

30.000

**SIDEWALK ORDINANCE  
CITY OF GREENVILLE, MICHIGAN  
ord. no. 126 eff. Oct. 23, 1986**



An Ordinance to regulate and control the maintenance, installation and construction and/or improvement of sidewalks in the City of Greenville, Michigan.

**THE CITY OF GREENVILLE ORDAINS:**

30.001

**Sec. I. ADMINISTRATION.**

Article 1. **SHORT TITLE.** This ordinance shall be known and may be cited as the City of Greenville's Sidewalk Ordinance.

Article 2. **DEFINITIONS.** The following words and phrases, when used in this Ordinance, shall, for the purpose of this Ordinance, have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. **"City Sidewalk"** shall mean the portion of the street right-of-way or along the street right-of-way and improved as a part of the pedestrian travel route.
- B. **"Private Sidewalk"** shall mean any walk on private property that is not a part of the pedestrian travel route.
- C. **"Hairline Cracks"** shall mean any crack that is less than 1/8 inch in width.
- D. **"Enforcing Official"** shall mean the City Manager or his authorized representative.
- E. **"Hazardous"** shall mean sidewalk that has the potential to cause property or personal loss.
- F. **"Inspect"** shall mean the inspection and testing of sidewalk installation or repair.
- G. **"Builder"** shall mean that person, firm or corporation who has obtained a permit to construct sidewalk, as required by this Ordinance.
- H. **"Property Owner"** means the owner of property as identified by Deed and/or city tax records.
- I. **"Abutting Owner"** shall mean the owner of property abutting a public right - of -way.

Article 3. **COMPLIANCE WITH ORDINANCE.** All sidewalk constructed within the City of Greenville shall be constructed in accordance with this Ordinance.

Article 4. **ADMINISTRATION.** The enforcing official shall administer this Ordinance.

Article 5. **PERMIT REQUIRED.** No person shall remove, construct, rebuild, or repair any sidewalk, except in accordance with the line, grade, slope, and specifications established by the City Engineer, nor without first obtaining a permit from the enforcing official. A permit is required in order to insure uniformity in sidewalk installation, assure pedestrian safety, and to assure good workmanship. There will be no charge for such permit if obtained prior to repair or construction. In the event that work is started or completed without first obtaining a permit then a fee as established by City Council resolution shall be charged for administrative and inspection purposes.

Article 6. **SUPERVISION AND INSPECTION.** The enforcing official shall at all times have access to the work and the right to inspect the work. The builder shall have a responsible representative in charge of the work on the site at all times, who shall have the necessary qualifications and authority to execute, adhere to, and carry out the requirements of the specifications of this Ordinance.

Article 7. **STOP-WORK ORDER.** Construction work that is being done contrary to the provisions of this Ordinance shall be immediately stopped upon order of the enforcing official. After a permit is obtained the enforcing official will inspect any completed work, and if it does not meet city specifications and desired workmanship, then that sidewalk will be removed and replaced to city specifications at the cost of the property owner.

Article 8. **SIDEWALK SPECIFICATIONS.** All sidewalk construction within the City of Greenville shall be a minimum of five (5) bag, readi-mix. All sidewalks shall not be less than four inches in thickness, nor less than six inches at driveway crossings; expansion joint material shall be placed in the joints as often as may be required by the enforcing official, but in no event further apart than fifteen feet. Within twenty-eight (28) days after replacement, all concrete used in sidewalk construction shall be capable of resisting a pressure of three thousand five hundred pounds per square inch without failure; provided, however, that these specifications shall not apply to commercial or industrial districts designated on the zoning map as C-C, C-F, and G-C districts, if the enforcing official determines that thicker, sturdier sidewalk is required within any of these areas. The enforcing official may establish additional detailed specifications, in addition to the provisions of this chapter and not inconsistent with such provisions. (Ord. no. 126 eff. Oct. 23, 1986)

**Sec. II. NEW CONSTRUCTION.**

Article 1. **NEW CONSTRUCTION.** Prior to March 1st of each year the enforcing official will present an annual improvement program to the City Council for the purpose of determining which new City sidewalks should be constructed during each year and which existing City sidewalks that should be repaired for consideration during the annual budget process. Upon order by the City Council, it shall be the duty of the enforcing official to give the owner or occupant of the premises in front of or adjoining the street in which the City sidewalk is to be constructed, written notice of the City's intent to construct. The special assessment process for new construction shall be in accordance with the City's special assessment ordinance. Private sidewalk is intended to be for the sole benefit of the property owner and therefore, it will not be considered as part of the new construction program.

