

AN ORDINANCE DEALING WITH DAMAGE TO ROADS IN THE COUNTY OF TRAVERSE

Findings.

1. There have been instances in Traverse County where public roads have been damaged by commercial vehicles while driving on them.
2. The damage caused by these vehicles to the public roads can damage other vehicles operating on these roads and otherwise cause potential serious injury to vehicle drivers, and it is expensive for Traverse County to have to continually repair them.
3. It is in the best interests of Traverse County residents that any type of damage done to a road in Traverse County be repaired by the party or entity that damaged it.

THE COUNTY COMMISSIONERS FOR TRAVERSE COUNTY HEREBY ORDAINS:

Damage to Public Roads.

Subdivision 1. Damage to Highway Grade or Ditch

No unauthorized person, firm, or corporation may injure any road or highway by removing, destroying, or otherwise altering the grade constructed for such highway or by filling, obstructing, or otherwise altering the ditch which drains the grade of such highway or otherwise injures such highway in any manner.

Subdivision 2. Penalties

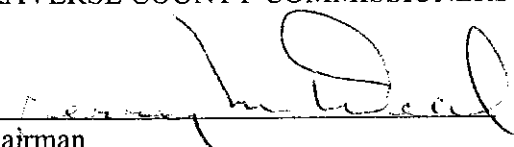
Any person, firm, or corporation who shall violate Subdivision 1, whether done intentionally or unintentionally, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1000) and/or by imprisonment of not to exceed ninety (90) days. Such person, firm, or corporation may be enjoined from driving their vehicles upon the public road. In the event of a violation, or a threat of a violation, of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance, or other appropriate action in Court, if necessary, to prevent, restrain, correct or abate such violations or potential future violations.

Any person, firm, or corporation violating the provisions of Subdivision 1, in addition to the penalties authorized in the preceding paragraph, shall also be liable in a civil action to the township or other public corporation to which such highway or bridge belonged, in such amount as may be recovered against such township or other public corporation on account of the injury or obstruction referred to in such sections.

Any person, firm, or corporation sanctioned in any way authorized in this section on 2 or more occasions may be prohibited from further operation of a commercial vehicle upon public roads in Traverse County until they posted a surety bond with the County Coordinator in the amount of \$7500.

PASSED AND ADOPTED this 5th day of April, 2011.

TRAVERSE COUNTY COMMISSIONERS


Chairman

ATTEST:


Kit Johnson, County Auditor

Adoption: 04/05/2011
Motion: Reminger
Seconded: Salpeto
Published: 04/26/2011