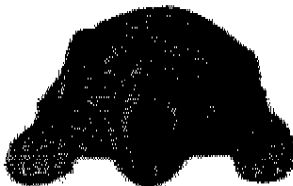


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Toll Free 888-488-3367
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Email: larry.fate@coldwellbanker.com

.....
ATTENTION : Chris Mason & Steve Meinhardt

DATE : 7-19-07 TIME: 8 PM TOTAL NUMBER OF PAGES 11

COMMENTS / INSTRUCTIONS:

EXISTING ORDINANCE followed by Letter
From Buck & Proposed Replacement

Information intended for recipient only. All information contained in this transmittal is strictly confidential. If you received the transmittal in error, please notify me at once at one of the above listed phone numbers. Thank you.

IT'S A PLEASURE DOING BUSINESS WITH YOU !

**TOWNSHIP OF CRYSTAL
COUNTY OF MONTCALM, STATE OF MICHIGAN
LAKE ACCESS ORDINANCE NO. 15**

SECTION I - 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 the 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; 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 a public park or public access site provided or maintained by any unit of state, county or local government.

1.4 Nothing in this ordinance shall be construed to prevent the continued use of access property as established and used prior to the effective date of this ordinance.

SECTION II - DEFINITIONS

2.1 For purposes of this ordinance "access property" means a parcel or lot 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 by pedestrian or vehicular traffic, regardless of whether said access to the lake is gained by easement, license, right of way, lease, gift, common ownership, single ownership, business invitation, common 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 continuous area or acreage of land which can be described as provided for in the State Land Division Act, Public Act 288 of 1967, as amended.

2.3 For purposes of this ordinance "lot" means a measured portion of a parcel or tract of land, which is described and fixed in a recorded plat.

SECTION III - REGULATIONS

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

A. An area of not less than 12,000 square feet, exclusive of access easements and road right of ways, multiplied by the total of the number of owners of said parcel or lot and the persons permitted to use the access property.

B. A width, 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 persons permitted to use the access property.

C. Linear frontage, 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 persons permitted to use the access property.

D. A minimum depth, measured at the shallowest point of the parcel or lot, of not less than 140 feet.

E. For purposes of subsections 3.1A, 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 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 DNR.

G. In no event shall a canal or channel be excavated for the purpose of enhancing the use as access property of the adjoining parcel or lot, or for the purpose of increasing the water frontage of the adjoining parcel or lot.

SECTION IV - PENALTIES AND OTHER REMEDIES

4.1 A violation of this ordinance is a municipal civil infraction, for which the fine shall be not more 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.

4.2 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 for each day.

4.3 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 V - SEVERABILITY

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

SECTION VI - EFFECTIVE DATE

6.1 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.

6.2 This ordinance was adopted by the Crystal Township Board at its meeting held on the 11th day of December, 2002.

YEAS: Powell, Bills, Hagerman, Chalmers, Werdehoff

NAYS: None

ORDINANCE DECLARED ADOPTED

Benjamin Werdehoff
, Crystal Township Clerk

I hereby certify that the foregoing is a true and complete copy of the Crystal Township Lake Access Ordinance No. 15 adopted by the Crystal Township Board at a regular meeting held on the date stated above, and I further certify that public notice of such meeting was given as provided by law.

Benjamin Werdehoff
, Crystal Township Clerk

July 18, 2007

TO: Chris Mason, Larry Fate, and Bill Tomlin – CLA

RE: Re-write of lake access ordinance No.15 (Anti-funneling) Crystal Township

There is a move afoot to amend Crystal Township ordinance No.15 which regulates lake access and use. *The new ordinance will be known as the Crystal Township Lake Access Ordinance.* The change is being championed by Garrett Bakker who has been in contact with Clifford Bloom, the Attorney who has re-written the ordinance. The amended ordinance could be introduced to the Township Board as early as next months meeting on August 8, 2007. Supervisor William Powell, in a sense of fair-play, has made me aware of the proposed change so I could bring it to your (CLA) attention. The Township Board is very much interested in hearing feedback from CLA membership relative to the proposed change. Trustee Richard Chalmers is in the CLA corner and has had conversation with Attorney Clifford Bloom on the matter.

Please pay particular attention to Section 3.2 – Multiple Users. As I interpret this section it appears that licenses could be issued by the Township Board to allow multiple users of certain property. As I understand this provision would allow Bakker's proposed Campground at the site of the former Lakeside Hotel.

I stand ready to help in any way in this and other matters.

BUCK

Draft
(7/11/07)

**TOWNSHIP OF CRYSTAL
MONTCALM COUNTY, MICHIGAN
(ORDINANCE NO. _____)**

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

**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.**

THE TOWNSHIP OF CRYSTAL (the "Township") ORDAINS:

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 the 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 a lawful public park or public access site provided or maintained by any unit of state, county or local government.
- 1.4 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.

