VILLAGE OF NORTHPORT
ORDINANCE NO. ___
SIDEWALK ORDINANCE

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE NO. 57; TO REGULATE THE CONSTRUCTION, RECONSTRUCTION, REPAIR, MAINTENANCE, AND USE OF PUBLIC SIDEWALKS; TO PROVIDE FOR SNOW AND ICE REMOVAL; TO AUTHORIZE VILLAGE SIDEWALK IMPROVEMENTS AND COST SHARING; TO PROVIDE FOR SPECIAL ASSESSMENTS AS AUTHORIZED BY LAW; AND TO PROVIDE FOR ENFORCEMENT AND PENALTIES.

THE VILLAGE OF NORTHPORT ORDAINS:

Section 1. Authority.

This Ordinance is adopted pursuant to the General Law Village Act, 1895 PA 3, including MCL 67.8 through 67.12 and MCL 68.31 et seq., and other applicable law. The Village Council shall have control of public sidewalks within the Village as provided by law.

Section 2. Construction, Reconstruction, and Repair.

A. No person shall construct, reconstruct, remove, alter, or repair a public sidewalk without prior approval of the Village Manager or designee.

B. Sidewalk work shall conform to specifications adopted by resolution of the Village Council, applicable accessibility requirements, and other applicable federal, state, and local requirements. Such specifications may address width, grade, materials, thickness, drainage, curb ramps, detectable warnings, restoration, and other construction requirements.

C. No tree located within the public right-of-way, or roots of such a tree, shall be removed, cut, or materially disturbed in connection with sidewalk work without Village approval. The Village may require measures necessary to preserve, prune, remove, or replace an affected tree.

Section 3. Maintenance, Inspection, and Unsafe Sidewalks.

A. The owner or occupant of property abutting a public sidewalk shall keep the sidewalk reasonably free from vegetation, debris, encroachments, and other obstructions and shall maintain the sidewalk as required by this Ordinance and applicable law.

B. The Village Manager or designee may inspect sidewalks and determine when construction, reconstruction, repair, or other corrective work is necessary. The Village may provide written notice to the abutting property owner describing the required work and the time within which it shall be completed.

C. If the required work is not completed within the time specified, the Village may cause the work to be performed. The Village may immediately correct a condition presenting an imminent hazard to public safety when prior notice is not reasonably practicable.

D. Nothing in this Ordinance shall limit the authority or obligations of the Village under applicable state or federal law.

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Section 4. Obstructions and Damage.

A. No person shall place or maintain any object, material, vegetation, encroachment, or other obstruction upon a public sidewalk that unreasonably interferes with safe pedestrian travel, except as authorized by the Village.

B. A person, contractor, utility, or other entity causing damage to a public sidewalk shall restore the sidewalk to Village standards at its expense.

Section 5. Snow and Ice Removal.

A. The owner or occupant of property abutting a public sidewalk shall have primary responsibility for removing accumulated snow and ice from the sidewalk. Snow and ice shall be removed within 24 hours after the cessation of the snowfall, freezing rain, or other precipitation causing the accumulation.

B. A continuous pedestrian path shall be cleared to the full improved width where reasonably practicable. Where ice cannot reasonably be removed, sand, deicing material, or another appropriate treatment shall be applied to provide a reasonably safe walking surface.

C. An owner or occupant who is unable to comply because of a disability may request an exemption from the Village Manager. An exemption may be granted when the disability prevents compliance and no other owner, occupant, or person regularly responsible for maintenance of the premises is reasonably available to perform or arrange for the work. The Village Manager may establish reasonable procedures for requesting and verifying an exemption.

D. The Village may remove snow and ice from any public sidewalk when determined appropriate based upon public safety, pedestrian access, available personnel, equipment, and other Village resources. Village snow removal is supplemental to the responsibility imposed by this Section and does not create an obligation to remove snow or ice from any particular sidewalk or at any particular time.

E. Costs incurred by the Village for snow and ice removal under this Section shall not be assessed against the abutting property.

F. No person shall deposit snow or ice from private property upon a public street, crosswalk, fire hydrant, or previously cleared public sidewalk.

Section 6. Village Sidewalk Improvements and Cost Sharing.

A. The Village Council may by resolution determine that construction, reconstruction, repair, replacement, or other improvement of a sidewalk is necessary for public safety or convenience.

B. Subject to applicable statutory voting requirements, the Council may determine that the cost of a sidewalk improvement shall be:

1. paid entirely by the Village;

2. paid entirely by abutting or specially benefited property;

3. shared between the Village and abutting or specially benefited property in proportions established by Council; or

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4. paid from any lawful combination of Village funds, grants, special assessments, property-owner contributions, or other available sources.

C. The Council may establish a cost-sharing method for an individual project or sidewalk improvement program and may consider the character and extent of the improvement, benefit to affected property, available Village funding, and other relevant circumstances.

Section 7. Special Assessments and Cost Recovery.

A. The Village Council may, in its discretion, determine that all or a portion of the cost of a sidewalk construction, reconstruction, repair, replacement, or improvement project shall be defrayed by special assessments against property specially benefited by the improvement as authorized by MCL 67.8, MCL 67.12, MCL 68.31 et seq., and other applicable law.

B. All special assessment proceedings shall comply with MCL 68.31 et seq., including the procedural requirements of MCL 68.32, and any general special assessment ordinance adopted by the Village and then in effect.

C. To the extent permitted by law and the applicable special assessment procedure, the Council may provide for payment of an assessment in one payment or in annual installments over a period established by resolution, together with interest as determined by Council.

D. Nothing in this Ordinance requires the Council to impose a special assessment for any sidewalk improvement.

E. Where the Village performs construction, maintenance, repair, or other work following the failure of an owner or occupant to perform a duty required by this Ordinance, the Council may elect to recover the cost as authorized by MCL 67.10 or other applicable law. This subsection shall not apply to snow or ice removal performed pursuant to Section 5.

Section 8. Administration.

The Village Manager and the Manager's designees are authorized to administer and enforce this Ordinance, issue notices and approvals, inspect sidewalks, and take other actions reasonably necessary to implement this Ordinance. The Village Council may adopt additional construction, maintenance, inspection, and administrative standards by resolution.

Section 9. Violations and Penalties.

A violation of this Ordinance is a municipal civil infraction punishable by a civil fine of not more than $500.00, together with costs as permitted by law. Each day that a violation continues after notice may constitute a separate violation. The Village may also seek injunctive or other relief available by law.

Section 10. Repeal.

Village of Northport Ordinance No. 57 and all amendments thereto are repealed in their entirety. All ordinances or parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict.

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Section 11. Severability.

If any section, subsection, sentence, clause, or provision of this Ordinance is determined to be invalid or unenforceable, the remaining portions shall remain in full force and effect.

Section 12. Effective Date.

This Ordinance shall take effect 20 days after publication as provided by law.

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