

**ORDINANCE 05-01-17**

**AN ORDINANCE TO AMEND CHAPTER 74 – STREETS, SIDEWALKS  
AND OTHER PUBLIC PLACES; ARTICLE III - SIDEWALKS  
CITY OF NORTHVILLE CODE OF ORDINANCES**

**Section 1. The City of Northville Ordains:**

Chapter 74 – Streets, Sidewalks and Other Public Places, Article III - Sidewalks, is hereby amended.

**Section 2. Amend Article III - Sidewalks**

**ARTICLE III. - SIDEWALKS**

**Sec. 74-71. - 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:

*Final cost* means the cost of removal of old concrete, if any, the labor and materials used in preparation of the base for the sidewalk, which base is not to exceed eight inches in depth, and the labor and materials used in the laying of the concrete.

*Preliminary cost* means all expenses incurred in the establishment of a sidewalk site to within one foot of the sidewalk grade and shall include, but not be limited to, the expense of necessary retaining walls, embankments, engineering, surveying, excavating and filling. (Code 1980, § 7-121) Cross reference—Definitions generally, § 1-2.

**Sec. 74-72. - Penalty for violation of article.**

Any person who shall fail to comply with any of the provisions of this article shall, upon conviction, be punished according to the provisions of section 1-18. (Code 1980, § 7-131)

**Sec. 74-73. - Initiatory resolution for construction or repair.**

The city council shall, by initiatory resolution, propose that the construction, reconstruction or repair of certain sidewalks within the city be undertaken. This resolution shall describe the location at which this work is to be done, the type of work to be done at each location and shall set a date for a public hearing at which the necessity for the proposed work shall be determined. It shall also direct the city clerk to notify, by first class mail, the owners of property abutting the location where the work is to be done of the intention of the council to pass a resolution of necessity relative to the making of such improvements. (Code 1980, § 7-122)

**Sec. 74-74. - Notice to property owners; contents.**

The city clerk shall, by first class mail, send out a notice to each of the affected property owners. This notice shall describe the specific type of improvement to be made; the time and place of the hearing; the date the resolution of necessity shall be acted upon; the proposed manner of deferring, allocating and collecting all the costs of same; and a preliminary estimate of the share of such cost which it is proposed to charge to the abutting property owners. This notice shall also state that the property owners may cause the work to be done in conformity with the plans and specifications on file with the city, provided it is completed within ten days following the adoption of the resolution of necessity. This notice shall be mailed to the property owners to be affected at least ten days prior to the date of the hearing. (Code 1980, § 7-123)

**Sec. 74-75. - Resolution of necessity.**

The council shall hold the public hearing at the time and place specified and may adjourn such hearing to later specified dates, if deemed necessary. At the conclusion of the public hearing the council may adopt a resolution of necessity determining that the making of all or part of the proposed improvements is necessary and in the best interest of the city. This resolution shall also cover the following matters:

- (1) Type of and location where the improvements are to be made.
- (2) The names of the owners of the property abutting upon the locations.
- (3) The manner of deferring, allocating and collecting of the costs of making the improvements.
- (4) The amount of the costs which are to be charged against the abutting property owner via special assessment. (Code 1980, § 7-124)

**Sec. 74-76. - Plans and specifications.**

All sidewalks shall be constructed in conformity with the plans on file in the city and in accordance with standard specifications of the city. Where the sidewalk site is so located as to require preliminary work in the nature of embankments, retaining walls, abnormal filling or excavating, etc., such work shall be done under the direction and subject to the approval of the city engineer. All concrete used in sidewalk construction shall, 28 days after placement, be capable of resisting pressure of 3,000 pounds per square inch without failure. (Code 1980, § 7-125)

**Sec. 74-77. - Permit—Required; fee; terms; exception.**

No sidewalk shall hereafter be constructed, reconstructed or repaired in the city without a permit being obtained therefor from the public works department. The public works department shall be authorized to issue such permits upon payment of a fee to the city treasurer in an amount as set by resolution of the city council; provided, however, that there shall be no charge for a permit to repair less than 50 square feet of sidewalk. This permit shall be secured by the owner of the property abutting the sidewalk, or his agent. Under the terms of this permit the owner shall agree to construct, reconstruct or repair the sidewalk in conformity with the grade established by the city, according to the specifications attached to and conditions and guarantees contained in such permit, and where preliminary work is necessary, such work shall be done under the direction and subject to the approval of the city engineer. The owner of the property abutting the sidewalk covered by such permit shall be responsible for the condition of the sidewalk. No permit shall be required for sidewalks constructed under contract with the city or by the city forces. (Code 1980, § 7-126)

Sidewalks within the city right of way shall be kept clean and clear for the free passage of pedestrians. Upon notification of proposed construction abutting or within the public right of way that may affect safe passage on or access to the sidewalk, the Building Official shall determine an alternative for pedestrians. Alternatives may include that the sidewalk be closed, remain accessible, or an alternative path be established and designated by proper signs and/or barricades. In making this determination, the Building Official shall consider the nature and duration of the construction, the size of the construction area, the amount of sidewalk affected, the anticipated pedestrian traffic, and potential conflict with vehicular traffic.

No sidewalk shall be closed without a determination by the Building Official, and a right of way permit being obtained. Sidewalks shall be closed for no longer than necessary, as determined by the Building Official, and shall not exceed ninety (90) days. A sidewalk that is to be closed shall have proper signage and barricades indicating the sidewalk is closed and the date the sidewalk will be passable. A right of way permit shall be displayed near the affected sidewalk. Temporary sidewalks that are installed shall meet Americans with Disabilities Act standards to the extent feasible.

