

## **A Clearcut Riparian Victory in Barry County**

**By Clifford H. Bloom  
Law Weathers**

Rutland Charter Township in Barry County, Michigan, refused to enforce the anti-funneling/anti-keyholing lake access regulations contained in its own zoning ordinance. After certain backlot property owners were prevented from utilizing docks and permanent boat moorings at several private lake parks on Algonquin Lake in an earlier Barry County Circuit Court action, some lakefront/riparian property owners who were sympathetic to the backlot owners allowed the backlot owners to maintain seasonal boat moorings at private residential riparian properties. Other riparians called on Rutland Charter Township to enforce its lake access regulations. Using convoluted logic, Rutland Charter Township officials asserted that the anti-funneling regulations in the Township's zoning ordinance only applied to developers and that allowing backlot property owners to maintain docks and boat moorings along the riparian properties of others was simply a permissible accessory use of the lakefront property.

In an unpublished decision dated January 26, 2010, the Court of Appeals in *Adkins v Rutland Charter Twp* (Case No. 286888), dismissed Rutland Charter Township's baseless arguments and held that the practice by some riparian property owners of allowing backlot property owners to dock boats along the riparians' lake frontage was in clear violation of the Rutland Charter Township Zoning Ordinance.

The riparian property owners who brought their successful lawsuit had hoped that Rutland Charter Township officials would now fulfill their oaths of office, enforce the Township's zoning regulations, and take enforcement action against any backlot property owner who attempts to moor boats at the riparian property of another in violation of the Zoning Ordinance as well as against the facilitating riparian property owner who is also potentially violating the zoning regulations. Unfortunately, it appears that Rutland Charter Township

officials will continue to waste taxpayer money (in an attempt to benefit a few favored backlot owners) by attempting to have the Michigan Supreme Court take a further appeal of this clear-cut case.