

DIVISION 3. SIDEWALK MAINTENANCE AND REPAIR

Sec. 94-141. Maintenance by property owner.

The adjoining property owner or occupant of the lot or premises shall maintain the sidewalk adjoining such property. Such sidewalk shall be kept as follows:

- (1) Free from defects of every kind and nature and maintained in a condition of good repair.
- (2) Free from any deposits of debris, rubbish, or other objects that might or could be hazardous to persons using the sidewalk.
- (3) Free and clear from accumulations of snow, sleet, ice, and water as follows:
 - a. When any snow or ice shall cease to fall or form during the daylight hours, such snow or ice shall be cleared from the sidewalk within 48 hours after such cessation.
 - b. When any snow or ice shall cease to fall or form during the nighttime, such snow or ice shall be cleared from the sidewalk within 48 hours after sunrise.
- (4) Free from obstructions encroaching from adjoining or adjacent property, including but not limited to overhanging tree limbs, bushes and the like. The minimum clearances that shall be maintained free from such obstructions shall be eight feet vertical and three feet horizontal.
- (5) Free from obstructions from adjoining or adjacent property interfering with site distance lines, at driveways and other sidewalks intersecting the sidewalk. A clear and unobstructed site triangle must be created using a base leg of 15 feet from the site obstruction to any sidewalk or driveways or sidewalks intersecting such sidewalk.

(Code 1976, § 7-17.05.01)

Sec. 94-142. Repair of damage by developer.

Sidewalks provided by a developer that are damaged prior to occupancy shall be repaired by the developer prior to the date of final occupancy, or if repairs cannot be made, a cash escrow in an amount equal to 150 percent of the projected cost for such repairs shall be posted with the city.

(Code 1976, § 7-17.05.02)

Sec. 94-143. Repair or reconstruction by property owner.

(a) *Written notice.* Upon determination by the department of public service that any sidewalk or portion thereof is in need of repair or elimination from encroachment, the department shall serve a written notice upon the adjoining property owner to the portion of such sidewalk requiring repair or elimination of encroachment by first class mail to the last known address of such owner in accordance with the following:

- (1) *Determination of property owners.* Adjoining property owners shall be determined from the current city tax roll.
- (2) *Proration of cost among adjoining owners.* When a sidewalk requiring repair or

reconstruction is contiguous to more than one lot or parcel, costs of such repair or reconstruction shall be prorated between adjoining property owners on the basis of front footage repaired.

a. The failure of one adjoining property owner to undertake such repair where such sidewalk abuts more than a single parcel shall not excuse the remaining adjoining property owner from the duties established in this section.

b. Such notice shall require that the adjoining property owner shall perform such repairs or elimination of encroachments within 45 days of the date of such notice.

(b) *Failure to comply.* Failure to comply shall subject the owner to the following:

(1) *Correction by city; owner billed cost.* If the adjoining property owner fails to repair the sidewalk or remove the encroachment within 45 days of such notice, the city may perform the repair or remove the encroachment and bill such adjoining property owner the total cost thereof, together with an additional fee of 15 percent for engineering supervision and general administration expense.

(2) *Lien against property.* If payment is not received by the city within 60 days after such billing, such amount shall become a lien on the property and shall be assessed and collected in the same manner as other taxes and assessments under the Michigan General Property Tax Laws, Public Act No. 206 of 1893 (MCL 211.1 et seq.).

(Code 1976, § 7-17.05.03; Ord. No. 500, § 1, 7-20-2005)

Secs. 94-144--94-170. Reserved.