

ORDINANCE NO. ____ - 21

CITY OF LATHRUP VILLAGE

OAKLAND COUNTY, MICHIGAN

AN ORDINANCE TO AMEND CHAPTER 62, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, AMENDING SUBDIVISION II, STANDARDS, DIVISION 3 – MAINTENANCE, SEC. 122 - STANDARDS GENERALLY AND SEC. 12 – NONCOMPLIANCE; WORK BY CITY.

THE CITY COUNCIL OF THE CITY OF LATHRUP VILLAGE ORDAINS:

Ordinance Chapter 62. Amendment of Section 122-123

Chapter 62 Streets, Sidewalks and Other Public Places, Division 3, Maintenance, Section 122-123 Duty of Property Owners Generally and Standards Generally are hereby amended to read as follows:

Current Ordinance language:

Sec. 62-122. - Standards generally.

The required maintaining of such sidewalks shall be such that the sidewalk is kept in reasonable repair and in condition reasonably safe and fit for travel and in conformity with the other specifications and standards enumerated in this article. In all events, sidewalks having defects over two inches in width, depth, or height are required to be replaced or repaired.

Sec. 62-123. - Noncompliance; work by city.

If an owner fails to comply with the duties and requirements imposed by this division, the city administrator may repair, reconstruct, and maintain the sidewalk at the initial cost and expense of the city as a public health and safety measure. The city's cost and expense shall be a debt owing the city from the owner and may be specially assessed pursuant to article III of chapter 58 or other applicable ordinance.

Proposed amendments (changes in red)

Sec. 62-122. - Standards generally.

The required maintaining of such sidewalks shall be such that the sidewalk is kept in reasonable repair and in condition reasonably safe and fit for travel and in conformity

with the other specifications and standards enumerated in this article. In all events, sidewalks **with cracked or spalling concrete or** having defects over two inches in width, depth, or height **constitute a hazard and** are required to be replaced or repaired.

Sec. 62-123. - Sidewalks needing repair; notice to property owner; repair by city.

(a) Whenever the city administrator determines that a sidewalk fails to meet the standards identified in Section 62-122, notice may be given to the owner of the lot or premises adjacent to and abutting upon such sidewalk of the city administrator's determination. Such notice shall be given in accordance with subsection (c). Thereafter, it shall be the duty of the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than ten (10) days, within which such work shall be completed with due diligence.

(b) If the owner of such lot or premises shall refuse or neglect to repair the sidewalk within the time limited therefor, or in a manner otherwise than in accordance with this article, the city administrator shall have the sidewalk repaired at the initial cost and expense of the city as a public health and safety measure. If the city administrator determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, they may dispense with the notice and institute the repairs immediately. In any event, the cost of repairs under this section shall be charged against the premises which adjoins the sidewalk and shall be paid by the owner of the premises. If not paid, the cost of repairs shall be collected as provided in section 11.9 of the Charter and Article III of Chapter 58.

(c) Notice regarding sidewalk repairs shall be served in the following manner:

(1) By delivering the notice to the owner personally or by leaving the same at the owner's residence, office or place of business with some person of suitable age and discretion;

(2) By mailing the notice by first class mail to such owner at his or her last known address; or

(3) If the owner is unknown, by posting the notice in some conspicuous place on the premises at least fifteen (15) days before the required work shall be completed. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any city official, unless permission is given by such officer to remove the notice.

Section 2 of Ordinance. Repealer.

This ordinance repeals any ordinances in conflict thereof.

Section 3 of Ordinance. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof,

irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4 of Ordinance. Savings Clause.

Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5 of Ordinance. Publication and Effective Date.

This ordinance shall be effective _____. The City Clerk is hereby ordered and directed to cause this ordinance or a summary of this ordinance to be published in the manner required by law.

Section 6 of Ordinance. Adoption.

That this ordinance was duly adopted by the City of Lathrup Village City Council at its regular meeting called and held on _____, 2021, and was ordered given publication in the manner required by law.

CITY OF LATHRUP VILLAGE

YVETTE TALLEY, City Clerk

Introduction Date: March 15, 2021

Adoption Date: _____, 2021

Publication Date: _____, 2021

Effective Date: _____, 2021