

**CITY OF SALINE
WASHTENAW COUNTY, MICHIGAN
ORDINANCE NO. 775**

**AN ORDINANCE AMENDING CHAPTER 74, ARTICLE IV, OF THE CODE OF
ORDINANCES, CITY OF SALINE, MICHIGAN, TO PROVIDE FOR REPAIR AND
CONSTRUCTION OF CITY SIDEWALKS**

The City of Saline Ordains:

Section 1. Amendment. Chapter 74, Article IV, of the Code of Ordinances, City of Saline, Michigan, entitled "Sidewalk Construction and Repair," is amended to read in its entirety as follows:

Sec. 74-181. 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:

- (a) *Actual cost* means labor, material, equipment, and contractor costs incurred by the city.
- (b) *Issuance of the notice* means any of the following events:
 - (1) The posting of the notice on the premises, in conjunction with the mailing of the notice to the responsible party's last known address;
 - (2) The responsible party's receipt of the notice by email, as indicated in a notification of receipt;
 - (3) Personal delivery of the notice to the responsible party;
 - (4) The responsible party's receipt of the notice by certified U.S. mail, as indicated in a notification of receipt; or
 - (5) The reading of the notice to the responsible party over the phone
- (c) *Property owner* means a person who holds record title to a parcel of real estate.
- (d) *Responsible party* generally means the property owner owning the parcel abutting the sidewalk. However, when circumstances indicate that it is more likely than not that a person other than the property owner or a prior owner caused a sidewalk condition of the type described in subsection 74-183(a), that person may be considered the responsible party instead of the property owner.
- (e) *Sidewalk* means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.
- (f) *Sidewalk section* means a contiguous (or formerly contiguous) square or rectangular slab of sidewalk.

Sec. 74-182. Construction of new sidewalks.

- (a) *Sidewalks accompanying new buildings and structures*. The city may require a property owner to construct a sidewalk in the public right of way as a condition of site plan approval for a new building, structure, subdivision, or other development. Further, for buildings or structures that do not require site plan approval, the city may require the property owner to construct a sidewalk in the public right of way as a condition of granting a certificate of use and occupancy, so long as the city informs the property owner of such condition when issuing the building permit.
- (b) *Sidewalk construction permit*. Any private party constructing a sidewalk in the City shall first obtain a construction permit pursuant to section 74-185.
- (c) *Construction standards*. All sidewalks constructed in the city shall conform to the standards established by the city engineering department or its successor official or department. Those standards may include standards regarding grade lines, width, materials, mode of construction, and place of construction.

- (d) *Special assessments for nonconforming lots.* From time to time, the City may require the construction of a sidewalk abutting a property that does not currently have one, or the construction of a new sidewalk in place of a nonconforming sidewalk. The cost and expense of such construction may be levied as a special assessment against the abutting property in accordance with section 9.5 of the charter.

Sec. 74-183. Duty to repair sidewalks.

- (a) *Repair by property owners.* All property owners in the city shall keep and maintain the sidewalks abutting their properties in good repair. A property owner shall repair or replace the abutting sidewalk, pursuant to a permit issued under section 74-185, to the extent needed to remedy the following conditions:
- (1) A rise or drop of more than one inch between any two sidewalk sections, or a vertical discontinuity of more than one inch within a sidewalk section.
 - (2) Three or more cracks at least one-quarter inch in width within two square feet of one another.
 - (3) A sidewalk section tilted in excess of a 2% cross slope from inside edge to outside edge.
 - (4) A crater in a sidewalk section at least one-quarter inch deep, whether caused by deterioration or otherwise.
 - (5) Conditions causing a sidewalk section to rock or seesaw when bearing weight.
 - (6) The absence of a sidewalk section (or portion of such section), such that the sidewalk is noncontiguous.
 - (7) Any other condition of similar severity that has a detrimental effect on public safety and/or aesthetics.
- (b) *Repair by other responsible parties.* When circumstances indicate that it is more likely than not that an individual or entity other than the property owner or a prior owner caused a sidewalk condition of the type described in subsection (a), the city may require that party (instead of the property owner) to repair or replace the sidewalk pursuant to the procedure in section 74-184.

Sec. 74-184. Enforcement of duty to repair.

- (a) *Repair notice.* Upon detecting a sidewalk condition requiring repair, the city may issue a notice to the responsible party stating that the city plans to repair or replace the sidewalk at the responsible party's expense if the responsible party fails to do so within 30 days. The notice also shall state:
- (1) The name of the person the city considers to be the responsible party;
 - (2) The reason why the city considers that person to be responsible; and
 - (3) That the person deemed responsible has the right to request a hearing before the city superintendent (or, if the superintendent was involved in issuing the repair notice, the city manager), within 15 days of the issuance of the notice, to show cause as to why the proposed repair or replacement is not required, or as to why the City's determination of responsibility is in error.
- (b) *Extensions for substantial progress.* The City may extend the time for the responsible party to repair or replace the sidewalk if the responsible party demonstrates that it made substantial progress toward undertaking the required work.
- (c) *Cost recovery by fee.* If the responsible party fails to repair or replace the sidewalk within 30 days of the issuance of the repair notice (or within any extended period offered pursuant to subsection (b)), and fails to successfully appeal the repair notice, the city may perform the proposed work and bill the responsible party for the actual cost of such work, plus an administrative fee of 10%.

Sec. 74-185. Permits for sidewalk construction and repairs.

No sidewalk shall be laid or repaired within the city by a private person unless a permit has first been obtained from the city superintendent. The permit application shall set forth the location of the sidewalk by street and number of premises adjacent thereto or by such other sufficient designation, the name of the applicant who will cause the sidewalk to be laid or repaired, the name of the person who will actually perform the repair or construction work, and the dates on which the work will be performed.

Sec. 74-186. Construction and repairs at city expense.

The city council may, from time to time, adopt policies and programs providing for the construction and repair of sidewalks at city expense. Any such policy or program shall include detailed criteria for determining when the city will assume all or part of the expense of a sidewalk project.

Section 2. Effective Date. This ordinance shall become effective 10 days after its publication.

YEAS: TerHaar, Sibo-Koenig, Roth, Girbach, Dillon, Marl

NAYS:

ABSTAIN:

ABSENT: Rhoads

CERTIFICATION

This is a true and complete copy of Ordinance No. 775 adopted at a regular meeting of the Saline City Council held on August 17, 2015.

Brian Marl, Mayor

Terri Royal, City Clerk

Adopted: August 17, 2015
Published: August 23, 2015
Effective: September 3, 2015