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Three Oaks, MI Code of Ordinances

CHAPTER 92: STREETS AND SIDEWALKS

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CONSTRUCTION OF SIDEWALKS

§ 92.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OWNER. A person who is a fee **OWNER**, whether as a tenant in common or in a joint or entireties capacity. In the case of a recorded land contract, the **OWNER** shall be the vendee thereon. A person whose ownership is only as security for a debt shall not be considered the **OWNER** with the **OWNER** being the person entitled to equitable possession.

SIDEWALK. A concrete foot path designed for pedestrian use by the public which is situated within the public right-of-way of a public street, highway or road. The term shall not include any portion of a driveway between a street and a proposed or existing sidewalk or a private walkway or foot path, nor any area open to vehicular traffic.

Ord. 157, passed 1-12-2005

§ 92.02 NEW CONSTRUCTION OR RECONSTRUCTION OR REPLACEMENT OR REPAIR OF SIDEWALKS.

A Subject to the provisions of this section, the Village Council may by resolution require the owners of lots or premises to construct sidewalks in the public street right-of-way adjacent to or abutting upon such lots and premises at locations where sidewalks are absent or have not previously existed; or to reconstruct sidewalks at locations where the Village Council determines that existing sidewalks are determined to require substantial repair such that replacement with new sidewalks is proper. The resolution shall contain a description of the sidewalk to be constructed, reconstructed or replaced, and specify the period of time for performance. A certified copy of said resolution shall be mailed by first class mail to each property owner of lots of premises adjacent to or abutting said sidewalks or proposed sidewalks at the address shown on the last general tax assessment roll of the village, and to each party in interest whose name and address appears on said tax assessment roll.

The resolution by the Village Council shall be preceded by a notice and by a public hearing at which matters pertaining to new construction or to the reconstruction or replacement of sidewalks, the period of time in which the acts shall be performed and all other related matters shall be addressed and considered. Property owners and parties in interest of adjacent or abutting lots or premises shall be provided with notice providing a description of the proposed work and the period of time for performance, and the date, time and place of the public hearing. The notice shall be in writing and shall be served in the manner prescribed in division A above not less than ten days prior to the date of hearing. Notice shall also be made by one publication in a newspaper published or circulated within the village. Publication shall be made not less than seven days prior to the date of hearing. Property owners and other interested parties may address the Village Council in person or by representative, or in writing.

Ord. 157, passed 1-12-2005

§ 92.03 COST OF CONSTRUCTION OR REPLACEMENT OR REPAIR OF SIDEWALKS.

The cost of new sidewalk construction, or reconstruction or replacement of existing sidewalk, and of sidewalk repairs, shall be paid by the owner of the property adjacent to or abutting thereon. At the discretion of the Village Council, the expense of new sidewalk construction or of

the reconstruction or replacement of existing sidewalk, and the expense of sidewalk repairs exceeding \$500, may be paid by the establishment of a special assessment against the adjacent/abutting property or by such other method as established by the Village Council.

Ord. 157, passed 1-12-2005

§ 92.0 MAINTENANCE OF SIDEWALKS.

A It shall be the responsibility of the owner of lots or premises adjacent to or abutting upon sidewalks that the same shall be kept at all times in good repair and safe for pedestrian use, free of hazard and maintained as herein provided; and the owner shall assume and pay the expense of repair, maintenance and freedom from hazards. Sidewalk repairs shall consist of the filling with concrete of cracks, hollows or crevices, and the correction of any other condition of disrepair which presents a hazard to pedestrians. Sidewalk maintenance shall consist of the removal of weeds, grass or other vegetation from cracks or crevices in the surface of a sidewalk, and the removal or trimming of tree limbs, shrubbery or other vegetation which restrict the full use of a sidewalk for pedestrian travel or which constitute a hazard to pedestrians. Freedom from hazards shall consist of removal of ice, snow and any other object or condition hazardous to pedestrian travel.

B The failure, neglect or refusal of a property owner to keep in good repair a sidewalk adjacent to or abutting upon lands owned by him or her, and safe for use as a public pedestrian way, or to maintain a sidewalk as aforesaid, shall constitute a civil infraction, and the property owner shall, upon being found responsible, be subject to the penalties provided for municipal civil infractions.

Ord. 157, passed 1-12-2005; Ord. 164, passed 11-9-2005 Penalty, see §92.99

§ 92.0 PERMIT REQUIREMENT.

A Except as provided in division B above, no person shall construct, reconstruct, replace or repair any sidewalk without first obtaining a written permit from the village prior to the commencement of such work. A permit shall be prominently displayed at the work site.

