

CHARTER TOWNSHIP OF HAMPTON

SIDEWALK ORDINANCE

ORDINANCE NO. 43

An ordinance to regulate the construction and/or repair of public sidewalks in the Charter Township of Hampton, to set standards regarding same, and to prescribe the penalties for the violation of certain sections contained therein enacted to promote the public health, safety and general welfare of the Charter Township of Hampton and its residents.

NOW, THEREFORE, the Charter Township of Hampton, Bay County, Michigan, ordains:

This ordinance shall be known and cited as "The Charter Township of Hampton Sidewalk Ordinance".

Section 1 - Obstructions and encroachments.

(a) It shall be unlawful for any person to place or maintain or permit to be placed or maintained any obstruction of any nature whatever on the sidewalks within the township, or, unless otherwise specifically provided, to place, erect, or maintain, or permit to be placed, erected, or maintained, any article projecting out over such sidewalks.

(b) Encroachments on or above any part of any sidewalk shall not be permitted in the township. The township may authorize temporarily the erection of flags and other suitable decorations along the sidewalks on such terms and conditions as it deems necessary as decorations for the observation of holidays, parades, or other civic functions; and other encroachments may be specifically authorized by the building and inspection department for valid reasons on such terms and conditions as it deems necessary to protect the public interests. Any encroachments of any nature and no matter how authorized shall be forthwith removed when so ordered by the township where it shall find that such encroachment constitutes a hazard to those persons using the sidewalks, and any encroachment not so removed shall constitute a public nuisance.

(c) No person shall place, by himself or another, any building materials, snow, signs, or other objects upon any sidewalk, except under permission first obtained from the township.

(d) It shall also be unlawful for any person to suspend any ropes, wires, banners, or signs across the township sidewalks without permission from the township.

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(e) It shall be unlawful for any person to deface, injure, change, or modify any sidewalk after the construction thereof.

Section 2 - Duty of abutting property owner or occupant to keep sidewalks clean and free from obstructions.

(a) Every owner or occupant of any house or building, and every owner of or agent for the owner of any lot within the township, shall keep the public sidewalk in front of or adjoining any such building, house, or lot, free from all dirt, filth, rubbish, encumbrances, and obstructions.

(b) No person shall allow the accumulation of snow or ice on the sidewalk adjoining any premises owned or occupied by him for a greater length of time than 24 hours after the cessation of any storm of snow or sleet. When ice is formed on the sidewalk, it shall be the duty of the owner or occupant of the property adjoining thereto to remove the same as soon as it has formed, and to cause a sufficient quantity of salt or like material to be strewed on the sidewalk in such a manner as will render it safe for persons walking thereon.

Section 3 - Area between sidewalk and curb; responsibility for maintenance.

(a) It shall be the responsibility of the abutting property owners to maintain the area between the sidewalk and the curb including the cutting of grass with the exception that the township shall repair and restore said area after any construction work performed thereon. In the event any property owner fails or refuses to maintain the area between the sidewalk and the curb as set forth herein within ten (10) days from notice to do so has been given by the department of public works, the director of public works shall enter upon the said area and cause the said maintenance work to be performed. The amount of such expense incurred shall constitute a debt to the township by the person so failing to comply and the township may maintain an action in a court of law for the collection thereof.

Section 4 - Construction, reconstruction, and repair of sidewalks by the township.

(a) Whenever the township board shall deem the construction of a new sidewalk, or the reconstruction of an old sidewalk, a necessary public improvement, it shall so declare by resolution, describing the property in front of which such construction or reconstruction is ordered. Such construction or reconstruction shall be done pursuant to the township charter act of the State of Michigan and any other applicable laws of the state. The township board may defray the whole or any part of the expense thereof by special assessment upon the lands abutting to or otherwise benefiting from said public improvement pursuant to the laws of the State of Michigan which said special assessment shall be placed upon the tax rolls and shall become a lien against the property so specially assessed.

Section 5 - Construction of public sidewalk by an individual; necessity for permit and easement.

An individual property owner may on his own initiative construct a public sidewalk on his own property which is intended to become a part of the sidewalk system of the township. In such event, the property owner shall submit a written request to the township Building Inspection Department requesting permission to do so and shall also grant an easement to the township across his property where the sidewalk is intended to be located. Upon completion of the construction of said sidewalk, the title to said sidewalk shall pass to the township. All such sidewalks shall be built according to township specifications and shall conform to the handicap laws of the State of Michigan. The location of same, its grade, and elevation shall be determined by the township Department of Public Works.

Section 6 - Vehicular damage to sidewalks.

Any damages to township sidewalks caused by vehicular traffic crossing same to gain access to property abutting said sidewalk shall be repaired by the abutting property owner. No changes can be made by an abutting owner to the abutting property which shall in anyway interfere with said public sidewalk.

Section 7 - Sidewalk construction standards.

All sidewalks shall be constructed in strict conformity with grade and specifications pertaining thereto adopted or approved by the Township Department of Public Works. No sidewalk shall be constructed by a property owner or sidewalk builder hired by a property owner until a written permit for such work shall have been obtained from the Township Building Department.

Section 8 - Department of Public Works to set sidewalk line and grade.

Wherever sidewalks are ordered to be constructed on any street or any part thereof, or where a permit has been issued for the construction of a sidewalk, it shall be the duty of the Department of Public Works to indicate the sidewalk line and grade by setting stakes.

Section 9 - Sidewalk repairs.

All sidewalks repairs shall be made by the Township Department of Public Works, or under their direction.

Section 10 - Sidewalk defects caused by negligence.

The Township shall have the right, through the Department of Public Works, to order a sidewalk repaired by persons who have caused the repair to be necessary or make the repair and bill the cost thereof to such persons and placed on the next tax roll for that property. Such repairs are those caused by excavating under or adjacent to the sidewalk, caused by placing weight upon the sidewalk greater than its designed capacity, or any other negligent act.

Section 11 - Easements.

Whenever as a result of Planning Commission action, public sidewalks are to be built which are intended to become part of the sidewalk system of the township, said Planning Commission shall require the granting of the appropriate easement across the property where the sidewalk is to be located.

Whenever any individual wishes to construct sidewalk intended to become part of the township public sidewalk system, said individual shall grant an easement across his property for the location of said sidewalk.

Section 12 - Construction of public sidewalk by township at owner's request.

Whenever a property owner requests the township to build public sidewalk on said owner's property at owner's expense, owner shall either deposit with the township an amount sufficient to cover the total cost of said construction or, in the alternative, agree to have said cost placed upon the assessment roll.

Section 13 - Violation and penalties.

Any person, firm or corporation or any other person acting on behalf of said person, firm or corporation in the Township of Hampton, in violation of this ordinance and failing to correct deficiency within twenty (20) days shall be guilty of a misdemeanor, punishable by up to ninety (90) days in jail and/or a minimum fine of \$100.00.

Section 14 - Effective date.

This ordinance shall become effective thirty (30) days from date of publication.

Section 15 - Publication.

A copy of this ordinance shall be published in a newspaper circulated within the Charter Township of Hampton, Bay County, Michigan within ten (10) days following the adoption thereof.

Section 16 - Savings clause.

Should any section, clause or provision of this ordinance be declared by the Courts to be invalid, same shall not effect the validity of this ordinance as a whole or any part thereof other than the part declared to be invalid.

Section 17 - Conflicting ordinances.

All ordinances or parts of ordinances in conflict are hereby repealed.