Article 2. **NEW CITY SIDEWALK CONSTRUCTION.** A City sidewalk as identified within the annual construction program cannot be performed by the property owner or his agent. The property owner may appeal the need for such sidewalk at the Public Hearing of Necessity or present a request for a waiver in accordance with Section V [30.005], Article I of this ordinance.

Article 3. **IMPROVEMENTS BY THE PROPERTY OWNER.** The intent of this Ordinance is not to prohibit new sidewalk placement at the initiation of individual property owners whether the construction be City sidewalk or private sidewalk. If the property owner makes improvements not identified as a portion of the current fiscal year City sidewalk improvement program, the City will not financially participate. Sidewalk constructed under this option must meet all other provisions of this Ordinance.

Article 4. **COSTS OF IMPROVEMENTS.** In any case where the council orders the enforcing official to cause any City sidewalk to be constructed as a part of an annual sidewalk improvement program, the City shall levy special assessments according to the provisions of Ordinance No. 125 [12.500] and according to the following schedules:

- A. **New Sidewalks,** except newly platted areas, the abutting owners and the City of Greenville shall be responsible for the cost of repairs or replacement of existing or new sidewalks. The apportionment of such cost shall be decided on a project-by-project basis by a resolution of the City Council. The cost apportioning resolution may be adopted following a public hearing on the sidewalk project, with prior first class mail notice to abutting owners addressed to the address of the owner on file with the Greenville City Assessor.
- B. **Newly Platted Areas.** In any pedestrian traveled newly platted areas sidewalks will be required as determined by the Planning Commission as a condition of plat acceptability with all costs being absorbed by the developer. (ord. no. 126 eff. Oct. 23, 1986; ord. no. 126-A eff. Oct. 17, 1994)

**Sec. III. REPAIR AND MAINTENANCE.**

Article 1. **SIDEWALK MAINTENANCE.** All City and private sidewalks, the primary intent of which is public pedestrian travel, shall be maintained in good repair by the owner of the land adjacent to and abutting the same. Sidewalks in need of repair shall be those cited as unsafe or dangerous by the enforcing official.

Article 2. **UNSAFE, DANGEROUS CONDITION PROHIBITED.** Whenever the enforcing official shall determine that a sidewalk, crosswalk, or driveway approach is unsafe for public pedestrian travel or is required to be repaired or replaced, the enforcing official shall give written notice thereof by first-class mail to the owner of the subject property and to the mailing address as shown on the most current records of the City Assessor. Notice shall specify the exact area of sidewalk to be repaired or replaced and include sidewalk construction specifications and a time limit to complete the required work. Such notice shall provide a procedure to petition for review of the necessity for said work.

Article 3. **PETITION FOR REVIEW OF NECESSITY.** Within ten (10) days of receipt of notice to repair or replace sidewalk, the property owner or his agent may petition the City for review of the need for said work. The petition shall be filed on a form, supplied upon request, with the enforcing official and be completed in full by the petitioner. Within forty-five (45) days of receipt of the petition, the City Council or designated Committee of the Council shall, at public hearing, review and decide on said petition. A filing fee shall be as established by City Council resolution.

Article 4. **COSTS OF REPAIRS AND REPLACEMENTS.** Total costs for repairs and/or replacement of sidewalks shall be the burden of the property owner. If said repairs or replacement are not completed within the time limit specified in said notice, the City may cause the same to be completed, and all costs incurred shall be billed to the property owner. Said costs shall be a lien on said real property. If the bill is not paid within thirty (30) days all costs may be added to the property tax bill and collected therewith.

Article 5. **DAMAGE BY PROPERTY OWNER.** Should any sidewalk be damaged or destroyed through the act or negligence of the adjacent or abutting property owners, their tenants, employees or agents, or should the construction or alteration of a building necessitate the changing of the grade of any existing sidewalk, as determined by the City Engineer, then the full cost of such repair, replacement or changing of grade shall be assessed as provided in Section III [30.003], Article 4, against the adjacent or abutting property owner.

Article 6. **DAMAGE BY CITY.** Should any sidewalk be damaged or destroyed as a result of any action by a City employee or their agent, or if a section of sidewalk becomes raised as a result of roots from a tree located within the City right-of-way at a height determined by the enforcing official to be unsafe for public pedestrian travel, the City of Greenville shall be liable for the costs of repair.

