

**HIGHWAY OBSTRUCTIONS AND ENCROACHMENTS; USE OF HIGHWAY BY PUBLIC
UTILITIES (EXCERPT)
Act 368 of 1925**

247.172 Encroachments; removal by commissioner, penalty, expense charged to occupant, collection by tax; limitation.

Sec. 2. If such encroachment shall not be removed within 30 days after the service of a copy of such order, such owner or occupant shall forfeit the sum of 1 dollar for every day after the expiration of that time during which such encroachment shall continue unremoved, to be recovered in an action of trespass before any justice of the peace of the township, or of an adjoining township in the same county, and the commissioner or commissioners may proceed to remove such encroachment in such manner as to cause the least damage to the property or loss to the owner, and the person at fault shall be liable for the costs and expenses of such removal. The highway commissioner or commissioners shall keep an accurate account of the expenses incurred by him or them in carrying out the provisions hereof and shall present a full and complete statement thereof, verified by oath, together with a full and legal description of the lands entered upon, to the occupants of such lands, requiring the said occupant to pay the amount therein set forth; and in case such owner or occupant shall refuse or neglect to pay the same within 30 days after such notice and demand, the highway commissioner or commissioners shall present a duly verified copy of said statement to the township clerk of the township in which such expense was incurred, and thereupon the amount of all such costs and expenditures shall be certified to the supervisor and shall be assessed and levied on the lands described in the statement of the commissioner or commissioners, and shall be collected in the same manner as other taxes are collected, but no person shall be required to remove any fence under the provisions of this section between the first day of May and the first day of September unless such fence shall have been made within 3 months next before the making of the order for the removal thereof, or interferes with the construction, improvement or maintenance of the road.

History: 1925, Act 368, Eff. Aug. 27, 1925;—CL 1929, 4042;—CL 1948, 247.172.

Former law: See section 2 of Ch. 7 of Act 283 of 1909, being CL 1915, § 4402.