

30.0300

**SIDEWALKS AND PATHS ORDINANCE
TOWNSHIP OF GRAND HAVEN, MICHIGAN
ord. no. 161 eff. Oct. 27, 1991**

An Ordinance to regulate the use of sidewalks and paths within the Charter Township of Grand Haven; to provide for the health, safety, and welfare of persons and property; and to provide penalties for violations of this Ordinance.

THE TOWNSHIP OF GRAND HAVEN, OTTAWA COUNTY, MICHIGAN,
ORDAINS:

30.0301

Sec. 1 DEFINITIONS

The following words and terms are defined for the purpose of their use in this Ordinance. Any word or term not defined in this Ordinance shall be considered to be defined in accordance with its common or standard definition.

1. **Bicycle:** A device propelled exclusively by human power upon which a person may ride, having either two (2) or three (3) wheels in a tandem or tricycle arrangement; provided, however, that a front-wheel drive power-assisted device, having construction substantially similar to a bicycle shall be considered a bicycle.
2. **Motor Vehicle:** A vehicle which is self-propelled.
3. **Motorcycle:** A motor vehicle having a saddle or seat for the use of a rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor.
4. **Person:** Shall mean any person, or any firm, corporation (profit or non-profit), or any association (incorporated or unincorporated).
5. **Sidewalk or Path:** That portion of a street right-of-way and adjacent easements which is constructed and paved separate and apart from the paved street surface and which is for the use of pedestrians, bicycles and other uses specifically authorized by this Ordinance as well as that portion of the paved street surface which is striped or otherwise marked as being for the use of pedestrians, bicycles and other uses specifically authorized by this Ordinance.
6. **Sign:** A lettered board, banner or other display placed on or near a sidewalk or path by or at the direction of the Township for the purposes of transmitting a command, warning, direction or other message to persons utilizing a path or sidewalk or who may be crossing a path or sidewalk.

- 7. **Snowmobile:** A motor-driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated.
- 8. **Vehicle:** A device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power.
(ord. no. 161 eff. Oct. 27, 1991)

30.0302 Sec. 2 PROHIBITION

No person shall operate an automobile, truck, tractor, moped, snowmobile, motorcycle, or any other type of motor vehicle upon any sidewalk or path within the Township except to enter or leave adjacent property. However, this Section shall not be construed to prohibit the use of sidewalks and paths by persons using motorized wheelchairs. A front-wheel drive power-assisted bicycle having a motor which produces 1.5 brake horsepower or less shall be permitted on a sidewalk or path when not using the power assistance.
(ord. no. 161 eff. Oct. 27, 1991)

30.0303 Sec. 3 BICYCLE OPERATION

No person shall operate a bicycle on a Sidewalk or Path at a speed greater than is reasonable and prudent under the conditions then existing. Any person operating a bicycle on a Sidewalk or Path shall yield the right-of-way to Motor Vehicles that are crossing the Sidewalk or Path to pedestrians that are using or on the Sidewalk or Path.
(ord. no. 161 eff. Oct. 27, 1991; amend by ord. no. 171 eff. July 2, 1992)

30.0304 Sec. 4 HORSES

No person shall ride a horse on a Sidewalk or Path, nor shall any person walk or lead a horse upon a Sidewalk or Path.
(ord. no. 161 eff. Oct. 27, 1991)

30.0305 Sec. 5 DAMAGE

No person shall willfully or maliciously, or wantonly and without cause, destroy, injure, mutilate, deface, paint on, write on, alter, remove or otherwise damage or carry away a Sidewalk or Path, or any sign relating thereto.
(ord. no. 161 eff. Oct. 27, 1991)

30.0306 Sec. 6 PARKING; DEBRIS

No person shall stop, stand or park, or cause to be stopped, standing or parked, any vehicle, trailer, mobile home, motor home, camper or boat upon a Sidewalk or Path so as to obstruct the free passage of others. No person shall deposit or burn, or cause to be deposited or burned, any leaves, branches, grass, brush or other yard debris upon a Sidewalk or Path, or deposit, or cause to be deposited, any earth, stone, sand, gravel, trash, rubbish, cans, bottles, broken glass, nails garbage cans or any other dangerous objects or debris upon a Sidewalk or Path.

