

CHARTER TOWNSHIP OF MONITOR
BAY COUNTY, MICHIGAN

ORDINANCE NO. 70

ORDINANCE TO REQUIRE ADJOINING PROPERTY OWNERS TO MAINTAIN, MODIFY AND REPAIR PUBLIC SIDEWALKS

THE CHARTER TOWNSHIP OF MONITOR HEREBY ORDAINS:

SECTION I PURPOSE

This Ordinance regulates the maintenance, keeping and repair of sidewalks either on private property or on public right-of ways for use of pedestrian travel throughout the Township and requires the adjoining property owner to maintain good and safe passage on said sidewalks.

SECTON II DEFINITIONS

ADJACENT/ABUTTING PROPERTY means any lot or parcel of land adjoining, bordering or touching the street.

ADJACENT SIDEWALK means that portion of the sidewalk located within the street next to and abutting or adjacent property.

PRIVATE PROPERTY means any property not belonging to a governmental agency.

PRIVATELY OWNED SIDEWALK means a sidewalk, either asphalt or concrete, located on private property outside of a public right-of-way or easement.

REPAIR/REPLACEMENT means the adjustment, removal, realignment, mudjacking, patching or installation of any sidewalk in accordance with adopted Township repair/replacement standards.

SIDEWALK means any improved portion of the public right-of-way lying between the edge of the improved road and the adjacent property line intended for the use of pedestrians. The sidewalk materials shall consist of concrete with what is generally ranging between three (3) to five (5) feet or asphalt ranging from five (5) to eight (8) feet in width.

SECTION III OBSTRUCTIONS AND ENCROACHMENTS

(a) It shall be unlawful for any person to place or maintain, or to permit to be placed or maintained, any obstruction on or above any sidewalk, street or other public way within the Township of Monitor unless pursuant to written permit issued by the Township Officials. All encroachments shall be erected in and maintained in accordance with the permit and the Ordinances and Codes of the Township.

SECTION IV DUTY OF ABUTTING PROPERTY OWNER

The owner or occupant of a building, house or lot shall keep the sidewalk adjacent to such building, house or lot free from debris and obstructions.

SECTION V ICE AND SNOW – CLEARING OF SIDEWALKS BY OWNER OR OCCUPANT OF ADJOINING PROPERTY

No person shall allow the accumulation of snow or ice on the sidewalk adjoining any premises owned or occupied by him for a greater length of time than 24 hours after succession of any storm of snow, sleet or ice. When ice is formed on a sidewalk, it shall be the duty of the owner or occupant of the property adjoining thereto to remove the same as soon as it has formed, and to cause a sufficient quantity of salt, sawdust, sand or ashes to be strewn on the sidewalk in such a matter as will render it safe for persons walking thereon.

SECTION VI PROTECTION OF PUBLIC HEALTH, SAFETY AND WELFARE

This subchapter is designed to protect the public health, safety and welfare of the citizens of the Charter Township of Monitor, by the adoption of regulations concerning the construction and maintenance of sidewalks within the Township.

SECTION VII VIOLATIONS

(A) Whenever the Township Board determines that a sidewalk is in a condition that fails to meet the sidewalk criteria provided for in this subchapter, a notice shall be sent to the owner of the adjacent lot or parcel to repair the sidewalk. The notice shall specify the time period in which the person shall achieve compliance with the provisions of this subchapter. In no case shall the time limit specified exceed 90 days, except during inclement or unseasonable weather, in which case, the party responsible for the repair shall post a financial guarantee in lieu of the repair. The guarantee must be in the form of cash, a certified check or an irrevocable letter of credit.

(B) The owner of record or tenant of any building, structure, premises or path thereof in any architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violations may be found guilty of a separate offense and suffer the appropriate penalties, which would be municipal civil infractions as determined by Ordinance 53 of Ordinances of the Charter Township of Monitor.

(C) The imposition of any fine, or jail sentence, or both shall not exempt the violator from compliance with the provisions of this subchapter.

SECTION VIII NOTICE TO BUILD OR REPAIR; COSTS; LIEN ON PROPERTY; CONTENTS OF NOTICE.

Notice herein provided for shall contain the name of the owner or occupant of any lot in front of or adjacent to which said sidewalk or driveway is required to be built, repaired, rebuilt or replaced, if known. A description of the particular property in front of or adjacent to which said sidewalk is to be built, repaired, rebuilt or replaced, and shall designate the work required to be done. Such notices shall also recite that the work is required to be done by Resolution of the Board of the Charter Township of Monitor, giving the date of such Resolution, requiring such owner or owners to construct, reconstruct or repair in accordance with Township specifications such sidewalk as is required by such Resolution within 30 days of the date of the notice, unless a different time is specified in the Resolution of the Township Board. A notice shall also state that if an owner shall fail to comply with such Order within the specified time, then the Township shall construct, reconstruct or repair such sidewalk and charge the expense there of to the premises and the owner thereof, together with an Administrative charge established by the Annual Appropriations Ordinance to cover administrative, bidding, engineering and collection of expenses.

