VILLAGE O[illegible]MET

COUNTY OF HOUGHTON

ORDINANCE NO. 126

AN ORDINANCE TO REGULATE THE CONSTRUCTION, MAINTENANCE AND REPAIR OF SIDEWALKS WITHIN THE VILLAGE OF CALUMET, TO PROVIDE FOR PAYMENTS AND STANDARDS RELATING THERETO, TO IMPOSE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

THE VILLAGE OF CALUMET ORDAINS:

Section 1. It shall be the duty of the owner of any premises within the Village of Calumet to maintain and keep in good repair any sidewalk abutting or adjacent to any premises belonging to such owner.

Section 2. It shall be the duty of the owner of any premises within the Village of Calumet to construct a sidewalk adjacent to or abutting on any premises belonging to such owner whenever the Village Council of the Village of Calumet shall determine that the construction of such sidewalk is necessary for the public health, safety or welfare.

Section 3. Whenever the Village Council shall determine that it is necessary for the public health, safety or welfare that a sidewalk be constructed adjacent to or abutting any premises, or whenever the Village Council shall determine that any existing sidewalk is in a state of disrepair, it shall adopt a resolution requiring the construction or repair thereof and shall, in such resolution, direct the owner of the premises adjacent to or abutting the proposed location of the sidewalk to be constructed, or the existing sidewalk, to construct or repair such sidewalk within a specified period of time which shall not be less than 15 days from the date of such resolution. Such resolution may be served upon the owner either personally or by ordinary mail, addressed to such owner under the name and at the address as is shown upon the Village's latest tax assessment roll.

Section 4. Disrepair of a sidewalk shall include but shall not be limited to the following conditions:

a. Potholes of 1 inch or more in depth.
b. Loosened, crumbling or breaking surfaces.
c. Difference 2 inches or more in heights of adjoining sections.
d. Insufficient slope to adequately drain water.
e. Other standards of disrepair established by the Building Inspector, approved by the Village Council and available in the Village Clerk's office for public inspection.

Section 5. If the owner of such premises shall fail or refuse to construct or repair such sidewalk abutting or adjacent to the premises owned by such owner within the period of time specified in the resolution referred to in Section 3, then the Building Inspector shall proceed to have such sidewalk constructed or repaired. The cost of such repair or construction shall be charged against and shall be a lien upon the premises which said sidewalk abuts or adjoins. If such charges are not paid within 90 days after billing, such charges shall be added to the next tax bill issued by the Village and shall thereafter bear the same interest and penalties as said tax bill.

Section 6. The construction or repair of any sidewalks shall include but not be limited to the following specifications:

a. All sidewalks shall be constructed to grade and width established by existing adjoining walks or in the absence of the foregoing by the Building Inspector, and shall be paved with a single course of concrete with a compressive strength of not less than 3,500 pounds per square inch within 28 days of construction.

b. All sidewalks shall be at least 4 feet in width but wider side walks may be required by the Building Inspector if the density and the development of the area indicates the desirability of such wider sidewalks.

c. Construction of the sidewalk shall be at least 4 inches in depth, except across driveways where such thickness shall be increased to 6 inches. Paving joints shall be true to line and grade at intervals consistent with adjoining or abutting sidewalks. One inch expansion joints shall be placed through the sidewalk at least every 50 feet and between sidewalks and other rigid structures.

d. The surface of the sidewalk shall be roughened with a mechanics brush to prevent smooth and slippery surfaces.

e. Such other specifications as may be established by the Building Inspector from time to time, approved by the Village Council and available in the Clerk's office for public inspection.

Section 7. No sidewalk shall be constructed or repaired without a construction permit therefor. Such construction permit shall be obtained from the Building Inspector and shall contain the date issued, the name of the property owner of the property where the sidewalk is to be constructed or repaired, a description of the property, and an estimate of the number of square feet of sidewalk to be constructed or repaired.

Section 8. All sidewalk construction or repair shall be done by experienced and qualified contractors. Such qualifications shall include adequate financial stability, proper equipment and experience in similar construction work.

Section 9. The Building inspector may revoke any permit issued hereunder for any violation of this ordinance.

Section 10. Notwithstanding any provision herein contained to the contrary, the Village of Calumet may participate in the cost of the construction or repair of any sidewalk constructed or repaired under this ordinance. In event that the Village does so determine to participate in such cost, it shall notify the owner, in the resolution provided for in Section 3 hereof, of the share that the Village will pay for the construction or repair directed in such resolution.

Section 11 Any person who shall fail to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not to exceed $ 100.00 together with costs of prosecution, or imprisonment in the Houghton County Jail for a period not to exceed 90 days, or both such fine and imprisonment, at the discretion of the court.

Section 12. As used in this ordinance the Village Council , the Building Inspector, and the Village Clerk, shall mean respectively the Village Council of the Village of Calumet, the Building Inspector or Engineer of the Village of Calumet, and the Village Clerk of the Village of Calumet.

This ordinance shall become effective after publication and expiration of the time prescribed by law.

Adopted and approved by the Council of the Village of Calumet on the 21 st day of May , 1985

HERMAN J. LABONTE
PRESIDENT
VILLAGE OF CALUMET

Attest:

JO ANN MARUTZ
CLERK
VILLAGE OF CALUMET

CONTINUATION ORDINANCE NO. 126

President LaBonte

YEAS: TRUSTEES Erkkila, Hendrickson, Johnson, Lake

NAYS: TRUSTEES None

I certify that the foregoing is a true and complete copy of Ordinance number 126, duly adopted by the Village Council of the Village of Calumet, County of Houghton, State of Michigan, at a regular meeting held on May 21, 1985, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting LaBonte, Erkkila, Hendrickson, Johnson, Lake and that the following Members were absent Belanger Caron.

I further certify that the Member Erkkila moved adoption of said Ordinance and that Member Lake supported said Motion.

I further certify that the following Members voted for adoption of said Ordinance LaBonte, Erkkila, Hendrickson, Johnson Lake and that the following Members voted against the adoption of said Ordinance None.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village of Calumet and that such recording has been authenticated by the signatures of the Village President and the Village Clerk.

Jo Ann Marutz, Village Clerk

126