

CHARTER TOWNSHIP OF HAMPTON
HAMPTON TOWNSHIP FLOOD PROTECTION DIKE ORDINANCE

ORDINANCE NO. 44

An Ordinance to regulate trespass on lands used by the Township for the Flood Protection Dike; to maintain the safety and security of said dike system; and to provide for the public peace, health, safety and general welfare of persons or property in the Charter Township of Hampton, Bay County, Michigan.

NOW THEREFORE, the Charter Township of Hampton, Bay County, Michigan, ordains:

Section 1. SHORT TITLE

This Ordinance shall be known and cited as the "Hampton Township Flood Protection Dike Ordinance."

Section 2. DEFINITIONS

As used in this Ordinance the following terms shall have the following meanings, unless the context clearly indicates a different meaning;

1. Dike Easement Strip: That strip of land obtained by easement across the property of certain land owners in Hampton Charter Township, Bay County, Michigan, for the locating, establishing, constructing and maintaining of the Hampton Township Flood Protection Dike system.
2. Flood Protection Dike: Man-made and/or natural barriers the purpose of which is to prevent waters from Saginaw Bay from coming inland into the Township which include:
 - a. New dikes constructed by the Corps of Engineers and/or the Township of Hampton on the flood protection dike easement strip;
 - b. Old dikes on the flood protection dike easement strip which the Township has acquired

jurisdiction over by easement agreement;

c. The natural elevation of the land itself on the flood protection dike easement strip which is as high or higher than the dikes constructed, which elevated land serves as a barrier the same as constructed dikes and is tied into the general dike system.

3. Rip-Rap: The rock facing placed upon the shoreward side of the dike in certain places to protect the dike face from wave action.

4. Filter Fabric: A fabric placed on the face of the dike between the rip-rap and the earthen portion of the dike.

5. Pump Stations: Pumping facilities owned and operated by the Township and used by it to pump water from the County drains into Saginaw Bay.

Section 3. PROHIBITED TRESPASSES

1. It shall be unlawful for any person, firm or corporation to trespass upon the flood protection dike and/or the flood protection dike easement strip. Land owners across whose property the flood protection dike easement strip passes have certain rights to use that part of the easement strip on their property, which rights are set forth in their respective easements and this Ordinance is not intended to abrogate any rights set forth in their respective easements. The Township has certain duties and rights pursuant to the dike easements and its contract with the Federal government and this Ordinance is not intended to abrogate any of those rights or duties.

2. Without constituting any limitation upon the provisions of Section 3. 1. above, any of the following acts by any person, firm or corporation shall be deemed included.

a. No person shall enter upon the easement strip, or any

part thereof, in violation of a notice posted or exhibited or in violation of any notice, warning or protest given orally or in writing, by the Charter Township of Hampton or by the owner of any property across which the easement strip passes.

b. No person shall fail to or refuse to depart from the easement strip after being requested orally or in writing to do so, by the Charter Township of Hampton or by the owner of any property across which the easement strip passes.

c. No person shall drive any vehicle of any kind upon or across the dike or easement strip, except the Township of Hampton and the individual owners who gave said easements, who shall be limited as set forth by the terms and conditions in said dike easements.

d. No person shall maliciously or willfully deface, injure, destroy or alter any part of said flood protection dike or easement strip. No person shall remove or tamper with dike rip-rap, dike filter fabric or any portion or part of the dike pumping station equipment, including the ditch flap gates. No person shall change the setting of any ditch flap gate or obstruct the operation of said flap gate.

3. No person shall maintain, erect or permit the erection of any building or structure upon said dike or dike easement strip provided, however, the owner of any property across which the dike easement strip crosses shall be permitted to do those things on his property which are contained in their respective dike easement agreements.

Section 4. PENALTY

Any person who shall violate any of the provisions of this Ordinance shall be subject to a fine of not more than \$500 or imprisonment in the County Jail not to exceed 90 days, or both, such fine and imprisonment to be at the discretion of the court.

SECTION A

PUBLICATION

A copy of this Ordinance shall be published in a newspaper circulated within the Charter Township of Hampton, Bay County, Michigan, within 10 days following the adoption thereof.

SECTION B

EFFECTIVE DATE

This Ordinance shall become effective 30 days after the last required publication.

SECTION C

REPEAL

Any Ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION D

SEVERABILITY AND SAVING CLAUSE

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not effect the validity of this Ordinance as a whole or any part thereof, other than the part declared to be invalid.

CERTIFICATION

I, ELLA JANE MARTINI, As Clerk for the Charter Township of Hampton, Bay County, Michigan, hereby certify the following relative to Ordinance No. 44:

1. That the same was introduced by the Charter Township of Hampton Board on the 23rd day of May, 1988.
2. That the same was published in the Bay City Democrat on the 26th day of May, 1988.
3. That the same was adopted by the Charter Township of Hampton Board on the 6th day of June, 1988.
4. That the same was published in the Bay City Democrat on the 9th day of June, 1988.

DATED: 6-7-88


ELLA JANE MARTINI, Clerk