

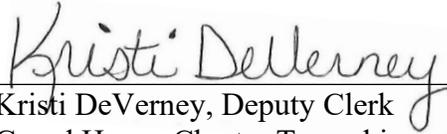
GRAND HAVEN CHARTER TOWNSHIP
NOTICE OF POSTING OF PROPOSED ORDINANCE

NOTICE IS HEREBY GIVEN that the following Ordinance has been proposed for adoption by the Charter Township of Grand Haven, Ottawa County, Michigan:

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.

The proposed Ordinance has been posted at the office of the Township Clerk, 13300 - 168th Avenue, Grand Haven, Michigan and on the Township's web site: www.ghl.org.

The proposed Ordinance was first introduced at a regular meeting of the Township Board on September 23, 2019. Copies of the proposed Ordinance are available upon request at the office of the Township Clerk.



Kristi DeVerney, Deputy Clerk
Grand Haven Charter Township

Posted Legal Ad: October 9, 2019

ORDINANCE NO. _____

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:

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.

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.

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.

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.

CERTIFICATE

I, Laurie Larsen, the Clerk for the Charter Township of Grand Haven, Ottawa County, Michigan, certify that the foregoing Grand Haven Charter Township Ordinance was adopted at a regular meeting of the Township Board held on _____, 2019. The following members of the Township Board were present at that meeting

_____. The following members of the Township Board were absent: _____.

The Ordinance was adopted by the Township Board with members of the Board _____ voting in favor and _____ members of the Board voting in opposition. Notice of Adoption of the Ordinance was published in the *Grand Haven Tribune* on _____, 2019.

Laurie Larsen, Clerk
Grand Haven Charter Township