

**VILLAGE of CASNOVIA
COUNTIES of KENT and MUSKEGON, MICHIGAN**

At a regular meeting of the Village Council of the Village of Casnovia, held at the Village Office, 141 North Main Street, within the Village, on the 13th day of March 2023.

ORDINANCE NO. 2023-01

SIDEWALK AND DRIVEWAY APPROACH ORDINANCE

AN ORDINANCE to establish Village Ordinance 2023-01, Sidewalk Ordinance to define sidewalk and driveway approach maintenance within the Village of Casnovia, and to provide civil infraction penalties for the violation thereof.

THE VILLAGE OF CASNOVIA ORDAINS:

Section 1. *Purpose:* To regulate the installation and maintenance of the sidewalks within the Village.

Section 2. *Definitions:* The following words, terms, and phrases, when used in this ordinance, shall have the meaning stated below in this section:

- a) *Sidewalk* shall mean the portion of the State right-of-way designed for pedestrian travel.
- b) *Driveway Approach* shall mean the area between the roadway or curb of any public street and private property intended to provide access or egress and ingress for vehicles from the roadway or curbing of a public street to private property.
- c) *Director* shall mean the Village Council.
- d) *Repair* shall mean fixing or replacing a small section of the sidewalk or driveway approach that has been damaged.
- e) *Replace* shall mean removal, grading, and replacement of sidewalk or driveway approach.
- f) *Construction* shall mean new construction where no existing sidewalk or driveway approach previously existed.

Section 3. *Sidewalk Authorization:* No person shall construct, rebuild, or repair any sidewalk except in accordance with the line, grade, slope, and specifications established by the Director, and be in compliance with the American with Disabilities Act (ADA) design standards. Plans must be presented to the Director prior to construction for authorization.

Section 4. *Sidewalk Specifications:* Sidewalks shall not be less than four (4) inches in thickness and not less than six (6) inches at driveway crossings. Sidewalks shall be five (5) feet wide. Expansion joints shall be placed eight (8) but not more than twelve (12) feet apart. All concrete used in sidewalk construction shall, twenty-eight (28) days after placement, be capable of resisting a pressure of three thousand five hundred (3,500) pounds per square inch without failure. Concrete shall be broom finished.

Section 5. *Authorization Revocation:* The Director may suspend any authorization granted under the terms of this Ordinance for incompetency or failure to comply with the terms of this Ordinance, or the rules, regulations, plans, and specifications established under the provisions of this Ordinance for the construction, reconstruction, or repair of any sidewalk or driveway approach. The Director may cause work to be stopped for the construction, reconstruction, or repair of any sidewalk or driveway approach for any of the causes enumerated in this section, which stop order shall be effective until the next meeting of the Village Council and if confirmed by the Council at its next meeting, such stop order shall be permanent and shall constitute a revocation of authorization.

Section 6. *Sidewalks to be Cleared:* The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same is not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within twelve (12) hours after such cessation. When a fall of snow or ice shall have ceased during the nighttime, it shall be cleared from the sidewalks within twelve (12) hours from dawn.

Section 7. *Failure to Clear:* If any occupant or owner shall neglect or fail to clear ice or snow from the sidewalk adjoining his premises within the time limited, or shall otherwise permit ice or snow to accumulate on such sidewalk, they shall be guilty of a violation of this Ordinance and in addition, the Director may cause the same to be cleared and the expense of the removal shall become a debt to the Village from the occupant or owner of such premises, and shall be collected as any other debt to the Village.

Section 8: *Driveway Approach Authorization:* No person shall construct, rebuild, or repair any driveway approach without presenting plans to the Director prior to construction for authorization. Plans must include the existing size of the driveway approach.

Section 9: *Driveway Approach Specifications:* Driveway approach concrete shall not be less than six (6) inches in thickness. Driveway approaches shall not be less than twelve (12) nor more forty-five (45) percent of the total abutting street frontage. All concrete used in driveway approach construction shall, twenty-eight (28) days after placement, be capable of resisting a pressure of three thousand five hundred (3,500) pounds per square inch without failure.

Section 10: *Driveway Approach Reimbursement Request:* After plans have been submitted, authorization given and project completed, the Director will consider reimbursement for material costs to the owner of the lot or premises. Reimbursement will be limited to the existing size of the driveway approach. A paid invoice from the contractor must be submitted to the Director. The invoice must include detailed information including length, width, and depth of the entire project with the driveway approach size itemized separately. The invoice must also include costs for both labor and materials for the entire project with the driveway approach costs itemized separately. The Director will present the request for reimbursement at the next Village Council meeting.

All new construction is exempt from reimbursement.

Section 11: *Liability:* Any owner who shall refuse to clear or neglect to comply with the provisions of any notice to clear, in addition to the penalties herein provided, shall be liable for and compelled to pay the Village of Casnovia all damages to persons or property for which the said Village may be liable by reason of injury or damages resulting therefrom, which said sum

may be recovered by the Village in proceedings brought for such purpose in any court competent jurisdiction.

Section 12: Repealed Ordinances: Ordinance No. 1979-01 is hereby repealed and replaced with Ordinance No. 2023-_____.

Section 13: Severability: The provisions of this ordinance are hereby declared to be severable, and if any clause, sentence, paragraph, section, or sub-section is declared to be void or ineffective for any reason, it shall not affect any other part or portion hereof.

Section 14. Effective Date: This ordinance shall be effective thirty (30) days following its publication or the publication of a summary of its provisions in a local newspaper of general circulation in the Village.

ORDINANCE DECLARED ADOPTED.

AYES:	Consuelo Morris, Kathy Kahrs, Kenneth Frary, Jerry Palinski, and Robert Bennitt.
NAYES:	0.

Pamela Manciu, Village Clerk

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Casnovia at a regular meeting held on the date first stated above, and I further certify that public notice of such meeting was given as provided by law.

Pamela Manciu, Village Clerk