

## **CHAPTER 3     SIDEWALKS**

### **3.1     Definitions:**

The following definitions shall apply in the interpretation of this chapter.

- (a)     “Sidewalk” shall mean the portion of the street right-of-way designated for pedestrian travel.
- (b)     “Superintendent” shall mean the Village Street Administrator.
- (c)     “Council” shall mean the Village Council of the Village of Central Lake.

### **3.2     Specifications and Permits:**

No person shall construct, rebuild or repair any sidewalks except in accordance with the line, grade, slope and specifications established neither for such sidewalk nor without first obtaining permission from the Council or a designated representative of the Council.

### **3.3     Sidewalk Specifications:**

All sidewalks constructed within the Village shall be not less than four (4) inches in thickness except sidewalks across driveways which shall be not less than six (6) inches in thickness. All sidewalk joints shall be constructed using expansion paper.

### **3.4     Permit Revocation:**

The Superintendent may issue a stop work order to any person or business entity holding a permit issued under the terms of this chapter for failure to comply with this chapter or the rules, regulations, plans and specifications established for the construction, rebuilding or repair of any sidewalk and the issuance of such stop order shall be deemed a suspension of such permit. Such stop order shall be effective until the next regular meeting of the Village Council and if confirmed by the Council at its next regular meeting, such stop order shall be permanent and shall constitute a revocation of the permit.

### **3.5     Approval of Specifications:**

The line, grade, slope and width of sidewalks and specifications as to materials and manner of construction not in conflict with this chapter shall be established by the Superintendent and where, under the following sections of this chapter, the Council orders the construction of any sidewalk then the Council shall also, by resolution, specify the line, grade, slope, width, materials and manner of construction for the sidewalk ordered built.

### **3.6     Ordering Construction:**

The Village Council may, by resolution, require the owners of lots and premises to build sidewalks in the public streets adjacent to and abutting upon such lots and premises. When such resolution shall be adopted, the Superintendent or other representative of the Village shall give notice to the owner of such lot or premises requiring the owner to construct or rebuild such sidewalk within twenty (20) days from the date of such notice. Such notice may be made by delivering the notice to the owner personally or by leaving

the same at the owner's residence, office or place of business with some person of suitable and discretion or by mailing said notice by certified mail to such owner at the owner's last known address or if the owner cannot be found, by posting a notice in a conspicuous place on the premises for five (5) days.

**3.7 Sidewalk Maintenance:**

No person, through his or her act or omission, shall permit any sidewalk within the Village which adjoins property owned by him or her to fall into a state of disrepair or to be unsafe.

**3.8 Sidewalk Repair:**

Whenever the Council shall determine that a sidewalk is unsafe for use as a result of Section 7k, notice may be given to the owner of the lot or premises adjacent to and abutting upon said sidewalk of such determination. The notice shall be given as provided in Section 6. Thereafter it shall be the duty of the owner to place said sidewalk in a safe condition. Such notice shall specify a reasonable time for the owner to perform the required repair.

**3.9 Sidewalk Alteration:**

No person shall alter or change a sidewalk within the Village unless he or she shall obtain the prior written consent of the Council.

**3.10 Village Policy:**

The Village Council by resolution may set the contribution, if any, which would be made by the Village to sidewalk repair or construction.

**3.11 Repair or Construction by the Village:**

If a person shall fail to abide by notice issued pursuant to Section 6 or Section 8 of this Chapter, the Village may elect to perform the work itself. The expense of any such work may be assessed against the premises as permitted by state law of the Village Charter.

**3.12 Penalty/Civil Infraction:**

Any person who shall violate any provision of this chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994 amending Public Act 236 of 1961 being Sections 600.101-600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than Five Hundred Dollars (\$500.00). Each day this chapter is violated shall be considered as a separate violation.

**3.13 Enforcement:**

The Village Code Enforcement Officer is hereby designated as the authorized Village official to issue municipal infraction citations directing alleged violators of this chapter to appear in court.

**3.14 Nuisance:**

A violation of this chapter is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.

**3.15 Injunctive Relief:**

The Village shall have the right to institute a separate court action seeking injunctive relieve to abate the nuisance. This remedy may be used in addition to or in lieu of a civil infraction proceeding.

**3.16 Validity:**

If any section, provision or clause of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this chapter which can be given without the invalid portion or application.