

**SIDEWALK ORDINANCE**

AN ORDINANCE TO REGULATE AND CONTROL THE CONSTRUCTION AND REPAIR OF SIDEWALKS AND APPROACHES OF STREETS WITHIN THE VILLAGE OF OTISVILLE AND LEVYING AND COLLECTION OF TAXES TO DEFRAY THE EXPENSE OF SAME, TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF.

**THE VILLAGE OF OTISVILLE ORDAINS:**

**SECTION 1. DUTY OF PROPERTY OWNER**

It shall be the duty of every owner, agent or occupant of any lot or parcel of land situated within the Village of Otisville to keep and maintain good and sufficient sidewalks along all streets and avenues in front of or abutting their property.

**SECTION 2. DEFINITIONS**

- a. Maintenance: The removal of snow, ice, debris, sod, grass, and any another other obstructions on a sidewalk so as to keep it safe for pedestrian traffic, extend the life of the sidewalk, and enhance the appearance of the neighborhood.

**SECTION 3. SPECIFICATIONS FOR CONSTRUCTION**

All sidewalks and approaches hereinafter constructed or repaired in streets within the Village of Otisville shall be constructed or repaired according to the following specifications:

- (a) Location of Sidewalks: All sidewalks shall be located one foot from the property line, unless permission is granted by the Superintendent of Public Works to locate side walks at any other location. When a sidewalk is constructed in a different location, the Superintendent of Public Works shall revise all street maps to indicate the change.
- (b) Width of sidewalks: All sidewalks shall be not less than five (5) feet in width.
- (c) Grade: All sidewalks shall be upon such grade as the Superintendent of Public Works or the village engineer may direct.

(d) Concrete Mix: Sidewalks constructed, reconstructed, rebuilt or repaired on village right of ways shall be of cement concrete conforming to MDOT standards and shall meet or exceed the following strengths:

6 inch concrete sidewalks and approaches: 3500 psi concrete  
4 inch concrete sidewalks: 3000 psi concrete

(e) Sidewalk Thickness: All concrete placed on village right of ways shall meet the following *minimum requirements* for thickness:

- a. Sidewalks 4 inches
- b. Sidewalks at Driveway Approaches 6 inches
- c. Driveway approaches 6 inches
- d. Street Crossings 6 inches

(f) Preparation of Sub-Grade: All sidewalks shall be laid on a firm, well-compacted sub-grade of clean fill sand or aggregate free of vegetable matter or refuse. Any cut or fill shall be not less than one foot wider on each side than the width of the walk to be built upon it.

(g) Finishing: All sidewalks shall be constructed in a thorough and workmanlike manner. The grade of the finished walk shall have a fall towards the street gutter of 1/4 inch per foot of width in the sidewalk. Joints and surface edges shall be formed to a radius of about one-half inch with proper tools. The surface shall be finished in such manner that when completed it shall have a neat appearance, the wearing surface equal in roughness to troweling smooth and brushing lightly with a stiff brush or broom.

(h) Contraction Joints: Scored contraction joints in sidewalks to form squares of not more than 36 square feet nor less than 16 square feet.

(i) Expansion Joints: Expansion joints shall be placed:

- a. Through sidewalks at 50 foot maximum intervals
- b. Between sidewalks and buildings or other rigid structures
- c. Between sidewalks and driveway approaches
- d. Flush with the finished surface of the sidewalk.

(j) Preparation: All surfaces of manhole covers, catch basin covers, valves boxes and any other miscellaneous frames shall be coated with oil to prevent bonding with the concrete.

#### **SECTION 4. PERMITS AND FEES**

No sidewalk shall hereafter be built, rebuilt, constructed or repaired in the Village of Otisville without a permit therefor being first obtained from the Superintendent of Public Works and all sidewalks must be built in accordance with the specifications in the foregoing paragraphs.

The Superintendent of Public Works shall upon application therefor be authorized to issue such permit and to charge a fee therefor, which fee shall cover the cost of issuing such permit and the cost of inspection, checking and supervision. All fees shall be set by a resolution of the Village Council after a public hearing has been conducted for that purpose. All permits issued shall be returned by the applicant to the Superintendent of Public Works within thirty days from the date thereof with a statement thereon by the builder of the area and number of lineal feet of sidewalk or approach constructed, rebuilt or repaired under the same, the location thereof with respect to lot lines, the date such work was completed and the name or initials of the builder and the year on the stamper marked by which such work may be identified.

## **SECTION 5. NEW CONSTRUCTION AND REPAIRS**

Whenever any sidewalk or approach or portion of the same by reason of surface defects, want of repair or maintenance or any other reason, become dangerous or unsafe to persons passing along or upon the same, or in such condition as to constitute a hazard to the safety of the public and the Village Council so finds by resolution the Superintendent of Public Works shall be authorized to tear up and remove the dangerous and unsafe portions or cause the same to be done and to replace said portion with earth, gravel or cinders or make permanent repairs to the same, so as to render it safe for persons to pass along upon the sidewalk or approach. The cost and expense of such work shall be charged 50% against the owner, agent, or occupant of the premises in front of or abutting such sidewalk or approach, and 50% shall be paid from the general fund of the Village. In the event of nonpayment by such owner or occupant of 50% of the costs and expenses within a period of thirty days after the due date, the amount thereof shall may become a lien thereon, and on the first day of May of each year shall be placed on the tax roll for collection. may be recovered by the Village of Otisville in a suit brought for such purpose in a court of competent jurisdiction, or may be assessed against such lot or premises in the manner hereinafter provided in this ordinance.

