

Chapter 58

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

Article I. In General

Secs. 58-1-58-30. Reserved.

Article II. Construction and Maintenance of Sidewalks

- Sec. 58-31. Purpose and intent.
- Sec. 58-32. Sidewalk committee.
- Sec. 58-33. Designated roads.
- Sec. 58-34. Construction or repair requirements.
- Sec. 58-35. Sidewalk and drive approach maintenance.
- Sec. 58-36. Construction or repair expense.

***Cross references-**Any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street, sidewalk or alley saved from repeal, § 1-12(11); any ordinance establishing the grade of any street or sidewalk saved from repeal, § 1-12(12); buildings and building regulations, ch. 14; cemeteries, ch. 18; community development, ch. 22; environment, ch. 26; burning of combustible material in streets, § 30-2; land divisions and subdivisions, ch. 34; subdivisions, § 34-66 et seq.; trafficways on streets and roads, general standards, § 34-141; street names in subdivisions, § 34-144; sidewalks in subdivisions, § 34-152; improvements to streets and alleys, § 34-206; loitering, § 42-171; disturbing public places, § 42-175; parks and recreation, ch. 50; traffic and vehicles, ch. 62; utilities, ch. 66.

ARTICLE I. IN GENERAL

Secs. 58-1-58-30. Reserved.

ARTICLE II. CONSTRUCTION AND MAINTENANCE OF SIDEWALKS**Sec. 58-31. Purpose and intent.**

The township board hereby declares its intention to have constructed, along certain designated roads of the township, a sidewalk or walkway for the use, benefit, protection, safety, convenience and general welfare of the citizens of the township.

(Ord. No. 99-05, § II, 5-25-1999)

Sec. 58-32. Sidewalk committee.

The planning commission shall also serve as the sidewalk committee. The committee shall have the following duties and responsibilities:

- (1) Prepare and recommend to the township board an annual budget relating to sidewalks.
- (2) Determine and recommend to the township board an annual sidewalk construction program.
- (3) Act on requests for extensions of time relating to installation of sidewalks, as provided in this article.
- (4) Consider and approve or reject requested variances in the location or specification as provided in this article.

(Ord. No. 99-05, § I, 5-25-1999)

Cross reference-Boards and commissions, § 2-161 et seq.

Sec. 58-33. Designated roads.

(a) Sidewalks shall be required along all section, half-section and quarter-section line roads, as well as all primary roads and state highways. Specifically, the following roads are designated for sidewalks when and where feasible:

Buck Road
Carter Road
Freeland Road
Garfield Road
Gleaner Road
Graham Road
Hackett Road
Hospital Road

Hotchkiss Road
Kochville Road
M-47
Midland Road
Mielke Road
Orr Road
Pierce Road
Powley Drive
Rogers Road
River Road
Sarle Road
Scott Road
Seventh Street
Thomas Road
Tittabawassee Road
Vasold Road
Webster Road
Wilkinson Road

(b) In addition, the township board, upon the planning commission's recommendation, may designate other roads, such as collector streets, as they are developed throughout the township and a need for sidewalks is determined to exist.

(Ord. No. 99-05, § III, 5-25-1999; Ord. No. 99-13, 9-14-1999)

(c) The construction and repair of sidewalks located along streets set forth in this section shall be the responsibility of the township.

(d) Sidewalks located along streets set forth in this section shall be for seasonal use as weather and snow conditions permit. Snow and ice removal along these sidewalks is not required.

(e) The Township reserves the right to construct and pay 100% of the cost of constructing sidewalks anywhere within the Saginaw County Road Commission right of way when given such approval by the Saginaw County Road Commission. As the Township is paying 100% of the cost and as the approval is by the Saginaw County Road Commission, no public hearings are required, however, approval by both the Tittabawassee Township Planning Commission and Tittabawassee Township Board of Trustees is required

Sec. 58-34. Construction or repair requirements.

(a) *Building permit.* No person shall construct or repair any sidewalk without first obtaining written permission from the township building department.

(b) *Specifications.* Construction or repair shall be in accordance with the following specifications:

(1) All sidewalks shall be at least five feet in width on a sand bed of at least four inches in thickness.

(2) In locations accessible to motor vehicles, sidewalks shall be at least six inches in thickness.

(3) Concrete shall be of at least 3,000 pounds per square inch compressive strength.

(4) All sidewalks constructed over filled trenches shall be six inches in thickness and shall be reinforced with four No.8 bars at 12-inch centers.

(5) Grade elevations shall be established by the township representative.

