

## ARTICLE II. SIDEWALKS

### DIVISION 1. GENERALLY

Secs. 74-26--74-50. Reserved.

### DIVISION 2. CONSTRUCTION, REPAIR OR MAINTENANCE\*

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**\*Editor's note:** The publication Municipal Standards for the Village of Fowlerville which contains the design and construction standards for subdivision and land development, is on file and available for inspection at the village's offices.

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#### Sec. 74-51. Authority to build.

All sidewalks established within the limits of the public streets and all sidewalks existing within the public streets repaired or rebuilt shall be established rebuilt and repaired by the authority of the village council in form of a resolution, which must be approved by a two-thirds vote. The resolution shall set forth the dimensions and specifications of the sidewalk, together with a description of the abutting real estate adjacent to the sidewalk: it shall also determine the proportion of the expense to be borne by the village and the abutting property owners. (Ord. No. 111, § 1, eff. 3-7-1927)

#### Sec. 74-52. Service of notice.

Upon the adoption of resolution by the council, as provided in section 74-52, the village manager shall cause to be served upon the owner, part owner, or occupant of any real estate abutting on the sidewalks a notice in writing, which shall specify the work to be performed and the particular manner of such establishing repairs and building. Such service may be by certified or registered mail or by delivering the notice to the owner, part owner or occupant of the real estate. Service may be made by the village manager or the village marshal. (Ord. No. 111, § 2, eff. 3-7-1927; Ord. No. 219, eff. 11-9-1983; Ord. No. 293, § 34, eff. 7-21-1994)

#### Sec. 74-53. Time limit to comply with notice.

Upon receipt of the notice to build, repair or rebuild a sidewalk, the owner, part owner or occupant shall have ten days from and after the service of the notice within which to make the repairs or rebuild as specified in the notice. For establishment of a new sidewalk the work shall be done within 30 days from and after the service of the notice.

(Ord. No. 111, § 3, eff. 3-7-1927)

#### Sec. 74-54. Failure of owner to complete work.

If any owner, part owner or occupant of any such real estate refuses or neglects to establish, rebuild or repair any sidewalk within the time prescribed by this division, the sidewalk committee shall cause the work to be performed in accordance with the resolution. The cost and expense of such work shall be and become a charge and lien upon the lands described in the resolution and shall be levied and assessed against such lands as a special sidewalk assessment. Such assessment shall be levied, assessed and collected in the same manner as other assessments.

(Ord. No. 111, § 4, eff. 3-7-1927)

**State law references:** Failure of maintenance by abutting owner, work ordered by council, assessment, MCL 67.10, MSA 5.1294.

Secs. 74-55--74-80. Reserved.

## SNOWREMOVAL

## DIVISION 3. SNOW AND ICE REMOVAL\*

**\*Editor's note:** Ord. No. 345, § 1, adopted May 22, 2000, repealed the former division 3, §§ 74-81, 74-82, and enacted new provisions as set out herein. Formerly, division 3 pertained to similar subject matter and derived from Ord. No. 112, § 1, effective March 7, 1927.

### Snowremoval

Sec. 74-81. **Snowremoval** required.

All owners or occupants of any lot, lots or premises within the corporate limits of the village shall be required to remove all **snow** and ice from the sidewalks that are adjacent to and abutting upon such lot, lots or premises within the following time frames:

- (1) Within 24 hours after any **snow** or sleet storm shall cease, if the storm results in four or less inches of **snow** or precipitation.
- (2) Within 48 hours after any **snow** or sleet storm shall cease, if the storm results in more than four inches of **snow** or precipitation.

(Ord. No. 345, § 1, 5-22-2000)

### snow

Sec. 74-82. Neglect to remove **snow**; procedure.

Should any owner or occupant of lot, lots or premises neglect or refuse to remove the **snow** and ice from the sidewalks adjacent to and abutting upon such lot, lots or premises with the time limited in this division for the **removal** of the same, then the village manager or his designee remove, or cause to be removed all **snow** and ice at the expense of the owner or occupant and the amount of all expenses incurred thereby shall be billed to the owner.

(Ord. No. 345, § 1, 5-22-2000)

**State law references:** Failure of abutting owner to remove **snow** or ice, work ordered by council, assessment, MCL 67.10, MSA 5.1294.

Sec. 74-83. Failure to pay; special assessment; lien.

If the owner of a lot, lots or premises fails to pay the bill for the **removal** of the **snow** or ice from the sidewalk adjacent or abutting their lot, lots or premises within 30 days from the date the bill is mailed, the council may cause the amount of the expense incurred, together with a penalty of ten percent, to be levied by them as a special assessment upon the lot, lots or premises adjacent to and abutting upon the sidewalk. The special assessment is subject to review after proper notice has been given as in all other cases of special assessments provided for by law. When confirmed, the assessment shall be a lien upon the lot, lots or premises the same as other special assessments, and the council shall order the treasurer of the village to spread the amount, together with the penalty, upon the roll as a special assessment upon the lot, lots or premises. The assessment shall be collected in the same manner as other village taxes.

(Ord. No. 345, § 1, 5-22-2000)

Sec. 74-84. Suit.

The village may, at the council's option, also collect the village's expenses for **removal** of the **snow** or ice and the penalty in a civil action, together with costs of the suit.

(Ord. No. 345, § 1, 5-22-2000)

Sec. 74-85. Penalty.

A person who violates this division is responsible for a civil infraction, punishable by a fine of \$50.00 for the first violation, \$50.00 for the second violation, \$250.00 for the third violation, and \$500.00 for the fourth or additional offenses.



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(Ord. No. 345, § 1, 5-22-2000)  
Secs. 74-86--74-110. Reserved.