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 records before February 6, 2003.

2.3 For purposes of this Ordinance, "lot" means a lawful parcel, lot, or tract of land, which is described, established, and fixed in a recorded plat, and which was lawfully established by a document recorded with the Montcalm County Register of Deeds records before February 6, 2003.

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 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 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 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 3.1A, 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. In no event shall a canal or channel be excavated for the purpose of enhancing the use as an access property.

* 3.2

Multiple Users.

A. No riparian or lakefront property, lot, or parcel (or lake access easement, license, common area, jointly-owned property, park, private or nonpublic road end, or other arrangement or device) or access property shall be used by more than one family, for multi-family use or for commercial or business use, except in full compliance with all of the following:

- (1) No such use shall be commenced until and unless a license has been issued for any such use by the Crystal Township Board.
- (2) Such license will be valid for five years, unless earlier revoked by the Township Board pursuant to Subsection D hereof.
- (3) The Township Board may impose reasonable license application fees from time to time by a resolution adopted by the Township Board.
- (4) All such uses shall comply with the other provisions of this Ordinance, including but not limited to, Subsection 3.1.

B. Standards for Issuing a License. No license shall be issued by the Township Board hereunder unless the Township Board finds that all of the following standards are met:

- (1) The proposed use will not adversely affect the environment or water quality of the lake and the area involved.
- (2) The proposed use is reasonable.
- (3) The proposed use will not have significant adverse impacts upon the lake involved or adjoining properties.
- (4) The proposed use will not cause significant conflict among users of the property involved or with users of adjoining or nearby properties.

C. Reasonable conditions may be attached by the Township Board to the granting of a license hereunder, which conditions can include, but are not limited to, the following:

- (1) Limitations on the number, size, and configuration of dockage, docks, mooring devices, boat cradles, shorestations, and similar items or structures.
- (2) Limitations on the number, size, and type of boats and watercraft.
- (3) Limitations on the number of people and properties who/which can use any such property or lake access device.
- (4) Limitations on the hours of usage.
- (5) A requirement that certain facilities be provided and maintained such as trash cans, portable bathroom facilities, and erosion control structures
- (6) Limitations on the type of uses and activities that can occur.

D. Revocation of a license. A license may be revoked by the Township Board at any time for any violation of this Ordinance.

- (1) The Township Board shall hold a public hearing prior to revoking any license hereunder.
- (2) Notice of any such license revocation hearing shall appear in the newspaper once at least fourteen (14) days prior to the hearing.
- (3) Notice of the license revocation hearing shall also be sent by regular mail to whichever person or entity is listed on the current property tax records as the owner of the lake access property involved. Apart from the newspaper notice, there is no need to mail or otherwise notify the owner or beneficiary of any easement, license, road end, or similar lake access device of the public hearing. Upon the expiration or revocation of any license hereunder, all use of the riparian or lakefront property (which involve the uses specified above for which a license is required) shall cease immediately.
- (4) Standards that shall be considered by the Township Board regarding whether or not a license should be revoked shall be the standards specified in Subsection 3.2(B) hereof.

E. All users and beneficiaries of the lakefront property or riparian property involved shall be jointly and severally responsible for ensuring compliance with any license issued hereunder and this Ordinance.

F. All uses and activities occurring on any lakefront property or riparian property for which a license is required shall occur only in a safe, sanitary, and neat fashion.

3.3 Canals or Channels. 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 make

deeper, enlarged, nor extended beyond the size and scope at which they lawfully existed prior to February 6, 2003.

3.4 No bubblers, compressed air tubes, or similar devices shall be utilized on any lake within the Township to weaken the ice or keep open water adjacent to any dock, pier, or other area on a lake.

SECTION 4 – PREEXISTING LAWFUL LOTS AND PARCELS

4.1 Subsection 3.1 of this Ordinance shall not apply to any lot or parcel which lawfully existed (and is evidenced with the proper recorded document with the Montcalm County Register of Deeds records) on or before February 6, 2003. However, Subsection 3.1 (and all other provisions of this Ordinance) shall fully apply to any lot, parcel, or site condominium unit created, altered, divided, or extended after February 6, 2003.

4.2 Any platted lot with lake frontage shall be deemed a lawful “access property” so long as all of the following requirements are met (even where two or more platted lots are in common ownership and adjacent to each other and have been combined for property tax purposes):

- A. Each such platted lot was lawfully created by a plat which was of record with the Montcalm County Register of Deeds records before February 6, 2003.
- B. In a situation where two or more platted lots are adjacent to each other and are in common ownership (whether or not they have been combined for property tax purposes), there is no dwelling or other building which straddles or is located on portions of two or more platted lots.
- C. The platted lot involved has not been divided or split since the time it was originally created.
- D. No more than one owner or one user of the property is involved (as defined in Subsection 3.1E) per platted lot.

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 provisions 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.

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 _____
Crystal Township Clerk