

ORDINANCE NO. 215-97

AN ORDINANCE OF THE VILLAGE OF BANCROFT, MICHIGAN
ADOPTING AN ORDINANCE TO BE KNOWN AS:

SIDEWALKS

THE Village of Bancroft Ordains:

Section 1. Purpose:

This ordinance regulates the construction, rebuilding, and repair of sidewalks under the direction of the sidewalk committee, and to the specifications set forth by the Superintendent of the Department of Public Works; right to appeal, the maintenance of, issuance of permits; financing thereof, snow and ice removal, and provides for penalties for violations thereof.

Section 2. Definitions:

1. "Sidewalk" shall mean that portion of the street right of way designed for pedestrian travel.
2. "Sidewalk committee" shall mean the committee that oversees the sidewalks of the Village.
3. "Superintendent" shall mean the superintendent of the Department of Public Works of the Village of Bancroft.

Section 3. Permits:

1. No person shall construct, rebuild or repair any sidewalk without first obtaining a permit from the Village clerk, with the exception of repairs of fifty (50) square feet or less shall not require a permit.
2. Permit shall be prominently displayed on the construction site.
3. All permits shall be authorized by the sidewalk committee to assure compliance with specifications set forth by the Superintendent. Sidewalk committee shall have seven (7) days to either grant or deny a permit.
4. A fee of ten (\$10) dollars shall be paid to the Village Treasurer at the time of approval and before such sidewalk work shall begin.

Section 4. Specifications:

All sidewalks within the Village shall be hereafter constructed in accordance with the following specifications:

Ordinance No. 215-97 con't.

1. All sidewalks must be at least four (4) feet in width, unless a different width is approved by the sidewalk committee.
2. On all clay soil, the trench shall be excavated eight (8) inches below the established grade and then filled with gravel to a depth of four (4) inches. Then the topsoil is free from clay, the trench shall be excavated to a depth of four (4) inches below the established grade, and no foundation shall be required.
3. Forms shall be of wood or metal, straight and free from warp, and of sufficient strength to resist springing. Forms shall be so installed as to provide a transverse slope of one quarter (1/4) inch per foot toward the street.
4. In all new construction, where practicable, the sidewalk grade shall be established at not less than three (3) inches and nor more than six (6) inches above the grade of the street.
5. Established grade shall be marked by the Superintendent at intervals as needed
6. Sidewalks shall be constructed of thoroughly mixed concrete of a minimum thickness of four (4) inches at all points except for driveways, where the minimum thickness shall be six (6) inches. All concrete used shall consist of one (1) part cement to two (2) parts, very clean sharp sand, and two and one-half (2-1/2) parts of clean, hard gravel, or transit mix of a mixture approved by the Superintendent.
7. All surfaces shall be finished to a true contour and granular surface.
8. One-half (1/2) inch thick expansion joints shall be provided at intervals of approximately twenty five (25) feet, and wherever the walk abuts a curb, another walk, or building. Joining materials shall be at right angles to the sidewalk surface, and shall extend the full width of the walk. Surface edges shall be rounded to one-quarter (1/4) inch radius.
9. Any sidewalk requiring a step up from grade shall have a maximum height of eight (8) inches, and a tread width of no less than eight (8) inches.

Section 5. Permit Revocation:

The superintendent may revoke any permit issued under the terms of this ordinance for incompetency or failure to comply with the terms of this ordinance or the specifications established by the superintendent for the construction, repair, or rebuilding of any sidewalk. Revocation will remain in effect until the superintendent or the sidewalk committee allow further construction.

Ordinance No. 215-97 con't.

Section 6. Ordering Construction:

The Village Council may by resolution require the owners of lots, and or premises to construct sidewalks in the public streets adjacent to, and abutting upon such lots, and or premises. ~~When such resolution shall be adopted, the Village Council shall give notice thereof, to the owner of such lot, and or premises requiring him/her to begin construction of such sidewalk within thirty (30) days.~~

Section 7. Construction by the Village:

If the owner of any lot or premises shall fail to construct, rebuild or repair any particular sidewalk as described in section 6 above, the superintendent is hereby authorized to cause such sidewalk to be constructed, rebuilt, or repaired, and one half (1/2) of the expense thereof shall be charged to the owner of said lot, or premises, and collected as provided for single lot assessments.

Section 8. Appeal:

1. Any person believing that the notice is improper or that the construction, repair or the rebuilding of said sidewalk within thirty (30) days would be an undo hardship or who is aggrieved otherwise, may make a written appeal with the Village Clerk within ten (10) days of having received the construction notice.
2. Said appeal shall be heard at the next regular council meeting, and said appellant shall appear before council to show cause id any, supporting the appeal.
3. After hearing the facts so presented, the village council may uphold the notice as given, extend the time for repairs, rebuilding or construction, or may set aside the notice entirely.
4. If a notice is upheld by the council, the appellant shall have thirty (30) days thereafter, or such additional time as granted by said council, in which to full fill the requirements of said notice.

Section 9. Sidewalk Financing:

1. All new sidewalks constructed in the Village shall be built at the expense of the owner of the lot(s) and or premises adjacent to such sidewalk, and by the Village of Bancroft, each paying fifty (50) percent of the total cost of the construction.

Ordinance No. 215-97 con't

2. Owners of any lot(s) or premises shall contract for the construction of any sidewalk adjacent to their property. With construction following the specifications as set forth in sec. 4.
3. All repairs of sidewalks (fifty [50] square feet or less) presently existing at the time of the passage of this ordinance, or hereafter built, shall be paid for by the owner of the lot(s) or premises adjacent to said sidewalk.
4. When it is deemed that the sidewalk be rebuilt, or if the repair is larger than fifty (50) square feet, the owner of said lot or premises and the Village of Bancroft shall each pay fifty (50) percent of the cost of rebuilding.

