VILLAGE OF NEW HAVEN
COUNTY OF MACOMB, STATE OF MICHIGAN
ORDINANCE NO. 364

AN ORDINANCE ESTABLISHING THE REQUIREMENTS FOR THE CONSTRUCTION
OF AND MAINTENANCE OF SIDEWALKS

CHAPTER 450

ARTICLE II CONSTRUCTION AND MAINTENANCE OF SIDEWALKS

§ 450-13 Council resolution or Citation.

A. The Council of New Haven may, by resolution, determine the necessity for construction, reconstruction or repair of any sidewalk in the public right-of-way in the Village of New Haven and shall declare the intention of the Council to have such improvements made and may require the owner or occupants abutting the property to construct, reconstruct or repair any sidewalk at the owner's expense. The Village Council may, pursuant to Michigan Compiled Laws §67.8, by a vote of 2/3 of the Council, elect to defray any portion of the cost of the improvement from general fund monies. The resolution shall contain a general description of the improvement to be made and the names of the owners and occupants of property which will be affected. Any special assessment district so created shall conform to the requirements contained in Chapter 7 of these ordinances.

B. A Citation may issue from a Code Enforcement Official if it appears that a condition of a sidewalk is unsafe or dangerous and requires immediate repair to assure public safety and to prevent the possibility of Village liability for personal injury or property damage. Upon receipt of a citation, the failure of the owner to repair the sidewalk within the time specified in the citation, the Village Council may determine to repair the sidewalk by resolution and order the Director of Public Works to proceed with the required work. If repairs are undertaken pursuant to this subsection, the Village may charge the owner of the abutting property for the repairs as provided in §450-20.

§ 450-14 Notice.

A. The Village Clerk shall notify the owners of property abutting the sidewalk which is proposed to be constructed, reconstructed or repaired of the intention of the Village to require such improvement and assess the cost thereof against the abutting property owner. Said notice shall also state that the owner shall cause the work to be done in conformity with lines, grades and specifications required by the provisions of §450-15, and at his own expense, and the work shall be done within 30 days after the date of receipt of such notice; provided, however, that an
extension not to exceed 90 days may be granted by the Village Council for good cause shown in writing.

**B.** Notice may be given by personal service upon the property owner or occupant affected or by registered mail, return receipt requested. If the address of the owner is not on file in the Village office, notice may be provided by leaving the notice with a person of suitable age at the premises or by publishing the notice in a newspaper in general circulation in the Village twice, once each week for two consecutive weeks, and by posting said notice on the property affected.

§ 450-15  **Plans and specifications.** All sidewalks shall be constructed in conformity with specifications on file with the Village Clerk. Said specifications shall be available for public inspection. Such specifications may include line and grade stakes requirements, the width and slope of sidewalks, approach width, sidewalk and approach thickness, size of slabs, necessity of and type of expansion joints, subgrade requirements, concrete specifications, finish, curing and protection requirements.

§ 450-16  **Permits.**

**A.** No sidewalk shall be constructed in the Village without a permit being obtained from the Village Clerk, unless such requirement is waived by a majority vote of the Village Council.

**B.** The Clerk shall be authorized to issue such permits at no charge to the abutting property owner for areas not to exceed 50 square feet. Applications for areas of larger size shall be first reviewed and approved by the Village Council or its designated representative. Permit fees shall be determined by the Village Council and made available through the Village Clerk.

§ 450-17  **Bond.** Any person, firm or corporation wishing to construct, reconstruct or repair sidewalk areas in the public right-of-way exceeding 50 square feet in area shall, prior to receiving a permit to proceed, place on deposit with the Village Clerk a minimum cash bond equal to the full contract price of the construction, reconstruction or repair of the sidewalk.

§ 450-18  **Sidewalk builders’ qualifications.** No sidewalk in the public right-of-way shall be constructed, reconstructed or repaired by any person, firm or corporation not having a valid current contractor’s license as issued by the Michigan Department of Licensing and Regulatory Affairs unless the Village Council or its appointed representative shall be provided satisfactory proof of qualifications to perform the work.

§ 450-19  **Responsibility for keeping sidewalks cleared.** The owner or occupant of every lot or premises adjoining any street or the owner of such lot or premises if same are not occupied shall clear and keep cleared all sidewalks adjoining such lot or premises from obstructions, encroachments, incumbrances, snow, ice, or filth.
§ 450-20  **Enforcement.** In the event any owner or occupant of any lot or premises shall fail to maintain, construct, reconstruct or repair any sidewalk as required by this article, the Village may cause the same to be done and assess the cost thereof, and may impose a penalty of 10% in addition thereto, against such owner or occupant as provided by Chapter 7, Section 10, Act 3 of 1895, as amended which has been codified as Michigan Compiled Laws §67.10.

§ 450-21  **Violations and penalties.** In addition to any other penalty provided herein, any owner found violating any provision of this article shall be punished as set forth in Chapter 59, Municipal Civil Infractions, of the Code of the Village of New Haven.

§ 450-22: **REPEAL OF CONFLICTING PROVISIONS AND/OR ORDINANCES** All ordinances or resolutions in conflict with any part of this ordinance, are hereby repealed to the extent of the conflict.

§ 450-23: **SEVERABILITY** If any portion of this ordinance or its application to any person or circumstance is held invalid, inoperable, or unconstitutional for any reason by a court of competent jurisdiction, the remaining parts of this ordinance shall remain unaffected.

§ 450-24: **EFFECTIVE DATE** This ordinance shall become effective 45 days after the date of adoption. If a petition, signed by not less than 10 percent of the registered electors of the Village is filed with the Village Clerk within the 45-day period, this ordinance shall not become effective until after the ordinance is approved at an election held on the question as provided by Public Act 3 of 1895, Chapter V, Section 8(4); MCL 65.8(4). All assigned duties of the Village Manager shall only become effective 45 days after the adoption of this ordinance.

I, **Heather Mitchell**, the undersigned Clerk of the Village of New Haven hereby certify that the foregoing ordinance was duly adopted by the Village Council for the Village of New Haven at a regularly scheduled council meeting held on **July 9**, 2019, by the following votes of the membership thereof:

Motioned by: **Trustee Bookauski**

Seconded by: **Trustee Meissen**

Ayes: **Trustee Przecios, Trustee Belanger, Trustee Pridemore, Trustee Wosok, President Dilbeck**

Nays:  

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Absent:

I, the undersigned Clerk of the Village of New Haven, do hereby certify that on

July 9, 2019, the foregoing ordinance, or summary thereof, was duly published
in The Voice Newspaper, a newspaper having general circulation within the Village of New
Haven, as well as the Village of New Haven website.

[Signature]
Village of New Haven Clerk

7-9-19
Date