

Ordinance 30 2024-01

## Mentor Township Sidewalk Maintenance Ordinance

An ordinance to protect the public health, safety and general welfare by the adoption of regulations concerning the maintenance, repair and safety of public sidewalks within the township; imposing a duty adjoining or abutting land owners to repair, maintain, or keep safe said sidewalks; to provide standards of proper sidewalk maintenance, construction and repair; to require indemnification of the Township by adjoining or abutting land owners for failure to repair, maintain or keep safe said sidewalks; and to impose liability on said adjoining or abutting land owners for injuries or damages caused by their failure to perform such maintenance or repair duties.

THE TOWNSHIP OF MENTOR, OSCODA COUNTY, MICHIGAN, ORDAINS:

### Section 1: Name

This ordinance shall be known and cited as the Mentor Township Sidewalk Maintenance ordinance.

### Section 2: Purpose

The purpose of this ordinance is to regulate the repair and maintenance of public sidewalks to keep them in a proper and safe condition for public use; to provide for the imposition of liability upon abutting land owners for injuries or damages caused by a defective sidewalk; to provide for the establishment of sidewalk maintenance districts by the Township board for the assessment of the cost of repairs to sidewalks in said districts; to provide standards of proper sidewalk maintenance, repairs, and construction; and to provide indemnification of the township for costs of required maintenance and repair not accomplished by abutting or adjacent land owners.

### Section 3: Regulations

- A. The owner or owners of all lots and premises within the township are required to maintain, repair and keep safe sidewalks adjacent to or upon their lots and premises in or along the public street and alley rights-of-way in the township.
- B. It shall be the duty of all owners of premises within the limits of the township to keep all cement, asphalt, concrete walks and sidewalks which have been heretofore or here after laid in front of, upon, or adjacent to such premises, in or along any of the street or alley right of ways in good repair and free dangerous ice, snow, or other dangerous obstructions and/or conditions. Any owner of any such premises who shall allow any such sidewalk to remain in disrepair, or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair or unsafe condition of said sidewalk. Such owner shall further indemnify and reimburse the Township for any and all liability, costs and expenses that the township might incur as a result of any defective or dangerous sidewalk.

### Section 4: Standards

- A. All sidewalks or portions thereof hereafter constructed or repaired shall comply with the following specifications:



1. All sidewalks shall be constructed to grade established by existing adjoining walks or in the absence of the foregoing by the township of Mentor and shall be paved with a single course of concrete using limestone aggregate, which shall have a compressive strength of not less than 3,500 pounds per square inch within twenty-eight (28) days of paving.
  2. All sidewalks shall be at least four (4) feet in width. Wider walks to a maximum of eight (8) feet may be required by the building department, in commercial or industrial areas or multiple family areas, due to anticipated traffic and the development of the area.
  3. Paving shall be constructed on at least a two (2) inch thick sand cushion and shall be at least four (4) inches in depth except across driveway, where it shall be six (6) inches in depth. Paving joints shall be perpendicular to sidelines at intervals consistent with adjoining or abutting sidewalks and not greater than the sidewalk width. One (1) inch expansion joint shall be placed through the walk at least every fifty (50) feet and between walks and other rigid structures.
  4. The surface shall be roughened with a mechanics brush or other equipment to prevent smooth or slippery surfaces.
  5. Bicycle paths on or along public roads shall be constructed similar to sidewalks and shall be no less than six (6) feet in width.
- B. Under the pavements, sidewalks, and elevated structures act, Public act 246 of 1931, as amended, (MCL 41.271, et seq.), a Township board may construct, repair or maintain; or may order the construction, repair and maintenance of sidewalks for the health, safety and general welfare of the residents of the township after notifying the involved property owners of the time and place of a hearing on such order. Following the hearing it may either construct, repair or maintain the sidewalk and assess the cost over a five (5) year period against the abutting property owners or permit the owners within a specified time to have the sidewalks constructed, repaired or maintained according to township specifications at their expense. No work shall be commenced until approved by either the county road commission or state department of transportation having jurisdiction over the right of way within which the sidewalk is located. (MCL 41.288a)
- C. The cost of replacement or repair of a sidewalk to be charged against a property owner shall be based upon actual cost or \_\_\_\_\_ estimates, less such subsidy or credit as the township board may allow.
- D. The township board, in its discretion, may also after replacing or repairing a sidewalk authorize collection of the costs of such replacement or repair by civil process, counterclaim, or such other means as may be proper for the collection of debts by legal process.

#### Section 5: Owner-Caused Defects



Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to,

- A) Trees or other growth
- B) Surface drainage
- C) On site construction or vehicular traffic or
- D) Toher on site activities
- E) Snow removal and safe salt application

The abutting property owner shall be responsible for its repair, maintenance and/or safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the township for any damages, costs or expenses resulting from such owner defaults as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing on the same.

#### Section 6: Saving Clause

Should any section or provision of the is ordinance be declared unconstitutional, unauthorized or invalid, or in conflict with ant other section or provision of any ordinance of the township, by a court of competent jurisdiction, such decision shall not be held to invalidate or impair the validity, force or effect of any other section or provision of this ordinance.

#### Section 7: Repeal of conflicting ordinances and effective date

All ordinances or parts of ordinances in conflict herewith are hereby repealed. This ordinance shall take effect immediately upon publication following its adoption.

The above ordinance was adopted at a regular meeting of the Mentor Township board held on September 16, 2024 7:00 pm at the Mentor Township Hall. Present: Fehler, Marble, Stenzel, Hall and Trim. Absent, none.

Hall/Stenzel: Motion to approve sidewalk ordinance as written with spelling error corrections. Roll call, Fehler, yes. Stenzel, yes, Marble, Hall, Trim. Ordinance adopted. **Approved**

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