

## PUBLIC HIGHWAYS AND PRIVATE ROADS (EXCERPT)

### Act 283 of 1909

#### CHAPTER XIX

#### CULVERTS, OR CATTLE-PASSES AND HEDGES

##### **239.1 Culverts or cattle-passes; construction, permission, cost.**

Sec. 1. It shall be lawful for all persons owning land on opposite sides of any public highway to construct culverts or cattle-passes under such highways: Provided, That formal application is made to, and permission obtained from the commissioner of highways of the township in which said land is situated, for such construction: Provided further, That such construction and maintenance shall be wholly at the expense of such applicant, his heirs and assigns.

**History:** 1909, Act 283, Eff. Sept. 1, 1909;—CL 1915, 4560;—CL 1929, 4195;—CL 1948, 239.1.

**Former law:** See section 1 of Act 16 of 1883, being How., § 1455a; CL 1897, § 4220.

##### **239.2 Culverts or cattle-passes; material of construction.**

Sec. 2. Such culverts or cattle-passes, when constructed, shall be of such material and according to such plan as the commissioner of highways shall direct.

**History:** 1909, Act 283, Eff. Sept. 1, 1909;—CL 1915, 4561;—CL 1929, 4196;—CL 1948, 239.2.

**Former law:** See section 2 of Act 16 of 1883, being How., § 1455b; CL 1897, § 4221.

##### **239.3 Culverts or cattle-passes; failure to repair, removal, cost.**

Sec. 3. In case any such applicant, heirs or assigns shall fail to keep his culvert or cattle-pass already constructed, or hereafter to be constructed, in good repair, it shall be the duty of such highway commissioner to remove such culvert or cattle-pass from such highway at the expense of such applicant, or owner, heirs or assigns, such expense to be collected by suit in the name of such commissioner of highways in an action of trespass on the case before any justice of the peace of such township.

**History:** 1909, Act 283, Eff. Sept. 1, 1909;—CL 1915, 4562;—CL 1929, 4197;—CL 1948, 239.3.

**Former law:** See section 3 of Act 16 of 1883, being How., § 1455c; CL 1897, § 4222.

##### **239.4 Culverts or cattle-passes; record.**

Sec. 4. A record of such culverts or cattle-passes, and of all proceedings relating thereto, shall be kept in the manner substantially as is provided for the record of private roads.

**History:** 1909, Act 283, Eff. Sept. 1, 1909;—CL 1915, 4563;—CL 1929, 4198;—CL 1948, 239.4.

**Former law:** See section 4 of Act 16 of 1883, being How., § 1455d; CL 1897, § 4223.

##### **239.5 Hedges; care, removal of brush; cities excepted.**

Sec. 5. It shall be the duty of every owner, occupant or person having charge of lands in this state, to cut or trim, or cause to be cut or trimmed, to a height not exceeding 4 1/2 feet and a width not exceeding 3 feet, all hedges or hedge rows along or on the public highway or adjacent thereto in each and every year, except such hedges as shall have been set out for the protection of fruit trees and nursery stock. Trimmings or brush from such hedge rows shall not be left lying within the limits of the highway, but shall be forthwith removed: Provided, That this section shall not apply to streets or highways within incorporated cities.

**History:** 1909, Act 283, Eff. Sept. 1, 1909;—Am. 1911, Act 24, Eff. Aug. 1, 1911;—CL 1915, 4564;—CL 1929, 4199;—CL 1948, 239.5.

**Former law:** See section 1 of Act 166 of 1907.

##### **239.6 Hedges; penalty for neglect.**

Sec. 6. Any owner, occupant or person having charge of lands who shall fail to comply with the provisions of this act, on conviction before a court of competent jurisdiction, shall be punished by a fine not more than 10 dollars, together with the cost of prosecution, and in default of payment of the same shall be imprisoned in the county jail of the county where the land is situated, for a period not exceeding 20 days.

**History:** 1909, Act 283, Eff. Sept. 1, 1909;—CL 1915, 4565;—CL 1929, 4200;—CL 1948, 239.6.

**Former law:** See section 2 of Act 166 of 1907.