

TOWNSHIP OF CANNON
COUNTY OF KENT, MICHIGAN

At a regular meeting of the Township Board of the Township of Cannon, Kent County, Michigan, held in the Cannon Township Center, 6878 Belding Road, N.E., in said Township on the 13th day of March, 2017, at 7:00 p.m.

PRESENT: Grimm, Diepenhorst, McKay, Alles, Brod, Davies, and Spencer

ABSENT: None

The following Ordinance was offered by Member Grimm and seconded by Member Spencer:

ORDINANCE NO. 2017-2

BOAT LAUNCHING AND DOCKING

Ordinance No. 92-2

As Amended by Ord. No. 95-09, Ord. No. 2009-4 and Ord. No. 2017-2

AN ORDINANCE TO PROVIDE FOR REGULATION OF BOAT LAUNCHING AND DOCKING WITHIN THE TOWNSHIP; TO REGULATE DOCK AND MOORING PLACEMENT AND USAGE; TO DEFINE AUTHORITY THEREUNDER FOR THE ZONING BOARD OF APPEALS; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

THE TOWNSHIP OF CANNON ORDAINS:

ARTICLE I
INTENT, PURPOSE AND SHORT TITLE

SECTION 1.01. INTENT AND PURPOSE. In its deliberations leading to the adoption of this Ordinance, the Cannon Township Board has recognized and concluded that the use of water resources, including the inland lakes situated in the Township, should be considered within a framework of long-term cost and benefits to the Township, and that it is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of lakes in the Township. Moreover, it has been recognized that, as the shorelines of lakes become further developed, the cumulative impact of the number of vessels secured or moored and the usage of docks, marine storage devices and rafts from each respective property must be regulated in order to preserve and protect the quality and safety of the lakes and shorelines and the rights of riparian

owners and users as well as the Township as a whole. It has further been recognized that the lack of regulation shall result in a nuisance and unsafe condition and an impairment of these important and irreplaceable rights and natural resources of the Township, and shall further result in the destruction of property values and shall threaten the public health, safety and welfare of all persons making use of lakes within the Township and properties adjacent to lakes in the Township. Accordingly, it is the intent and purpose of the Township Board to adopt reasonable regulations for the number and securing or mooring of vessels and the placement usage of docks, marine storage devices and rafts in the Township.

SECTION 1.02. SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the Cannon Township Boat Launching and Docking Regulation Ordinance,” and shall hereinafter be referred to as the “Ordinance.”

ARTICLE II SCOPE AND APPLICATION

SECTION 2.01. MINIMUM STANDARDS. The terms and provisions of this Ordinance shall be interpreted and applied as minimum standards and requirements for the promotion and protection of the public health, safety and welfare, and for the public peace and preservation of natural resources and public and private property within the Township. This Ordinance should not be read to interfere with any deed restrictions or authority of lake associations or home owners associations, provided they are more stringent than the requirements contained herein.

SECTION 2.02. AUTHORITY. This Ordinance is enacted pursuant to MCL 41.181; MSA 5.45(1), as amended, and the Michigan Constitution of 1963, Art. 4, §52.

SECTION 2.03. INTERPRETATION. This Ordinance abrogates, annuls or repeals any other law, ordinance, rule or regulation previously in effect, including any other ordinance regulating docks, boats, rafts or boat launching, mooring, activity and/or usage. Moreover, in instances where this Ordinance specifically imposes a greater restriction or higher standard than other ordinances, the provisions of this Ordinance shall govern.

SECTION 2.04. CONFLICT. This Ordinance is not intended to conflict with and/or preempt application of the Michigan Inland Lakes and Streams Act, as amended, or the Michigan Marine Safety Act, as amended, but is intended to supplement such statutes in a compatible manner so as to enhance water usage in a manner consistent with the public interest and safety.

ARTICLE III DEFINITIONS

SECTION 3.01. DEFINITIONS. For the purpose of construction and application of this Ordinance, the following definitions shall apply:

- (a) “Motorboat” shall mean any vessel propelled wholly or in part by machinery of more than six (6) horsepower.

(b) "Dock" shall mean a pier, structure, fixture or platform in a lake, extending from the shore or bottomlands, including all angular projections, which is directly accessible to a separate frontage on a lake.

(c) "Docked" or "docking" shall mean: (i) securing a motorboat directly to a dock, (ii) placement of a motorboat in a marine storage device; or, (iii) regular or overnight mooring or storage of a motorboat adjacent to a separate frontage or on shore on a separate frontage on a lake.

