

**SUPERIOR CHARTER TOWNSHIP  
WASHTENAW COUNTY, MICHIGAN**

**ORDINANCE NO. 150**

**SIDEWALKS**

AN ORDINANCE ADOPTED PURSUANT TO ACT 359 OF THE PUBLIC ACTS OF 1947, AS AMENDED, AND PUBLIC ACT 80 OF THE PUBLIC ACTS OF 1989, TO REGULATE SIDEWALK CONSTRUCTION AND MAINTENANCE, TO PROVIDE GENERAL REGULATIONS RELATED TO THE INSPECTION AND/OR REPLACEMENT OF SIDEWALKS WITHIN SUPERIOR TOWNSHIP; TO PROVIDE FOR A SHORT TITLE SCOPE AND PURPOSE; TO PROVIDE FOR CERTAIN DEFINITIONS; TO PROVIDE FOR PROPERTY OWNER RESPONSIBILITIES; TO PROVIDE FOR INSPECTION; TO PROVIDE FOR A PROCESS OF NOTIFICATION FOR IMPROVEMENTS; TO PROVIDE FOR AN INVOICING AND PAYMENT PROCESS; TO PROVIDE FOR AN APPEAL TO REQUIRE IMPROVEMENTS BE MADE TO A SIDEWALK; AND PROVIDE PENALTIES FOR THE VIOLATION THEREOF.

**THE CHARTER TOWNSHIP OF SUPERIOR, W ASHTENAW COUNTY, MICHIGAN  
ORDAINS:**

**Section 150.01. Short Title**

This Ordinance shall be known, and may be cited, as the "Sidewalk Ordinance".

**Section 150.02. Scope and Purpose**

This Ordinance is designed to protect the public health, safety and welfare of the citizens of the Charter Township of Superior, by the adoption of regulations concerning the construction and maintenance of sidewalks within the Township.

**Section 150.03. Definitions**

A. Adjacent/Abutting Property. Any lot or parcel of land adjoining, bordering or touching the street as defined herein.

B. Adjacent Sidewalk. That portion of the sidewalk located within the street next to an abutting or adjacent property as defined herein.

C. Director. The individual, appointed by the Township Supervisor, in charge of administering and enforcing the provisions of the Sidewalk Ordinance.

D. Driveway. An area of private property above the sidewalk for the purpose of parking vehicles and gaining access to the property.

E. Driveway Approach. An area within the right-of-way located between the sidewalk and the edge of the improved roadway, for the purpose of gaining access to the driveway and access to the property.

F. Flag. A Section of sidewalk the length of which usually equals the width of the sidewalk.

G. Highway. Every public highway, road and street which is open for public travel and shall include bridges, sidewalks, crosswalks and culverts on any highway. The term highway does not include alleys, private roads and streets.

H. Inspection Policy. A written policy adopted by the Township Board which defines procedures and material specifications for sidewalk inspection, replacement and repairs.

I. MDOT. Shall mean the Michigan Department of Transportation.

J. Owner. Owner shall mean the individual (s) holding title to the property adjacent to sidewalk along a street as defined herein.

K. Poverty exemption policy. A written policy adopted by the Township Board which may allow for application by the homeowner for an exemption under Section 5. E herein.

L. Privately Owned Sidewalk. Sidewalk, either asphalt or concrete, located on private property outside of a public right-of-way or easement.

M. Private Property. Any property not belonging to a governmental agency.

N. Public Property. Shall mean the dedicated right-of-way or right-of-way easement which may include public highways, streets and alleys.

O. Repair/Replacement. Means the adjustment, removal, realignment, mudjacking, patching or installation of any sidewalk in accordance with the inspection policy repair/replacement standards.

P. Sidewalk. Any improved portion of the public right-of-way lying between the edge of the improved roadway and adjacent property line intended for the use of pedestrians. The sidewalk materials shall consist of concrete with widths generally ranging between three to five feet or asphalt ranging in width from five to eight feet in width.

Q. Street. A dedicated thoroughfare in the Township that is designated for public travel and transportation, affording the principal means of access the abutting property. This does not include any privately owned roads, streets or other means of access.

**Section 150.04. Responsibility of the Adjacent or Abutting Property Owner**

The adjacent or abutting property owner is responsible for maintenance of any sidewalks on or

abutting their property in accordance with this Ordinance. In the event that the adjacent property owner does not properly maintain the sidewalk in accordance with this Ordinance, the Township Board authorizes the Director to provide for the replacement and repair to cause compliance with this Ordinance. The Director will cause all costs of the replacement or repair of the sidewalk to be assessed to the adjacent or abutting property in accordance with this Ordinance.

A. All sidewalk inspections as indicated in this Ordinance and as set forth by the inspection policy, shall be performed by the Director or his/her Designee. The Director will determine what sidewalks are in need of replacement based on the Criteria for Replacement or Repair of Sidewalks located in Section 4.B. of this ordinance.

