



Village of Breedsville

82 E Main St. PO Box 152
Breedsville, MI 49027
(269) 427-9029

ORDINANCE 2022-02

Sidewalk Ordinance

An ordinance to secure the public health, safety, and welfare of the residents and property owners of the Village of Breedsville, Michigan, through the control and regulation of the construction and maintenance of sidewalks in the Village; to provide penalties for the violation thereof and to repeal all ordinances or parts of ordinances in conflict therewith.

THE VILLAGE OF BREEDSVILLE, VAN BUREN COUNTY, MICHIGAN ORDAINS:

SECTION 1: TITLE AND DESIGNEE

This ordinance shall be known and cited as the Village of Breedsville Sidewalk Ordinance. The Village is authorized to designate a person to enforce the Ordinance.

SECTION 2: DEFINITIONS

For the purpose of this Chapter, the following terms shall have the following meanings:

- (1) **PUBLIC STREET:** the entire width between the boundary lines of every public right-of-way open to vehicular traffic.
- (2) **SIDEWALK:** that portion of a public street between the curb lines and the adjacent property lines intended for the use of pedestrians.
- (3) **CONSTRUCTED/PAVED SIDEWALK:** a concrete or asphalt sidewalk, possibly including gravel sections.

SECTION 3: CONSTRUCTION AND MAINTENANCE

It shall be the duty of all owners and occupants of any lot or parcel of land fronting or being upon or along any public street in the Village of Breedsville to build, keep in repair, and rebuild sidewalks in the said public street adjacent to and abutting upon each lot or parcel of land at such time, in such manner, and of such material as the Village Council may direct.

Whenever the Village Council shall deem it expedient or necessary that a sidewalk should be constructed in and along the line and side of any public street in the Village or, the same having been constructed, shall deem that the same be repaired or rebuilt, the

Village Council shall so declare by resolution which resolution shall state the place where each sidewalk is required to be built, repaired or rebuilt, and the kind of material with which the same is to be done, the width of the same, and the time in which the same is to be completed and that the Village of Breedsville may pay from the appropriate Village fund for the cost of materials necessary for the same not to exceed fifty (50%) percent of the total cost including labor and all other expense incidental thereto to build, repair or rebuild such sidewalk as shall be determined by the Village Council. The Village is not required to pay any portion of the cost. It shall be the duty of all owners or occupants of all land affected thereby to proceed within the time mentioned therein to do the work and make the improvements required thereby and, in the manner, and of the kind of material therein mentioned.

SECTION 4: NOTICE TO OWNER

After the passage by the Village Council of any such resolution mentioned in the preceding section, it shall be the duty of the Village Clerk to prepare copies thereof and to attach thereto a notice directed to each of the owners or occupants of all the land upon which such improvements would be a charge informing them that unless the improvement specified in such resolution shall be made and completed by them within the time, in the manner and of the material therein mentioned then and in that case the said Village will make and complete such improvements of which the designated cost and expense thereof shall be assessed to the owner or occupant of the land affected thereby and will become a lien on such land as hereinafter provided. Copies of said resolutions and notices shall be served by the Building Official by delivering the same to each owner personally if found within the Village or by certified mail by the Village Clerk. If the owner is not found in said Village or said mail is not delivered, then the same shall be served by posting the same in some conspicuous place on such premises.

SECTION 5: REMOVAL OF ICE AND SNOW

The occupant of any premises, or the owner of any unoccupied premises or real property, is required to keep the constructed sidewalks in front of, or adjacent to such premises cleared from snow and ice which will impede passage on such sidewalks.

- (1) Except as provided in subsection (3) hereof, snow and ice shall be so removed from sidewalks in all business districts by four (4) business hours after the cessation of any fall of snow, sleet, or freezing rains, or by the beginning of business hours of the next day following such fall, whichever period is shorter.
- (2) Except as provided in subsections (3) or (4) hereof, snow and ice shall be so removed from all residential sidewalks within 24-four hours after cessation of any fall of snow, sleet, or freezing rain.

- (3) In the event snow and ice on a sidewalk has become so hard that it cannot be removed without the likelihood of damage to the sidewalk, the person responsible for its removal shall, within the time requirements of subsections (1) or (2), have enough sand or other abrasive put on the sidewalk to make travel thereon reasonably safe. Snow and ice shall then be removed as soon as it can be accomplished without the likelihood of damage to the sidewalk.
- (4) Exemptions. In residential districts only, persons who, for reasons of infirmity, believe compliance with subsections (2) and (3) would cause undue hardship, may file a request for exemption with the Village Clerk. The Clerk shall approve or disapprove the request according to guidelines adopted by Council. If approved the Village may then remove snow and ice from these sidewalks at a cost to be established by council resolution, based on the length, in feet, of the sidewalk.
- (5) Failure to Comply. If the person responsible for the removal of snow and ice fails to comply with the requirements of this Section, then the Village may remove the snow and ice, and the cost thereof may be collected as a single lot assessment under Chapter 3, Section 1.85 of this Code. Further, such responsible party shall be liable to the Village for all losses to the Village or recoveries from the Village for damages to person or property of others caused by the failure of such responsible party to so remove all snow and ice accumulations in accordance with this Section.

PASSED AND APPROVED by the Village Board of the Village of Breedsville on this 02 day of March 2022

CERTIFICATION

I further certify that trustee W. Yeager moved for adoption of said Ordinance 2022-02 and that trustee T. Weniger, seconded said motion.

I further certify that the following members voted for the adoption of said Ordinance: W. Yeager, T. Weniger, B. Hibma, S. Rogusta , and that the following members voted against such Ordinance: None : Abstained: L. Weniger

Steven Rogusta
Steven Rogusta, Village President

Linda Norton
Village of Breedsville, Clerk

I do hereby certify that the synopsis of this Ordinance No 2022-02, in accordance with statutory requirements was published on March 20, 2022, in the South Haven Tribune, a copy of which is attached hereto.

I further certify that said Ordinance No 2022-02 has been recorded in the Ordinance Book of the Village of Breedsville and that such recording has been authenticated by the signatures of the Village President, and Village Clerk.

