

## Part 200

## 200.000 - SIDEWALK ORDINANCE Adopted: June 27, 2022

An Ordinance enacted pursuant to Michigan Public Act 246 of 1931, as amended, to specify standards for design, maintenance, and use of sidewalks located in public road rights-of-way; establish requirements for obtaining permits to construct sidewalks; designate sidewalk maintenance responsibilities; and, establish enforcement procedures and penalties for violation of the Ordinance.

THE TOWNSHIP OF ATLAS, GENESEE COUNTY, MICHIGAN ORDAINS:

## 200.001 - Title.

Art. I. This Ordinance is hereby designated as and shall be referred to as the Atlas Township Sidewalk Ordinance. Within the following text it may be referred to as this Ordinance.

## 200.002 - Purpose and scope of application.

Art. II.

2.01 *Purpose.* The purposes of this Ordinance are to protect and promote public health, safety, and welfare by specifying standards for design, maintenance, and use of sidewalks located in public road rights-of-way; establishing requirements for obtaining permits to construct sidewalks; designating sidewalks maintenance responsibilities; and, establishing enforcement procedures and penalties for violation of the Ordinance. These regulations are the minimum standards deemed necessary to provide suitable and safe off-road accommodations for pedestrians.

2.02 *Scope of Application.* The requirements in this Ordinance shall apply to sidewalks constructed within a public right-of-way, but does not regulate the existing 10-foot-wide non-motorized pathway.

## 200.003 - Definitions.

Art. III.

*Township Official or their Designee:* The officer or other authority designated by the Township Board to administer and enforce this ordinance. (Where Township Official is referenced in this ordinance, that reference shall also include their Designee)

*Rumble Strips:* Ripples in pavement that are purposely installed to signal visually impaired pedestrians where a sidewalk intersects a road.

*Sidewalk:* A paved path, located in a road right-of-way but away from the actual road surface, and designed, constructed, and designated for pedestrian travel. This ordinance does not apply to existing 10-foot-wide asphalt non-motorized pathway.

## 200.004 - Standards.

### Art. IV.

#### 4.01. *Use of Sidewalks.*

1. *Pedestrian Use.* Sidewalks, as defined herein, are for pedestrian use, and are not intended for use by motorized vehicles, such as, but not limited to, motorcycles, mopeds, or off-road utility vehicles.
2. *Unlawful Damage.* It shall be unlawful to damage or deface a sidewalk by any means.

4.02. *Construction Standards.* Sidewalks shall comply with the standards set forth herein and any supplemental engineering standards that may be adopted by the Township Board, and with Genesee County Road Commission (GCRC) standards (at the time of adoption of this Ordinance GCRC enforces Michigan Department of Transportation (MDOT) sidewalk specifications on roads under the Road Commission jurisdiction). In the event of a conflict between standards, GCRC standards shall prevail if the sidewalk is located in a public road right-of-way.

1. *Minimum width.* Five (5) feet.
2. *Location.*
  - a. Sidewalks shall be located one (1) foot off the property line in the road right-of way, except where the planned right-of-way is greater than the width of the existing right-of-way, in which case the sidewalk shall be located one (1) foot inside the planned right-of-way.
  - b. Sidewalks shall be aligned horizontally and vertically with existing sidewalks on adjacent properties.
  - c. The Planning Commission may modify these location requirements upon finding that another location would be more appropriate because of the location of utilities, existing landscaping or trees, the location of connecting sidewalks on adjacent parcels, or other site considerations.
3. *Paving.* Sidewalks shall be concrete with a depth of at least four (4) inches, except that sidewalks across a driveway or other vehicle crossing shall be reinforced and have a depth of at least six (6) inches. Other types of paving other than concrete may be permitted, subject to Planning Commission approval. Paving shall be placed on appropriate compacted fill to provide a proper base and to prevent the pavement from uneven settling, heaving, and/or cracking.

4. *Barrier-Free Design.* Sidewalks shall comply with all state and federal barrier-free requirements. Accordingly, ramps shall be provided at curbs and other locations involving a grade change.
5. *Grading and Drainage.* Proposed sidewalks shall be designed to maintain the existing direction and flow of storm water and to avoid damming or flooding.
6. *Rumble Strips.* Rumble strips shall be installed wherever a sidewalk approaches an intersection with a road.

#### 4.03. *Maintenance Standards.*

1. *Maintenance Responsibility.* It shall be the duty of the property owner to maintain public sidewalks on or adjoining said property in accordance with Section 4.03. Failure to comply with any provision in Section 4.03 shall be considered a breach of this duty. Any damages resulting from such a breach shall be the sole responsibility of the property owner.

A legally established homeowners' association or condominium association may assume the responsibility for maintenance of public sidewalks within a subdivision or condominium under its jurisdiction. The terms under which such an association assumes such responsibility, including the method of funding sidewalk maintenance, shall be specified in the recorded subdivision covenants, conditions and restrictions or condominium association master deed and bylaws, as applicable.

