

**Ordinance No. 99-2-1 Chester
Township, Ottawa County Michigan**

An Ordinance to prevent interference with the application of or prevent the reduction of effectiveness of chemical applications for the control of aquatic vegetation in Crockery Lake.

CHESTER TOWNSHIP, OTTAWA COUNTY, MICHIGAN ORDAINS:

Section 1. Findings and Purpose.

The Chester Township Board finds that Crockery Lake is a valuable natural and recreational resource, and that the overgrowth of certain varieties of aquatic vegetation poses a substantial threat to the use and enjoyment of this resource. The Board also finds that, from time to time, application of herbicides designed to control aquatic vegetation within Crockery Lake may be necessary or desirable, and that temporary restrictions on the use of and access to Crockery Lake may be necessary to enhance the effectiveness of such applications. The Board also finds that the substantial public monies that may be expended on chemical applications at Crockery Lake may be wasted if the Board does not prohibit interference with chemical applicators or applications, and does not impose temporary restrictions upon the use of and access to Crockery Lake following certain chemical applications. The Board, therefore, enacts this ordinance.

Section 2. Definitions.

As used in this Ordinance, the following terms have the following meanings:

- (a) "Algae" means any of the group of nonvascular aquatic plants without true stems, flowers, leaves, and roots, either single-celled or colonial forms.
- (b) "Aquatic vegetation" means algae and higher aquatic plants.
- (c) "Chemical" means any product designed to control aquatic vegetation, including, but not limited to, herbicides and other substances designed to eliminate macrophytes from the water column, seal the bottom sediments, or limit the penetration of light through the water column, thereby restricting the growth of aquatic vegetation.
- (d) "Chemical application" means the dispersing into the waters of Crockery Lake, by any means, of any chemical, pursuant to permit issued by the State of Michigan or any department or agency thereof, including (without limitation) the Department of Environmental Quality, the Department of Natural Resources, or similar department or agency exercising jurisdiction over chemicals.

(e) "Chemical applicator" means any public official, agent, or employee of the State of Michigan, the County of Ottawa, Chester Township, or other person (including any certified commercial applicator of chemicals) authorized by law, agreement or contract with any of the foregoing public entities to supervise or conduct a chemical application.

(f) "Higher aquatic plant" means any of a group of vascularized plants with true stems, flowers, leaves, and roots which live in water and belong to the class Angiospermae,

(g) "Water craft" means any boat, canoe, raft, jet-ski, vessel or similar thing (whether motorized or not motorized) that is used on or in water.

Section 3. Temporary Restriction on Access to Crockery Lake.

It shall be unlawful for any person to bathe in, wade in, swim in, operate any water craft upon, enter in, or otherwise disturb the waters of, Crockery Lake at the following times:

- (1) during a chemical application, or
- (2) within 24 hours following the completion of a chemical application.

Section 4. Interference with Chemical Applicator Prohibited.

It shall be unlawful for any person to knowingly and intentionally hinder, obstruct, resist, or otherwise interfere with a chemical applicator or a chemical application. This section shall not be construed to prevent political demonstrations or expressions that do not violate Section 3 of this Ordinance or which are otherwise lawful.

Section 5. Penalty for Violation of Ordinance.

(a) Any person who violates Section 3 of this Ordinance shall be responsible for a municipal civil infraction, and upon a admission or determination of responsibility thereof, shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars plus court costs. Each day that a violation occurs shall be considered to be a separate violation.

The issuance of a citation for a municipal civil infraction shall not in any way limit the Township in seeking enforcement of the provisions of this Ordinance, including, but not limited to, requesting a civil restraining order from any court of competent jurisdiction.

(b) Any person who violates Section 4 of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars plus court costs, or imprisonment for not more than ninety (90) days, or both. Each day that a violation occurs shall be considered to be a separate violation.

Section 6. SEVERABILITY.

Each provision or portion of this Ordinance shall be deemed to be severable. Should any section, subsection, paragraph, subparagraph, sentence, or clause be declared to be unconstitutional or invalid, such declaration shall not affect the validity of this Ordinance as a whole or of the remainder of the Ordinance.

Section 7. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) days after its publication in the manner provided by law.

INTRODUCTION: 8-98

ADOPTION: 2-16-99

PUBLICATION: 2-25-99

EFFECTIVE DATE: 3-25-99


Jan Redding, Township Clerk