

ERIE TOWNSHIP ORDINANCE NO. 53

DIKE PROTECTION

An Ordinance to provide for penalties for trespassing, malicious destruction or removal of protection established for the prevention of flooding on Erie Township property, including public and private property over which the Township has, by easement and/or Court Order, established the right to create diking and flood control facilities, and to provide for allowing of persons onto these facilities.

THE TOWNSHIP OF ERIE ORDAINS:

SECTION 1

It shall be unlawful for any person, or persons, firm or corporation to cause damage to any established diking, seawall, flapper gate, pump, mechanical devise, cribbing, or any constructed protection to prevent the flooding of property located within the Township of Erie, which facilities have been established pursuant to easement and/or Court Order which has authorized the Township and/or Army Corps of Engineers, or their agents, to construct such flood protection facilities.

SECTION 2

It shall further be unlawful for any person or persons, firm or corporation to cause the removal of any of the items referred to in Section 1 above.

SECTION 3

It shall be unlawful for any person or persons, firm or corporation to trespass upon any of the facilities referred to in Section 1 above, unless a permit shall be issued allowing such access, in accordance with Section 4 of this Ordinance.

SECTION 4. PERMIT

Any person, firm or corporation owning premises over which diking, a seawall, or other protective device has been constructed, pursuant to easement or court order, and who, because of necessity, must travel over the seawall, diking or protected area, may make application to do so by contacting the Erie Township Clerk. Any such application for permit must contain the name and address of the owner and reason for the necessity for going into the area. Such permits shall be issued only to the person, firm or corporation who owns the property over which the easement has been created and shall permit access by such owner, or their agents, servants, family members, employees and lessees and shall be for a period not to exceed one year. There shall be no charge for said permit.

SECTION 5. PENALTIES

Any Person, firm or corporation, who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred (\$500.00) dollars, or by imprisonment for not more than ninety (90) days, or both such fine and imprisonment.

SECTION 6. VALIDITY

Should any section, clause or paragraph of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same will not effect the validity of the Ordinance as a whole or part thereof, other than the part declared to be invalid.

SECTION 7. EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after publication in the Monroe Evening News, a newspaper having general circulation in the Township of Erie, Monroe County, Michigan.

I, Jeanne M. Pasternak, Clerk of Erie Township, do hereby certify that the above ordinance was approved and adopted by the Erie Township Board, at the regular meeting thereof, held on the 23rd day of July, 1974, the vote thereon being as follows:

In favor of the Ordinance	(5)
Against the Ordinance	(0)

(signed) Jeanne M. Pasternak
Jeanne M. Pasternak, Clerk

ATTEST:

(signed) John W. Beutler
John W. Beutler, Supervisor