

VILLAGE OF MATTAWAN

SIDEWALK ORDINANCE

ORDINANCE NO. 189

An Ordinance to establish standards for the construction and maintenance of sidewalks in the Village of Mattawan.

THE VILLAGE OF MATTAWAN ORDAINS:

SECTION 1 PURPOSE

The purpose of this Ordinance is to protect the health and safety of persons using sidewalks located within the village, and to enhance the value of property located in the Village, by establishing standards for the construction and maintenance of the sidewalks.

SECTION 2 DEFINITIONS

- A. Person: A person shall be defined as an individual or any entity, including but not limited to, a corporation, partnership or LLC, which is recognized by the laws of the State of Michigan.
- B. Owner: For the purposes of this Ordinance, an owner shall be defined as any of the following:
 - 1. The person who holds fee title to the property.
 - 2. The person to whom real property is assessed on the Village tax roll.
 - 3. The tenant or occupant of the property.
 - 4. The person in the process of developing property for residential use and constructing sidewalks as a part of common improvements to the development and who has not released the responsibility of maintenance of those improvements to an established homeowner.
 - 5. The association of homeowners having the responsibility for the maintenance and repair of common areas of a residential development.
- C. Sidewalk: The portion of the street right-of-way designed and improved for pedestrian and non-motorized travel, as well as those areas located above the right of way which are reasonably necessary to allow for travel on the designated portion of the right of way.

SECTION 3 PERMIT REQUIREMENT.

No person shall construct, rebuild or repair any sidewalk without first obtaining a written permit from the department of public works. All sidewalk improvements shall be in accordance with the line, grade, slope and specifications established by the Village Engineer. The written permit shall be prominently displayed on the construction site. The fee for such permit shall be set by resolution of the Village council.

SECTION 4 LINE AND GRADE STAKES.

The department of public services shall approve line and grade stakes as may be necessary for proper control of work under this article.

SECTION 5 CONSTRUCTION AND MAINTENANCE SPECIFICATIONS.

Sidewalks shall be constructed and maintained in accordance with the standards and specifications as established by the Village engineer and approved by the council. The director of public works may revoke any permit issued under the terms of this article for incompetency or failure to comply with the terms of this article or the rules, regulations, plans and specifications established by the Village.

SECTION 6 OBSTRUCTIONS.

The owner and/or occupant of every lot or premises adjoining any street shall clear and keep all sidewalks adjoining such lot or premises from any obstructions including, but not limited to, snow and ice, structures, vehicles, materials, debris, vegetation or other items. The owner and/or occupant shall also keep clear the area which is located directly over the sidewalk in a manner which will allow reasonable travel without interference from obstructions as defined above.

SECTION 7 MAINTENANCE OF EXISTING SIDEWALKS.

No person shall permit any sidewalk which adjoins property owned by such person to fall into a state of disrepair or to be unsafe.

SECTION 8 VILLAGE REPAIR OF CERTAIN AREAS.

The Village shall retain the right to repair any sidewalk or portion thereof at Village expense. These areas shall be designated at the sole discretion of the Village. Once such areas have been repaired in a manner which conforms with this Ordinance, the owner shall be notified in writing. All responsibility for further maintenance shall rest with the owner.

SECTION 9 SIDEWALK NEEDING REPAIR; NOTICE TO PROPERTY OWNER; REPAIR BY VILLAGE.

- A. Whenever the Village Manager determines that a sidewalk is unsafe for use, notice may be given to the owner of the lot or premises adjacent to and abutting upon such sidewalk of the Village Manager's determination. Such notice shall be given in accordance with subsection (c). It shall then be the duty of the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than ten (10) days, within which such work shall be completed with due diligence.
- B. If the owner of such lot or premises refuses or neglects to repair the sidewalk within the time described above, or in a manner otherwise than in accordance with this article, the Village Manager shall have the sidewalk repaired. If the Village Manager determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, he may dispense with the notice and institute the repairs immediately. In any event, the cost of repairs under this section shall be charged against the premises, which adjoins the sidewalk and shall be paid by the owner of the premises. If not paid, the cost of repairs shall be added to the tax roll for the property.
- C. Notice regarding sidewalk repairs shall be served in the following manner:
 - 1. By delivering the notice to the owner personally or by leaving the same at the owner's residence, office or place of business with some person of suitable age and discretion;
 - 2. By mailing the notice by certified or registered mail to such owner at his or her last known address; or
 - 3. If the owner is unknown, by posting the notice in some conspicuous place on the premises at least fifteen (15) days before the required work shall be completed. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any Village official, unless permission is given by such officer to remove the notice.

SECTION 10 APPEALS

- A. Any owner who believes the action of the Village Manager pursuant to this article are improper may appeal the decision of the Village Manager to the council, provided such appeal is filed with the Village Clerk's office within ten (10) days of receipt or posting of a notice under this article. The appeal shall be in writing and shall state in clear and concise language the reasons for the appeal.
- B. The timely filing of an appeal shall stay all proceedings related thereto pending the outcome of the appeal.
- C. The Village Clerk shall immediately deliver a copy of the appeal to the Village Manager and shall place the appeal hearing on the agenda of the next available council meeting.
- D. At the conclusion of the appeal hearing, the council may affirm, modify or rescind the decision of the Manager. The decision of the council shall be final.

SECTION 11 VIOLATIONS.

Any person who shall violate any section of this article shall be responsible for a civil infraction and shall pay a fine not to exceed five hundred dollars (\$500.00). Each day a violation exists may be considered a separate violation and a fine so imposed.