

**PITTSFIELD CHARTER TOWNSHIP
WASHTENAW COUNTY, MICHIGAN
ORDINANCE #294
COMPLETE STREETS ORDINANCE
REMOVAL OF SNOW/ICE REVISIONS**

ADOPTED

**AN ORDINANCE TO AMEND THE TOWNSHIP CODE TO CREATE ARTICLE I AND
REVISE ARTICLE II OF CHAPTER 28 OF THE PITTSFIELD CHARTER TOWNSHIP
CODE CREATING A COMPLETE STREETS ORDINANCE AND
DEFINING PROPERTY OWNERS' RESPONSIBILITIES FOR
SNOW OR ICE REMOVAL FROM SIDEWALKS.**

THE CHARTER TOWNSHIP OF PITTSFIELD, WASHTENAW COUNTY, MICHIGAN,
HEREBY ORDAINS:

That Article I of Chapter 28, Sections 28-1 through 28-04 is created and Article II of Chapter 28
Section 28-32 of the Pittsfield Charter Township Code is amended to read as follows:

ARTICLE I. COMPLETE STREETS

Sec. 28-01. Purpose.

- (a) The purpose of this Article is to promote the planning, design, construction, and maintenance of a robust multi-modal transportation network within Pittsfield Charter Township that provides for the varying access and mobility needs of all users, regardless of age, ability, trip purpose, or preferred mode of transportation. The roadways, parkways, byways, trails, and other modes should function as an integral part of the overall transportation network and provide for safe, accessible, comfortable, and efficient transportation options for people and goods in order to support and enhance the Township's quality of life, economic and environmental vitality and sustenance.
- (b) Upon adoption of this Article, the Board of Trustees shall adopt a "Complete Streets Policy" as defined in the State of Michigan's Act 51 of 1951, as amended (MCL 247.660p).

Sec. 28-02. Definitions.

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Complete streets means roadways planned, designed, and constructed to provide appropriate access to all legal users in a manner that promotes safe and efficient movement of people and goods whether by car, truck, transit, assistive device, foot, or bicycle.

Maintenance means routine maintenance or preventive maintenance, or both, as provided in the State of Michigan's Act 51 of 1951, as amended.

Preservation means an activity undertaken to preserve the integrity of the existing roadway system, as provided in the State of Michigan's Act 51 of 1951, as amended.

Sec 28-03. Applicability.

Any project involving the construction, reconstruction, capacity enhancement, or preservation of a roadway, bridge, public parking facility, or other transportation right-of-way within Pittsfield Charter Township shall be subject to the provisions of this ordinance, regardless of the agency having jurisdiction over the facility. Projects involving only maintenance of a roadway, bridge, publicly owned parking lot, or other transportation right-of-way shall conform to the plans and principles referenced in this ordinance, but shall not be required to undergo the full review process described in Sec. 28.04.

Any person or entity undertaking a development or redevelopment project within Pittsfield Charter Township shall include in the development plan the design for transportation facilities within the project or on the adjacent roadways within the influence and scope of the project that are consistent with the prescribed treatments in the complete streets policy. The transportation facilities design shall be reviewed and approved as an integral part of the development plan and shall be constructed in conjunction with the construction of the development.

The Complete Streets Policy adopted pursuant to this ordinance may include exceptions for specific projects based upon criteria set forth in the policy.

Sec. 28-04. Design and Construction of Complete Streets.

All projects subject to this ordinance shall be presented to the Planning Commission for approval. The Planning Commission shall base its findings upon the criteria set forth in the Complete Streets Policy. For Pittsfield Charter Township capital projects, this review shall serve as the Planning Commission review of a capital project as required under Act 33 of 2008, MCL 125.3861.

Sec. 28-05—28-30. - Reserved.

ARTICLE II. - SIDEWALKS

Sec. 28-31. - Purpose.

The purpose of this article is to:

- (1) Regulate the repair and maintenance of public sidewalks to keep them in a proper and safe condition for public use;
- (2) Provide for the imposition of liability upon abutting landowners for injuries or damages caused by a defective sidewalk;
- (3) Provide for the establishment of sidewalk maintenance districts by the township board for the assessment of the costs of repairs to sidewalks in the districts;
- (4) Provide standards for proper sidewalk maintenance, repairs and construction; and
- (5) Provide indemnification of the township for the costs of required maintenance and repair not accomplished by abutting or adjacent landowners.

Sec. 28-32. - Regulations.

- (a) The 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 and concrete walks, and sidewalks that have been laid in front of, upon or adjacent to such premises in or along any of the street or alley rights-of-way in good repair and free of 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 the sidewalk. Such owner shall further indemnify and reimburse the township for all liability, costs and expenses the township might incur as a result of any such defective or dangerous sidewalk.

