

AMENDMENT 2019- 7

CHAPTER 4027 – VILLAGE SIDEWALKS

The Village of Beulah Ordains:

TITLE: To amend Chapter 4027 of the Village's Ordinances to require persons owning or occupying property adjacent to and abutting a public sidewalk to remove snow and ice from the public sidewalk adjacent to and abutting their property and to prescribe penalties therefor.

An ordinance to Amend Chapter 4027 of the Village's Ordinances to read in its entirety as follows:

Section 1. For the purpose of improving and constructing sidewalks to make same as safe as possible for pedestrians, it shall be the duty of every owner of lots and parcels of land in said village to keep the sidewalks adjoining his property in good repair and to build or rebuild same when so required by said Village as herein provided.

Section 1.1. Removal of Snow and Ice.

- a. The removal of snow and ice from the sidewalk abutting or crossing private property shall be the responsibility of the occupant of such private property. However, if there is no occupant or if the occupant cannot be determined due to multiple occupancy of the property, then the responsibility shall be the owners of such private property. Snow and ice must not remain on sidewalks longer than 24 hours.
- b. No person shall place snow removed from private property or accumulated on private property upon any public street, alley, sidewalk or other public property. Snow from sidewalks is to be placed on the brick edge of sidewalk where available or edge nearest street on other sidewalks but not extended onto the street.
- c. A person who violates this section is responsible for a civil infraction, for which the fines shall not be less than \$50.00 nor more than \$100.00, in the discretion of the Court. In addition, any person whose act or omission violates this section and results in the Village causing work to be done for the removal of snow and ice shall be liable to the Village for the cost of such work plus an administrative and overhead charge of ten percent of the cost of such work.

Section 2. Whenever the Council shall deem the construction, reconstruction or repair of a sidewalk a necessary public improvement, they shall so declare by resolution describing the property and state the location, width and material and construction to be used, and as set forth herein, and the proportion of the expense thereof to be borne by the Village as herein set forth.

Section 3. A copy of said resolution shall then be served on said owner or mailed to his last known address and upon the failure of said owner to comply with said resolution within 30 days after such service or mailing, said Council may cause same to be done and collect expense

thereof as provided by Section 1585 of the Compiled Laws of Michigan for the year 1929 and amendments thereto.

Section 4. As far as is expedient, all sidewalks shall be laid to grades established by said Village and any person required to build a sidewalk or wishing to do so, may apply to the Council to have same established and shall apply in writing for same at once to said Council.

Section 5. It shall be unlawful for any person or business to obstruct any public sidewalk with anything, or in any manner, so as to interfere with the full, free use of the same by pedestrians or to suspend any sign, flag, banner or other such thing above same, as to constitute a menace to the public in use thereof.

Section 5 -1. It shall be unlawful to erect or maintain any such sign, flag, banner or other such thing on or over or above the public land or right-of-way if any part of such sign extends more than 4 feet over such public land or right-of-way is less than 9 feet above the ground level, or has an area exceeding 8 square feet, except a sign printed on a marquee or awning, but this section does not apply to signs posted by duly constituted public authorities in the performance of their public duties.

Section 6. That all sidewalks to be hereafter constructed, reconstructed or repaired shall be done of stone, artificial stone or concrete, except by written permit of the Village Council and all sidewalks shall be not less than four inches thick, and not less than five feet wide in residential districts and of such width as directed by the Council in business districts, of smooth, even tops, workmanlike manner as to construction and appearance.

Section 7. It shall be unlawful for any person, except said person, be directed so to do by resolution of the Council to build, rebuild or repair any sidewalk without first obtaining a permit so to do from the Council, containing the specifications provided for hereby.

Section 8. That any and all sidewalk work done in manner as authorized by this ordinance shall entitle the person doing same to the benefit of the 33 1/3% of the amount of the cost thereof to be paid to such person by the Village.

Section 9. That the statutes of this State relative to sidewalks are made part hereof, and any person violating any of the provisions hereof, upon conviction thereof, shall be punished by a fine not exceeding \$100.00 or by imprisonment in the county jail not exceeding 90 days or both, in the discretion of the Court.

Section 10. This Ordinance shall be in full force and effective 20 days from the date of enactment or on publication, whichever occurs first.

Ayes:
Nays:
Absent:

We hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Beulah, County of Benzie, State of Michigan, at a regular meeting held on _____, 2019, that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act. We further certify that the foregoing Ordinance was published on _____, 2019, in the following newspaper: _____

Dan Smith, President

Laura Spencer, Clerk