

## ARTICLE II. SIDEWALKS

### DIVISION 1. GENERALLY

Secs. 46-31--46-45. Reserved.

### DIVISION 2. CONSTRUCTION, REPAIR AND MAINTENANCE

#### Sec. 46-46. Sidewalk construction.

The sidewalks of all streets, alleys and public highways within the village, constructed or repaired shall, unless otherwise ordered by the village council, be constructed of the material and in the manner provided in this division.

(Ord. No. 92-0125001, § 1, eff. 6-24-1993)

#### Sec. 46-47. Line and grade.

The width of all sidewalks constructed under this division shall be determined by the village council, before the sidewalks are constructed, or ordered constructed, and shall conform to the established grade of the street, unless otherwise ordered by the village council and shall be laid with an inclination downward from the inner side to the outer side of one-fourth of an inch to the foot. Line and grade for all walks constructed or repaired under this division shall be given by the village manager or his representative, and all of the construction work shall be under the manager's supervision and to his satisfaction.

(Ord. No. 92-0125001, § 2, eff. 6-24-1993)

**State law references:** Change in street or sidewalk grade, damage to property owner, payment, MCL 67.16.

#### Sec. 46-48. Sidewalk specifications.

Sidewalks shall not be less than four inches in thickness and expansion paper shall be placed in the joints. The village may establish additional detailed specifications in addition hereto and not inconsistent with the provisions of this division.

(Ord. No. 92-0125001, § 3, eff. 6-24-1993)

#### Sec. 46-49. Order to construct.

Whenever the village council shall, by resolution, declare the necessity for the construction of any sidewalk in any street in front of or adjacent of any sidewalk in any street in front of or adjacent to private property it shall be the duty of the clerk to cause notice, in substantially the following form, to be served upon the owner or owners of such property, and if the owner or owners of such property cannot be located, then to cause such notice to be posted in a conspicuous place on such property, as follows:

Dexter, Michigan \_\_\_\_\_, 20\_\_\_\_\_

#### SIDEWALK NOTICE

Take notice that by order of the village council of the Village of Dexter, you are required to construct a cement sidewalk on the \_\_\_\_\_ side of \_\_\_\_\_ street (or avenue) in front of or adjoining such lots or parts of lots described as follows: \_\_\_\_\_, as are now owned by you within 30 days from the date hereof, and in default thereof, the same will be constructed by the Village of Dexter and the expense thereof will be assess against said lot.

Village Clerk

(Ord. No. 92-0125001, § 4, eff. 6-24-1993)

#### Sec. 46-50. Construction by village.

(a) If any person so notified shall not have constructed such walk within the time mentioned, it shall be the duty of the village manager to have such walk constructed in front of or adjoining the property of the persons so in default and upon its completion to prepare a report in duplicate and attach thereto the affidavits of the service or posting of the notice above specified, which report shall contain the cost of the construction of the sidewalks

together with any other expenses incident thereto, and a description of the parcels of land in front of or adjoining which the sidewalk has been constructed, one copy of which shall be transmitted to the village council and one copy to the village treasurer.

(b) Whereupon and within ten days after receipt of such report, the village treasurer shall notify each of the persons who have had sidewalks constructed in front of or adjacent to their premises as shown by such report, of the fact that he, the treasurer, will receive payments of assessments so made for a period of 30 days from the date of such notice without further or additional costs.

(c) The treasurer shall further notify such persons that unless such assessments are paid within 30 days additional costs will necessarily be incurred in perfecting and completing such assessments and assessment roll. The treasurer shall, within 40 days after the receipt of such report from the manager, transmit the report to the village council together with his report thereon covering the matter of payments that may have been made to him.

(Ord. No. 92-0125001, § 5, eff. 6-24-1993)

#### Sec. 46-51. Order to repair.

Whenever any sidewalks shall become out of repair within the village, the village manager or his designee may give the owner or occupant of the premises in front of or adjacent to which such sidewalk is located, notice to repair the sidewalk within 30 days of such notice to repair, and in default thereof the manager or designee shall have the power to repair such sidewalk and charge the cost and expense thereof to such owner of such property.

(Ord. No. 92-0125001, § 6, eff. 6-24-1993)

#### Sec. 46-52. Repair by village.

In case of nonpayment by the owner of the cost and expense of such repair, suit can be brought in any court of competent jurisdiction to recover the cost and expense, or the cost and expense of such repair may be certified to the treasurer, the village council, and the assessor, and the cost and expense assessed upon the lot or parcel of land in front of or adjacent to which such sidewalk has been repaired in the same manner as provided for assessments for building and constructing sidewalks in the village.

(Ord. No. 92-0125001, § 7, eff. 6-24-1993)

#### Sec. 46-53. Permit.

In order to ensure the quality and guarantee the maintenance of sidewalks laid in the village, every person engaged in the business of laying and constructing sidewalks in the village shall for each job first obtain from the county building department a permit to proceed with the proposed work, such permit to be issued upon receipt of a permit fee as established by the county building department, and the execution of a good and sufficient bond to the village in the penal sum of \$1,000.00, such bond to be a surety company bond or a personal bond with two sureties owning real property in the county. Only one such bond shall be required for each party in such business. Every person laying or constructing his own sidewalk shall for each job first obtain such a permit and pay such fee, but shall not be required to file such bond. Every permittee shall comply with all requirements as to grade, width, specifications and all other terms and conditions contained in this division relative to laying and constructing and repairing sidewalks, and failure so to do shall be a violation of this division.

