yards 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 a 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 this 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 than Five Hundred and 00/100 (\$500.00) Dollars plus court costs, or imprisonment for not more than 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.

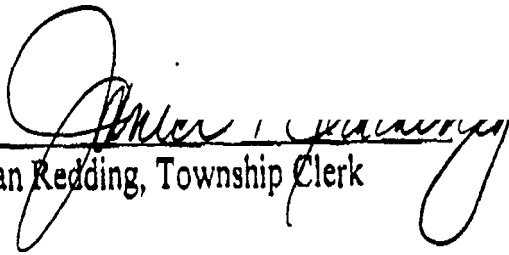
Section 8. EFFECTIVE DATE.

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

ADOPTION: 11-17-98

PUBLICATION: 11-26-98

EFFECTIVE DATE: 12-26-98


Jan Redding, Township Clerk



CHESTER TOWNSHIP OTTAWA
COUNTY. MICHIGAN
(ORDINANCE NO. 93-10-1)

AMENDMENTS TO CHESTER TOWNSHIP ORDINANCE NO. : 93-10-01

THE TOWNSHIP OF CHESTER ("Township") ORDAINS:

1. Section 4 of Ordinance No. 10-1-93 is hereby amended to read in full as follows:

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 shorestation, 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 4, 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.

2. Section 5 of Ordinance No. 10-1-93 is hereby amended to read in full as follows:

Section 5. Maximum length of 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 exceeds 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 (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 1 through March 15 of each year.

3. A new and additional Section 5A is hereby added to Ordinance No. 10-1-93 and reads as follows:

Section 5A. 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.

CHESTER TOWNSHIP OTTAWA
COUNTY, MICHIGAN

4. Except as expressly amended above, Ordinance No. 10-1-93 shall remain in full force and effect.

5. This Ordinance amendment shall become effective thirty (30) days after publication in the newspaper.

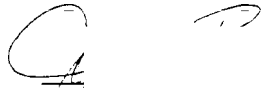
The above Ordinance amendment was offered for adoption by Township Board Member Dianne Berenbrock and was seconded by Township Board Member Barbara Joiner, the vote being as follows:

YEAS: Dianne Berenbrock, James Meerman, Janice Redding, Barbara Joiner, Norbert Denhof

NAYS: NONE

ABSENT: NONE

ORDINANCE DECLARED ADOPTED



Janice Redding, Chester Township Clerk

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance amendment to Ordinance No. 10-1-93 adopted by the Chester Township Board at a regular township meeting held on March 21, 2000, at 7:00 p.m., at the Chester Township Hall pursuant to the required statutory procedures.

Respectively submitted by



Janice Redding

Chester Township Clerk
Effective 4-30-00