

Sidewalk Ordinance:

ARTICLE X. SIDEWALKS

Sec. 10-211. Definitions.

Sec. 10-212. General construction requirements.

Sec. 10-213. Line and grade stakes.

Sec. 10-214. Sidewalk specifications.

Sec. 10-215. Suspension or revocation of permit; stop work orders.

Sec. 10-216. Construction by land owner; sidewalk locations.

Sec. 10-217. Construction by township.

Sec. 10-218. Reserved.

Sec. 10-219. Sidewalk repair.

Sec. 10-220. Sidewalks to be cleared.

Secs. 10-221—10-230. Reserved.

Sec. 10-211. Definitions.

When used in this article, the words defined in this section shall have the following meanings:

Administrator shall mean the township zoning administrator, or his designee.

Sidewalk shall mean the portion of the street right-of-way designed for pedestrian travel.

Sec. 10-212. General construction requirements.

No person shall construct, rebuild, or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the zoning administrator.

Sec. 10-213. Line and grade stakes.

The landowner shall be responsible for making careful and accurate measurements in constructing the work to the lines furnished by the zoning administrator.

Sec. 10-214. Sidewalk specifications.

Sidewalks shall be constructed in accordance with specifications on file in the office of the zoning administrator, copies of which shall be available to the public.

Sec. 10-215. Suspension or revocation of permit; stop work orders.

The zoning administrator may suspend any permit issued under the terms of this article for failure to comply with the terms of this article or the rules, regulations, plans and specifications established under the provisions of this article for the construction, reconstruction or repair of any sidewalk. The zoning administrator may cause work to be stopped under any permit granted for the construction, reconstruction or repair of any sidewalk by issuing a stop order whenever in his judgment the provisions of this section are not complied with, and any such stop order shall be effective until the next regular meeting of the township board and if confirmed by the board at its next regular meeting, such stop order shall be permanent and shall constitute a revocation of the permit.

Sec. 10-216. Construction by land owner; sidewalk locations.

The township board has the authority (at its discretion) to order the installation and construction of sidewalks and/or non-motorized paths, pursuant to township sidewalk and/or non-motorized path specifications, in any area of the township it deems reasonably necessary in order to protect the health, safety or welfare of the residents of the township.

Concrete sidewalks shall be installed, constructed, and maintained adjacent to paved streets in all new residential developments given final plat approval after June 1, 2000, and all developments given site plan or planned unit development approval after June 1, 2000.

Non-motorized paths eight feet in width shall be installed, constructed with asphalt and maintained adjacent to paved streets in all new residential developments given final plat approval after January 1, 2006, and all developments given site plan or planned unit development approval after January 1, 2006, in place of sidewalks along the following streets:

- (a) 48th Avenue.
- (b) 36th Avenue from Baldwin Street to Fillmore Street.
- (c) 40th Avenue from Bauer Road to Fillmore Street.
- (d) Bauer Road from 36th Avenue to 48th Avenue.
- (e) Fillmore Street from 36th Avenue to 48th Avenue.

In all instances of plats given final plat approval after June 1, 2000, or other developments where sidewalks are required, the sidewalks and/or non-motorized paths shall be constructed by the property owner on all property within the plat or development adjacent to all paved streets no later than seven (7) years from the date of final plat approval or other approval of the development by the township whether or not construction has taken place on such property. Where a developer or property owner does not desire to construct and install a sidewalk or sidewalks pursuant to the initial construction or installation of improvements within the plat or development involved and has obtained township approval, the township shall have the authority to require that financial security be filed with the township (in the form of a cash deposit, bond, or irrevocable letter of credit, and in a form, amount, and from a financial institution deemed acceptable to the township) in an amount estimated by the township to be sufficient to cover the costs of installation of sidewalks in all portions of the plat or development plus reasonable incidental additional costs and expenses.

Existing commercial or industrial developments which receive substantial additions or improvements, defined as a construction cost of \$20,000.00 or more within a 12-month period, shall construct, install, and maintain township-approved concrete sidewalks.

Non-motorized paths eight feet in width shall be installed, constructed with asphalt and maintained adjacent to paved streets in place of sidewalks along the following streets:

- (a) 48th Avenue.
- (b) 36th Avenue from Baldwin Street to Fillmore Street.
- (c) 40th Avenue from Bauer Road to Fillmore Street.
- (d) Bauer Road from 36th Avenue to 48th Avenue.
- (e) Fillmore Street from 36th Avenue to 48th Avenue.

Sidewalks and/or non-motorized paths shall be shown on the site plans submitted to the township for approval and shall be constructed prior to the issuance of the occupancy permit.

All required sidewalk and non-motorized path construction herein shall be at the sole cost and responsibility of the owner of the property involved.

The following projects shall be exempt from such sidewalk requirements: all developments located in the AG and RR zoning districts except for those developments, projects, or uses within the AG or RR zoning districts which are of such a size or which will have such potential impacts that the township board deems it reasonably necessary that sidewalks shall be installed, constructed, and maintained in order to protect the health, safety, and welfare of the residents and property owners in the area; exterior cosmetic

alterations which do not increase the usable area or exterior limits of the building; interior alteration work; and projects which do not require the submission to and approval of a site plan by the township. The township board shall have the authority to waive the sidewalk and/or non-motorized path requirement (as well as sidewalk and/or non-motorized path construction standards) if, in the opinion of the township board, the requirement would result in significant unfairness or unreasonable hardship.

Sec. 10-217. Construction by township.

If the owner of any lot or premises shall fail to build any particular sidewalk within the time and in the manner required thereby, the zoning administrator is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner thereof, and collected as provided for single lot assessments.