

**TOWNSHIP OF CRYSTAL
MONTCALM COUNTY, MICHIGAN
ORDINANCE NO.15-A**

(This Ordinance replaces Ordinance No.15, adopted by the
Township Board of Crystal Township on December 11, 2002.)

**AN ORDINANCE TO REGULATE LAKE ACCESS AND USE AND RELATED
MATTERS FOR ALL LAKES WITHIN CRYSTAL TOWNSHIP AND TO
PROVIDE FOR THE ENFORCEMENT OF SUCH ORDINANCE AND
PENALTIES FOR THE VIOLATION THEREOF.**

SECTION 1 – TITLE AND PURPOSE

1.1 This Ordinance shall be known and cited as the “Crystal Township Lake Access Ordinance.”

1.2 The purpose of this ordinance is to promote the integrity of the lakes within Crystal Township while preserving the quality of recreational use of inland waters; to protect the quality of the lakes by discouraging excess use; to promote the ecological balance of the waters by limiting incompatible land use of the wetlands associated with the lakes; to minimize conflict among lake and shoreline users and promote safety; and to maintain the natural beauty of the lakes by minimizing man-made adjustments to the established shorelines.

1.3 Nothing in this Ordinance shall be construed to limit access to lakes or waterways by the general public by way of lawful public park or public access site provided or maintained by any unit of state, county or local government.

SECTION 2 – DEFINITIONS

2.1 For purposes of this Ordinance “access property” means a parcel or lot fronting on, abutting, contiguous, or adjacent to a lake, or which has access to a lake, and which is used or intended to be used for providing access to a lake (or the use of a lake) by access on foot, by watercraft, or vehicular traffic, regardless of whether said access to the lake is gained by easement, license, right –of-way, lease, gift, common or joint ownership, single ownership, business, invitation, open space held in common by a subdivision, plat, association, condominium, or any similar agency, common use under covenants or restrictions of record, or any other form or dedication or conveyance.

2.2 For purposes of this Ordinance, “parcel” means a lawful continuous areas or acreage of land which can be described as provided for in the Michigan Land Division Act, Public Act 288 of 1967, as amended, and which was lawfully established by a document recorded with the Montcalm County Register of Deeds.

SECTION 4 – PREEXISTING LAWFUL LOTS AND PARCELS

4.1 Nothing in the Ordinance shall be construed to prevent the continued use of an access property as lawfully established and actually used prior to the effective date of this Ordinance, but only at the same scope, intensity and fashion as occurred prior to February 6, 2003. However, full compliance with this Ordinance shall occur should any such access property be divided, subdivided, or split after February 6, 2003 or should any use which occurs on such access property be extended, increased, or intensified with regard to scope, use, or fashion after February 6, 2003.

4.2 Where two or more adjacent waterfront platted lots, with common ownership, have been combined for property tax purposes, each individual lot may be split and shall be deemed a separate lawfully established “access property” so long as the following requirements are met:

- A. The platted lot was lawfully created by a plat which was recorded with the Montcalm County Registered of Deeds before February 6, 2003
- B. There is no dwelling or other building which straddles a lot line or is located on two or more lots.
- C. No dwelling or other building is closer to the common lot line or lines than the minimum setback distance permitted by the Montcalm County Construction Ordinance or other any other ordinance.
- D. The platted lot involved has not been divided or split since the time it was originally created.
- E. The number of owners and users and actual use of the platted lot complies with the requirements of Section 3.1. (A lot that is less than 50 feet wide, less than 140 feet deep and/or less than 12,000 square feet in area shall be allowed one owner or user as defined in Section 3.1 E.)

SECTION 5 – PENALTIES AND OTHER REMEDIES

5.1 A violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$500 for each offense, in the discretion of the Court, and in addition to all other costs, damages, expenses and other remedies provided by law.

5.2 Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make violator liable for the imposition of a fine and other penalties for each day of violation.

5.3 The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

SECTION 6 – SEVERABILITY

The provisions of this Ordinance are deemed to be severable and if any provision or part hereof is determined to be invalid or unenforceable for any reason by any court of competent jurisdiction, such determination shall not affect the remaining provision or other parts of this Ordinance.

SECTION 7 – REPEAL

When this Ordinance becomes effective, it shall repeal and replace the prior Crystal Township Ordinance No. 15 (originally adopted by the Crystal Township Board on December 11, 2002) in its entirety.

ADOPTION and SECTION 8 – EFFECTIVE DATE

8.1 This Ordinance shall become effective 30 days after its publication or 30 days after the publication of a summary of its provisions in a local newspaper of general circulation.

8.2 At a regular meeting of the Township Board of Crystal Township held on _____, 2007 at _____ p.m. at the Crystal Township Hall, the foregoing ordinance was offered for adoption by Township Board Member _____ and was seconded by Township Board Member _____.

YEAS: _____

NAYS: _____

ABSENT/ABSTAIN: _____

ORDINANCE DECLARED ADOPTED

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Crystal Township Board on the date and location specified above, and that all statutory procedures and requirements were followed regarding the adoption of this Ordinance.

Respectfully submitted,

Dated: _____, 2007

By: _____

Nan Hagerman, Crystal Township Clerk