

RESTATED ORDINANCE NUMBER SIXTY-FOUR

A RESTATED ORDINANCE TO PROVIDE FOR AND REGULATE THE BUILDING, MAINTENANCE AND REPAIR OF SIDEWALKS IN THE CITY OF CARSON CITY, MICHIGAN AND TO PROVIDE FOR THE ISSUANCE OF PERMITS AND THE PAYMENT OF A FEE AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF CARSON CITY ORDAINS:

CHAPTER 64.1 ESTABLISHMENT OF ORDINANCE

64.101 Short Title. This Restated Ordinance shall be known and cited by its short title as "The Carson City Sidewalk Ordinance".

64.102 Authority. Pursuant to Sections 2.3(f), (t), (u), (v) and 11.9 of the City Charter, it is the purpose of this Ordinance to provide for minimum standards for the protection of the health, safety, and welfare of the general public and the owners and occupants of certain residential and commercial buildings within the City of Carson City.

64.103 Purpose. The purpose of this Restated Ordinance is to regulate the building, maintenance and repair of sidewalks in the City of Carson City and to provide for the issuance of permits and the payment of a fee and to prescribe penalties for the violation thereof and to repeal all other ordinances in conflict therewith. It is being restated due an omission concerning publication on October 15, 2012.

CHAPTER 64.2 DEFINITIONS

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

64.201 Public Street. Shall mean the entire width between the boundary lines of every public right-of-way open to vehicular traffic.

on demand or as agreed: shall be levied as a special assessment upon the land adjacent or abutting thereon, together with a collection charge of ten (10%) percent of said share; shall be a lien upon said property; and shall be collected according to law and in the same manner as other City taxes, including interest.

64.305 Notice to Construct or Repair. Whenever the City Council shall determine by a Resolution that there is the need for sidewalks, or sidewalks in travelable condition, or any other condition exists which, in the opinion of Council, constitutes a public nuisance or hazard which is dangerous to the health, safety or welfare of the inhabitants of the City or others, the Council may, after investigation, give notice to the owner or owners of the land upon which such nuisance or hazard exists by posting notice upon the premises and by personal service, or by registered or certified mail addressed to the address set forth in the current Assessment Roll of the City, or the records of the Assessor, specifying the nature of the nuisance or hazard, and the cost requiring the owner to construct, alter, repair, tear down, abate or remove the nuisance or hazard within a time to be specified by the Council which shall be commensurate with the nature of the nuisance or hazard.

64.306 Failure to Comply with Notice. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land itself is not known or cannot be found, the Council may order such nuisance or hazard to be abated under the direction of the City Director of Public Works, who may contract or hire the work done.

64.307 Assessment of Costs and Expenses. After the work has been completed, in accordance with Sections 64.306 and 64.307 and Section 11.9 of the City Charter, the City Code Enforcement Officer (C.E.O.) shall file a statement of costs and expenses with the City Council and Council shall direct the City Comptroller to send notice to the owner setting forth the premises affected, the basis for the assessment, the cost thereof and notify the owner that said costs and expenses must be paid within thirty (30) days. If no payment is received within said thirty (30) days, the cost of construction or repair plus a charge for collection of ten (10%) percent of the same shall be assessed against the property which is adjacent to or abuts said sidewalk and the City Comptroller shall notify the City Assessor who shall assess the costs, expenses and collection fee upon the property abutting or adjacent to said sidewalks and such assessment shall be a lien upon said property and shall be collected according to law in the same manner as other City taxes, including interest pursuant to MCL 211.1 et. seq.

64.308 Removal of Ice and Snow. The occupant, or the owner of any unoccupied premises or real

64.402 Grievances. Any owner who deems himself aggrieved by the requirements of this Section may petition the City Council for an exception for the requirements of this Section.

64.403 Exceptions. An exception shall be granted only if the City Council makes the determination that because of the character of the existing neighborhood, the lack of need for sidewalks, practical difficulties, unnecessary hardship or such other circumstances exist, whereby, the carrying out of the strict letter of this Section would not serve to enhance the spirit of this Ordinance and will not detrimentally affect the health, safety and welfare of the public.

