

CROCKERY LAKE ASSOCIATION

SPECIAL BOARD MEETING

NOVEMBER 27, 2017 – 4:00 p.m.

Board Members Present: Bruce Callen (via telephonic means), Del Deur, Pat Wolters, Bob Blauwkamp, Linda Lane. Absent: Linda Rexford, Dennis Arms, Sue McClure.

A meeting with Chester Township Clerk Jan Redding and Chester Township Treasurer, Dianne Berenbrock was held at the township offices to discuss suggested changes by the Crockery Lake Association Board to the existing Ordinance 1993-10-01 as amended (commonly known as the funneling ordinance).

After discussion with the Township and Board members present, Bruce Callen made a motion to approve the suggested changes. The motion was seconded by Linda Lane. The Board unanimously approved the changes as incorporated by reference in the attached exhibit.

Meeting adjourned at 4:20 p.m.

Respectfully submitted,

Linda Lane, Secretary

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 irreparable 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. Any land, easement, 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

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 (1) 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 more than one (1) dock shall be permitted per lawful property or lot.

No dock shall extend into Crockery Lake for a distance greater than Fifty (50) feet measured perpendicularly from the shoreline. If a permanent dock or other nonconforming dock lawfully existed prior to the adoption of this Ordinance and if any such dock is replaced, reconstructed, moved, or altered, it shall lose its lawful nonconforming structure status, in which case such dock (as well as any replacement dock) shall be fully subject to this Ordinance and shall be completely removed from Crockery Lake (pursuant to Section 5 hereof) from December 15 through the following March 15.

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 of the lake property involved may be moored, beached, docked, or stored on that property (or the bottomlands thereof) overnight.

Section 6 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 7 SIZE AND LOCATION RESTRICTIONS

Docks, floating rafts, 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. ~~All docks, floating rafts, trampolines, floats, ski jumps, or platforms must be placed within \_\_\_ feet of the shoreline.~~ No person shall install or maintain a dock or anchor a raft, ski jump, trampoline, float or platform on bottomlands not owned by that person. All docks, floating rafts, trampolines, floats, ski jumps, or platforms must stay completely on the bottomlands of the owner's property.

delete  
Del  
Bruce  
Bob  
Linda  
PAT  
~~Steve~~  
~~Mike~~  
~~Tom~~  
~~John~~  
~~100~~

SECTION 8 SETBACK REQUIREMENTS No dock shall be placed within ten (10) feet of the side lot lines of a lot or parcel as extended to the center of the lake.

- A. No shore-station or boat hoist shall be located within two (2) feet of a side lot line as so extended to the center of the lake. If the shore-station has a canopy that extends out further than the other parts of the shore-station, the measurement used shall be from the edge of the canopy and not the shore-station.

- B. No watercraft or other boat shall be launched, stored, moored or docked within two (2) feet of the side lot lines of a property as extended to the center of the lake.

**SECTION 9 BOAT STORAGE DEVICE DESIGN REQUIREMENTS.** No fill or the addition of any permanent or stabilizing structure or material shall be added to the bottomlands of Crockery Lake to support any boat hoist or shore-station.

**SECTION 10 PARKS, EASEMENTS, and COMMON AREAS.** No dock or mooring for watercraft (or any boat) shall be located at or on any right-of-way, park, road, common area, alley, dedicated walkway, or easement (or bottomlands thereof) which abuts 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, right-of-way, common area, road, dedicated walkway, or easement (or bottomlands thereof).

- A. This Section <sup>10</sup>~~11~~ shall apply whether the right-of-way, easement, park, road, common area, alley, or dedicated walkway is public or private.
- B. 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 12 shall not apply to each such separate frontage.

**Section 11 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 12 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 13 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 14 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 \_\_\_\_\_ by Township Board Member