

30.0350

**SIDEWALK CONSTRUCTION, MAINTENANCE,
REPAIR, & RESPONSIBILITY ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 580 eff. Nov. 19, 2019**

An Ordinance to regulate sidewalk construction, maintenance, repair, and responsibility within the Charter Township of Grand Haven; and to provide penalties for violations of this Ordinance.

GRAND HAVEN CHARTER TOWNSHIP, COUNTY OF OTTAWA, STATE OF MICHIGAN, ORDAINS:

30.0351

Sec. 1 DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

1. "Lot" means any platted lot, site condominium unit, or unplatted parcel of land.
2. "Paved Path" means an asphalt paved surface, separated from the improved roadway by at least three feet and designed for non-motorized vehicle and pedestrian travel. A Paved Path includes a "path" as defined in the Sidewalks and Paths Ordinance, Ordinance No. 161 in 1991.
3. "Sidewalk" means that portion of the Street right-of-way or abutting easement improved with concrete and designed for pedestrian travel. A Paved Path is not a type of Sidewalk.
4. "Street" means a dedicated or other public right-of-way or easement that is a state, county, or Township roadway, or a private road easement, adjoining or affording the principal means of access to Abutting Property. A Street also includes the land between or within the Street right-of-way or easement lines, whether improved or unimproved. A private road includes the land within the required private road easement.

30.0352

**Sec. 2 REMOVAL OF OBSTRUCTIONS
AND REPAIR OF SIDEWALKS**

1. It shall be the responsibility and duty of the owner of every Lot to maintain and keep the Sidewalks adjacent to or abutting the owner's Lot at all times in good repair and condition and to promptly remove all obstructions from those Sidewalks. In addition, it shall be the responsibility of the owner of every Lot to keep the Sidewalks adjacent to

or abutting the owner's Lot cleared of snow and ice at all times. Furthermore, property owners, tenants, and other persons having authority and control over the removal of snow and ice from walkways, driveways, and parking areas on property they own or have authority and control over shall not permit the deposit of snow or ice on Sidewalks, walkways, driveways, or parking areas to block or impede the use of Sidewalks by pedestrians in any manner. Snow and ice must be removed within 12 hours of the end of any significant snowfall.

2. In addition, the owner of a Lot abutting or adjoining a Sidewalk shall not store or keep any item within the Sidewalk that shall in any way impede, interfere with, or slow down pedestrian use of the Sidewalk, and shall remove, cut, or trim any landscaping plants, trees, bushes, or other foliage that may grow over the Sidewalk or impede pedestrian use of the Sidewalk.
3. Sidewalks shall be promptly repaired or replaced by the owner of the Lot abutting or adjoining the Sidewalk when the Sidewalk's condition is detrimental to the safety of the public. Conditions requiring repair or replacement include, but are not limited to, the following:
 - a. A vertical displacement of more than one inch between any two sections of Sidewalk;
 - b. More than two cracks of one-quarter inch in width or more in any two linear feet of the Sidewalk;
 - c. Any section of Sidewalk that is tilted in excess of one inch per foot from inside/outside edge to outside/inside edge;
 - d. Any linear section of Sidewalk, five feet or more, where more than 25 percent of the surface has scaled off to a depth of one-quarter inch or greater; or
 - e. Any condition that arises regarding a Sidewalk that would render it unsafe for use or otherwise unfit for public pedestrian travel.
4. Upon receipt of a written notice from the Township, the owner of the Lot involved shall make the Sidewalk repairs or replacement necessary to conform to this Ordinance within 60 days. The Township may extend the 60-day time period if weather conditions or Street repairs prevent the repair or replacement in a timely manner.

30.0353 Sec. 3 CONSTRUCTION OR REPAIR BY THE TOWNSHIP

1. If the property owner, tenant, or other person having authority and control over a Lot adjoining or abutting a Sidewalk fails to comply with Section 2 above, the Township may remove or cause to be removed such snow, ice, or other obstruction, or may repair or replace such Sidewalk as necessary, and shall assess the cost thereof against the abutting or adjoining Lot.