(ord. no. 161 eff. Oct. 27, 1991; amend by ord. no. 175 eff. Dec. 14, 1992)

30.0306A Sec. 6A FISHING PROHIBITION

No person shall fish or otherwise attempt to catch fish or other aquatic animals while on the Sidewalk or Path, or the appurtenances of the Sidewalk or Path. Appurtenances of the Sidewalk or Path include, but are not limited to, any bridges or other structures which touch the Sidewalk or Path.

(ord. no. 175 eff. Dec. 14, 1992)

30.0307 Sec. 7 ANIMALS

Any person who owns or exercises any dominion or control over any animal shall, in the event that such animal deposits any fecal matter on any Sidewalk or Path, immediately and completely remove such matter from the Sidewalk or Path. This section shall not be interpreted to prohibit the presence of animals on Sidewalks or Paths, except as otherwise prohibited in Section 4 of this Ordinance.

(ord. no. 161 eff. Oct. 27, 1991)

30.0308 Sec. 8 DEPOSIT OF ICE OR SNOW

No person, in removing snow, ice, or slush from private property, or from public property under his or her control such as a driveway or approach, shall dump or deposit, or cause to be dumped or deposited such snow, ice, or slush, either temporarily or permanently, on any Sidewalk or Path within the Township without the express written permission of an authorized Township officer or employee.

(ord. no. 161 eff. Oct. 27, 1991)

30.0309 Sec. 9 VEGETATION

No person shall plant any trees, shrubs, or other vegetation in a location that obscures the view at intersections of a Sidewalk or Path with a street or road or with another Sidewalk or Path, and no person shall allow trees, shrubs, or other vegetation to grow to a size that obscures the view or obstructs passage along a Sidewalk or Path.

(ord. no. 161 eff. Oct. 27, 1991)

30.0310 Sec. 10 IRRIGATION

No person shall leave any garden hose, lawn sprinkler or other irrigation device or implement unattended when such hose, sprinkler, device or implement is in contact with or runs across or over the panel surface of a Sidewalk or Path.
(ord. no. 161 eff. Oct. 27, 1991)

30.0310A Sec. 10A CONSTRUCTION PROJECTS

If any construction project on lands adjoining a Sidewalk or Path results in damage to a Sidewalk or Path, then all such damage to the Path or Sidewalk shall be fully restored to its former condition within ten (10) days after the construction project is complete, provided, however, that if weather conditions prohibit full restoration of the Sidewalk or Path to its former condition within such ten (10) day period, then the Sidewalk or Path shall be temporarily patched and restored so as to permit reasonable utilization by bicycles and pedestrians within such ten (10) day period and full repair and restoration to its former condition shall then be completed as soon as weather permits. In addition, an occupancy permit shall not be granted under any Township Zoning Ordinance or Building Code for any building or structure unless and until the Sidewalk or Path damaged in the construction of such building or structure has been fully repaired and restored to its former condition, provided, however, that if weather conditions then prohibit full repair and restoration of the Sidewalk or Path to its former condition, an occupancy permit may be granted if (i) the Sidewalk or Path has been temporarily patched and restored so as to permit reasonable utilization by bicycles and pedestrians and (ii) the Township is provided with adequate financial security in the form of a cash deposit, letter of credit, or bond, to guarantee full repair or restoration of the Sidewalk or Path to its former condition as soon as weather permits.
(ord. no. 175 eff. Dec. 14, 1992)

30.0310B Sec. 10B SIDEWALK OR PATH CUTS

All persons, firms, associations, partnerships, corporations, or other legal entities must complete a Sidewalk or Path Opening Permit if it is necessary to make a cut or opening in a Sidewalk or Path. Such cut or opening shall not be made until a Sidewalk or Path Opening permit has been completed and returned with a fee, to be established by resolution and amended from time to time by the Township Board, to the Department of Public Works. If an emergency requires an immediate utility cut or opening to be made, the permit approval may be waived, but the Department of Public Works shall be notified and the permit completed and fee paid on the next business day during which the Department of Public Works Offices are open. A performance bond, certified check or cash deposit in the amount of two hundred fifty dollars (\$250.00) is required for any cut or opening on a Sidewalk or Path. The performance bond, certified check or cash shall be returned after the Department of Public Works Director has approved the full repair or restoration of the Sidewalk or

