

**FRENCHTOWN CHARTER TOWNSHIP  
ROADSIDE UNDERGROUND DRAINAGE PROTECTION ORDINANCE  
Ord. No. 162; Date of Adoption: September 1995**

An Ordinance regulating the use of road right of ways under which there is a roadside underground drainage system for the purpose of protecting and maintaining the roadways and drainage systems in Frenchtown Charter Township.

**THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:**

This Ordinance shall be known and cited as the Roadside Underground Drainage Protection Ordinance of Frenchtown Charter Township.

**Section 1. Definitions.**

- A. Roadside underground drainage system: For the purposes of this Ordinance, a "roadside underground drainage system" is any underground storm drainage system which utilizes underground drainage for surface water and which is constructed within a road right-of-way in Frenchtown Charter Township regardless of whether said right-of-way is for a public or private road. A roadside underground drainage system shall mean the entire drainage system, including any part (i.e. roadside drainage swales) which is above ground.
  
- B. Recreational vehicles: For the purposes of this Ordinance, a "recreational vehicle" means any snowmobile, all terrain vehicle, boat, camper, travel trailer, utility trailer, snowmobile trailer, boat trailer or other similar recreational vehicles.

**Section 2. Conduct Prohibited.**

- A. No person, entity or corporation shall impede, obstruct or otherwise interfere with the efficiency of any roadside underground drainage system in Frenchtown Charter Township.
  
- B. Except in accordance with Section 3 of this Ordinance, no person, entity or corporation shall fill, cover, construct upon, impede or otherwise interfere with a roadside underground drainage system in Frenchtown Charter Township.
  
- C. No person, entity or corporation shall cause damage through the use of a motor vehicle or recreational vehicle, to any unpaved portion of a right-of-way, over or under which there is a roadside underground drainage system in Frenchtown Charter Township. For the purposes of this section, "damage" means, in addition to the standard definition, the creation of indentations in the soil, so as to impede the flow of water, and cracking of underground pipes.

Amended by Ordinance No. 162-2.

**Section 3. Permit Required.**

No person, entity or corporation shall construct upon or fill within the road right-of-way of a road which is adjacent to a roadside underground drainage system, without first having obtained a permit from the Frenchtown Charter Township Building Official. An application for a permit shall include a proposed drainage plan which assures that the construction or filling will not impede, obstruct or otherwise interfere with the efficiency of any roadside underground drainage system in Frenchtown Charter Township.

**Section 4. Drain Commissioner Approval.**

Prior to issuing a permit pursuant to this Ordinance, a copy of the application shall be submitted to the Monroe County Drain Commissioner or his designee. No permit shall be granted by the Frenchtown Charter Township Building Official until and unless the drainage plan has been approved by the Monroe County Drain Commissioner or his designee.

**Section 5. Paved Driveway Approach Required.**

In any area serviced by a paved street or road with a roadside underground drainage system, all new driveways and alterations to approaches to existing driveways shall be accompanied by a paved driveway approach from the existing roadway pavement to the edge of the road right-of-way, to be installed at the driveway owner's expense. Paved driveway approaches shall be paved with either a minimum of two (2") inches of asphalt or a minimum of four (4") inches of concrete.

**Section 6. Exempted Systems.**

This Ordinance shall not apply to roadside underground drainage systems within the jurisdiction of the Monroe County Road Commission.

**Section 7. Permit Fee.**

Each application for a roadside underground drainage permit shall be accompanied by a permit fee, the sum of which shall be determined by the Township Board. The Township Board may amend from time to time the fee schedule adopted pursuant to this Ordinance.

**Section 8. Penalties for Violation.**

A. Violation of this Ordinance shall be deemed a municipal civil infraction and shall be punishable by the fine schedule set forth in the Municipal Penalty Civil Infraction Ordinance No. 225 as restated herein:

- a. First offense: \$100.00 plus costs.
- b. First repeat offense: \$250.00 plus costs.
- c. Second (or any subsequent) repeat offense: \$500.00 plus costs.

B. In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce, compel compliance or interpret this Ordinance.

C. All remedies available to the Township under this Ordinance and Michigan law shall be deemed to be cumulative and not exclusive.

D. Any use of land that is commenced or conducted, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.

E. Each and every day during which a violation of this Ordinance shall exist shall be deemed to be a separate offense.

Amended by Ordinance No. 162-3 on May 8, 2018.

**Section 9. Authorization to Tow Away Vehicles.**

The Township or its designees are hereby authorized to tow away any motor vehicle or recreational vehicle which is in violation of this Ordinance.

**Section 10. Repeal.**

Frenchtown Charter Township Ordinance No. 156 and all ordinances or parts of ordinances in conflict with provisions of this Ordinance shall and are, to the extent of the conflict, hereby repealed.

**Section 11. Severability.**

Should any section, subdivision, sentence, clause or phrase of this Ordinance be declared by any court to be invalid, the same shall not affect the validity of this Ordinance in whole or part thereof, other than the part so invalidated.

**Section 12. Effective Date.**

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

**Section 13. Evidentiary Presumption Relating to Parking Violators.**

In any proceeding for a violation of this Ordinance relating to the standing or parking of a vehicle, proof that the particular vehicle described in the complaint or citation was parked in violation of any such law or regulation, together with proof that the defendant named in the

complaint or citation was, at the time of such parking, the registered owner of such vehicle, shall constitute in evidence a presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

Amended by Ordinance No. 162-1.

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