

Sidewalk Sample Ordinance  
Madison Heights

## **DIVISION 2. SIDEWALKS\***

\*Charter reference—Specific authority to require property owners to maintain sidewalks, Ch. 2, 2.2®.

### **Sec. 23-31. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this division:

- (1) The term “sidewalk,” as used herein, shall include any sidewalk adjoining any public street. The term shall not include any portion of any driveway between the street and the proposed or existing walk, or any crosswalk.
- (2) The term “person,” as used herein, shall be interpreted and construed to mean and to include any firm, corporation, partnership, voluntary association and organization of every nature, as well as individuals. (Code 1958, 7-102; Ord. No. 798, 1, 2-9-87)

### **Sec. 23-32. Permit required.**

A permit shall be obtained from the community development department prior to commencement of construction, repair, reconstruction or removal of any sidewalk within the city. Permit fees for sidewalks shall be set by council resolution. No permit shall be required for repair of sidewalks less than fifty (50) square feet in area. (Code 1958, 7-103; Ord. No. 798, 1, 2-9-87)

### **Sec. 23-33. Standards for construction, repair and reconstruction.**

The following standards shall be adhered to for all sidewalk construction, repair or reconstruction:

- (1) The city engineer shall establish the line, grade, slope and design standards for all sidewalk construction, repair or reconstruction.
- (2) All sidewalks shall be made of cement limestone mix in accordance with specifications provided by the city engineer.
- (3) All sidewalks shall be located within the street right-of-way and adjacent to the property line, except that all reasonable effort shall be made to avoid cutting trees. In no case, however, shall sidewalk constructed under the provisions of this division be located on private property.
- (4) All sidewalks shall be constructed five (5) feet wide on local streets, major streets and state trunk-lines, with local and major streets and state trunk-lines being defined in accordance with the street system map of the city as prepared by the Michigan Department of Transportation. (Code 1958, 7-103; Ord. No. 798, 1, 2-9-87)

### **Sec. 23-34. Unsafe sidewalks; duty of property owners.**

No persons shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or to be unsafe. (Code 1958, 7-101; Ord. No. 798, 1, 2-9-87)

### **Sec. 23-35. New construction.**

All new development occurring within the city which is adjacent to a public street where sidewalks does not presently exist shall provide for the construction of sidewalks in accordance with the requirements of Sections 23-32 and 23-33 of this division. Provision for such sidewalk construction shall be included as part of site plan review, subdivision approval and/or as part of plans submitted for obtaining a building permit. Such newly constructed sidewalk shall be paid for entirely by the property owner unless otherwise determined by resolution of the city council. (Code 1958, 7-103; Ord. No. 83, 1, 2-5-58; Ord. No. 798, 1, 2-9-87)

Sec. 23-36. Sidewalk construction, repair, or reconstruction-Not in conjunction with a street project.

- (a) Whenever the chief building inspector or city manager determines that a sidewalk is defective or unsafe for use, or where it is determined that new sidewalk construction is required to provide reasonable public access for pedestrian traffic, or whenever any property owner abutting a public street submits a written petition requesting sidewalk construction, repair or reconstruction, the chief building inspector or city manager shall make a report of such determination to the city council. The report shall be in conformance with the Code of Ordinances of the City of Madison .Heights regarding special assessments, and a special assessment district shall then be established accordingly.
- (b) Property owners may complete the sidewalk construction, repair or reconstruction themselves or through their contractor, provided they notify the city and secure a sidewalk permit by the date specified in the “Notice of Sidewalk Repair or Construction” sent to the property owner by the city; and, further provided, that all such work is completed within thirty (30) days of said date. After the thirty-day period, the permit shall be invalid and the city shall construct, repair or reconstruct the sidewalk and charge the property owner in accordance with the provisions of this division.
- (c) The cost for new sidewalk construction, where no sidewalk has existed before, or for sidewalk repair or reconstruction shall be borne one hundred (100) per cent by the abutting property owner.
- (d) All sidewalk assessments determined under this section shall be due, payable, and collectible and shall become a lien on the property in the same manner as a special assessment under this Code. (Ord. No. 798, 1, 2-9-87; Ord. No. 850, 1, 11-28-89)

Sec. 23-37. Same—In conjunction with a street project.

Whenever the city council shall consider the necessity for construction, reconstruction or resurfacing of a public street, the city council shall also consider the necessity for construction, repair or reconstruction of sidewalk. Whenever feasible, such sidewalk work shall be completed in conjunction with the street project as finally approved by the city council. (Ord. No. 798, 1, 2-9-87)

Sec. 23-38. Sidewalk repair, rebuilding or construction for which property owner is liable.

- (a) Under no circumstance shall the city pay for any portion of the cost of sidewalk construction, repair or reconstruction where a sidewalk has been damaged by willful misuse or carelessness as could perceivably occur with heavy construction

equipment, moving vans or similar items. For such costs, the abutting property owner shall be one hundred (100) per cent liable and responsible.

- (b) Where construction of otherwise satisfactory sidewalk is desired by an abutting property owner of his own convenience, for example, the lowering of grade to provide a more suitable driveway; the cost shall be paid one hundred (100) per cent by such property owner. (Ord. No. 798, 1, 2-9-87)

Secs. 23.39--23-41. Reserved.