

**TOWNSHIP OF MARION  
LIVINGSTON COUNTY, MICHIGAN**

**BOAT ORDINANCE**

**ARTICLE I: INTENT, PURPOSE AND SHORT TITLE**

**Section 1.1: Intent and Purpose.** In its deliberations leading to the adoption of this ordinance, the Township Board has recognized and concluded that the use of water resources, including the inland lakes situation 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, cultural and aesthetic characteristics of lakes in the township. Moreover, it has been recognized that, as the shore lines of lakes become further developed, the cumulative impact of boat usage from each respective property must be regulated in order to preserve and protect the rights of riparian owners, as well as the township as a whole. It has further been recognized that the lack of regulation shall result in a nuisance condition and an impairment of these important and irreplaceable natural resources of the township, and shall further result in the destruction of property values and 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 boat usage in the township.

**Section 1.2: Short Title.** This ordinance shall be known and may be cited and referred to as the Marion Township Board Regulation Ordinance, and shall hereinafter be referred to as "this ordinance."

**ARTICLE II: SCOPE AND APPLICATION**

**Section 2.1.** 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.** This ordinance shall not interfere with, abrogate, annul nor appeal any other law, ordinance, rule or regulation previously in effect, including any other ordinance regulating boat launching 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 2.3.** This ordinance is not intended to conflict with and/or pre-empt application of the Inland Lakes and Streams Act, but is intended to supplement such act in a compatible manner so as to enhance water usage in a manner consistent with the public interest.

**ARTICLE III: DEFINITIONS**

**Section 3.1.** For the purpose of construction and application of this ordinance, the following definitions shall apply:

**Dock or Docking:** The mooring of a boat directly to a pier, which is a platform or other permanent or seasonal fixture extending from the shore and directly accessible to a separate frontage; and shall also mean the regular anchoring of a boat adjacent to a separate frontage.

**Lake:** A navigable body of water situated wholly within the township, but shall not mean nor include lakes to which other ordinance regulations apply so as to prohibit certain boats with engines or motors.

**Launch:** Movement of a vessel from the land into the water.

**Lot of Record:** A lot that is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the office of the Register of Deeds prior to the passage of this ordinance.

**Person:** A human being, partnership, corporation, association, including a condominium association, and any other entity to which the law provides or imposes rights or responsibilities.

**Separate Frontage:** That portion of a lot or parcel of land existing on documentation recorded within the Livingston 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 commonly owned by several persons or combinations of persons.

**Vessel:** Shall mean every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

## **ARTICLE IV: REGULATIONS**

**Section 4.1.** Subject to the provisions below, not more than five vessels (of which two can have motors) shall be launched and/or docked adjacent to each separate frontage.

**Section 4.2.** If the continuous length of a separate frontage is greater than 150 feet, one additional vessel may be launched and/or docked with at least 100 feet of continuous frontage in excess of the initial 150 feet. For the purpose of computing the length of frontage, the measurement shall be along the water's edge at the normal high water mark of the 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 in the discretion of the township. Moreover, the measurement shall be made only along a natural shoreline, and shall not include any manmade channel, lagoon, canal or the like.

**Section 4.3.** Following the effective date of this ordinance, no launching and/or docking shall be permitted within respect to a separate frontage of less than 150 feet, provided this provision shall not apply to lots or parcels constituting a lot of record prior to the effective date of this ordinance.

### **Section 4.4**

- A. Each and every non-riparian lot of record, which at the time of passage of this ordinance had an existing legal right to launch and/or dock vessels, shall continue to enjoy such rights provided;

however, such rights, per each such non-riparian lot of record, shall not exceed five vessels, of which two can have motors.

- B. To be entitled to the provisions of Section 4.4 A above, the instrument granting the non-riparian lot of record such rights must have been in existence at the time of passage of this ordinance.
- C. The provisions of this section are not intended to create or enlarge any existing rights.

## **ARTICLE V: PENALTIES**

**Section 5.1.** Any person who shall be convicted of a violation of the regulations contained in this ordinance shall be guilty of a misdemeanor and shall be punished by imprisonment of not more than 90 days or by fine of not more and \$500, or both such imprisonment or fine, as determined by a court of competent jurisdiction.

**Section 5.2.** In addition to, or in lieu of, seeking to enforce this ordinance by proceeding under Section 5.1 above, the township may institute an appropriate action in a court of general jurisdiction seeking equitable relief.

## **ARTICLE VI: SEVERABILITY**

**Section 6.1.** 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 nor the enforceability of the remaining sections, provisions, phrases or words of this ordinance unless expressly so determined by the court.

## **ARTICLE VII: NONEXCLUSIVITY**

**Section 7.1.** The prohibitions and penalties provided for in this ordinance shall be in addition to, and not exclusive of, other prohibitions and penalties provided for by other law, ordinance, rule and/or regulation.

## **ARTICLE VIII: ADOPTION**

**Section 8.1.** Provision of this ordinance shall take effect thirty (30) days from the date of publication in accordance with the statues of the State of Michigan.

The ordinance was unanimously adopted by the Township Board on February 13, 1992 as verified by Mary Lou Dell, Township Clerk.