

CHARTER TOWNSHIP OF MONITOR
COUNTY OF BAY, MICHIGAN
ORDINANCE NO. 70 A

ORDINANCE TO REPEAL ORDINANCE 70 AND REINSTATE THE
SIDEWALK ORDINANCE ADOPTED BY THE TOWNSHIP EFFECTIVE AU-
GUST 11, 1997 AS ORDINANCE NO. 46

This is an Ordinance to protect the public health, safety and general welfare by the adoption of regulations concerning the maintenance, repair and safety of public sidewalks within the township; imposing a duty on adjoining and abutting land owners to repair, maintain, or keep safe said sidewalks; to provide a method for the township to maintain or repair certain sidewalks and recover the cost of such projects from abutting land owners; to provide standards for proper sidewalk maintenance, construction, and repair; to require indemnification of the township by adjoining or abutting land owners for failure to repair, maintain, or keep safe said sidewalks; and to impose liability on said adjoining or abutting land owners for injuries or damages caused by their failure to perform such maintenance or repair duties.

The Charter Township of Monitor hereby ordains:

SECTION I – NAME

This Ordinance shall be known and cited as the Monitor Charter Township Sidewalk Maintenance Ordinance and shall from this point forward through the balance of Ordinance 46, shall adopt and repeat all of Ordinance 46.

SECTION II – PURPOSE

The purpose of this Ordinance is to regulate the repair and maintenance of public sidewalks to keep them in a proper and safe condition for public use; to provide for the imposition of liability upon abutting landowners for injuries or damages caused by a defective sidewalk; to provide standards of proper sidewalk maintenance, repair and construction; and to provide indemnification of the Township for costs of required maintenance and repair not accomplished by abutting or adjacent landowners.

SECTION III - REGULATIONS IMPOSED UPON PROPERTY OWNERS

A. The owner or owners of all lots and premises with the Township are required to maintain, repair and keep safe all sidewalks adjacent to or upon their lots and premises in or along the public street and alley rights of way in the Township.

B. It shall be the duty of all owners of premises within the limits of the Township to keep all cement, asphalt, concrete walks, and sidewalks which have been heretofore or hereafter laid in front of, upon, or adjacent to such premises, in or along any of the street or alley rights of way, in good repair and free of dangerous ice, snow, or other dangerous obstructions and/or conditions. Any owner of any such premises who shall allow any such sidewalk to remain in disrepair, or in a dangerous condition shall be responsible and liable for injuries and damages arising out of the disrepair of unsafe condition of said sidewalk. Such owners shall further indemnify and reimburse the Township for any and all liability, costs and expenses which the Township might incur as a result of any injury or damage proximately cause by any such defective or dangerous sidewalk.

C. It shall further be the duty of all owners of premises within the limits of the Township to keep all sidewalks which have heretofore or hereafter laid in front of, upon, or adjacent to such premises, in or along any of the street or alley rights of way in a state of good repair and free of cracks or separations which could reasonably be expected to cause or contribute to injury or damage to any person walking, running, or riding a bicycle or upon roller skates or similar instruments upon said sidewalk.

SECTION IV – TOWNSHIP ACTION TO PRESERVE
SAFETY AND RECOVER COSTS

(1) Monitor Township has no duty or obligation to repair, maintain or replace any sidewalk that it did not install and does not own, or does not immediately abut Township owned property. The Township Board may nonetheless, upon becoming aware of a dangerous or defective sidewalk within the Township, construct, reconstruct, repair or maintain or order the same done, to help preserve the health safety and general welfare of the residents of the Township.

(2) Whenever the Township Board shall deem such construction, reconstruction, repair or maintenance to be necessary it shall so declare by Resolution, describing the property abutting such sidewalk and specifying which work it deems necessary. A copy of said Resolution shall be mailed to the owner (s) of the property so described within five (5) days after the adoption of the Resolution.

Said Resolution shall also provide for a hearing to determine the necessity of such improvement and shall provide the date and time of such hearing. Said hearing to be conducted not less than twenty (20) days from the date of the objection of the Resolution.