Section 10. Sidewalk Repair and or Rebuild:

1. No person or persons shall permit any sidewalk which adjoins property owned by them to fall into a state of disrepair.
2. All new construction, repair or rebuild of any sidewalk shall be approved as the sidewalk committee determines its need and when monies are made available for such work to be completed, except as noted in sec. 9.3.
3. Whenever the superintendent, or the sidewalk committee determines that a sidewalk is unsafe or in a state of disrepair, notice shall be given to the owner of the lot or premises adjacent to an abutting upon said sidewalk, of such determination.
4. It shall be the duty of the owner of any lot or premises to place said sidewalk into a safe condition. Such notice shall specify a reasonable time, not less than seven (7) days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence, as stated in sections 9.3, and 10.2.

Section 11. Snow and Ice Removal:

1. The occupant of every lot or premises adjacent to any sidewalk, or the owner of such lot or premises, if not occupied, shall clear or cause to be cleared all snow from sidewalks adjacent to such lot or premises with the time herein required:
 - (a) When any snow shall fall or drift upon any sidewalk, the owner or occupant of the lot or premises, adjacent to such sidewalk shall remove or cause to be removed all such snow as shall have fallen or accumulated during the night time by 12:00 o'clock noon.

Ordinance No. 215-97 con't.

(b) Where any snow has fallen or accumulated after 12:00 o'clock noon, such snow shall be removed before 12:00 o'clock noon the following day.

2. When any ice shall form on any sidewalk, the owner or occupant of the lot or premises adjacent to such sidewalk shall immediately or as soon as practicable, cause sand or salt to be spread upon the ice in such manner and in such quantity as to prevent the sidewalk from becoming slippery and dangerous to pedestrians, and shall remove said ice as soon as thereafter as shall be practicable.

3. In commercial areas, the occupant of every lot or premises adjacent to any sidewalk, or the owner of such lot or premises, if not occupied, shall clear or cause to be cleared all snow from sidewalks adjacent to such lot or premises during business hours, otherwise sec.11. 1.(a), and (b) shall apply for non business hours.

Section 12. Penalties for Violation:

Any person or persons who violate the terms of this ordinance shall be punished by a fine of not more than one hundred (\$100) dollars or imprisonment not to exceed more than thirty (30) days or both, such fine and imprisonment, at the discretion of the court having jurisdiction.

Section 13. Severability:

This ordinance and the several sections and sub-sections are hereby declared severable. If any part or clause is adjudged invalid, the balance of this ordinance shall not be affected thereby.

Section 14. Saving clause:

Any prosecution or litigation which is pending on the effective date of this ordinance, and which arose from a violation, litigation, or a prosecution which is started within one (1) year after the effective date of this ordinance, arising from a violation of an ordinance repealed by this ordinance, and which was committed prior to the effective date of this ordinance, shall be tried, and determined exactly as if the ordinance had not been repealed.

Section 15. Conflicting Ordinances Repealed:

All ordinances previously adopted and inconsistent with the provisions of this ordinance are hereby repealed in their entirety. With reference being made to No. 119-63, entitled snow and ice removal.

Ordinance No. 215-97 con't.

Section 16. **Effective Date:**

This ordinance shall take effect twenty (20) days after its passage, as set forth hereafter:

Date of Adoption: { May 14, 1997 }

Date of Publication: { MAY 23, 1997 }

Effective Date: { June 3, 1997 }

Certification

I, Karen K. Cole, being the Clerk of the Village of Bancroft, Michigan, do hereby certify that the foregoing is a true and correct copy of the Village of Bancroft Ordinance No. 215-97, passed on May 14, 1997, by the Village Council, by a vote of 5 yeas and 0 nays. Further, I do certify that I did cause the same or a synopsis of same to be published in the Argus Press newspaper, Owosso, Michigan, within fifteen (15) days after such adoption by the Village Council of Bancroft, pursuant to M.S.A. 5.1274.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of May, A.D.. 1997.

By: John M. Sedlock
John M. Sedlock Village President

Karen K. Cole

Karen K. Cole Village clerk

Seal of the
Village of Bancroft

**ATTENTION RESIDENTS
VILLAGE OF BANCROFT**

I, Karen Cole, being the Clerk of the Village of Bancroft, MI does hereby cause to be published the following synopsis of recently adopted ordinances of the Village of Bancroft, pursuant to M.S.A. 5.1274.

At the regular meeting of the Bancroft Village Council, held on May 14, 1997 the following Village ordinances were adopted:

212-97 Private Drain Connections - No partnership, corporation, person or persons, or whoever, shall cause, suffer, or permit any privately owned septic tank, cesspool, or drain whatsoever to be connected with or to remain connected with, or to empty into any Village catch basin, storm sewer, or drain of any kind whatever.

213-97 To License and Regulate Auctioneers and Those Selling Property at Auction - To amend Section 3 of Ordinance No. 106-59.

214-97 Fences - To regulate fence construction within the Village of Bancroft by requiring the issuance of a permit, the placement of, construction of, alterations to, declaring a fence nuisance, right of appeal, and provides penalties for violations thereof.

215-97 Sidewalks - To regulate the construction, rebuilding, and repair of sidewalks under the direction of the sidewalk committee, and to the specifications set forth by the Superintendent of the Department of Public Works; right to appeal, the maintenance of, issuance of permits; financing thereof, snow and ice removal, and provides for penalties for violations thereof.

The aforementioned ordinances may be viewed in their entirety by contacting the Village of Bancroft Clerk, at 106 Higgins St., Bancroft. Phone 517-634-5375

Publish: May 23, 1997