(6) Any variance in the location or specifications of this section shall be subject to the approval of the township representative.

(7) Drainage structures shall be provided at locations designated by the township representative.

(8) Fiber expansion joints shall be provided at intervals of not more than 50 feet and at all locations where sidewalks abut paved roads or driveways and where thickness of the sidewalk changes from four inches to six inches.

(9) Contraction joints shall be placed at approximately five-foot intervals and shall be a minimum of three-fourths inch in depth.

(Ord. No. 99-05, § IV, 5-25-1999)

Sec. 58-35. Sidewalk and drive approach maintenance.

(a) Crossing or adjoining property. No person shall permit any sidewalk which crosses or adjoins property owned by him to fall into a state of disrepair, be unsafe, or impassible.

(b) Between lot line and street curb.

(1) Abutting property owner responsible; exception. All sidewalks, except those defined in section 58-33, and driveway approaches between the lot line and the street curb or improved street, shall be repaired and maintained by the abutting property owner and shall comply with all requirements of this chapter.; except as to sidewalks located along streets set forth in section 58-33, which shall be the responsibility of the township.

(2) Negligible owner liable for damages. If any owner shall neglect to keep or maintain these sidewalks and driveway approaches in good repair and safe for use of the public, the owner shall be liable to the township for any damages recovered against the township sustained by any person by reason of such sidewalk being unsafe and out of repair. , in addition to the other penalties provided for in section 1-7.

(3) Drainage. Drainage structures shall be provided at locations determined by the township representative.

(4) Maintenance.

a. No person shall allow any sidewalk which crosses or adjoins any property owned or occupied by him to be obstructed by vehicles, bicycles, trailers, equipment, signs, snow, ice or in any other manner that prevents the normal use of the sidewalk.

b. Any damage to a sidewalk caused by construction work occurring on any adjoining

property shall be repaired at the expense of the adjoining property owner; provided, however, that the responsibility for repair of damage to a sidewalk caused by utility or construction company not in connection with work done on the adjoining property shall be paid for by the responsible utility or construction company.

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not in connection with work done on the adjoining property shall be paid for by the responsible utility or construction company.

(Ord. No. 99-05, § V, 5-25-1999)

Sec. 58-36. Construction or repair expense.

(a) *Public hearing.* Before the township board may require any owner of any lot or premises to construct, maintain, or pay for the expense of construction or maintenance of a sidewalk across or adjoining their lot or premises by the township, the township board shall first hold a public hearing relative to the requiring of the sidewalk construction or repair and shall notify all property owners involved of the time and place of the hearing by regular first class mail directed to the last known address of such owners, as indicated by the township tax rolls; provided, however, that a public hearing need not be held for sidewalks required to be constructed in newly developed subdivisions, new construction developments and new land divisions or parcel splits.

(b) *Charges.* Unless otherwise approved by the township board, the expense of construction of such sidewalks, as designated in section 58-33, shall be charged as follows:

- (1) In newly developed subdivisions, the entire cost shall be borne by the developer.
- (2) Adjacent to all new construction, regardless of zoning, the entire cost shall be borne by the developer or property owner.
- (3) Adjacent to all existing developments containing any multifamily use with more than two units and all developments zoned or used for commercial or industrial purposes, the cost will be shared equally by the township and owners of these premises.
- (4) Along designated roads as defined in section 58-33 which are adjacent to existing R-1 and R-2 development, the entire cost of original construction shall be borne by the township.

(c) *Assessments.*

- (1) *Property owners may request cost to be assessed and spread over period of time.* When the cost of sidewalk construction in existing developed areas is to be borne wholly or in part by property owners, the cost may, at the request of such property owners, be assessed and spread over not more than five years against such abutting property owners.
 - a. The cost shall be collected and treated in the same manner as taxes assessed under the general laws of the state.
 - b. When such request is made, interest at a rate established from time to time by the township board, not exceeding the rate of eight percent per annum, shall be added to the amount and spread on the tax roll.

(2) *Ordered by township board.* Alternatively, the township board may require the owners of any lot or premises to build or repair such sidewalks within such time and in such manner as the township board may require, including before a building permit is issued for an improvement on the premises.

a. *Failure of owner to act.* If the owner shall fail to build or repair such sidewalks as ordered, the township board may cause the sidewalks to be built or repaired, and the expense thereof shall be assessed against such property owners.

b. *Treated same as taxes.* The expense shall be collected and treated in the same manner as taxes assessed under the general laws of the state.

(Ord. No. 99-05, § VI, 5-25-1999)

Chapters 59-61

RESERVED

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