2. Whenever the Township shall determine that a Sidewalk is unsafe for use or in need of repair, notice may be given by the Township to the owner of the Lot adjacent to or abutting upon that Sidewalk. Thereafter, it shall be the duty of that owner to place the Sidewalk in a safe condition. The notice shall specify a reasonable time, not less than seven days, within which the work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of the Lot shall refuse or neglect to repair the Sidewalk within the time limit, or in a manner otherwise than in accordance with this Section, the Township shall have the Sidewalk repaired and shall assess the costs to the Lot involved. If the Township determines that the condition of the Sidewalk is such that immediate repair is necessary to protect the public, the Township may dispense with the above notice. The cost of repairs hereunder shall be charged against the Lot which the Sidewalk adjoins or abuts and to the owner of the Lot, and shall be collected as a single Lot assessment or as otherwise allowed by law.

3. If the owner of any Lot abutting or adjoining a Sidewalk fails to install or rebuild any particular Sidewalk within the time and in the manner required, the Township is authorized and required, immediately after the expiration of the time limit for the construction or rebuilding by the owner, to construct the Sidewalk and to charge the expense thereof to the Lot and its owner. The amount shall be collected as a single Lot assessment or as otherwise allowed by law.

30.0354 Sec. 4 LIABILITY OF THE LOT OWNER

Any Lot owner who refuses or neglects to comply with the provisions of this Ordinance or any notice to install or repair under this Ordinance, in addition to the penalties provided in this Ordinance, shall be liable for and compelled to pay to the Township all damages to persons or property for which the Township may be liable or sued by reason of injury or damages resulting from the failure or neglect, which sum may be recovered by the Township in proceedings brought for such purpose in any court of competent jurisdiction.

30.0355 Sec. 5 RULES AND REGULATIONS

The Township Board shall have the authority to adopt rules, regulations, and

additional requirements regarding Sidewalks to further implement the purpose and requirements of this Ordinance. A violation of any such rule, regulation, or requirement is also a violation of this Ordinance.

30.0356 Sec. 6 TOWNSHIP BOARD RIGHT TO REPAIR

Under Section 18a of the Pavements, Sidewalks, and Elevated Structures Act, Public Act 246 of 1932, as amended (MCL 41.288a), the Township Board may construct, repair, or maintain or may order the construction, repair, or maintenance of Sidewalks for the health, safety, and general welfare of the residents of the Township after notifying the involved property owners of the time and place of a hearing on such order. Following the hearing, the Township Board may either construct, repair, or maintain the Sidewalk and assess the cost thereof over a five-year period against the abutting property owners, or permit the owners within a specified time to have the Sidewalks constructed, repaired, or maintained according to Township specifications at their expense. No such work shall be commenced until approved by either the Ottawa County Road Commission or the Michigan Department of Transportation having jurisdiction over the right-of-way within which the Sidewalk is located, or the appropriate agency waives the requirement of such approval. The Township Board, in its discretion, may also authorize collection of the cost of such construction, repair, or maintenance by civil process, small claim, or such other means that may be proper for the collection of debts by legal process.

30.0357 Sec. 7 SEVERABILITY AND CAPTIONS

This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered as part of this Ordinance.

30.0358 Sec. 8 ADMINISTRATIVE LIABILITY

No Township officer, agent, or employee, or member of the Township Board, shall be personally liable for any damage that may accrue to any person as a result of any act, decision, or other consequence or occurrence arising out of the discharge of duties and responsibilities pursuant to this Ordinance.

30.0359 Sec. 9 VIOLATIONS

In addition to all other remedies as specified in this Ordinance, any person, firm,

corporation, or any other entity which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than \$50.00, plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a person, firm, or corporation. A "repeat violation" of this Ordinance is a second or subsequent violation of this Ordinance committed by a person, firm, corporation, or any other entity within six (6) months of a prior violation of this Ordinance, and for which the person, firm, corporation, or any other entity admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than \$250.00, plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than \$500.00, plus costs and other sanctions. The Township Supervisor, Township Superintendent (Township Manager), an authorized Township official, the Township Director of Public Works, the Township Assistant Director of Public Works, and the Township Attorney are authorized to issue municipal civil infraction citations for violations of this Ordinance.

30.03510 Sec. 10 REPEAL

All ordinances or parts of ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of the date of this Ordinance are repealed to the extent of such conflict.

30.03517211 Sec. 11 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board on October 14, 2019, after its introduction and first reading on September 23, 2019, and after its publication in the manner provided by Public Act 359 of 1947, as amended. This Ordinance shall take effect 30 days after its publication following adoption.