Path. The Department of Public Works Director may increase the amount of the performance bond, certified check or cash required if it is determined that the additional financial security is required because of the size or location of any proposed cut or opening. Any cut or opening made shall be as narrow as possible while ensuring workers' safety, repair or installation of the utility, backfilling, and compaction. Cuts in the bituminous pavement of any Sidewalk or Path shall be made by saw or four inch air space to ensure straight side cuts. Cuts or openings shall not be made with a backhoe bucket or any other instrument which can create jagged edges and weaken the surrounding pavement. All cuts and openings shall be compacted and patched to standards, which shall be established by the Department of Public Works, and such standards shall be given whenever a Sidewalk or Path Opening Permit is requested. No cut or opening shall remain open for more than 48 hours. During a period that a cut or opening exists, a barrier must be erected around the cut or opening to protect the public.

(ord. no. 175 eff. Dec. 14, 1992)

30.0311 Sec. 11 BANNERS

No person shall suspend any sign, banner, printed leaflet, or other similar object above a Sidewalk or Path, nor shall any person tape or affix any sign, banner, printed leaflet or other similar object to a Sidewalk or Path without the express written permission of an authorized Township officer or employee.

(ord. no. 161 eff. Oct. 27, 1991)

30.0312 Sec. 12 TOWNSHIP POWERS

This Ordinance shall not be construed to prohibit the Township, or any officer, employee or agent thereof, from exercising all reasonable and necessary governmental powers with respect to the use, maintenance and repair of Sidewalks and Paths.

(ord. no. 161 eff. Oct. 27, 1991)

30.0313 Sec. 13 NONDESIGNATION

The Sidewalks and Paths are provided for the benefit and enjoyment of pedestrians, persons in wheel chairs and bicyclists. The approval and adoption of this Ordinance by the Township Board shall not be deemed to be a designation of any Sidewalk or Path as a bicycle path. The Township Board expressly reserves the right to designate any Sidewalk or Path as a bicycle path. Any such designation shall be made exclusively by a resolution of the Township Board. Any resolution making such a designation shall expressly state that it is a designation of a Sidewalk or Path as a bicycle path, and shall refer to the Michigan Vehicle Code, MCLA ' 257.660(3), or any successor section thereto.

(ord. no. 161 eff. Oct. 27, 1991)

30.0314 Sec. 14 VIOLATIONS

Any person, firm, or corporation 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, or corporation within six (6) months of a prior violation of this Ordinance, and for which the person, firm, or corporation 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.

(ord. no. 161 eff. Oct. 27, 1991; amend. by ord. no 220 eff. June 11, 1995; amend. by ord. no. 363 eff. Dec. 1, 2002; amend. by ord. no. 488 eff. Dec.15, 2010)

30.0315 Sec. 15 SEVERABILITY AND CAPTIONS

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

(ord. no. 161 eff. Oct. 27, 1991)

30.0316 Sec. 16 ADMINISTRATIVE LIABILITY

No officer, agent, or employee of the Township shall render himself or herself personally liable for any damage, consequence, or occurrence that may occur to any person as a result of any act performed in the discharge of his or her duties pursuant to this Ordinance.

(ord. no. 161 eff. Oct. 27, 1991)

30.0317 Sec. 17 REPEAL

This Ordinance shall be deemed to repeal all other Ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance.

(ord. no. 161 eff. Oct. 27, 1991)

30.0318 Sec. 18 EFFECTIVE DATE

This Ordinance was approved and adopted by the Township Board on September 23, 1991, after introduction and a first reading on September 9, 1991, and publication in the Tribune, a newspaper of general circulation in the Township, on September 27, 1991, after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective on October 27, 1991.

(ord. no. 161 eff. Oct. 27, 1991; amend. by ord. no. 265 eff. June 1, 1997)