2. *Repairs or Restoration.* A sidewalk that becomes cracked or damaged to the extent that the sidewalk becomes potentially unsafe for use shall be repaired or restored in compliance with the construction standards specified herein.
3. *Obstructions.* Sidewalks shall be kept free of all obstructions, including, but not necessarily limited to, obstructions from structures, vehicles, equipment, debris, and vegetation. This restriction shall not apply to temporary obstructions due to maintenance or construction work on or adjacent to the sidewalk, in which case appropriate barriers and signage shall be erected to maintain public safety.
4. *Snow and Ice Removal.* Sidewalks shall be kept free and clear of ice and snow. Snow shall not be piled in a manner that might obstruct the vision of drivers or that blocks or impairs travel on a sidewalk or road.

#### 200.005 - Enforcement.

##### Art. V.

- 5.01. *Duties of the Township Official.* The Township Official shall have primary authority to enforce this Ordinance, as outlined in this Section.

1. *Permits.*

- a. A permit is required by the Township prior to the construction, removal, or repair of a sidewalk. A permit may be obtained by submitting a completed application form, along with plans and specifications, and the required fee, to the Township Official. The Township Official shall be responsible for evaluating the application to determine compliance with Ordinance standards (and to determine compliance with the approved site plan, where applicable) and issuing the permit. A separate permit shall not be required if the proposed sidewalk is part of a larger development that requires a building permit. A copy of the permit shall be kept at hand at the construction site.
  - b. The applicant shall be responsible for obtaining any permits required by the Genesee County Road Commission related to sidewalk construction within a County road right-of-way.
2. *Inspection.* During construction, the Township Official shall be responsible for inspection. In fulfilling this responsibility, the Township Official shall follow the inspection guidelines set forth in the adopted building code.
3. *Violations.* The Township Official shall be responsible for investigating violations of this Ordinance. Whenever the Township Official determines that a violation exists, they shall pursue compliance following the enforcement procedures set forth in the adopted building code. If the owner of property where a sidewalk has fallen into a state of disrepair such that it is unsafe for use fails to schedule repairs within thirty (30) days after notification, then the Township may cause necessary repairs and charge the property owner for the costs of repair. If such costs are not paid by the property owner the costs shall become a lien against the property.
4. *Performance Guarantee.* The Township Official may require that a performance guarantee be deposited with the Township to insure proper completion of required sidewalk construction. The performance guarantee shall satisfy the performance guarantee requirements specified in the Zoning Ordinance.
- 5.02. *Site Plan Review.* If a proposed sidewalk is part of larger development that requires site plan review, then the sidewalk shall be shown on the site plan, which plan shall be reviewed in accordance with the site plan review procedures set forth in the Zoning Ordinance.
- 5.03. *Authority of the Township Board to Require Sidewalk Construction or Maintenance.* In accordance with Michigan Public Act 246 of 1931, as amended, the Township Board may order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks in a designated area within the Township because of the health, safety, or welfare of the residents. The Township Board shall hold a public meeting relative to the ordering of the sidewalk construction, repair, or maintenance and shall notify property owners involved of the time and place of the hearing. If the Township Board determines that the construction, repair or maintenance of sidewalks is necessary, it may construct, repair, or maintain the

sidewalks and assess the costs to the property involved, payable over a five (5) year period, or permit the owners of the property involved to have the sidewalks constructed, repaired, or maintained according to Township specifications at their own expenses.

200.006 - Penalties, severability, conflicting provisions, effective date.

Art. VI.

- 6.01. *Penalties.* Any person who violates any provision of this Ordinance is responsible for a municipal civil infraction, and shall be liable for a fine of not more than \$100 and the costs of prosecution for the first violation. Upon a finding of responsibility for a subsequent violation, such person shall be liable for a fine of not more than \$500 and the costs of prosecution. In addition, the Township may exercise those rights identified in Section 5.03 of this Ordinance or seek such injunctive or other relief as may be appropriate to abate a continuing violation, the Township's costs thereof to be borne by the responsible party. The Township Supervisor or his/her designated agent is hereby authorized to write and serve municipal civil infraction tickets. This municipal civil infraction ticket shall serve as notice of the alleged violation. Proceedings for the municipal civil infraction shall proceed as provided in the Township Municipal Civil Infractions Ordinance.
- 6.02. *Severability.* Should any portion of this Ordinance be found invalid for any reason, such a finding shall not be construed as affecting the validity of the remaining portions of the Ordinance, which shall remain in full force and effect.
- 6.03. *Conflicting Provisions Repealed.* All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.
- 6.04. *Effective Date.* This Ordinance was adopted by the Township Board of the Township of Atlas, Genesee County, Michigan on June 27, 2022, and shall take effect thirty (30) days following publication in a newspaper of general circulation within Atlas Township in accordance with Michigan statutes.