(d) "Moored" or "mooring" shall mean securing a raft or vessel through cable, anchor or other device to the lake bottom for more than twenty-four hours.

(e) "Slip" shall mean a space for a single motorboat at or adjacent to a dock or in a marine storage device.

(f) "Marine Storage Device" shall mean a mechanical apparatus placed on, at or near the shore of a separate frontage on a lake for the purpose of holding a motor boat in, on or above the water in the lake.

(g) "Normal high-water mark" shall mean the normal high water mark of a lake as determined by the Department of Natural Resources, or if the Department has not made such a finding, the normal high water mark location shall be determined by the Township Engineer. Moreover, the measurement shall be made only along a natural shoreline, and shall not include any manmade channel, lagoon, canal or the like.

(h) "Person" shall mean a human being, partnership, corporation, association, including a condominium association, and any other entity to which the law provides rights, or on which the law imposes responsibilities.

(i) "Raft" shall mean a flat buoyant structure of timber or other materials fastened together and used as a platform.

(j) "Separate frontage" means that portion of a lot or parcel of land existing on documentation recorded with the Kent County Register of Deeds, which abuts or intersects with the normal high-water mark of a lake, whether such lot or parcel is owned by one or more persons, or is commonly owned by several persons, or combinations of persons.

(k) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on water, with the exception of paddleboards, windsurfers / wind surfboards, wake surfers / wake surfboards and similar flat floatable devices.

ARTICLE IV REGULATIONS

The following regulations shall apply to all lakes within the Township:

SECTION 4.01. LAUNCHING. Not more than four (4) motorboats shall be launched from or for each separate frontage, nor shall more than four (4) motorboats be kept, stored, docked, or moored at or adjacent to each separate frontage, except as stated in Sections 4.04, 4.05 and 4.06.

SECTION 4.02. DOCKING. Not more than one (1) dock shall be permitted, used or utilized for each platted lot or parcel meeting the minimum water frontage, area and width requirements of the Township Zoning Ordinance, as amended, and other applicable ordinances. No other docks are permitted.

SECTION 4.03. TOTAL NUMBER OF VESSELS. In no event shall the number of vessels launched from, or docked or moored at each separate frontage exceed six (6) vessels in total.

SECTION 4.04. MULTIPLE UNIT DEVELOPMENTS. For any multiple-unit residential development or commonly-owned or utilized lake frontage, not more than one (1) common dock shall be used or utilized for each seventy (70) feet of continuous lake frontage (as measured along the water's edge at the normal high-water mark of the lot or parcel) for the mooring or dockage of motorboats.

SECTION 4.05. MULTIPLE UNIT DEVELOPMENTS - ADDITIONAL DOCKAGE. For any multiple-unit residential development or commonly-owned or utilized lake frontage, the number of docks, boats docked and marine storage devices or boat cradles at any common dock shall be determined pursuant to the procedure described in Section 4.16 and no additional dockings, marine storage devices or boat cradles shall be permitted.

SECTION 4.06. COMMERCIAL PROPERTIES. For any commercial properties, the maximum number of boats docked shall be determined pursuant to the procedure described in Section 4.16 and no additional dockings shall be permitted.

SECTION 4.07. MOORINGS. No moorings shall be installed or utilized without a variance issued by the Zoning Board of Appeals under this Ordinance, except that rafts may be installed pursuant to the procedure described in Section 4.16.

SECTION 4.08. LIMITATION ON USE. In order that the cumulative impact of watercraft use and activity on lakes may be moderated or reduced, and to help prevent hazards to the public safety which may result from excessive use of motorboats on lakes, no dock, motorboat, mooring, marine storage device, launch or slip shall be used by any person other than the owner, purchaser, lessee or occupant of a separate frontage, or of the dwelling or other residential building located on such separate frontage.

SECTION 4.09. CERTAIN PERMANENT DOCKS PROHIBITED.

(a) Except for Sunfish Lake, docks, marine storage devices, and rafts that are permanently installed or otherwise permanently in place are prohibited. All existing permanent docks in lakes other than Sunfish as of January 1, 2017 shall be grandfathered from this restriction, except that upon sale of the property abutting the permanent dock such permanent docks shall be completely removed prior to closing. No grandfathered permanent dock under

this Ordinance may be replaced nor may more than 50% of the original dock structure be replaced or repaired.

(b) For purposes of this section, a permanent dock, marine storage device or raft shall be one which is located in the waters of a lake, whether wholly or partially, at any time between December 14 and the following March 16.

