

CHAPTER 1022
SIDEWALKS

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CROSS REFERENCES

Failure of property owner to keep sidewalks free of obstructions -

See M.C.L.A. §103.4

Sidewalks generally – see M.C.L.A. §§691.1401 et seq.

1022.01 Definition.

The term sidewalk as used herein shall include any sidewalk or crosswalk adjoining any public street or alley. The term shall not include any portion of any driveway between the street and the proposed or existing walk.

1022.02 Supervision and Control.

The City Manager, or his designee, shall have general supervision and control of all sidewalks and the construction, maintenance and repairs thereof including inspections, and it shall be the duty of the City Manager, or his designee, to see that the provisions of this Ordinance are enforced.

1022.03 Repair and Maintenance.

Whenever the City Manager shall determine that a sidewalk is unsafe for use, or is required to be repaired for the public safety, the effected property owner(s) shall be notified by first class mail of such determination. Said repairs, may be undertaken by the property owner, subject to City specification, or he/she may defer said repairs to the City. In either case the entire cost of said repairs shall be shared 75% by the City and 25% by the property owner. Property owners shall have Ninety (90) days after receiving the notice of the cost of repairs to pay said notice or the cost with any interest and/or penalty shall become a lien on the property.

1022.04 New Construction.

Whenever the City Council shall, by resolution, declare the necessity for and direct the building of new sidewalk on property adjoining or abutting any street or alley the effected property owner(s) shall be notified of such resolution by first-class mail. Said construction may be undertaken by the property owner subject to city specifications, or he/she may defer said construction to the City. In either case the entire cost of said construction shall be shared equally by the property owner and the City. Property owners shall have ninety (90) days after receiving the cost of said construction to pay said notice or the cost with any interest or penalty shall become a lien on the property.

1022.05 Ice and Snow Removal.

The occupant of every commercial lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When snow shall fall or drift upon any sidewalk during the night, such snow shall be cleared from the sidewalks by 12:00 o'clock noon. Any snow that shall fall or drift upon any sidewalk during the day shall be cleared by 12:00 o'clock noon of the next day.

1022.06 Failure to Clear.

If any occupant shall neglect or fail to clear ice or snow from the sidewalk adjoining his premises within the time frames seated herein shall be guilty of a violation of this

ordinance and the City Manager may cause the same to be cleared and the expense of removal shall be collectable and may constitute a lien against the property.

1022.07 Violation Penalty.

Each and every day there is a violation of this ordinance shall be considered a separate and distinct violation as follows:

- (a) **First Offense** – The first violation of the above rules shall be a civil infraction, punishable by a fine not to exceed \$50.00 plus costs.

- (b) **Second Offense** – The second violation of the above rules shall be a civil infraction, punishable by a fine not to exceed \$100.00 plus costs.

- (c) **Third Offense** – The third or more violation of the above rules shall be a misdemeanor punishable by a fine of not greater than \$500.00 plus costs and/or jail sentence not to exceed 93 days in jail.

1022.08 Conflict.

Any and all other ordinances or parts of ordinances of the City of Evert, which are in conflict herewith are hereby repealed.

1022.09 Severability.

This ordinance and each section, provision or part, are hereby declared to be severable, and should any portion hereof be adjudged invalid or unenforceable by a court of competent jurisdiction, such adjudication shall no affect the remainder of this ordinance.