CHAPTER 64.5
ADMINISTRATION

64.501 Compliance. The City Code Enforcement Officer (C.E.O.) shall not issue an occupancy permit until this Ordinance has been complied with.

64.502 Special Assessment Project. In addition to the foregoing powers, the City Council shall have the right to proceed at any time to establish a Special Assessment Project for construction or repair of sidewalks in accordance with the provisions of Ordinance Number Thirty-Seven.

64.503 Administration. It shall be the duty of the City Director of Public Works, or such person as he may designate, to supervise and control all sidewalks and the building, maintenance, repairs and construction thereof including inspection and to enforce the provisions of this Ordinance.

64.504 Cost of Permit. The City Council shall by Resolution, from time to time, determine the cost of permits.

64.505 Other Costs. The City Council shall by Resolution, from time to time, determine the cost of for voluntary and/or mandatory sidewalk repair and maintenance, where the City undertakes the construction.

CHAPTER 64.6
DISPUTE RESOLUTION

64.601 Sidewalk Alignment Disputes. Should any land owner dispute the placement of new sidewalk or previously constructed sidewalks, said land owner must establish his claim by a survey by a registered surveyor.

reference only and shall not be taken into consideration of any construction or interpretation of any of the provisions of this ordinance.

CHAPTER 64.10
EFFECTIVE DATE

This Ordinance shall become effective 30 days after publication of the Restated Ordinance or 30 days after publication in a local newspaper of general circulation as set forth in Chapter 64.11.

CHAPTER 64.11
PUBLICATION


Pursuant to Section 7.4 of the Charter of the City of Carson City, this Restated Ordinance was published within fifteen days of its enactment in the Carson City Gazette on July 28, 2018 2018 pursuant to Section 7.4(b) of the Charter of the City of Carson City.

CERTIFICATE OF READOPTION

We the undersigned, Mayor and City Comptroller of the City of Carson City, Michigan, hereby certify that this Restated Ordinance Number Sixty-Four was introduced at a regular meeting of the City Council held on August 21, 2012 and was thereafter previous adopted at a regular meeting on September 18, 2012 and is hereinafter restated and readopted at a regular meeting on July 17, 2018 by a vote of Five (5) for; Zero (0) against; Zero (0) abstaining; and One (1) being absent.



Bruce Tasker, Mayor


Cindy L. Schaffer, City Comptroller

ORDINANCE NUMBER SIXTY FOUR

AN ORDINANCE TO PROVIDE FOR AND REGULATE THE BUILDING, MAINTENANCE AND REPAIR OF SIDEWALKS IN THE CITY OF CARSON CITY, MICHIGAN AND TO PROVIDE FOR THE ISSUANCE OF PERMITS AND THE PAYMENT OF A FEE AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT THEREWITH.

THE CITY OF CARSON CITY ORDAINS:

CHAPTER 64.1

ESTABLISHMENT OF ORDINANCE

64.101 Short Title. This Ordinance shall be known and cited by its short title as "The Carson City Sidewalk Ordinance".

64.102 Authority and Purpose. Pursuant to Sections 2.3(f), (t), (u), (v) and 11.9 of the City Charter, it is the purpose of this Ordinance to provide for minimum standards for the protection of the health, safety, and welfare of the general public and the owners and occupants of certain residential and commercial buildings within the City of Carson City.

64.103 Purpose. The purpose of this Ordinance is to regulate the building, maintenance and repair of sidewalks in the City of Carson City and to provide for the issuance of permits and the payment of a fee and to prescribe penalties for the violation thereof and to repeal all other ordinances in conflict therewith.

CHAPTER 64.2

DEFINITIONS

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

64.201 Public Street. Shall mean the entire width between the boundary lines of every public right-of-way open to vehicular traffic.

64.202 Sidewalk. The term sidewalk or sidewalks as used herein shall mean a slab of concrete, parallel with a street, abutting, adjoining or in any public street or alley, in the City of Carson City, and include that portion traversing any driveway.

64.203 City Code Enforcement Officer (C.E.O.). The City Code Enforcement Officer (C.E.O.) shall be the City Administrator of the City of Carson City.