(c) Except as stated in subsection (d), all docks, marine storage devices and rafts shall be completely removed from, and shall not be installed in, any lake, whether wholly or partially, at any time between December 14 and the following March 16.

(d) One of the lakes in the Township, Sunfish Lake, unlike other Township lakes, has a marl or muck bottom. As a result, the seasonal removal of docks from Sunfish Lake is impractical, because of the substantial anchoring devices that must be used in order to maintain the stability of docks in that lake.

(1) Docks, marine storage devices and rafts in Sunfish Lake, only, may remain installed on a permanent basis and need not be seasonally removed, whether during the period from December 15 through the following March 15, or otherwise. Any such dock must have the appropriate state approvals.

(e) All docks, marine storage devices and rafts shall be maintained in good and safe condition at all times, and shall not be placed, installed or used in any manner as to impede navigation or be a safety hazard to any persons or vessels. This restriction takes precedence over any other provision in this Ordinance and may restrict length or width provisions otherwise allowed herein.

SECTION 4.10. RAFTS. Rafts may not be moored in any lake in the Township, except with biannual permission as established pursuant to Section 4.16. Under no circumstances shall a raft be approved that has an exposed surface area exceeding eighty-five (85) square feet; that has a portion of the raft that is more than thirty (30) feet beyond the maximum length permitted for a dock on the separate frontage; or that is moored in violation of MCL 324.80163. Permission under Section 4.16 shall be considered valid for not longer than two (2) years.

SECTION 4.11. TOWNSHIP LANDS. Unless otherwise regulated, any land under the ownership, possession or control of the Township or any governmental agency or unit having access to any lake shall be fully subject to the provisions of this Ordinance.

SECTION 4.12. TRANSIENT MOORAGE. No motorboat shall be stored or kept overnight on the shoreline or moored overnight in a lake, in any manner which does not comply with this Ordinance.

SECTION 4.13. LENGTH. No dock or marine storage device shall be of such a length or be so placed as to impede navigation or be a safety hazard to any persons or vessels, and in no event may they extend more than forty (40) feet from the water's edge or past the point in the lake where water first reaches a depth of four (4) feet, whichever is greater.

SECTION 4.14. WIDTH. No dock for boat use shall exceed six (6) feet in width. “T” or “L” or “Y” sections may be used so long as no part of any section of the configuration exceeds sixteen (16) feet and provided set backs are met as provided in Section 4.15.

SECTION 4.15. SETBACK AND PLACEMENT. All docks shall be placed so as to point directly to the center or centerline of a lake as depicted in Exhibit A. No dock shall be placed within seven (7) feet of the side lines of a separate frontage as extended to the center or centerline of the lake or body of water. Marine storage devices may be utilized so long as they are not placed within two (2) feet of a side lot line as extended to the center or centerline of a lake, using the riparian lot lines in the diagrams attached hereto as Exhibit A. No vessel shall be launched, stored, docked or moored within two (2) feet of the side lines of a separate frontage as extended to the center or centerline of a lake. This prohibition shall not apply to the common lot line between two lots utilizing an approved common dock pursuant to Section 4.16 hereof. If two (2) or more adjoining separate frontages are unable to place docks of maximum length under this Ordinance pursuant to this set back requirement, neither separate frontage may place a dock unless they each obtain a variance from the Zoning Administrator or establish a common dock pursuant to Section 4.16 below.

SECTION 4.16. APPROVAL OF RAFTS, COMMON DOCKS AND COMMERCIAL BOAT LAUNCHING AND DOCKING. Two (2) or more adjoining separate frontages or multiple unit developments may share one (1) common dock if the Zoning Administrator determines that the planned common dock will not violate MCL 324.80163, and approves the same in writing, including a determination of the maximum number of motorboats that may be docked. There shall be no other docks utilized for the two (2) separate frontages involved except the one (1) approved common dock. For rafts or commercial boat launching and docking, a permit must be obtained from the Zoning Administrator upon a showing, at a minimum, that the permit will not violate any provision of this ordinance. If an owner is dissatisfied with any decision of the Zoning Administrator, the owner may appeal that decision to the Zoning Board of Appeals, whose decision may include a variance if appropriate and shall be final.

SECTION 4.17. PUBLIC LANDS. No private dock shall be placed, utilized, used or maintained at or on a right-of-way, public park, road, dedicated walkway or easement which abuts or terminates at a lake, nor shall any vessel or other form of watercraft be moored or stored at or on any such right-of-way, public park, road, dedicated walkway, or easement.

