

PENINSULA TOWNSHIP
Ordinance No. ____ of 2010

AN ORDINANCE TO AMEND THE PENINSULA TOWNSHIP
PHRAGMITES ORDINANCE

THE TOWNSHIP OF PENINSULA HEREBY ORDAINS:

Section 1. Amendment of Section 4.

Section 4 of the Peninsula Township Phragmites ordinance is hereby amended to read in its entirety as follows:

Section 4. Phragmites Inspection; Written Report; Right to Access Property; Consent; Administrative Search Warrant.

As directed by the Township Board, the Phragmites administrator may conduct inspections of all Grand Traverse Bay Lake Michigan shoreline property within the Township for the purpose of identifying all parcels on which a Phragmites infestation is present. The Phragmites administrator shall submit a written report of his or her findings to the Township Board no later than a date requested by the Township Board. The Phragmites administrator shall have the right to walk along the Grand Traverse Bay Lake Michigan shoreline below the ordinary high water mark, as authorized by the Michigan Supreme Court's decision in *Glass v Goeckel*, 473 Mich 667 (2005), for the purpose of conducting the Phragmites inspections, which are within the Public Trust Doctrine since the inspections are designed to protect the waters of Lake Michigan and its submerged lands from Phragmites infestations. However, before entering onto private property above the ordinary high water mark to conduct any inspections, the Phragmites administrator shall obtain written consent from the property owner. If the property owner fails to provide written consent to the Phragmites administrator for such inspections, then the Phragmites administrator shall not enter onto the private property above the ordinary high water mark unless authorized to do so by an administrative search warrant issued by a court of competent jurisdiction.

Section 2. Effective Date.

This Ordinance shall become effective the day following its publication in a newspaper of general circulation within the township.

PENINSULA TOWNSHIP

By: _____
Robert K. Manigold

Its: Supervisor

By: _____
Monica A. Hoffman

Its: Clerk