

DOCK AND BOAT ORDINANCE

(Ord. No. 08-01; Eff. 9-1-08)

[Except those portions amended or added by Ord. No. 09-002.]

An ordinance to regulate the number and placement of docks, to regulate docking, mooring and launching of watercraft and other matters, to provide penalties for the violation of these regulations, and to repeal the prior Grattan Township Boat Launching and Dock Ordinance which was adopted on September 10, 2001.

THE TOWNSHIP OF GRATTAN ORDAINS:

Article 1

Intent, Purpose and Short Title

Section 1.1 Intent and Purpose.

The Grattan Township Board recognizes and concludes that the proper and safe use of water resources in Grattan Township ("Township") is desirable to retain and maintain the physical, ecological, cultural and aesthetic characteristics of lakes in the Township, 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, and to promote 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 watercraft, dock and raft usage in the Township.

Section 1.2 Short Title.

This Ordinance shall be known and may be cited and referred to as the "Grattan Township Dock and Boat Ordinance," and shall hereinafter be referred to as the "Ordinance."

Article 2

Scope and Application

Section 2.1 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.

Section 2.2 Interpretation.

This Ordinance is intended to supplement other laws and ordinances. If this Ordinance imposes more stringent requirements than other ordinances, the provisions of this Ordinance shall govern, except as otherwise herein provided.

Section 2.3 Application to Planned Unit Developments.

The provisions of this Ordinance cannot be overridden in or by an approved planned unit development under the Grattan Township Zoning Ordinance.

Article 3 Definitions

Section 3.1

For the purposes of this Ordinance:

(a) “Beached” or “beaching” means placing or securing a watercraft on or adjacent to the shore of a separate frontage on a lake.

(b) “Boat hoist” and “shore station” means a device for the purpose of mooring, anchoring or holding a watercraft in, on or above the water in a lake. **(Amended by Ord. No. 09-002; Eff. 10-30-09.)**

(c) “Dock” means a structure, platform or fixture extending from the shore or bottomlands into a lake.

(d) “Docked” or “docking” means the anchoring, tethering, or mooring of a watercraft directly to a pier, structure, platform, pole, anchor or dock; and also means the placement of a watercraft in an off-shore boat cradle or shore station, or the regular or overnight beaching of a watercraft or anchoring or tethering to the bottomlands of a lake.

(e) “Mooring” means a space for a single watercraft at or adjacent to a dock, in an offshore boat cradle or shore station, or a beaching location.

(f) “Normal highwater mark” means the normal high water mark of the lake as determined by the Department of Natural Resources (or successor), or if the Department has not made such a finding, the normal high water mark location shall be determined by the Township Engineer. The measurement shall be made only along a natural shoreline, and shall not include any manmade channel, lagoon, canal or the like.

(g) “Person” means a human being, partnership, corporation, association (including a condominium association), and any other entity to which the law provides or imposes rights or responsibilities.

(h) “Personal watercraft” shall have the same meaning given to that term under Part 802 of the Natural Resources and Environmental Protection Act, MCL 324.802001, *et seq.*

(i) “Separate frontage” means that portion of a lot or parcel of land lawfully existing on documentation recorded with the Kent County Register of Deeds, which abuts or intersects with the normal highwater mark of a lake, whether such lot or parcel is owned by one or more persons, is commonly owned by several persons or combinations of persons, or occupied by a multiple-unit residential development.

(j) "Watercraft" means any boat, pontoon boat, hydrofoil, hovercraft, jet ski, personal watercraft, jet boat, or similar vessel having a propulsion system of six horsepower or more, or sailboat over 12 feet in length, but does not include canoes, kayaks, paddle boats, rowboats (without an engine) or other human-powered craft or sailboards.

Article 4 General Regulations

Section 4.1 Number of Watercraft.

Except as otherwise permitted by Section 4.3, not more than four watercraft shall be launched from or for each separate frontage, nor shall more than four watercraft be utilized, docked, moored, beached, or kept at, on, or adjacent to each separate frontage.

Section 4.2 Number of Docks.

Except as otherwise permitted by Section 4.3, no more than one dock shall be allowed, used, or installed for each platted lot or parcel meeting all legal minimum water frontage, area and width requirements imposed by the Grattan Township Zoning Ordinance for the zoning district in which the lot or parcel is located.