**Sec. 74-78. - Same—For construction by property owner.**

The public works department is hereby authorized to grant a permit to any property owner to construct a sidewalk in front of, or adjacent to, any real estate owned by him, conditioned that such owner is skillful and competent to construct the sidewalk in a manner provided in section 74-76. (Code 1980, § 7-129)

**Sec. 74-79. - Same—Revocation.**

The council may revoke any permit issued under the terms of this article for incompetency or failure to comply with the terms of this article, or the rules, regulations, plans and specification furnished by the city for the construction, reconstruction or repair of any sidewalks. The city manager or his designated agent may cause work to be stopped under any permit granted for construction, reconstruction or repair of any sidewalks for any of the causes enumerated in this section until the next meeting of the council. (Code 1980, § 7-130)

**Sec. 74-80. - Builder; license required.**

No sidewalk shall be constructed, built, rebuilt or repaired in the city except by a licensed sidewalk builder, except as provided in this section. Any person desiring to engage in the business of building, rebuilding or repairing sidewalks shall make written application for a license therefor to the council, which application shall contain the full name, age and place of residence of such person and expressing his willingness to be governed in all respects by all rules, regulations, and specifications which are now or may hereafter be adopted by the superintendent of public works for the building, rebuilding or repair of sidewalks, and shall be signed by two or more reputable citizens vouching for the applicant's qualification for such license. If such application is approved by the council, upon payment of the license fee, he shall be entitled to receive a builder's license. No such license shall be granted for more than one year, and all such licenses shall expire on December 31 each year. It shall be unlawful for any person to build, rebuild or repair any sidewalks within the city without having first secured a permit therefor under the provisions of this article. The fee set forth in this section may be set from time to time by resolution of the city council. (Code 1980, § 7-127)

**Sec. 74-81. - Costs of construction or repair.**

The cost of the construction, reconstruction or repair of any sidewalk in any street or alley in the city shall be deferred, allocated and collected as follows:

- (1) *New construction.* If any sidewalk is constructed within one year from August 18, 1983, one-third of the final cost shall be borne by the city. Thereafter, the entire final costs of the construction shall be borne by the property owner; provided, however, that should there be no sidewalk grade line established by the city, then the period of time in which the city agrees to participate in the cost, as set forth in this subsection, shall be extended until one year from the date of the establishment of the grade line. The provisions of this subsection, with regards to deferring and allocating of final costs, shall not apply to sidewalks constructed in either subdivisions established under the subdivision ordinance, or those established under a contract with the city which has covered the matter.
- (2) *New construction; preliminary cost.* Should the city engineer determine that preliminary work is necessary prior to construction of a new sidewalk, then the cost of such work shall be shared by the city and the abutting property owners as follows: Two-thirds of the preliminary cost shall be charged against the property abutting the sidewalk and paid by the owners; provided, however,

that the total amount of the preliminary cost chargeable against any one abutting lot or parcel and payable by the owner or owners thereof shall not exceed the sum of \$200.00. The balance of the preliminary cost shall be borne by the city. The ratio of sharing of the preliminary cost shall remain in effect until changed by amendment to this article. The provisions of this subsection with regards to the allocating and sharing of preliminary costs shall not apply to sidewalks constructed in either subdivisions established under the subdivision ordinance, or those established under a contract with the city which has covered this matter.

- (3) *Reconstruction or repair.* The entire cost of reconstruction or repair of sidewalks shall be borne by the property owners abutting upon such sidewalks; provided, however, that should replacement or repair of a sidewalk, deemed by the city to be in need of replacement or repair, be occasioned by any of the following circumstances, then the cost of the reconstruction or repair shall be borne entirely by the city:
  - a. Where the sidewalk grade line has been changed.
  - b. Where construction activities of the city have damaged the sidewalk.
  - c. Where trees located upon public property have caused damage to sidewalks.
  - d. Where the damage to the sidewalk has been caused by any other activity of the city.
- (4) *Determination of payment.* When the city has agreed to participate in any of the costs incidental to the construction, reconstruction or repair of a sidewalk, its participation shall be limited to the paying of its share of the lowest price obtainable from any licensed sidewalk builder for the doing of the work in question.
- (5) *Collection of costs.* The costs allocable to the abutting property owners shall become a special assessment upon the property in accordance with the provisions of section 11.9 of the Charter of the city. The city council shall, in its resolution, prescribe the time and manner of collection of such costs. (Code 1980, § 7-128)

**Secs. 74-82—74-100. - Reserved.**

**Section 3. Rights and Duties:**

Rights and duties which have matured, penalties which have incurred, proceeding which have begun and prosecution for violations of law occurring before the effective date of this ordinance are not affected or abated by this ordinance.

**Section 4. Severability:**

The various parts, sections, and clauses of this ordinance are hereby declared to be severable. If any part, clause, sentence, paragraph, or section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

**Section 5. Effective Date:**

This ordinance shall be published per the requirements set forth in Chapter 7 of the City Charter, that being published by the tenth day following adoption and effective on the day following publication.

The foregoing ordinance amendment is a true and correct copy of the ordinance adopted at the regular meeting of the City Council of the City of Northville held on May 15, 2017 at 7:00 p.m. in the City of

Northville Municipal Building, 215 W. Main Street, Northville, Michigan 48167, Counties of Oakland and Wayne.

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Ken Roth, Mayor  
City of Northville

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Dianne Massa, City Clerk  
City of Northville

The undersigned certifies foregoing ordinance was:

Introduced: 05-01-17

Adopted: 05-15-17

Published: 05-25-17

Effective: 05-26-17

By a vote of: 5:0

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Dianne Massa, City Clerk  
City of Northville