(Ord. No. 218, § 6, eff. 8-26-1997)

- (c) Within 24 hours after the end of each accumulation of snow greater than 1 (one) inch, the owner or occupant of every property shall remove the accumulation from the

adjacent public sidewalk and walks and ramps leading to a crosswalk. The accumulation may be from any source including precipitation and drifting. Furthermore, the removal of snow and ice shall mean; free of snow and ice for the entire constructed width and length of the sidewalk, including walks and ramps leading to a crosswalk.

- (d) If the owner or occupant fails to remove snow or ice within 24 hours of a notification of violation of section 28-32(c), the Township may cause such snow or ice to be removed at the expense of the property owner. The owner of record shall then be charged the actual cost of the sidewalk clearance (time and material), plus an administrative fee of \$50.00. All charges which remain unpaid as of October 1 of the current year shall become a lien against the subject property and may be added to the tax rolls for the property.
- (e) The provisions of this section 28-32 shall not apply to those walks, pathways or greenways designated by the Township as exempt from this section.

Sec. 28-33. - Standards.

- (a) All sidewalks 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 engineer, 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 28 days of paving.
 - (2) All sidewalks shall be at least five feet in width. Wider walks to a maximum of eight feet may be required by Pittsfield Charter Township 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 four-inch-thick sand cushion and shall be at least four inches in depth, except across driveways, where it shall be at least six 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-inch expansion joints shall be placed through the walk at least every 50 feet, and between walks and slippery surfaces.
 - (4) The surface shall be roughened with a mechanic's brush or other equipment to prevent smooth and slippery surfaces.
- (b) Under Public Act No. 80 of 1989 (MCL 41.288a, MSA 9.585(4), 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-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 specification 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.

(c) The cost of replacement or repair of a sidewalk to be charged against a property owner shall be based upon actual cost or engineer's 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.

Sec. 28-34. - Owner caused defects.

Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to trees or other growth, surface drainage, on-site construction or vehicular traffic, or other on-site activities, 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.

(Ord. No. 218, § 5, eff. 8-26-1997)

Sec. 28-35. - Penalties.

Written notice shall be given to the owner or occupant of the premises upon which a violation of section 28-32 or section 28-34 has occurred specifying a reasonable period of time for correction and/or compliance. Upon failure to correct the violation in the specified period of time the violation shall become a municipal civil infraction subject to the penalties established in section 2-236 et seq. If the violation is deemed to be a threat to the health, safety or welfare of the public, the requirement for a written notice of the violation may be waived.

(Ord. No. 218, § 6, eff. 8-26-1997; Ord. No. 223, § 1, eff. 12-17-1997)

Sec. 28-36. Repeal

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

Sec. 28-37. Savings Clause

The balance of the Code of Ordinances, Pittsfield Charter Township, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Sec. 28-38. Publication and Effective Date

This Ordinance shall be published in the manner as required by law. This ordinance shall take effect 30 (thirty) days after the first publication of the ordinance (MCL 41.184).

Sec. 28-39—28-50. - Reserved.

This Ordinance was duly adopted by the Charter Township of Pittsfield Board at its regular meeting held on the 26th day of October, 2011, and was ordered given publication in the manner required by law.

Alan Israel
Charter Township of Pittsfield Clerk
Dated: _____, 2011

Mandy Grewal
Charter Township of Pittsfield Supervisor
Dated: _____, 2011

First Reading: October 12, 2011

Posting: October 6, 2011

Publication of Notice: October 13, 2011

Adoption: October 26, 2011

Ordinance Publication: November 3, 2011

Effective Date: December 3, 2011

CLERK'S CERTIFICATE

I, Alan Israel, Clerk of the Charter Township of Pittsfield, Washtenaw County, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of Pittsfield Charter Township Ordinance No. 294, which was duly adopted by the Township Board of Pittsfield Charter Township at a Regular Meeting of said Board, held on October 26, 2011, after said Ordinance had previously been introduced at a Regular Meeting of the Board held October 12, 2011, and published in the form it was introduced in accordance with P.A. 359 of 1947, as amended.

I further certify that Clerk Israel moved for adoption of said Ordinance, and that Trustee Krone supported said motion.

I further certify that the following Members voted for adoption of said Ordinance: Brown-Harrison, Grewal, Hunt, Israel, Krone, Scribner, and that the following Member voted against adoption of said Ordinance: Yi and that the following Members were absent or abstained from voting on the adoption of said Ordinance: None.

I further certify that after its passage the Ordinance was published on November 3, 2011, in accordance with P.A. 359 of 1947, as amended, by Ypsilanti Courier.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and that such recording has been authenticated by the signatures of the Supervisor and the Clerk.

Alan Israel
Charter Township of Pittsfield Clerk

Dated: _____, 2011

Mandy Grewal
Charter Township of Pittsfield Supervisor

Dated: _____, 2011

Effective Date: December 3, 2011