Section 4.3 Additional Watercraft and Docks.

(a) Where a separate frontage contains more than 80 feet of continuous frontage on a lake (as measured along the water's edge at the normal highwater mark of the lot or parcel), one additional dock shall be allowed and four additional watercraft may be launched and/or docked for each full 80 feet of continuous water frontage in excess of the initial 80 feet of separate frontage. No additional docks or watercraft shall be allowed for additional frontage measuring less than a full 80 feet. If a separate frontage is located within a zoning district under the Grattan Township Zoning Ordinance where the minimum lot width requirement is greater than 80 feet, the minimum continuous water frontage in this subsection (a) shall be increased so as to equal the minimum lot width requirement of the zoning district in which the property is located.

(b) Where more than one dock is permitted for a separate frontage, the docks shall be separated by a minimum of 30 feet.

Section 4.4 Raft and Dock Ownership Identification. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

The owner(s) of a raft or swimming platform shall place and maintain a sign or placard on such item that conspicuously identifies the current lake property address of the owner(s).

A raft or swimming platform shall be anchored on and kept only over the bottomlands owned by the owner of that raft or swim platform.

Each raft or swimming platform shall have a minimum of two reflectors affixed to two external sides of the raft or swim platform.

Article 5 Safety Regulations

Section 5.1 Permanent Docks Prohibited.

Permanent docks, shore stations, boat cradles and rafts are prohibited. All docks, shore stations, boat cradles and rafts shall be completely removed from lakes before December 15 of each year and may not be reinstalled before the following March 15.

Section 5.2 Dock Repair. (Amended by Ord. No. 09-002; Eff. 10-30-09.) All docks, shore stations, boat hoists and rafts shall be kept in good repair. Good repair means free from defects which might cause a hazard to persons or watercraft and free from defects which may result in interference with navigation of watercraft in lakes.

Section 5.3 Size and Location Restrictions. (Amended by Ord. No. 09-002; Eff. 10-30-09.) Floating rafts, trampolines, floats, ski jumps, swim platforms, or similar items with an exposed surface area exceeding 85 square feet shall not be anchored, placed, or used in any lake. Docks, floating rafts, trampolines, floats, ski jumps, or platforms shall not be located in a body of water so as to impede navigation or present a safety hazard to watercraft. No person shall install or maintain a dock or anchor a raft, ski jump, trampoline, float, or platform except on bottomlands owned by that person.

Section 5.4 Moorage.

A watercraft or other boat may only be moored or anchored overnight in a lake if it is moored or anchored adjacent to a dock, boat cradle or shore station which complies with this Ordinance.

Section 5.5 Dock Location.

No dock shall be placed or maintained in a location where it can present a hazard to navigation, or create a risk that watercraft will run aground while attempting to moor at the dock.

Section 5.6 Dock Width. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

All docks shall have a minimum width of two and one-half feet, but shall not exceed a maximum width of eight feet. "T" or "L" or "U" sections may be used. Any such "T" or "L" or "U" dock section may be located at any part of the dock, so long as all portions of the dock conform to all setback and lot line requirements in this Ordinance (and other Township ordinances) and all portions of the dock are located only on or over the bottomlands of the owner of the dock.

In no event shall a dock (including any and all portions thereof) extend laterally (as measured parallel to the shoreline) so as to encompass an area greater than 50 percent of the lake frontage of the lakefront lot(s) involved.

A dock (including any and all portions thereof) shall only be located on the bottomlands of a lot owned by the owner of the dock. Where a canal or channel is involved, refer to Section 5.13.

Section 5.7 Dock Length. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

No dock shall extend more than 75 feet into a body of water, measured perpendicularly from the shoreline, unless necessary to reach water with a depth of three feet, and then no further than necessary to reach such depth. Docks and watercraft located in rivers or streams shall not extend into the stream or river more than 10 percent of the width of the stream or river, measured perpendicularly from the stream or river bank.

Section 5.8 Setback Requirements.

No dock shall be placed within ten feet of the side lot lines of a lot or parcel as extended to the center of the lake or body of water. The following setbacks are also applicable.

