

**TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN**

ORDINANCE NO. 108
Adopted: September 12, 2002

AN ORDINANCE TO PROMOTE AND PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC IN CHIKAMING TOWNSHIP BY PROHIBITING CONSTRUCTION, MAINTENANCE OR OPERATION OF STRUCTURES, GATES OR OTHER DEVICES WHICH IMPEDE INGRESS, EGRESS AND TRAVEL ON PRIVATE ROADS BY POLICE, FIRE, AMBULANCE, PUBLIC UTILITY, SIMILAR TYPE EMERGENCY VEHICLES AND OTHER MOTOR VEHICLES.

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1. Title.

This ordinance shall be known and cited as the "Chikaming Township Private Gate Ordinance."

Section 2. Structures and Gates.

It shall be unlawful for a person, firm, corporation, association or partnership to establish, maintain or operate, on a private road, any structure, gate, berm, or other device for the purpose of impeding access to, egress from, or use by a motor vehicle, of a private road. A private road as used herein shall mean a private road as provided for in the Chikaming Township Zoning Ordinance, as may be amended from time to time.

Section 3. Severability.

If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining portions or applications of this ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end this ordinance is declared to be severable.

Section 4. Retroactivity.

This ordinance shall not apply to any structure, gate or other device erected for the purpose of impeding access to, egress from, or use by a motor vehicle, of a private road, which structure, gate or other device is in lawful existence prior to the adoption of this ordinance.

Section 8. Penalties and Enforcement.

Any person who violates any of the provisions of this Ordinance, in addition to the other provisions of this Ordinance, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than Fifty (\$50.00) Dollars or more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction.

Repeat offenses shall be subject to an increased civil fine as follows:

(1) The fine for any offense which is a first repeat offense shall be not less than Two Hundred Fifty (\$250.00) Dollars, plus costs and other sanctions.

(2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than Five Hundred (\$500.00) Dollars, plus costs and other sanctions.

A repeat offense means a second (or any subsequent) violation of this Ordinance (I) committed by a person within any six (6) month period and (ii) for which the person admits responsibility or is determined to be responsible.

Each day on which any violation of this Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

In addition, the Township specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this ordinance.

As used herein "Person" means any individual, partnership, association or corporation.

Section 9. Enactment.

The foregoing Ordinance No. 108, was enacted on the 12th day of September, 2002, by the Township Board of Chikaming Township, Berrien County, Michigan, and ordered to be made effective on the 24th day of October, 2002, being more than thirty (30) days after publication thereof.

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Township of Chikaming

Attest:
Carl R. Anderson
Carl R. Anderson, Supervisor
Township of Chikaming

CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 108, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 12th day of September, 2002. I further certify that Gibson moved the adoption of said ordinance and Simmons supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Marske	<u>X</u>	___	___	___
Gibson	<u>X</u>	___	___	___
Simmons	<u>X</u>	___	___	___
Dudeck	<u>X</u>	___	___	___
Anderson	<u>X</u>	___	___	___

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 18 day of September, 2002, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the Southcounty Gazette, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 23rd day of September, 2002.

Dated: September 18, 2002

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Township of Chikaming