(Ord. No. 92-0125001, § 8, eff. 6-24-1993)

#### Sec. 46-54. Conditions of bond.

The bond shall be conditioned upon the faithful observance of the terms and conditions of this division, and further conditioned that the person executing such bond shall keep and maintain the sidewalk which he constructs or repairs in a good condition of repair and fit for public travel for a period of three years from and after the date of completion of the construction or repair of the sidewalk. The bonds shall be approved by the village council.

(Ord. No. 92-0125001, § 9, eff. 6-24-1993)

Sec. 46-55. Action on bond.

Such bond may be prosecuted and recovery had by any person who shall have suffered any injury or damage by reason of inferior quality of the material having been used in the construction or repair of such sidewalk, or because of defective workmanship for any injury or damage suffered by such person, firm or corporation on account of such sidewalk having become out of repair within three years from the date of the completion of the construction or repair of such sidewalk in the name of the village for the use or benefit of such person. The village shall in no case brought under this division be liable for costs.

(Ord. No. 92-0125001, § 10, eff. 6-24-1993)

Sec. 46-56. Maintenance of sidewalks; indemnification.

Every owner of any lot or parcel of land adjoining any sidewalk and/or driveway approach between the lot line and the street curb, except crosswalks at intersections, shall be responsible for the maintenance and repair of such sidewalks or driveways, and in case of neglect or refusal to do so by the owner or occupant, the village manager or his designee may order the repair as provided in section 46-51 and section 46-52. If any owner shall neglect to repair and maintain such sidewalks and driveway approaches in good repair and safe for the use of the public, the owner shall be liable to the village for any damages recovered against the village by any person by reason of such sidewalk being unsafe and/or out of repair. This liability of the property owner to the village shall be enforceable only if the property owner is given timely notice of the action brought against the village to allow the owner participation, if desired, in the defense of the action.

(Ord. No. 92-0125001, § 12, eff. 6-24-1993)

Secs. 46-57--46-75. Reserved.

**SNOWREMOVAL**

**DIVISION 3. SNOWREMOVAL\***

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**\*State law references:** Authority to require the owners or occupiers of lots or premises to remove all **snow** or ice from sidewalks in front of or adjacent to such lots or premises, MCL 67.9.

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**Snow**

Sec. 46-76. **Snow** clearance required.

- (a) Businesses and residents shall clear the sidewalks adjoining their property of **snow**. Failure to clear the sidewalks in a timely manner constitutes a violation of this division.
- (b) Owners/residents shall have such sidewalks clear within 48 hours of **snow** cessation.
- (c) Business owners shall have such sidewalks clear by the start of business or when possible within four hours of **snow** cessation.

(Ord. eff. 7-3-2002(3), § 2.0)

Sec. 46-77. Procedure for notice of violation.

The procedure for notice of violation of this division shall be as follows:

- (1) The owner/resident will be contacted to clear the sidewalk by the village manager.
- (2) The first notice may be in person, in writing or by direct telephone contact.
- (3) The second notice for residents may be processed no earlier than three days following the initial notice date, and within 24 hours of the initial notice date for business owners.

(Ord. eff. 7-3-2002(3), § 3.0)

Sec. 46-78. Failure to clear sidewalk.

- (a) Failure to either clear or contract to clear a sidewalk will result in the village contracting to clear the sidewalk.
- (b) The property owner shall reimburse the village for contracted expenses.

- (c) Failure to reimburse the village will result in the placement of a lien against the property, plus expenses.  
(Ord. eff. 7-3-2002(3), § 4.0)

Sec. 46-79. Notification and fines.

- (a) Notification and fines under this division shall be as follows:

- (1) *Initial notice.* No fine with explanation explaining ramifications if sidewalk is not cleared within 48 hours.
  - (2) *Second notice.* \$15.00, with explanation of ramifications if sidewalk is not cleared within 24 hours.
  - (3) *Third notice.* The village causes the **removal** of **snow** and bills the property owner or resident within 24 hours.
  - (4) *Contract for snowremoval.* Actual cost, plus \$25.00, to be paid within 30 days.
- (b) If it becomes necessary to place a lien against a property more than twice during the same winter season, the fine shall be \$200.00, plus actual clearing cost, for subsequent clearing of sidewalks of **snow**.  
(Ord. eff. 7-3-2002(3), § 5.0)

**Snowremoval**

Sec. 46-80. **Snowremoval** individual/contractors.

- (a) Village officers and staff will maintain a list of either paid or volunteer **snowremoval** individuals/contractors on file for village residents. Village staff shall respond to resident inquiries within one business day.
- (b) It is the responsibility of the resident/property owner to contact a **snowremoval** service, as necessary.  
(Ord. eff. 7-3-2002(3), § 6.0)

Sec. 46-81. Hardship and exemption.

- (a) If this division creates a hardship to a village resident or village street plowing contributes to an increased hardship, village staff may exercise discretion in enforcing its terms. Exemption forms shall be made available for those who demonstrate a need for exemption from this division.
- (b) Village residents may contest village staff actions with the village council as specified in section 18-34.  
(Ord. eff. 7-3-2002(3), § 7.0)