

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

(This Ordinance replaces Ordinance No.15, which was 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 area 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.

2.3 For purposes of the Ordinance, “lot” means a lawful parcel, lot, or tract of land, which is described, established, and fixed in a recorded plat or a portion of land intended for separate ownership and use which is described, established, and fixed in a recorded site condominium project. All lots, as defined above, shall be lawfully established by a document recorded with the Montcalm County Register of Deeds.

SECTION 3 – REGULATIONS

3.1 No parcel or lot may be used as an access property or to access a lake unless said parcel or lot meets all of the following minimum requirements:

- A. Each such lot or parcel has an area of not less than 12,000 square feet, exclusive of access easements, land under water, and road rights-of-way, multiplied by the total of the number of owners of said parcel or lot and the number of persons permitted to use the access property.
- B. Each such lot or parcel has a width, as measured at the narrowest point of the parcel or lot, of not less than 50 feet, multiplied by the total of the number of owners of said parcel or lot and the number of persons permitted to use the access property.
- C. Each such lot or parcel has linear lake frontage, as measured in a straight line which intersects each side parcel or lot line at the water’s edge, of not less than 50 feet, multiplied by the total of the number of owners of said parcel or lot and the number of persons permitted to use the access property.
- D. Each such lot or parcel has a minimum depth, as measured at the shallowest point of the parcel or lot, of not less than 140 feet.
- E. For purposes of subsections 3.1 A, 3.1B, and 3.1C above, any combination of the following shall be considered one owner or user of access property: husband, wife, parent, child, brother, sister, grandparent, grandchild. Also, for purposes of subsections 3.1A, 3.1B, and 3.1C above, any two individual persons not described in the immediately preceding sentence shall be considered one owner or user of access property.
- F. In no event shall a swamp, marsh, bog or wetland be altered by dredging, the addition of earth or fill material, or the drainage of water, for the purpose of enhancing its use as an access property, or for the purpose of increasing the water frontage. Whether land is a swamp, marsh, bog or wetland shall be determined by its designation on the most recent U.S. Geological Survey Maps, or the Michigan Department of Natural Resources MIRIS map, or as otherwise determined by the Michigan Department of Environmental Quality.
- G. No canal, channel, or similar item shall be dug, created, constructed or installed at, adjacent to, or adjoining any lake within Crystal Township. Canals or channels which lawfully existed prior to February 6, 2003 may be cleaned out, but shall not be made deeper, nor enlarged beyond the size and scope at which they lawfully existed prior to February 6, 2003

SECTION 4 – PREEXISTING LAWFUL LOTS AND PARCELS

4.1 Nothing in this 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 any other law or 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 the 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.

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 _____

ORDINANCE EFFECTIVE _____

CERTIFICATION

I hereby certify that the above is a true copy of an ordinance adopted by the Crystal Township Board on the date and at the 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