(3) At such a hearing, after giving all affected property owners an opportunity to address the Board, it may either construct, repair or maintain the sidewalk and assess the cost over a five-year period against the abutting property owners or permit the owners within a specified time to have the sidewalks constructed, repaired or maintained ac-

cording to Township specifications at their expense. No work shall be commenced until approved by either the County Road Commission or State Department of Transportation having jurisdiction over the right of way within which the sidewalk is located.

(4) The cost of replacement of repair of a sidewalk to be charged against a property owner shall be based upon actual cost or engineer’s estimates, less such subsidy or credit as the Township Board may allow.

(5) The Township Board, in its discretion, may also, after replacing or repairing a sidewalk, authorize collection of the costs of such replacement or repair by civil process, counterclaim, or such other means as may be proper for the collection of debts by legal process.

SECTION V – STANDARDS

All sidewalks or portions thereof hereafter constructed or repaired shall comply with the following specifications:

1. All sidewalks shall be constructed to grade established by existing adjoining walks or, in the absence of the foregoing, by the Township Engineer, and shall be paved with a single course of concrete using limestone aggregate, which shall have a compressing strength of not less than 3,500 pounds per square inch within 28 days of paving.
2. All sidewalks shall be at least four feet in width. Wider walks to a maximum of eight feet may be required by the building department, in commercial or industrial areas or multiple family areas, due to anticipated traffic and the development of the area.
3. Paving shall be constructed on at least a four-inch-thick sand cushion and shall be at least four inches in depth except across driveways, where residential drives are four inches thick with 6” x 6” of #10 welded wire mesh reinforcement and common drives seven inches thick with 6” x 6” of #10 welded wire mesh reinforcement. Paving joints shall be perpendicular to sidelines at intervals consistent with adjoining or abutting sidewalks and not greater than the sidewalk width. One inch expansion joints shall be placed through the walk at least every fifty (50) feet, and between walks and other rigid structures.
4. The surface shall be roughened with a mechanic’s brush or other equipment to prevent smooth and slippery surfaces.
5. Bicycle paths on or along public roads shall be constructed similar to sidewalks and shall not be less than six feet in width.

SECTION VI – OWNER CAUSED DEFECTS

Where sidewalk defects creating pedestrian hazards are caused by conditions existing upon an abutting property, such as, but not limited to, a) trees or other growth; b) surface drainage; c) on site construction or vehicular traffic; or d) other on site activities, the abutting property owner shall be responsible for its repair, maintenance and/or safe condition, and liable for all consequential injuries, damages, expenses or costs resulting from the condition and lack of repair or maintenance and unsafe condition. Such liability shall include full indemnification of the Township for any damages, costs or expenses from such owner defaults, as well as liability to others. The foregoing liability and responsibility shall apply without notice or hearing on the same.

SECTION VII – SAVING CLAUSE

Should any section or provision of this Ordinance be declared unconstitutional, unauthorized or invalid, or in conflict with any other section or provision of any ordinance of the Township, by a court of competent jurisdiction, such decision shall not be held to invalidate or impair the validity, force or effect of any other section or provision of this Ordinance.

SECTION VIII – REPEAL OF CONFLICTING ORDINANCES

All ordinance or parts of ordinances in conflict herewith are hereby repealed.

SECTION IX – EFFECTIVE DATE

The foregoing Ordinance was adopted by a unanimous vote of the Monitor Township Board, Bay County, Michigan, at a regular meeting of said Board held August 11, 1997.

This Ordinance shall be published once in a newspaper in general circulation within the Charter Township of Monitor and shall take effect immediately upon such publication following its adoption.

CHARTER TOWNSHIP OF MONITOR

By: WARREN SINKE, Supervisor

By: ERWIN M. HUTTER, Clerk

Date of 1st reading July 28, 1997

Date of 2nd reading August 11, 1997

The foregoing Ordinance was readopted by a unanimous vote of the Monitor Township Board, Bay County, Michigan, at a regular meeting of said Board held November 10, 2025.

This Ordinance shall be published once in a newspaper in general circulation within the Charter Township of Monitor and shall take effect immediately upon such publication following its adoption.

Terry M Spencer, Supervisor