B Minor sidewalk repairs which do not exceed one square foot in any single place or ten square feet in total combined area adjacent to a lot or premises may be performed by the property owner or his or her contractor without the necessity of obtaining a permit. No permit is required for usual and customary maintenance of sidewalks.

Ord. 157, passed 1-12-2005 Penalty, see §92.99

§ 92.0 SPECIFICATIONS STANDARDS AND INSPECTION.

A No person shall construct, reconstruct, replace or repair any sidewalk except in accordance with the line, grade, slope and specifications approved by the village, or without first complying with the provisions of §92.05 above.

☐☐☐ Whenever practical, the village shall direct that the construction of a sidewalk be on a line parallel with the edge of the public right-of-way; provided that exceptions may be made for aesthetic design or preservation of substantial trees.

☐☐☐ Line and grade stakes as may be necessary for proper control of the work shall be approved by the village; provided, however, that the approval shall not relieve the owner of the responsibility for making careful and accurate measurements in sidewalk construction, reconstruction, replacement or repair.

☐☐☐ Sidewalks shall be constructed of four-inch thick, 3,000 pound per square inch portland cement concrete poured on a compacted base. Sidewalks shall be five feet in width, provided, however, that the village may approve a greater or lesser width for the purposes of conformity of new or replacement sidewalks with existing connecting sidewalks. Sidewalks shall be installed with a slope toward the center of the right-of-way and constructed to the grades specified by the village. Contraction joints shall be spaced every five feet and expansion joints shall be spaced at least every 40 feet of length. One-half inch thick, six-inch wide expansion joints shall be constructed where a sidewalk touches a street curb. The ☐illage Council, upon the recommendation of the Department of Public Works and a finding of unique or special circumstances with respect to a particular sidewalk or portion thereof, may alter or add to said specifications as deemed necessary for proper construction, reconstruction, replacement or repair.

☐☐☐ A property owner undertaking to construct, reconstruct, replace or repair a sidewalk ☐with the exception of minor sidewalk repair as provided in division ☐☐☐above☐shall notify the village no less than 48 hours prior to commencement thereof. The work shall not proceed until the village shall have inspected the rails and subgrade and approved the work as in conformance with slope, grade and other specifications. The sidewalk shall also be subject to the approval of the village by a final inspection performed after all work has been completed.

☐☐☐ The location and specifications of sidewalks shall be shown on site development and grading plans for a new structure under consideration by the ☐uilding Official for issuance of a building permit, and the same shall be approved by the village prior to issuance of a building permit.

☐Ord. 157, passed 1-12-2005☐Penalty, see ☐92.99

§ 92.0 ☐ ONST☐☐☐TION☐☐E☐ONST☐☐☐TION O☐ ☐E☐☐☐☐EMENT ☐☐ ☐I☐☐☐☐E☐☐IEN.

If an owner of lots or premises shall fail, neglect or refuse to construct, reconstruct or replace any sidewalk adjacent to or abutting upon property owned by him or her in accordance with the provisions of this subchapter within the period of time specified in a resolution so to do as provided in ☐92.02☐A☐ the village may, after the expiration of the time prescribed for the work to be performed by the owner, cause the sidewalk to be constructed, reconstructed or replaced by the village together with an administration fee of 10☐ of costs thereof, all of which shall be charged to the owner thereof and shall be payable in full within 30 days after completion of the work; and if not so paid, a lien shall be established upon the property pursuant to ☐92.10.

☐Ord. 157, passed 1-12-2005☐

§ 92.08 NOTICE OF MAINTENANCE NOTIFIED.

In instances in which sidewalk repairs or maintenance are determined by the Department of Public Works to be necessary, the Department shall report same to the Village President or designee thereof. If the Village President or designee thereof concurs, he or she shall cause notice to the property owner to be made in the manner prescribed in §92.02(A) stating the determination of the necessity for repairs or maintenance, specifying the site or sites requiring repair or maintenance, methods or procedures for accomplishing same and the time for performance. In the event a property owner fails, neglects or refuses to cause said sidewalk repairs to be made or maintenance to be performed, the village shall undertake the same. The expense so incurred, plus 10% as an administrative fee, shall be payable in full within 30 days after completion of the work, and if not so paid, a lien shall be established upon the property pursuant to §92.10.

Ord. 157, passed 1-12-2005

§ 92.09 CONSTRUCTION OF CONSTRUCTION ELEMENT OF NOTICE IN CONNECTION WITH STREET PROJECT.

