

**LYON TOWNSHIP  
ROSCOMMON COUNTY, MICHIGAN**

**ORDINANCE NUMBER 36**

**ADOPTED: FEBRUARY 8, 1995**

**REVISED: JUNE 10, 1997**

**SEAWALL/RETAINING WALL**

**PURPOSE AND INTENT**

To control the construction of seawalls and retaining walls on a beautiful recreational inland waterway, and thereby promote the health, safety and welfare of its residents and visitors, the Lyon Township board enacts this ordinance to require permits and establish the criteria for construction of seawalls and retaining walls at or near the shore of Higgins Lake.

**TOWNSHIP OF LYON  
ROSCOMMON COUNTY, MICHIGAN**

**ORDAINS:**

**SECTION 1**

**TITLE**

This ordinance shall be known and cited as Seawall/Retaining Wall

**SECTION 2**

**DEFINITIONS**

- A. Seawall** as used in this ordinance, seawall shall mean any structure, made or placed at or below the summer high water point (measured at 1,154.11 feet above sea level), the apparent purpose of which is to create a barrier between the water and the adjacent land for the apparent purpose of protecting the land from erosion or ice damage.
- B. Retaining wall** as used in this ordinance, retaining wall shall mean a structure specifically erected for the purpose of withholding soil on the downward slope of property adjacent to the shoreline of Higgins Lake, but not actually touching the water or not otherwise meeting the definition of a seawall as defined herein.

**SECTION 3**  
**REGULATIONS**

**PERMITTED SEAWALLS**

No new seawalls may hereafter be constructed or placed and no existing seawall may hereafter be replaced in Lyon Township unless it meets all of the following criteria:

- a. is absolutely necessary to protect the shoreline from erosion.
- b. has been approved by the Michigan Department of Natural Resources and any other agency as required.
- c. Is of loose rock (8" diameter minimum). Geo-cloth or similar material (or a combination thereof) must be used to stabilize the underlying sand, but must not adhere to or cover the rock. No concrete, steel, mortar or wood is to be used as the face of the seawall.
- d. The slope of the seawall approximates the same incline as the pre-existing shoreline. Whenever possible the slope shall be fifty (50) degrees or less from horizontal.
- e. Is aesthetically compatible with the surrounding area.

**PERMITTED RETAINING WALLS**

No new retaining walls may hereafter be constructed and no existing retaining wall may hereafter be replaced in Lyon Township unless it meets the entire following criterion:

- a. is no more than 2-feet high
- b. is located at least 10 feet from the summer high-water point (measured at 1,154.11 feet above sea level) This 10 feet distance is an absolute minimum and must be continuously maintained by the property owner.
- c. Has been approved by any other agency having jurisdiction.
- d. Is aesthetically compatible with the surrounding area.

**PERMIT**

To insure compliance with the provisions of Section 4 and 5 above, no seawall or retaining wall as defined herein may be constructed, placed, or replaced unless a permit for same has been obtained from the township office a[[pointed to enforce this ordinance.

**SECTION 4**  
**VIOLATIONS AND PENALTIES**

Any person who violates any of the provisions of this ordinance shall be deemed to be responsible for a Municipal Civil Infraction as defined by Michigan statute, punishable by a civil fine determined in accordance with the schedule:

	<u>Minimum Fine</u>	
1 <sup>st</sup> offense within a 3-year period*		\$ 50.00
2 <sup>nd</sup> offense within a 3-year period*		\$125.00
3 <sup>rd</sup> offense within a 3-year period*		\$250.00
4 <sup>th</sup> or subsequent offense in a three-year period*		\$400.00

\*Determined on the basis of the date of commission of the offense(s).

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, to which Lyon Township has been put in connection with the Municipal Civic Infraction.

In addition, any violation of this ordinance is hereby declared to be a public nuisance per se which may be abated in Circuit Court in lieu of or in addition to other civil infractions.

Each day that a violation exists shall constitute a separate offense for enforcement purposes.

## **SECTION 5**

### **SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any other portion of this ordinance.

## **SECTION 6**

### **REPEAL**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

## **SECTION 7**

### **EFFECTIVE DATE**

This ordinance shall take effect 30-days after publication as required by law.