(a) No shore-station or boat hoist shall be located within two feet of a side lot line as so extended to the center of the lake or body of water. 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. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

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

Section 5.9 Common Docks.

Two adjoining lots or parcels which have frontage directly on a lake may share one common dock, which may be located on the common boundary line of the two lots or parcels or within ten feet thereof, with no more than eight moorings being utilized in total for both parcels if the Safety Board of Appeals determines that the common dock is safe and consistent with free navigability and approves the same in writing. No other docks shall be allowed for the two lots or parcels except the approved one common dock.

Section 5.10 Public Lands.

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 any lake shall be fully subject to the provisions of this Ordinance.

Section 5.11 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 a 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 5.11 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 5.11 shall not apply to each such separate frontage.

Section 5.12 Boat Storage Device Design Requirements.

Each boat cradle and shore-station used in the Township shall meet all of the following requirements, in addition to the other requirements of this Ordinance.

- (a) It shall not have a rigid roof and walls.
- (b) It shall not have “tracks” or appurtenances extending onto dry land.
- (c) All portions of the device shall be located lakeside of the shoreline when in use during the boating season.
- (d) It shall be designed for not more than one watercraft, except for those designed for personal watercraft which may hold no more than two personal watercraft.
- (e) It shall be designed so that watercraft are removed from the water and are stored above the water.
- (f) No fill or the addition of any permanent or stabilizing structure or material shall be added to the bottomlands of any lake, channel, canal, river, or stream to support any boat hoist or shore station. **(Added by Ord. No. 09-002; Eff. 10-30-09.)**

Section 5.13 Channels and Canals. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

- (a) This Section 5.13 shall apply to any channel or canal (and to properties fronting on any such canal or channel) which lawfully existed prior to April 1, 2001.
- (b) No part of any dock, shore station, boat hoist, or moored or docked boat or watercraft shall extend into (or be located within) the traveled or navigable portion of a canal or channel. For purposes of this subsection, the phrase “navigable portion of a canal or channel” shall mean the area located within ten feet on either side of the centerline or center thread of the canal or channel or the centermost 50 percent of the total width of the canal or channel, whichever is greater.
- (c) Any channel or canal which was created on or after April 1, 2001 (in which was expanded after April 1, 2001), as well as the properties abutting any such canal or channel, shall not have any dock, boat hoist, swim platform, or similar item located therein or on the shore or bottomlands thereof. Furthermore, any property fronting on such a canal or channel shall not be utilized for any dock, shore station, mooring, docking, or the launching of any watercraft or boat.

Section 5.14 Single Family Usage Only.

For all properties with frontage on a lake in any residential or agricultural zone district under the Grattan 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.

If a single family rents or leases a dwelling (and occupies the same) on a lawful lakefront lot, the family shall be considered the owner of the lake property involved for purposes of this Ordinance, so long as no more than one family is occupying or using the dwelling and lakefront property involved. **(Added by Ord. No. 09-002; Eff. 10-30-09.)**

**Article 6
Existing Watercraft and Dock Activity**

Section 6.1 Lots of Record.

A lot of record includes a lot or parcel that was platted or otherwise lawfully of record prior to the effective date of former Ordinance No. 01-02 (the prior Grattan Township Boat Launching and Dock Ordinance).

Section 6.2 Application of Ordinance to Lots of Record.

Lots of record having separate frontage measuring less than 80 continuous feet (or the minimum frontage required in the zone district involved is such requirement is over 80 feet) are permitted to have not more than four watercraft launched, docked, moored or beached from their separate frontage and are permitted to have not more than one dock on their separate frontage.

If a lawful lot of record has any type of easement, walkway, or similar lake access device located on that lot of record and such easement or right of way has a lawful nonconforming dock, watercraft mooring, or similar nonconforming use thereon, the balance of the water frontage of the lot of record (excluding the area comprising the easement, walkway, or other lake access device) shall be permitted to have such dock, watercraft moorage, and related rights to the use of docks and watercraft, limited to single family use as provided in Sec. 5.14, for the owner of the lots of record, to the same extent as is permitted by this ordinance for a lot of record without such easement or right of way thereon.