When the Village Council shall consider the necessity for construction, reconstruction, widening, resurfacing, installing curb and gutter or otherwise improving a public street, the necessity of construction, reconstruction, replacement or repair of abutting or adjacent sidewalks shall simultaneously be considered. Whenever feasible, sidewalk work shall be performed in conjunction with the street project as finally approved by the Village Council. A separate special assessment district established for a street project may, at the discretion of the Village Council, include all sidewalk work performed in conjunction therewith.

Ord. 157, passed 1-12-2005

§ 92.10 LIEN OF INTERESTS.

The failure, neglect or refusal of a property owner to pay in full when due the total expenses, together with applicable administrative fee, incurred by the village by reason of work performed for new sidewalk construction or for the reconstruction or replacement of existing sidewalk, or for the repair or maintenance of sidewalk, whether said expenses are incurred in the form of work performed by village employees or by independent third parties with whom the village has contracted, shall cause a lien in favor of the village to be established on the property. If the amount due and owing is not paid by April 1 next following, and is certified as unpaid by the Village Treasurer, the Village Assessor shall enter the total amount of the unpaid expenses and fees, together with interest at 12% per annum, upon the next general tax roll of the village as delinquent charges against the property. Said lien shall remain in effect until the amount due and owing, and interest thereon, is fully paid; and said amount, plus interest, may be collected in the manner provided by law for delinquent and/or unpaid taxes, or at the direction of the Village Council, by such proceedings as are permitted by law and as may be recommended by the Village Attorney.

Ord. 157, passed 1-12-2005

§ 92.11 ENFORCEMENT; APPEARANCE TICKETS.

☐☐ The provisions of this subchapter shall be enforced by the ☐illage President or designee thereof.

☐☐☐ Any person☐☐designated to enforce the provisions of this subchapter pursuant to this section shall have the authority to issue and serve appearance tickets for appearance before a court of competent jurisdiction.

☐Ord. 157, passed 1-12-2005☐ Penalty, see ☐92.99

USE OF STREETS

§ 92.25 PROHIBITING OPERATION OF TRACTORS OR MACHINERY WITH LUGS OVER STREETS.

No person or persons, partnership, corporation or combination of same shall operate any tractors or other implements or motor vehicles or machinery over and across the streets of the village which have been paved or covered with hard surfacing material or macadam or asphalt, if such machines, tractors, motor vehicles or other implements are equipped with lugs or other fixtures which in any way would imprint or break through or cut into the pavement, macadam, asphalt or other surface of said street in said village.

☐Ord. 11, passed 4-3-1947☐ Penalty, see ☐92.99

§ 92.26 PROHIBITING DUMPING ON STREETS, ALLEYS AND PUBLIC PLACES.

☐☐ No person or persons shall dump refuse, ashes, rubbish or any other matter in any of the streets within the corporate limits of the village.

☐☐☐ No person or persons shall drive, operate or propel, or draw any vehicle, implement or other machinery or equipment of any kind which drops dirt or other material on any street within the corporate limits of the village.

☐Ord. 12, passed 4-3-1947☐ Penalty, see ☐92.99

§ 92.99 PENALTY.

☐☐ Any person violating any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of ☐10.99.

☐☐☐ Any person who violates any of the provisions of ☐☐92.01 through 92.11 or 92.26 in addition to the other provisions of this chapter, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than ☐50 nor more than ☐500, plus costs and other sanctions, for each infraction.

☐☐ Repeat offenses shall be subject to an increased civil fine as follows:

a The fine for any offense which is a first repeat offense shall be not less than \$250, plus costs and other sanctions; and

b The fine for any offense which is a second repeat offense or any subsequent repeat offense shall not be less than \$500, plus costs and other sanctions.

2 A **REPEAT OFFENSE** means a second or any subsequent violation of any of the sections listed in division 1 above:

a Committed by a person within any six-month period; and

b or which the person admits responsibility or is determined to be responsible.

3 Each day on which any violation of said sections continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

4 In addition, the village specifically reserves the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order or other appropriate remedy to compel compliance with this chapter.

C Any person or persons, partnership or corporation who shall violate the provisions of 92.25 shall upon conviction be punished by a fine of not less than \$5 nor more than \$100, and the costs of prosecution, or imprisonment in the county jail for a period not to exceed 90 days, or by both such fine and imprisonment in the discretion of the court.

Ord. 11, passed 4-3-1947; Ord. 12, passed 4-3-1947; Ord. 119, passed 4-12-1995; Ord. 157, passed 1-12-2005