CHAPTER 64.3
SIDEWALK CONSTRUCTION REPAIR AND MAINTENANCE

It shall be the duty of all owners and occupants of any lot or parcel fronting or being upon or along any public street in the City of Carson City under the supervision of the Director of Public Works, or if permitted to privately build, keep in repair and/or rebuild sidewalks in the said public street right of way adjacent to and abutting upon each lot or parcel of land at such time, in such a manner, and of such material as the City Council of Carson City may so direct.

64.301 Unsafe Sidewalks. No person shall permit any sidewalk which abuts or is adjacent to property owned by such person to fall into a state of disrepair or to be unsafe for travel.

64.302 Sidewalks-Construction Permit. No person shall construct, repair, replace, alter or change a sidewalk except in accordance with the lines, grade and slope which shall be established by the City Code Enforcement Officer (C.E.O.) and without first procuring a permit from the City Zoning Administrator and in accordance with the specifications which are contained in said construction permit.

64.303 Specifications. All sidewalks constructed or repaired hereafter:

64.3031 Shall be restored to meet current building codes and ADA requirements.

64.3032 Shall be constructed along streets having an established curb and gutter in accordance with the specifications and dimensions contained in the construction permit and which shall be defined from time to time by Resolution of the Carson City Council.

64.304 Construction by Agreement. The City Council may, when requested by a property owner or property owners, construct, change or repair any sidewalk, upon such terms and conditions as agreed upon by said property owner or property owners and said City, without setting up a Special Assessment District. Council may provide by Resolution for the City to share in a portion of such cost. The portion of the expense to be paid by such property owner or property owners, if not paid on demand or as agreed: shall be levied as a special assessment upon the land adjacent or abutting thereon, together with a collection charge of ten (10%) percent of said share; shall be a lien upon said property; and shall be collected according to law and in the same manner as other City taxes, including interest.

64.305 Notice to Construct or Repair. Whenever the City Council shall determine by a Resolution that there is the need for sidewalks, or sidewalks in travelable condition, or any other condition exists which, in the opinion of Council, constitutes a public nuisance or hazard which is dangerous to the health, safety or welfare of the inhabitants of the City or others, the Council may, after investigation, give notice to the owner or owners of the land upon which such nuisance or hazard exists by posting notice upon the premises and by personal service, or by registered or certified mail addressed to the address set forth in the current Assessment Roll of the City, or the records of the Assessor, specifying the nature of the nuisance or hazard, and the cost requiring the owner to construct, alter, repair, tear down, abate or remove the nuisance or hazard within a time to be specified by the Council which shall be commensurate with the nature of the nuisance or hazard.

64.306 Failure to Comply with Notice. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land itself is not known or cannot be found, the Council may order such nuisance or hazard to be abated under the direction of the City Director of Public Works, who may contract or hire the work done.

64.307 Assessment of Costs and Expenses. After the work has been completed, in accordance with Sections 64.306 and 64.307 and Section 11.9 of the City Charter, the City Code Enforcement Officer (C.E.O.) shall file a statement of costs and expenses with the City Council and Council shall direct the City Comptroller to send notice to the owner setting forth the premises affected, the basis for the assessment, the cost thereof and notify the owner that said costs and expenses must be paid within thirty (30) days. If no payment is received within said thirty (30) days, the cost of construction or repair plus a charge for collection of ten (10%) percent of the same shall be assessed against the property which is adjacent to or abuts said sidewalk and the City Comptroller shall notify the City Assessor who shall assess the costs, expenses and collection fee upon the property abutting or adjacent to said sidewalks and such assessment shall be a lien upon said property and shall be collected according to law in the same manner as other City taxes, including interest pursuant to MCL 211.1 et. seq.

64.308 Removal of Ice and Snow. The occupant, 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 of such sidewalks.

64.3081 Except as provided in subsection 64.3083 hereof, snow, sleet, and/or ice shall be so removed from sidewalks in all business districts by four (4) business hours after the

cessation of any snow, sleet, or freezing rain, or by the beginning of business hours of the next day following such fall, whichever period is shorter.

64.3082 Except as provided in subsection 64.3083 hereof, snow and/or ice shall be so removed from sidewalks in all residential districts within twenty four (24) hours after the cessation of any snow, sleet, or freezing rain, or in the business district by the beginning of business hours of the next day following such fall, whichever period is shorter.