Whenever a sidewalk which abuts their property is damaged through the neglect of a property owner, agent or occupant of any lot or parcel of land due to driving across a sidewalk at a location other than an approved driveway, the owner or occupant shall be liable for 100% of the cost of repairs.

## **SECTION 6. NOTICE TO CONSTRUCT**

Whenever the construction, reconstruction or repair of sidewalk or approach is ordered by the Council for the Village of Otisville, it shall be the duty of the Superintendent of Public Works to cause to be served upon the owner, agent or occupant of any lot or parcel of land in front of or abutting the sidewalk or approach, which is ordered to be constructed, reconstructed, or repaired, notice to construct, reconstruct or repair the same within fifteen days of date of service of such notice. Such notice shall be served by regular mail by mailing to the owner or agent or occupant of said lot or parcel of land a true copy of said notice. Said notice shall be in the following form, or one substantially similar thereto:

You are hereby notified to construct, reconstruct or repair sidewalk or approach along the \_\_\_\_\_ side of \_\_\_\_\_ Street in front of (or adjacent to) such part or parts of the following described lot or parcel of land situated in the Village of Otisville as are owned by you, to-wit: *(insert property description)*

pursuant to resolution duly adopted by the Common Council of the Village Otisville on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, in accordance with specifications described therefor now on file in the office of the Superintendent of Public Works within fifteen days from the date of service upon you of this notice.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Superintendent of Public Works

If such owner, agent or occupant shall neglect to construct, reconstruct or repair such sidewalk or approach within the time specified in the notice hereinbefore required to be given, it shall be the duty of the Superintendent of Public Works to construct, reconstruct or repair the same or cause it to be done, and in such case ten (10) percent the cost and expense of construction, reconstruction or repairing said sidewalk or approach, in which cost shall be included all the items of cost of said construction, shall, when ordered by the Village Council, be assessed by the assessor on each description of land, which shall be and remain a lien thereon until collected and paid, as provided by this ordinance.

Upon completion of the construction, reconstruction or repairing of such sidewalk or approach, the Superintendent of Public Works shall make a report to the Village Council, setting forth therein the names of the owner and agent or occupant with a description of the promises, the amount of walk constructed, reconstructed or repaired, together with an itemized statement verified by him showing the cost and the expense of all labor and material used.

## **SECTION 7. ASSESSMENT ROLLS**

Upon receiving the report mentioned in the preceding section, the Village Council shall and it is hereby authorized to direct the assessor to make and prepared a special assessment roll, which shall be designated "Sidewalk Assessment Roll" and ,which shall contain the description of each lot or parcel of land in front of or adjacent to which the village has constructed, reconstructed or repaired any sidewalk or approach, and the names of the owners of such lots or parcels of land, together with the total cost of constructing, reconstruction or repairing of same, as in this ordinance provided, and there shall be levied and assessed as a special assessment on each description of land appearing on said rolls its proportion of said cost. Upon receiving such direction, the assessor shall make an assessment roll as provided in Chapter Eleven of the Village Charter and thereupon the same proceedings shall be had and with like effect as provided in the Village Charter or special assessments in other cases.

**SECTION 8. MAINTENANCE FUND**

There shall be a Sidewalk Maintenance Fund established within the General Fund of the Village of Otisville. A minimum of \$1,000.00 shall deposited into this fund annually from the General Fund in order to repair and replace sidewalks throughout the village.

**SECTION 9. PENALTY**

Any person, persons, firm or corporation violating any of the provisions of this ordinance shall upon conviction thereof be sentenced to pay a fine not exceeding \$100. 00 or by imprisonment for not more than ninety days in the village or county jail, or both such fine and imprisonment, in the discretion of the court. This ordinance and the various parts, sections and clauses hereof are hereby declared to be separable. If any part, section or clause is adjudged unconstitutional or invalid, it is intended that the balance of the ordinance shall not be affected thereby.

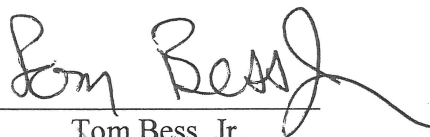
**SECTION 10. ORDINANCES TO BE REPEALED**

Ordinance No. 52 previously adopted by the Village Council is hereby repealed.

**SECTION 11. EFFECTIVE DATE**

This Ordinance shall take effect and be in full force and effect ten (10) days after its passage by the Village Council.

APPROVED, ADOPTED and ORDERED published in three public places in the Village of Otisville this 16 th day of December, A.D. 2002.



Tom Bess, Jr.  
Village President



Andrea Barden  
Village Clerk

I, Andrea Barden, Clerk of the Village of Otisville, do hereby certify that the foregoing Ordinance was published by post three public places in the Village of Otisville on this 19 th day of December, 2002.