

STATE OF MICHIGAN
COUNTY OF LEELANAU
VILLAGE OF NORTHPORT

ORDINANCE NO. 122

AN ORDINANCE TO PROHIBIT AND TO PREVENT OBSTRUCTIONS TO, AND
OTHERWISE REGULATE, THE USE OF VILLAGE STREETS, ALLEYS AND
SIDEWALKS

THE VILLAGE OF NORTHPORT ORDAINS

SECTION 1 TITLE

This ordinance shall be known and cited as the “Village of Northport Street, Alley and Sidewalk Regulation Ordinance”.

SECTION 2 PURPOSE

The purpose of this ordinance is to prohibit and prevent obstructions and incumbrances in, and encroachments upon, the public highways, streets, and alleys of the village, and remove the same; and to provide sanctions for those persons who shall obstruct, encumber, encroach or maintain any encroachment, upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, incumbrance or encroachment.

SECTION 3 AUTHORIZATION

This ordinance is authorized and enacted pursuant to Chapter VI and Chapter VII of the General Law Village Act (Public act 3 of 1895), as amended, and other applicable law.

SECTION 4 DEFINITIONS

For the purpose of this ordinance, the following terms shall have the following meanings:

A. **Alley** means a public thoroughfare through the middle of a platted subdivision block or other property lay out scheme that provides pedestrian and/or vehicular access generally to the rear of property parcels or lots.

B. **Obstruct** means to hinder, block or close up the passage of a Street, Alley or Sidewalk, by any means, including the placing of obstacles within the Street, Alley or Sidewalk, and including other methods (such as false written or verbal statements), which mislead, distract and/or

obstruct, in any way whatsoever, public access, or the right of public access, to the Street, Alley or Sidewalk.

C. Sidewalk means a public walkway for pedestrians that is adjacent to a Street and generally lying within the right of way of the Street.

D. Street means a publicly owned and maintained right-of-way which affords traffic circulation and principal means of access to abutting property, including any avenue, place, way, drive, land, boulevard, highway, road or other thoroughfare, except an alley.

E. Public means, in the context of this Ordinance, those Streets, Alleys and Sidewalks of the Village, used by the public, maintained by the Village, and under the jurisdiction of the Village by way of a platted subdivision dedication, other dedication, highway by user status, or other legal method.

F. Village means the Village of Northport.

SECTION 5 PROHIBITED ACTS

A. No person shall obstruct, encumber, encroach or maintain any encroachment upon, any Street, Alley or Sidewalk in the Village.

B. No person shall ride a bicycle, skateboard or any motorized vehicle on a Sidewalk in the Village.

SECTION 6 DUTIES

It shall be the duty of all persons occupying lots or parcels of land adjacent to Sidewalks to keep the Sidewalk area, adjoining such lots or parcels of land, free and clear from all litter, obstructions and nuisances of any kind.

SECTION 7 AUTHORITY OF VILLAGE TO REMOVE OBSTRUCTIONS

Village officials, employees and agents shall possess the authority to remove any obstructions within a Village Street, Alley or Sidewalk where such obstruction is causing an existing public access or safety concern.

SECTION 8 MUNICIPAL CIVIL INFRACTION PENALTIES

Any person violating this Ordinance shall be deemed to be responsible for a municipal civil infraction and shall be subject to the schedule of civil fines set forth below along with costs which may include all expenses, direct and indirect, to which the Village has been put in connection with the municipal civil infraction. In no case, however, shall costs of less than \$9.00

or more than \$500.00 be ordered. Each day that a violation continues to exist shall constitute a separate violation of this Ordinance. A Violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan Law, including injunctive orders requiring persons to comply with the terms of this Ordinance.

SECTION 9 REFERENCE TO MUNICIPAL CIVIL INFRACTION PENALTIES,
SANCTIONS AND PROCEDURES IN VILLAGE ORDINANCE NO. 119

Specific penalties, sanctions (including fines) and procedural aspects of municipal civil infraction citations, under this ordinance, shall be governed by the terms of Village Ordinance No. 119, which are hereby incorporated by reference herein.

SECTION 10 PERSONS AUTHORIZED TO ENFORCE THIS ORDINANCE AND TO
ISSUE MUNICIPAL CIVIL INFRACTION CITATIONS

The following persons are authorized to enforce this ordinance and to issue municipal civil infraction citations under this ordinance pursuant to MCL 600.8701-8735, as amended of the Revised Judicature Act:

- A. Village DPW Superintendent;
- B. Village Zoning Administrator;
- C. Village Administrative Coordinator;
- D. Leelanau County Sheriff Deputies; and
- E. All other persons authorized by Resolution of the Village Council

SECTION 11 SEVERABILITY

This Ordinance and the various parts, sections, sub- sections, phrases, sentences, paragraph, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, sub-section, phrases, or clause is adjudged unconstitutional or invalid, it shall not affect the remainder of the Ordinance.

SECTION 12 REPEAL

This Ordinance repeals prior Village Ordinance No. 21.

SECTION 13 PUBLICATION

Within (15) days after the Ordinance is passed, the Village Clerk shall publish the Ordinance in the *Leelanau Enterprise*. Immediately after publication, the clerk shall enter into the Record of Ordinances, a signed certificate stating the date and the name of the publication in which the Ordinance was published.

SECTION 14 EFFECTIVE DATE AND ADOPTION

This Ordinance shall take effect on the 20th day after its passage, or upon the date of its publication, whichever occurs first.

Date Approved:

Those Voting in Favor:

Those Voting Against:

Those Absent or Abstaining

CERTIFICATION

I, Joni L. Scott, Clerk of the Village of Northport, Leelanau County, Michigan, do hereby certify that the above is a true and correct copy of the Village of Northport Street, Alley and Sidewalk Regulation Ordinance of 2018 as adopted by the Northport Village Council at a meeting held on the _____ day of _____, 2018, at which a quorum was present.

Date: _____

Joni L. Scott, Clerk
Village of Northport

Published:

Filed with the County Clerk: