

**TOWNSHIP OF BOSTON**

**COUNTY OF IONIA, MICHIGAN**

**ORDINANCE NO. 99-1, AS AMENDED**

**SHORELINE PROTECTION ORDINANCE**

**THE TOWNSHIP OF BOSTON ORDAINS:**

**Section 1. Purpose.** The purpose of this Ordinance is to regulate the use of the lakefront property for lake access by owners of property located away from the lake. The purpose of these regulations is to protect natural resources, to guide the proper development of shoreline areas, to prevent the overcrowding of land and the lake, to minimize pollution and degradation of public waters, to protect life and property by reducing the risk of boating accidents, to preserve the recreational use of the lake and lake environment, to protect property values, to protect the public health, safety and general welfare, and to protect riparian rights.

**Section 2. Definitions.** For purposes of this Ordinance, the following words and phrases are defined as follows:

(a) “Common Lakefront Lot” means the parcel of land through which lake access is provided to owners of property located away from the lake.

(b) “Dwelling Unit” means, for purposes of this section, a dwelling designed for use by a one family occupant, a unit in a two or multiple-family dwelling, a site in a mobile home park, or similar unit intended for permanent occupancy by a family. In the case of a common lakefront lot not associated with an identified development or properties, the term “dwelling unit” shall mean each individual or members of an immediate family who have rights to use the common lakefront lot.

(c) “Wetland” shall include land characterized by the presence of water at a frequency and duration sufficient to support, and which under normal circumstances, does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh. The generalized location of wetlands is as designated by the Department of Natural Resources and/or the Department of Environmental Quality.

(d) “Ordinary High-Water Mark” shall mean the line between upland and bottomland, which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. On Morrison Lake, the ordinary high-water mark exists at 107 feet above mean sea level.

(e) “Watercraft” shall include, but not be limited to, motor boats, sailboats, row boats, personal water craft, canoes, sailboards and paddle boats.

(f) “Riparian Owner(s)” shall mean person(s) whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.

**Section 3. *Funneling Standards.***

(a) No development of single-family, two-family, multiple-family dwellings, mobile home, apartments, condominium units that share a common lakefront lot shall permit more than one dwelling unit access to the lake per 50 feet of lake frontage in such common lakefront lot, as measured at the ordinary high-water mark. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single-fee ownership or lease.

(b) Frontage along artificially constructed canals and channels shall not be included in the calculation of lake frontage.

(c) Dock space on common lakefront lots shall not be used or constructed for commercial purposes or for any purpose that circumvents the intent of this Ordinance. Facilities for launching watercraft shall be limited to usage by the riparian owner(s), as long as such usage does not circumvent the intent of this Ordinance. Watercraft mooring facilities shall be located with due respect to swimming beaches and docks on adjoining properties.

(d) Wetlands shall not be utilized to calculate lake frontage or the lot area of a common lakefront lot.

(e) On common lakefront lots with lake frontage greater than 300 feet, vegetative buffers shall be established of sufficient size and location to afford adequate screening from adjacent properties.

(f) Overnight vehicle parking and the usage of camping tents, motor homes or trailer shall not be permitted within the boundaries of the common lakefront lot.

(g) Existing government owned and/or operated launching facilities are not subject to the standards set forth in this section provided they are intended for the use of the general public.

(h) All language and intent of this Ordinance is to comply with the State of Michigan Land Division Act and the Boston Township Land Division Ordinance(s) regulating the division of recorded plats, and any other applicable regulation(s) by governing authorities.

**Section 4. *Severability.*** If any provision of this Ordinance or the application thereof to any person or circumstance shall be found to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

**Section 5. *Repeal.*** All ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**Section 6. *Violation and Penalty.***

(a) *Municipal Civil Infraction.* A violation of this Ordinance or a violation of any approval granted hereunder is a municipal civil infraction, for which the fine shall be \$500 for the first offense, and not less than \$1,000 nor more than \$2,500 for subsequent offenses, in the discretion of the court, and in addition to all other costs, damages, expenses and actual attorney fees incurred by the Township in enforcing the ordinance. For purposes of this section, “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 be considered separate first offenses. Each day that such violation occurs shall constitute a separate offense.

(b) *Injunctive Relief.* In addition, a violation of this Ordinance or a violation of any approval granted hereunder is hereby declared to be a nuisance per se. The issuance of a municipal civil infraction and imposition of the foregoing municipal civil infraction penalties against a violator shall not prohibit the Township from also seeking injunctive relief against a violator, in order to abate the violation or to seek such other relief provided by law.

TOWNSHIP OF BOSTON

Lori Spoelstra  
Township Clerk

Ordinance No. 99-1, adopted January 13, 1999, and effective April 19, 1999  
Ordinance No. 02-4, adopted February 13, 2002, and effective March 21, 2002  
Ordinance No. 09-11, adopted September 9, 2009, and effective October 19, 2009