SECTION IX RESPONSIBILITY OF ABUTTING PROPERTY OWNER FOR SIDEWALK REPAIR; CONDITIONS REQUIRING REPLACEMENT.

It shall, in all cases, be the responsibility of the owner of every lot or parcel of land in the Township of Monitor to keep the sidewalks adjacent to his or her lot or parcel in good repair. Sidewalk sections shall be replaced when the condition of the section is

determined, such as detrimental to the safety of the general public. The following are some examples of conditions requiring replacement:

- (1) If the sidewalk has displacement of more than ¾ of an inch between two sections of sidewalk at the connection joint.
- (2) If the sidewalk has more than two (2) cracks of ¼ inch in width or more in any two linear feet of sidewalk section.
- (3) If the sidewalk has a crack more than ¾ of an inch in width.
- (4) If any section of the sidewalk is tilted in excess of one (1) inch per foot from the inside edge toward the outside edge (the outside edge being the edge of the sidewalk nearest the street line).
- (5) If any section of the sidewalk is tilted from the outside edge toward the inside edge (the outside edge being the edge of the sidewalk nearest the street line).
- (6) If, in any five (5) linear foot section of sidewalk, more than 50 percent of the surface has scaled off to a depth of ¼ inch or greater.
- (7) If the concrete has settled, allowing water to pond to a depth of ¾ inch or more.
- (8) If any section of the sidewalk contains a 2” vertical disparity, it needs to be immediately replaced.

SECTION X INSPECTION; FINDINGS OF NECESSITY; ASSESSMENT AGAINST PROPERTY OWNERS

(A) The Township may, by Resolution, require the owners of lots or parcels to replace or repair sidewalks where the condition of the sidewalk necessitates replacement or repair for public health, safety and welfare. Prior to the adoption of a Resolution requiring replacement or repair of sidewalks, notice shall be given to the effective property owners, and a public hearing shall be conducted. Notice shall be given via first-class mail to affected property owners and a public hearing shall be conducted.

(B) Any complaints regarding construction or maintenance of sidewalks shall be inspected by Township Officials including the Supervisor, Building Official, Zoning Administrator or another sidewalk inspector as appointed by the Township Supervisor. Said inspections shall occur within a reasonable time from the receipt of the complaint.

(C) At the time of the inspection, the inspector shall conspicuously mark the sections of sidewalk needing replacement or repair and the Township shall provide notice to the property owner of the necessity of the replacement or repair and the date of the hearing before the Township Board. During this time period the property owner may replace or repair the sidewalk, but such replacement or repair shall be according to the construction standards established by this subchapter and Township Policy.

(D) The Resolution by the Township Board, finding the necessity of the replacement or repair shall provide:

- (1) A finding that the responsible property owner(s) had been given notice of the public hearing;
- (2) A description of the portions or sections of the sidewalk to be replaced or repaired;
- (3) A finding of the necessity of the replacement or repair of the sidewalk for public safety reasons;
- (4) An order directing the Township to replace or repair the portions of sidewalk upon the property and notice that the owner’s failure or neglect to repair or replace the sidewalk shall result in costs incurred by the Township performing said work; and
- (5) An order directing the Treasurer to assess the Township’s cost for replacement or repair of the sidewalk against the property involved, payable over one (1) to three (3) years depending upon the amount as determined by the Township Board. Zero to \$500.00 - one year, \$501.00 to \$1,000.00 – two years, \$1001.00 and over – three years.

(E) All sidewalks shall be replaced or repaired according to the construction standards established in the sidewalk replacement and repair policy.

(F) The costs of repairs/replacement of sidewalks shall be invoiced to the adjacent property owner with the following exceptions

- (1) Sidewalk grants shall not be assessed to the adjacent property.
- (2) A sidewalk that is damaged as a result of a city utility or other utility repair, will not be assessed to the adjacent property owner.

SECTION XI REPEAL

That any Ordinance in conflict with all or part of this Ordinance are hereby repealed.

SECTION XII PUBLICATON

That this Ordinance shall be published in a newspaper of general circulation and becomes effective thirty (30) days after adoption and publication in a newspaper of circulation within the Charter Township of Monitor.

Section XII SEVERABILITY

Should any court of competent jurisdiction declare any part of this Ordinance to be invalid and unenforceable, the remainder shall remain valid and enforceable unless specifically determined by court to not be otherwise enforceable.

Date of 1st Reading:	TOWNSHIP OF MONITOR
May 12, 2025	BAY COUNTY, MICHIGAN
Date of 2nd Reading:	
June 9, 2025	Terry M. Spencer, Supervisor
Date of Publication:	
June 18, 2025	
Effective Date:	
July 18, 2025	