

# Sidewalk Ordinance

*An Ordinance to protect the public health, safety and general welfare by the adoption of regulations concerning the maintenance, repair, and safety of public sidewalks within the Township; imposing a duty on adjoining or abutting land owners to repair, maintain, or keep safe said sidewalks; to provide standards of proper sidewalk maintenance, construction and repair; to require indemnification of the Township by adjoining or abutting land owners for failure to repair, maintain, or keep safe said sidewalks; and to impose liability on said adjoining or abutting land owners for injuries or damages caused by their failure to perform such maintenance or repair duties.*

## **SECTION 1 NAME**

This Ordinance shall be known and cited as the Charter Township of Madison Sidewalk Ordinance.

## **SECTION 2 PURPOSE**

The purpose of this Ordinance is to regulate the repair, construction and maintenance of public sidewalks on/or along a public road to keep them in proper and safe condition for public use; to provide for the imposition of liability upon abutting land owners for injuries or damages caused by a defective sidewalk; to provide for the establishment of sidewalk maintenance districts by the Township Board for the Assessment of the cost of repairs to sidewalks in said districts; to provide standards of proper sidewalk maintenance, repair and construction; and to provide indemnification of the Township for costs of required maintenance and repair not accomplished by abutting or adjacent land owners.

## **SECTION 3 DEFINITIONS**

- 3.1 Sidewalk. A walkway along the margin of a street designated and prepared for the use of pedestrians to the exclusion of vehicles.
- 3.2 Township. Township is the Charter Township of Madison.

## **SECTION 4 REGULATIONS**

- 4.1 The owner or owners of all lots, parcels and premises within the Township are required to maintain, repair and keep safe sidewalks adjacent to or upon their property and premises in or along the public street in the Township.
- 4.2 It shall be the duty of all owners of premises within the limits of the Township to keep all sidewalks which have been heretofore or hereafter laid in front of, upon, or adjacent to such premises, in or along any of the street right of way, in good

repair and free from dangerous ice, snow, or other dangerous obstructions and conditions. Any owner of any such premises who shall allow any such sidewalk to remain in disrepair or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair or unsafe condition of said sidewalks. Such owner shall further indemnify and reimburse the Township for any and all liability, costs and expenses which the Township might incur as a result of any such defective or dangerous sidewalks.

- 4.3 Whenever any snow shall fall or drift on or across and sidewalk, the owner or occupant of the lot, building or other premises adjacent to or abutting upon the sidewalk or bike path, shall remove such snow or cause the same to be removed within periods of time herein limited:
  - A. Snow that has accumulated in or during the nighttime shall be removed by 6:00 p.m. of the following day;
  - B. Snow falling or drifting during the day shall be removed before 12:00 noon of the following day.
- 4.4 No person shall permit or cause any building material, dirt, sand, excavated material, wood, rubbish, any article or other substance or merchandise to be dropped, delivered, piled or placed in any way above or upon any sidewalk so as to obstruct the sidewalk except by special permission of the Township. Merchandise necessarily delivered on the sidewalks shall be immediately removed to the interior of the address to which it was destined.
- 4.5 Whenever any building material, dirt, sand, excavated materials, wood, rubbish or any other thing, article or substance is left in such condition or quality as to obstruct or be dangerous to public travel, and shall be permitted to remain on any sidewalk during the whole or any part of the night, the property owner and the person who is responsible for such obstruction shall place a suitable number of caution lights and barricades on or about the same to indicate the location and extent of such obstruction to prevent injury to persons and property.

## **SECTION 5      STANDARDS**

- 5.1 All sidewalks or portions thereof hereafter constructed or repaired shall comply with the following specifications:
  - A. All sidewalks shall be constructed to grade established by existing adjoining walks or, in the absence of the foregoing, by the Township Engineer, and shall be paved with a single course of concrete using limestone aggregate, which shall have a compressive strength of not less than 3,500 pounds per square inch within 28 days of paving. Paving bricks may be substituted for concrete when authorized by the Township.
  - B. All sidewalks shall be at least four feet in width. Wider walks to a maximum of eight feet may be required by the Township in commercial or industrial

areas or multiple family areas, due to anticipated traffic and the development of the area.

- C. Paving shall be constructed on at least a two inch thick sand cushion and shall be at least four inches in depth except where across driveways, where it shall be at least six inches in depth. Paving joints shall be perpendicular to sidelines at intervals consistent with adjoining or abutting sidewalks and not greater than the sidewalk width. One-inch expansion joints shall be placed through the walk at least every 50 feet, and between walks and other rigid structures.
  - D. The surface shall be roughened with a brush or other equipment to prevent smooth and slippery surfaces.
- 5.2 Pursuant to the power authorized by Michigan P.A. 80 of 1989, as amended, (MCL 41.288a) a Township board may construct, repair or maintain; or may order the construction, repair and maintenance of sidewalks for the health, safety and general welfare of the residents of the Township after notifying the involved property owners of the time and place of a hearing of such order before the Township Board. Following the hearing it may either construct, repair or maintain the sidewalks and assess the costs to the property involved over a five year period or permit the owners within a specified time to have the sidewalks constructed, repaired or maintained according to Township specifications at their expense. No work shall be commenced until approved by either the Country Road Commission or State Department of Transportation having jurisdiction over the right-of-way within which the sidewalk is located.
- 5.3 The cost of replacement or repair of a sidewalk to be charged against a property owner shall be based upon actual cost or engineer's estimates, less such public contribution, if any, as the Township Board may authorize.
- 5.4 The Township Board, in its direction, may also, after replacing a sidewalk, authorize collection of the costs of such replacement or repair by civil action and process or such other means as may be proper for the collection of debts by legal process, including, without limitation, assessment of such costs pursuant to Ordinance 40, the Charter Township of Madison Single Lot Special Assessments Ordinance.

## **SECTION 6 OWNER CAUSED DEFECTS**

Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to, (a) trees or other growth; (b) surface drainage; (c) on-site construction or vehicular traffic; or (d) other on-site activities, the abutting property owner shall be responsible for its repair, maintenance and safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the Township for any damages, costs or expenses

resulting from such owner defaults as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing on the same.

**SECTION 7 SAVING CLAUSE**

Should any section or provision of this Ordinance be declared unconstitutional, unauthorized or invalid, or in conflict with any other section or provision of any ordinance of the Township, by a court of competent jurisdiction, such decision shall not be held to invalidate or impair the validity, force or effect of any other section or provision of this Ordinance.

**SECTION 8 REPEAL OF CONFLICTING ORDINANCES**

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

**SECTION 9 EFFECTIVE DATE**

This ordinance shall take effect immediately upon publication following its adoption.

YEAS: (\_7\_) Roll call vote conducted. All board members responded Yes. \_\_\_\_\_  
NAYS: (\_0\_) NONE \_\_\_\_\_  
ABSENT: (\_0\_) all present \_\_\_\_\_

Ordinance Declared Adopted on June 13th, 2017.

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Gary Griewahn, Supervisor  
Charter Township of Madison

**CERTIFICATE OF ADOPTION AND PUBLICATION**

**First reading May 9<sup>th</sup> 2017 by Clerk Terry Etter.**

**Second Reading June 13<sup>th</sup> by Supervisor Gary Griewahn.**

I, Terry Etter, the duly elected Clerk of the Charter Township of Madison certify that the foregoing ordinance is a true and correct copy of the ordinance enacted by the Township Board of the Charter Township of Madison on June 13th, 2017 and published in the Daily Telegram a newspaper circulated in the Charter Township of Madison on June 21st, 2017.

Terry Etter, Clerk  
Charter Township of Madison