B. Criteria for Replacement or Repair of Sidewalks.

Sidewalks will be replaced/repared if the following conditions exist:

1. If the sidewalk has displacement of more than three-quarters (3/4) of an inch between any two (2) sections (flags) of sidewalk at the connection joint.
2. If the sidewalk has more than two (2) cracks of one-quarter (1/4) inch in width or more in any two (2) linear feet of sidewalk section.
3. If the sidewalk has a crack more than three-quarters (3/4) inch in width.
4. If any section of sidewalk is tilted in excess of one (1) inch per foot from edge to edge in a transverse direction.
5. If, in any flag of sidewalk, more than fifty percent (50%) of the surface has scaled off to a depth of one-quarter (1/4) inch or greater.
6. If the concrete has settled, allowing water to pond to depth of one (1") inch or more.

**Section 150.05. Inspections, Notification, Invoicing and Payment**

A. The Director shall be responsible for inquiries and investigation of complaints regarding the condition of sidewalks. The Director shall keep a record of complaints and any action taken.

B. It is the intention of this Ordinance to implement the replacement and repairs of sidewalks over a period of time by utilizing available resources. The funding of sidewalk replacement and repairs will be determined by the Township Board.

C. It shall be the responsibility of the Director to supervise all sidewalk construction and maintenance, including inspection, and to enforce the provisions of this Ordinance.

D. The Director will conspicuously mark any inspected sidewalk in need of repair. The Director will send notification to the adjacent property owner of sidewalks in need of repair, giving ninety (90)

days to repair/replace the sidewalk. In the event that the sidewalk is not repaired/replaced within the ninety (90) day period, the Director will cause the sidewalk to be replaced by the Township. In the event that an adjacent or abutting property owner disputes the finding of the Director, an appeal may be directed to the Township Board. All appeals shall be filed with the Township Clerk within thirty (30) days of the date of the written notification that sidewalk repairs are required.

E. The cost of repair/replacement of the sidewalks will be invoiced to the adjacent property owner with the following exceptions:

1. Sidewalk ramps will not be assessed to the adjacent property owner.
2. Sidewalk that is damaged as a result of a Township utility will not be assessed to the adjacent property owner.

F. If the adjacent property owner does not make payment to the Township for sidewalk repaired/replaced as established by this Ordinance and the adopted policy, the Township Treasurer shall add the amount to the next tax roll for the adjacent property.

**Section 150.06. Ice and Snow Removal**

A. No person shall permit ice or an accumulation of snow to remain on any sidewalk adjacent to a lot or parcel occupied by them, or on a sidewalk adjacent to any unoccupied lot or parcel owned by them, for a longer period than seventy-two (72) hours after the same has formed or fallen. This does not include sidewalks to the rear of a lot or parcel.

**Section 150.07. Privately Owned Sidewalks or Driveways**

A. This ordinance is not applicable to any sidewalks located on private property or within the right-of-way of a privately owned road or street.

**Section 150.08. Violations**

A. Whenever the Director shall determine that a sidewalk(s) is in a condition that fails to meet the sidewalk criteria provided for herein, a notice shall be sent to the owner of the adjacent lot or parcel to repair the sidewalk. The notice shall specify the time period in which the person shall achieve compliance with the provisions of this Ordinance. In no case shall the time period specified exceed ninety (90) days, except during inclement or unseasonable weather in which case the party responsible for the repair shall post a financial guarantee in lieu of the repair. Said guarantee must be in the form of cash, a certified check or an irrevocable letter of credit.

B. Any person, firm, corporation, or other entity who violates any of the provisions of this Ordinance, or who violates any lawful order of the Director, Building Inspector, Zoning Administrator, Board of Appeals or Township Board, is responsible for a municipal civil infraction as defined by Michigan law and is subject to a civil fine of not more than \$500.00, plus all direct and indirect expenses incurred by the Charter Township of Superior in prosecuting said violation,

including actual attorney fees. However, in no case shall costs of less than \$9.00 or more than \$500.00 be ordered. A violator of this Ordinance shall also be subject to such additional sanctions, remedies, and judicial orders as are authorized under Michigan law. Each day a violation of this Ordinance continues to exist constitutes a separate violation.

C. The Director, together with any duly authorized police officer or deputy sheriff of the Township, are the designated Township officials authorized to issue municipal civil infraction citations and municipal civil violation notices for violations of this Ordinance.

**Section 150.09. Severability**

If any section, paragraph, clause, phrase or part of this Ordinance is for any reason held invalid by any court of competent jurisdiction, or any agency, department or commission empowered for such purpose, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstances shall not be affected thereby.

**Section 150.10. Savings**

All proceeding pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

**Section 150.11. Repealer**

All Ordinances or parts of the Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. This Ordinance shall supersede all other Ordinances with respect to the areas covered herein.

**Section 150.12. Effective Date**

This Ordinance shall become on the date of final publication.

**CERTIFICATION**

I, Colleen O'Neal, the duly qualified Clerk of Superior Charter Township, do hereby certify that the foregoing Ordinance was adopted by the Township Board of Trustees at first reading following a public hearing at the regularly scheduled meeting of April 3, 2000, was published in the Ann Arbor News prior to second reading, and adopted at second and final reading at the regularly-scheduled meeting of April 17, 2000. This Ordinance shall become effective upon final publication on April 23, 2000.

Colleen O'Neal, Superior Charter Township Clerk

William McFarlane, Superior Charter Township Supervisor