Article 7. **SIDEWALKS TO BE CLEARED.** The owner of every lot or parcel of land adjoining any sidewalk, shall clear all ice and snow from sidewalks adjoining such lot or parcel of land within the time herein required. When any snow shall fall or drift upon any sidewalk, the owner of the lot or parcel of land adjacent to said sidewalk, shall remove such snow as shall have fallen or accumulated within sixteen (16) hours of snow falling or drifting. When any ice shall form on any sidewalk, the owner of the lot or parcel of land adjoining such sidewalk shall, if practicable, immediately remove the said ice and when immediate removal is impracticable, shall immediately cause salt, sand or sifted ashes to be spread upon the ice in such manner and in such quantity as to prevent the sidewalk from being slippery and dangerous to pedestrians and shall remove the said ice as soon as shall be, practicable.

Article 8. **FAILURE TO CLEAR.** If any occupant or owner shall neglect or fail to clear ice or snow from the sidewalk adjoining his premises within the time limited, or shall otherwise permit ice or snow to accumulate on such sidewalk, he shall be guilty of a violation of this Ordinance and in addition, the enforcing official may cause the same to be cleared and the expense of removal shall be collectable as provided in Section III [30.003], Article 4 of this ordinance, and violations are also subject to Section V [30.005], Article 4. (ord. no. 126 eff. Oct. 23, 1986)

**30.004**

**Sec. IV. SIDEWALK OBSTRUCTIONS PROHIBITED.**

Article 1. **SIGNS; AWNINGS; ETC.; OVER SIDEWALK.** No person or persons, firm or corporation shall place or maintain any sign, awning, awning post, or other thing, upon or over any sidewalk, the primary intent of which is public pedestrian travel, in the City of Greenville when such placing or maintaining shall interfere with public travel upon such sidewalk, or shall constitute a danger to such public travel or shall constitute a nuisance, except as otherwise provided herein.

Article 2. **VAULTS; EXCAVATIONS; CONSENT OF COUNCIL.** No person or persons shall construct or use any vaults, structures or excavations under any of the sidewalks of the City of Greenville without first obtaining the consent of the Council or of a Committee of the Council having jurisdiction over such sidewalks.

Article 3. **OBSTRUCTIONS; ENCUMBRANCE; NUISANCE.** No person or persons shall place or maintain any obstruction, encumbrance or other nuisance upon any sidewalk in the City of Greenville without first obtaining the consent of the Council or of that Committee of the Council having jurisdiction over such sidewalks.

Article 4. **SNOW REMOVAL; OBSTRUCTION.** The owners or occupants of any lots or premises within the City of Greenville which adjoin upon any sidewalk in the City of Greenville must remove all snow and ice from the sidewalks in front of or adjacent to such lot or premises, and shall keep the same free from all obstructions, encumbrances, encroachments, filth and nuisances, except as otherwise provided herein. (Ord. no. 126 eff. Oct. 23, 1986)

**30.005**

**Sec. V. MISCELLANEOUS.**

Article 1. **WAIVER.** The City Council may at their discretion waive any charges under this Ordinance for elderly or handicapped people, due to extreme financial difficulties such costs might create.

Article 2. **EFFECTIVE DATE.** This Ordinance shall take effect on October 23, 1986, and following publication.

Article 3. **SEVERABILITY.** In the event any phrase, clause, sentence, section or article of this ordinance is declared illegal or invalid in any final adjudication by a court of competent jurisdiction, the remaining parts of this ordinance shall be deemed to have been adopted and shall continue in full force and effect without such illegal or invalid provision.

Article 4. **VIOLATION.** Violation of this Ordinance shall be a misdemeanor punishable by a fine of no more than \$500.00, court costs, and/or imprisonment in the County Jail for not more than ninety (90) days.  
(Ord. no. 126 eff. Oct. 23, 1986)

Adopted: October 7, 1986

SAMPLE LETTER

February 26, 2009

NAME  
ADDRESS

**Notice of Violation- Ordinance 126, Sections III, IV, and V –  
Failure to Remove Snow/Ice on Sidewalk**

This notice is to inform you that your property located at:

ADDRESS

is in violation of the City's ordinance regarding the **failure of owner(s) or occupant(s) to remove snow and/or ice from all sidewalks surrounding their property**. Please bring your property into compliance by removing the snow and ice from the sidewalk immediately. If complete removal of ice is temporarily impractical, the City requires the spreading of salt or other materials to prevent the sidewalk from being slippery and dangerous until removal of said ice becomes practical.

Your anticipated cooperation is greatly appreciated. We thank you for doing your part in keeping our city safe, attractive, and pleasant. Please notify the Code Enforcement Department at (616) 754-5645 if you have any questions.

City of Greenville  
Code Enforcement