Lots of record must comply with all other provisions of this Ordinance, except as otherwise allowed by Section 6.3, below. **(Section 6.2 amended by Ord. No. 10-007; Eff. 10-20-10.)**

Section 6.3 Continuation of Lawful Existing Uses.

The lawful mooring, docking, or launching of watercraft or boats or usage of docks, shore stations, boat cradles, or rafts on or from a particular lot, parcel, or separate frontage occurring prior to the date of adoption of this Ordinance shall be permitted to continue without change. However, any change, alteration, or expansion of such prior usage which occurs after the date this Ordinance becomes effective shall fully comply with the provisions of this Ordinance. For purposes of this

Section 6.3, normal maintenance and repair of docks due to normal wear and tear shall not be deemed a change, alteration, or expansion of prior usage.

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 the lake involved (pursuant to Section 5.1 hereof) from December 15 through the following March 15. **(Added by Ord. No. 09-002; Eff. 10-30-09.)**

The burden of asserting a defense under this Section 6.3 is on the property owner who asserts a lawful existing use. The Board of Safety Appeals mentioned below may hear and decide appeals regarding the existence or expansion of any lawful existing uses under this Section 6.3. The Board of Safety Appeals shall not decide any such appeal until after it has held an informational hearing pursuant to Section 7.5 of this Ordinance.

Article 7 Variances and Modifications

Section 7.1 Board of Safety Appeals.

The Township Board shall appoint a five member Township Board of Safety Appeals (“Board”) for purposes of this Ordinance. At least three members shall reside at or own property fronting on a lake within the Township. One member may be a member of the Township Board or the Planning Commission. Members shall be appointed for terms of three years.

Section 7.2 Powers.

The Board may interpret the provisions of this Ordinance if questions arise and may approve modifications to particular provisions of this Ordinance for a given case if it determines that the literal enforcement of this Ordinance would cause undue hardship in a given case or circumstance.

Section 7.3 Standards for Variance.

The Board shall not grant a variance to any provision 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 or watercraft involved without resulting benefit to the public health, safety and welfare of persons or property.

(b) That granting a variance to the provisions of this Ordinance for the particular instance would not unduly prevent the realization of the purposes of this Ordinance.

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

- (d) That exceptional or extraordinary circumstances or conditions are involved.

Section 7.4 Variance.

Upon the making of the findings set forth above, the Board may grant a variance to a particular provision or provisions of this Ordinance for a given property. The Board may grant a variance to a provision of this Ordinance only upon a concurring vote of at least four of its members. In granting any such variance, 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.

Section 7.5 Informational Hearing. (Amended by Ord. No. 09-002; Eff. 10-30-09.)

A variance application shall be considered only at a duly held meeting of the Board. At least ten days before the meeting, written notification that an application will be reviewed shall be sent to all property owners within 300 feet of the property for which the variance is being sought. The Township shall also give at least 15 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. Notice shall be provided to the required parties through delivery via first-class mail. Failure to give or receive such notice shall not affect the validity of the Board's proceedings.

Section 7.6 Fees.

The Township Board may set fees from time to time by resolution for applications hereunder.

**Article 8
Penalties and Enforcement**

Section 8.1 Penalty.

Violation of this Ordinance is a civil infraction, for which the fines 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 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 8.2 Injunction.

Any violation of this Ordinance is hereby declared to be a nuisance per se. In addition to, or in lieu of, seeking to enforce this Ordinance by proceeding under Section 8.1 above, the Township or any Township resident may institute an appropriate action in a court of general jurisdiction seeking injunctive or equitable relief.

Section 8.3 Enforcement and Administration.

This Ordinance shall be enforced and administered by the Township Zoning Administrator, or such other Township official as may be designated from time to time by resolution by the Township Board.

**Article 9
Severability**

Section 9.1 Severability.

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.

**Article 10
Effective Date and Repealer**

Section 10.1 Effective Date.

The provisions of this Ordinance shall take effect 30 days from the date of publication of the ordinance or a summary of its provisions in accordance with law.

Section 10.2 Repealer.

Grattan Township Ordinance No. 01-02 (the prior Grattan Township Boat Launching and Dock Ordinance adopted on September 10, 2001) is hereby repealed as of the effective date of this Ordinance.