

Chikaming Township Policy & Procedure for Obtaining Gate Access Permit

In accordance with Chikaming Township Ordinance 126, Section 15:

ORDINANCE NO. 126, Section 15. From and after the effective date of this Ordinance, no person, firm or corporation shall move construction machinery or equipment in, upon or across the land, roads, bluffs, and facilities at a public park, preserve or beach without first securing a written permit therefore from Chikaming Township. An application for such a permit may be obtained during regular business hours at the Chikaming Township Center. The decision whether to issue a permit shall be made by the Chikaming Township Park Board pursuant to rules approved by the Chikaming Township Board. The express purpose of this provision is to safeguard and prevent the damage of any water intake pipes or other similar facilities, structures, dunes and/or beaches located in the public parks, preserves or beaches. A permit shall not be required for emergency access where public health, safety or welfare is threatened, and the Chikaming Township Police Chief, Fire Chief and Supervisor shall have the authority to open a gate under such circumstances. In addition, Chikaming Township Police Chief and Fire Chief may open a gate without a permit to allow access for safety training purposes.

Approval Process:

Obtain and complete a Chikaming Township Access Gate Permit Application and return completed application, along with a nonrefundable \$100 application fee, to the Township Center located at 13535 Red Arrow Hwy., Harbert MI 49115 during regular business hours; applications are available at the CT Center. Upon receipt of applicant's completed application, said application will be reviewed jointly by two (2) appointed Chikaming Township Park Board members along with the Township Supervisor. After review, a decision will be made to either approve or deny the application and the reasons communicated to the applicant. If either of the two appointed Park Board members are unable to meet, an alternate member of the Park Board will substitute.

Additional Requirements for Lake Access: Lake Michigan Bottomlands are held in public trust, and may require additional permits. Before the CT Park Board approves any request for Lake Michigan Bottomlands access, applicant(s) must first obtain the following:

1. An approved BERRIEN COUNTY SOIL EROSION PERMIT from the Berrien County Drain Commission or a statement from said Commission that a soil erosion permit is not required.

DEQ, Water Resources Division, Part 91, Soil Erosion and Sedimentation Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 452, as Amended. R 323.1704 Permit Requirements:

A landowner or developer who contracts for, allows or engages in, an earth change in the state of Michigan shall obtain a permit from the appropriate enforcing agency prior to commencement of an earth change which is connected with any of the following land use activities which disturbs one or more acres of land, or if the earth change is *within 500 feet of a lake or stream of this state*.

2. An approved MICH. DEPT. OF ENVIRONMENTAL QUALITY PERMIT or a statement from MDEQ that said permit is not required.
3. A performance bond in the amount of \$10,000.
4. Work may *not* take place from Memorial Day to Labor Day.

Are there Penalties for Not Complying with Michigan DEQ Permit Conditions or Part 91? Yes, there are several:

1. A person may be subject to a civil fine of up to \$25,000 for each day of violation.
2. A cease and desist order or injunction may be issued until compliance is obtained.
3. The permitting agency may install or maintain control measures, to bring the site into compliance with Part 91, and bill the landowner for the costs incurred.
4. A person may be ordered to restore all areas affected by the violation. Michigan.gov/deq

Chikaming Township Review Standards for Gate Permit

1. Has the applicant provided a MDEQ permit or a statement that no permit is needed?
 Yes No
2. Has the applicant provided a BCDC permit or a statement that no permit is needed?
 Yes No
3. Have the neighbors been notified by mail that “equipment has been driven across
The bottomland”? Yes No
4. Have any objections been received from affected neighbors by the deadline?
 Yes No
5. Is there a minimum 25 feet of exposed beach area between the water’s edge
permanent vegetation? Yes No