

ARTICLE VIII. ADDITIONAL HEIGHT AND AREA REGULATIONS

Sec. 82 – 613. Sidewalks

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Sidewalk means any sidewalk adjoining any public street but shall not include any portion of a driveway between the street and the proposed or existing sidewalk or any crosswalk.

Person includes any individual as well as any firm, corporation, partnership, voluntary association, and organization of every nature.

- (b) *Permit Requirement.* A permit shall be obtained from the township building department prior to construction, repair, reconstruction or removal of any sidewalk within the township. Permit fees shall be set by the township board from time to time.
- (c) *Standards for Construction, Repair and Reconstruction.* The following standards shall be adhered to for all sidewalk construction, repair, or reconstruction:

- (i) The township's chief building official shall establish the line, grade, slope and design standards for all sidewalk construction, repair, or reconstruction.
- (ii) All sidewalks shall be made of materials approved in advance by the chief building official.
- (iii) All sidewalks shall be located within the street right-of-way, when possible, and adjacent to the property line, except that all reasonable effort shall be made to avoid cutting trees. If space within the street right-of-way is inadequate, the sidewalk shall be placed at the direction of the township building department.
- (iv) All sidewalks shall be constructed five feet wide

- (d) *New Construction.* All new commercial building within the D-1, D-2, and C districts (when the C district is located within 1,000 feet of any commercial district) occurring within the township, which is adjacent to a public street where sidewalks do not presently exist, shall provide for the construction of sidewalks in accordance with this section.

Provision for such sidewalk construction shall be included as part of site plan review, subdivision approval and/or as part of plans submitted for obtaining a building permit. Such newly constructed sidewalk shall be at the sole expense of the property owner.

- (e) *Unsafe Sidewalks; Duty of Property Owners.* No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or to be unsafe as determined by the chief building official. All required repairs shall be born solely by the owner(s) of the property or properties adjacent to the sidewalk based upon the percentage of property frontage along such sidewalk.

Failure to make any such repairs within 60 days of notification by the township building department shall result in the township undertaking such repairs at the sole cost of the property owner plus an additional 15% administrative fee. Any such costs/fees not paid by August 31 of each year shall become a lien on the property, which lien shall be enforced in the manner provided by law for the enforcement of tax liens.

- (f) *Snow, Ice, or Debris; Duty of Property Owners.* Property owners shall be responsible to clear all snow, ice, and debris from the sidewalk adjacent to their property at their own expense. If any owner, agent, or occupant shall refuse or neglect to clear all snow, ice, and debris from the sidewalk, the township, through its employees or agents, may enter upon such lands and clear such snow, ice, and debris at the sole expense of the property owner. Any such costs/fees not paid by August 31 of each year shall become a lien on the property, which lien shall be enforced in the manner provided by law for the enforcement of tax liens. Additionally, any such person who shall violate or fail to comply with this subparagraph, shall be subject to the provisions of the municipal civil infractions ordinance, section 2-161, et seq.
- (g) *Additional Sidewalks.* Whenever the township board shall consider the necessity for construction, reconstruction or resurfacing of a public street, the township board shall also consider the necessity for construction, repair or reconstruction of the sidewalk. Whenever feasible, such sidewalk work shall be completed in conjunction with the street project as approved by the township board.

The cost for new sidewalk construction, where no sidewalk has existed before, or for sidewalk repair or reconstruction shall be borne solely by the owner(s) of the property or properties adjacent to the sidewalk, based upon the percentage of property frontage along such sidewalk.

All sidewalk assessments determined under this section shall be due and payable, and collectible and shall become a lien on the property in the same manner as a special assessment.

Introduction & 1st Reading: 2/19/2019

2nd Reading & Adoption: 3/5/2019

Effective Date: 3/5/2019