64.3083 In any district, where persons who, for reasons of infirmity makes a request in writing the to the City Comptroller or in any area designated by the City Administrator/ City Code Enforcement Officer (C.E.O.) for purposes of health and safety of the residents of the City of Carson City, snow, sleet, and ice may be so removed by the City Department of Public Works.

64.3084 If a person responsible for removal not exempted pursuant to subsection 64.3083 fails to comply with the provisions of subsections 64.3081 and 64.3082, then the City may remove the snow, sleet, and/or ice and the cost thereof may be collected as a single lot assessment as designated by the City Council pursuant of City Ordinance No. Thirty-Seven. Further, the responsible party may be liable to the City for all losses to the City or recoveries from the City for damages to person or property of others caused by the failure of such responsible party to remove all snow, sleet, and/or ice accumulations in accordance with this Chapter.

64.3085 Notwithstanding any of the foregoing, the home owner is responsible for the removal of snow, sleet, and ice, however, the City Department of Public Works may assist in the effort to keep sidewalks clear as much as the Department is able to under the circumstances and all such assistance shall be coordinated by the Director of the Department of Public Works.

CHAPTER 64.4

SIDEWALK REQUIREMENTS AND EXCEPTIONS

64.401 Sidewalks Required. New sidewalk shall be constructed or existing sidewalk repaired to a travelable and safe condition by the owner or owners of any lot or premises adjacent to or abutting the streets of the City of Carson City, whenever new construction of a residential, commercial or other building is commenced or whenever substantial remodeling or renovating of any existing residential, commercial or other building within the City is anticipated to increase the value of that building by fifty (50%) percent or more.

64.402 Grievances. Any owner who deems himself aggrieved by the requirements of this Section may petition the City Council for an exception for the requirements of this Section.

64.403 Exceptions. An exception shall be granted only if the City Council makes the determination that because of the character of the existing neighborhood, the lack of need for sidewalks, practical difficulties, unnecessary hardship or such other circumstances exist, whereby, the carrying out of the strict letter of this Section would not serve to enhance the spirit of this Ordinance and will not detrimentally affect the health, safety and welfare of the public.

CHAPTER 64.5
ADMINISTRATION

64.501 Compliance. The City Code Enforcement Officer (C.E.O.) shall not issue an occupancy permit until this Ordinance has been complied with.

64.502 Special Assessment Project. In addition to the foregoing powers, the City Council shall have the right to proceed at any time to establish a Special Assessment Project for construction or repair of sidewalks in accordance with the provisions of Ordinance Number Thirty-Seven.

64.503 Administration. It shall be the duty of the City Director of Public Works, or such person as he may designate, to supervise and control all sidewalks and the building, maintenance, repairs and construction thereof including inspection and to enforce the provisions of this Ordinance.

64.504 Cost of Permit. The City Council shall by Resolution, from time to time, determine the cost of permits.

64.505 Other Costs. The City Council shall by Resolution, from time to time, determine the cost of for voluntary and/or mandatory sidewalk repair and maintenance, where the City undertakes the construction.

CHAPTER 64.6
DISPUTE RESOLUTION

64.601 Sidewalk Alignment Disputes. Should any land owner dispute the placement of new sidewalk or previously constructed sidewalks, said land owner must establish his claim by a survey by a registered surveyor.

64.602 Copy of Survey. Once the survey is completed, the land owner shall provide a copy of the same to the City Code Enforcement Officer (C.E.O.).

64.603 Cost of Survey. The cost of such survey shall be borne solely by the land owner.

CHAPTER 64.7
FAILURE TO COMPLY WITH ORDINANCE

64.701 Municipal Civil Infraction. A person who violates any provision of this Section, including, without limitation, the failure or refusal to abate a violation following service of a notice and order, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions, for each infraction. The Code Enforcement Officer (C.E.O.) is hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court).

64.702 Nuisance Per Se; Injunctive Relief. A violation of this Ordinance is deemed nuisance per se. In addition to any remedy available at law, upon the request of the City Code Enforcement Officer (C.E.O.), the City Attorney shall bring an action for an injunction or other process against a person, to restrain, prevent or abate any violation of this Ordinance.