SECTION 4.18. LOTS OF RECORD. Following the effective date of this Ordinance, no launching and/or docking of vessels shall be permitted with respect to a separate frontage which does not constitute a legal conforming lot; notwithstanding the foregoing, this provision shall not apply to lots or parcels constituting a building site of record prior to the effective date of this Ordinance.

SECTION 4.19. PROHIBITION ON SALE, LEASE OR USE. No dock, mooring, slip, or marine storage device in any zoning district shall be sold, leased, or the use thereof given to any third party, other than the owner, purchaser, lessee or occupant of a separate frontage or of the dwelling or other residential building located on such separate frontage.

ARTICLE V
VARIANCES AND MODIFICATION

SECTION 5.02. POWERS. The Township Zoning Board of Appeals (“Board”) may vary or modify particular provisions of this Ordinance in a given circumstance if it determines that the literal enforcement of this Ordinance would cause unnecessary hardship in a given case or circumstance.

SECTION 5.03. STANDARDS. The Board shall not vary or modify any provisions of this Ordinance unless the Board makes all of the following findings:

(a) That the enforcement of this Ordinance would unnecessarily prevent the reasonable use of the land, dock(s), marine storage device(s), mooring(s) or vessel(s) involved without resulting benefit to the public health, safety and welfare.

(b) That varying or modifying the provisions of this Ordinance for the particular instance would not unduly prevent the realization of the legislative purposes of this Ordinance as set forth herein.

(c) That varying or modifying the provisions of this Ordinance for the particular instance would not cause substantial harm or detriment to adjacent or nearby lands or vessels or the public interest or safety, nor be contrary to the intent or purposes of this Ordinance.

(d) Those highly unusual circumstances are involved.

SECTION 5.04. VARIANCE. Upon the making of the findings set forth above, the Board may modify or vary a particular provision or provisions of this Ordinance for a given property. The Board may modify or vary a provision of this Ordinance only upon a concurring vote of a majority of its members. In granting any such variance or modification, the Board shall include in its minutes the reasons or grounds for its decision. The Board may attach reasonable conditions to the granting of a variance or modification, including but not limited to an expiration date.

SECTION 5.05. PUBLIC HEARING. A variance or modification application shall be considered only at a public hearing of the Board. Public notice of a meeting of said Board shall be given by publication in a newspaper of general circulation in the Township not less than five (5) days or more than fifteen (15) days before the date of said meeting. At least ten (10) days before the hearing, written notification of the hearing shall also be sent to all property owners within three hundred (300) feet of the property for which a variance or modification is being sought. The Township shall also give at least ten (10) days’ prior written notice of such hearing to any lake or property owners’ association for the lake involved if such association has provided its address to the Township beforehand.

ARTICLE VI
PENALTIES

SECTION 6.01. PENALTY. Violation of this Ordinance is a municipal civil infraction, for which the fine shall be not less than \$100 or more than \$500 for the first offense and not less than \$200 nor more than \$2,500 for subsequent offenses, in the discretion of the Court, and in addition to all of the costs, damages, and expenses provided by law. For purposes of this Ordinance, “subsequent offense” means a violation of this Ordinance committed by the same person within twelve (12) months of a previous violation of the ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following issuance of a citation for a first offense shall all be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

SECTION 6.02. INJUNCTION. In addition to, or in lieu of, seeking to enforce this Ordinance by proceeding under Section 6.1 above, the Township or any Township resident may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.

ARTICLE VII SEVERABILITY

SECTION 7.01. In the event that any one or more sections, provisions, phrases or words of this Ordinance shall be found to be invalid by a court of competent jurisdiction, such holding shall not affect the validity or the enforceability of the remaining sections, provisions, phrases or words of this Ordinance unless expressly so determined by the court.

ARTICLE VIII NONEXCLUSIVITY

SECTION 8.01. The prohibitions and penalties provided for in this Ordinance are minimum requirements and shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by other law, ordinance, rule and/or regulation. This Ordinance shall not be construed to permit that which is prohibited by other applicable statutes or Township ordinances.

ARTICLE IX ADOPTION

SECTION 9.01. This Ordinance shall take effect thirty (30) days after the publication of this Ordinance or after the publication of a summary of its provisions.

AYES: 7

NAYS: 0

ORDINANCE DECLARED ADOPTED.

Deb Diepenhorst, Township Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Township of Cannon at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Deb Diepenhorst, Township Clerk