CHAPTER 64.8
SEVERABILITY

Should any part or provision of this Ordinance be declared invalid or unenforceable by any court of competent jurisdiction, such invalid or unenforceable part or provision shall not affect the validity or enforceability of the remainder of the Ordinance, if the remainder thereof can be given effect without such part or provision thus declared to be invalid or unenforceable.

CHAPTER 64.9
CONFLICTING ORDINANCES AND AMENDMENTS SUPERSEDED

Any City ordinance and/or amendments thereto or resolutions that are in conflict or parts thereof which conflict with any terms of this ordinance are hereby rescinded. In case of conflict between this ordinance and any such ordinances or resolutions, this ordinance shall control. The catch line headings which precede each section or subsection of the ordinance are for convenience and reference only and shall not be taken into consideration of any construction or interpretation of any of the provisions of this ordinance.

CHAPTER 64.10
EFFECTIVE DATE

This Ordinance shall become effective 30 days after publication of the Ordinance or 30 days after publication of a summary of its provisions in a local newspaper of general circulation.

CHAPTER 64.11
PUBLICATION

Pursuant to Section 7.4 of the Charter of the City of Carson City, this Ordinance shall be published within fifteen days of its enactment and a digest, summary or statement of propose of this Ordinance was published in the Carson City Gazette on Oct 15, 2012 pursuant to Section 7.4(b) of the Charter of the City of Carson City.

CERTIFICATE OF ADOPTION

We the undersigned, as Mayor and City Comptroller of the City of Carson City, Michigan, do hereby certify that this Ordinance Number Sixty Four of the City of Carson City, was introduced at a regular meeting of the City Council held on August 21, 2012, and was thereafter adopted at a regular meeting on September 18, 2012, by a vote of Six (6) for; Zero (0) against; Zero (0) abstaining; and Zero (0) being absent.



Bruce Tasker, Mayor



Staci Steere, City Comptroller
Cindy Schafer

Resolution # 8-2014

WHEREAS, The City of Carson City is a Michigan Municipal Corporation operating under a charter adopted February 2, 1960, which was ratified on March 14, 1960 and went into effect on April 1, 1960; and

WHEREAS, On September 18, 2012 the City Council enacted Ordinance Number 64; and

WHEREAS, Section 64.304 of Ordinance Number 64, provides that, the City Council may, when requested by a property owner or property owners, construct, change or repair any sidewalk, upon such terms and conditions as agreed upon by said property owner or property owners and said City, without setting up a Special Assessment District. Council may provide by resolution for the City to share in a portion of such cost. The portion of the expense to be paid by such property owner or property owners, if not paid on demand or as agreed shall be levied as a special assessment upon the land adjacent or abutting thereon, together with a collection charge of ten (10%) percent of said share; shall be a lien upon said property; and shall be collected according to law and in the same manner as City taxes, including interest; and

WHEREAS, On September 18, 2012 City Resolution 2-12 was adopted

AND, NOW THEREFORE, BE IT RESOLVED, THAT, City Resolution 2-12 is hereby superseded and replaced by this Resolution in regards to the spelling out any cost or the portion of the expense to be paid by such property owner or property owners.

BE IT RESOLVED, THAT, in all other respects the property owner or property owners shall otherwise be required to comply with all other provisions of Ordinance Number 64 in order for any construction agreement to be effective.

AND BE IT RESOLVED, THAT, based upon prevailing costs pursuant to Section 64.304 of Ordinance Number 64, the City Council may from time to time issue a schedule of costs by a Motion after consultation with the City Administrator and the City Director of Public Works in regards to the amount to be paid per square foot by the property owner or property owners.

Motion by McCrackin , seconded by Parmenter, to adopt the above Resolution No. 8-2014, with the following vote: Six Ayes; Zero Nays; zero abstaining; and zero absent.

Staci Steere

Staci Steere, Comptroller

CERTIFICATION OF RESOLUTION NO. 8-2014

We hereby certify that the foregoing Resolution No. 8-2014, was duly adopted by the City Council of the City of Carson City with a quorum being present at a regular meeting of the City Council on the 18th day of November, 2014, by a vote of Six (6) for; Zero (0) against; Zero (0) abstaining, and Zero (0) being absent.

Bruce Tasker

Bruce Tasker, Mayor

Staci Steere

Staci Steere, Comptroller