

CHARTER TOWNSHIP OF UNION  
SIDEWALK AND PATHWAY ORDINANCE NUMBER 24-02

Notice is hereby given that the Charter Township of Union Board of Trustees adopted a new Sidewalk and Pathway Ordinance Number 24-02 during their regular meeting on July 10, 2024.

The first and second readings of the proposed ordinance were held in the Township Hall Board Room during regular Board of Trustees meetings on 6/26/2024 and 7/10/2024. Following the first reading, an ordinance summary and notice of the date, time, and place of the second reading was published in The Morning Sun newspaper and posted at the Township Hall as required by the Charter Township Act, Public Act 359 of 1947, as amended (MCL 42.1 et seq.).

A true copy of the adopted ordinance may be inspected or obtained upon request during business hours at the Charter Township of Union office, 2010 South Lincoln Road, Mt. Pleasant, MI 48858, or on the Township's website at <http://www.uniontownshipmi.com/>. The following is an ordinance summary:

**Section 1.0 (Title)** establishes the title of the ordinance.

**Section 2.0 (Purpose and Intent)** states the health, safety, and welfare-related purposes of the ordinance.

**Section 3.0 (Scope)** establishes the scope of the ordinance.

**Section 4.0 (Construction-Related Policies, Orders, and Assessments)** confirms Board of Trustees' authority to adopt implementation policies, and to order and assess costs for sidewalk or pathway construction, repair, or maintenance.

**Section 5.0 (Sidewalk and Pathway Planning)** confirms the Planning Commission's authority and responsibility for long-range sidewalk and pathway planning.

**Section 6.0 (Sidewalk or Pathway Required)** requires that sidewalks or pathways be constructed and maintained within or adjacent to road rights-of-way and also to connect to existing sections of sidewalk or pathway and to connect to buildings and uses of land where present on adjacent land.

**Section 7.0 (Use of Sidewalks or Pathways)** confirms that sidewalks and pathways are primarily reserved for use by pedestrians while establishing limited allowances for travel by bicycle or micro-mobility device.

**Section 8.0 (Construction Standards)** sets standards for width, paving, location, grading, drainage, and other construction standards.

**Section 9.0 (Repairs to or Replacement of Existing Sidewalks or Pathways)** establishes basic repair and replacement standards.

**Section 10.0 (Maintenance Standards)** establishes basic maintenance responsibilities and standards.

**Section 11.0 (Unsafe Condition and Unlawful Damage)** states that it shall be unlawful to damage or deface a sidewalk or pathway by any means, or for a sidewalk or pathway to be in an unsafe state of disrepair.

**Section 12.0 (Permits and Approvals)** confirms applicant responsibility for obtaining all necessary permits or approvals prior to the start of construction.

**Section 13.0 (Fees and Escrow Deposits)** confirms Board of Trustees' authority to set fee and escrow deposit amounts for sidewalk and pathway-related applications by resolution.

**Section 14.0 (Performance Guarantees)** sets standards for requiring a performance guarantee to be deposited with the Township to ensure completion of all required improvements.

**Section 15.0 (Inspections)** provides for inspections of sidewalk and pathway improvements under construction.

**Section 16.0 (Violations and Penalties)** establishes the penalties for violating this ordinance and lists the legal remedies available to the Township for resolution of violations.

**Section 17.0 (Definitions)** defines certain terms used in the ordinance.

**Section 18.0 (Severability)** confirms that all sections, terms, provisions or clauses of this ordinance are severable.

**Section 19.0 (Repeal)** confirms the repeal of the current Sidewalk and Pathway Ordinance No. 2009-03.

**Section 20.0 (Publication)** confirms that state law publication requirements will be met.

**Section 21.0 (Effective Date)** establishes the ordinance effective date based on adoption and publication requirements.

Publication was made by this notice and posting of a true copy of the adopted ordinance at the Charter Township of Union office and on the Township's website pursuant to Charter Township Act requirements. The ordinance is effective immediately upon publication of this notice.

**CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN**

**SIDEWALK AND PATHWAY ORDINANCE NO. 24-02**

An ordinance adopted under the provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34) and the Pavements, Sidewalks, and Elevated Structures Act (Public Act 246 of 1931, as amended, being MCL 41.271 – MCL 41.290) to specify standards for design and construction of sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as for private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance; to establish requirements for obtaining permits to construct sidewalks or pathways; to designate sidewalk and pathway maintenance responsibilities; to establish enforcement procedures and penalties for violation of this Ordinance; and for other purposes.

**CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:**

**Section 1.0 Title.**

This ordinance shall be known and cited as the Sidewalk and Pathway Ordinance; and may be referred to herein as “this Ordinance.”

**Section 2.0 Purpose and Intent.**

Unobstructed and safe pedestrian access to buildings and lots and an interconnected network of public sidewalks and pathways are necessary to promote and protect the health, safety, and welfare of the public and to maximize accessibility, mobility, and connectivity for residents within and through the Township. The purposes of this Ordinance are to specify standards for design and construction of sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as for private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance; to establish requirements for obtaining permits to construct sidewalks or pathways; to designate sidewalk and pathway maintenance responsibilities; and to establish enforcement procedures and penalties for violation of this Ordinance.

The standards of this Ordinance are intended to maximize accessibility, mobility, and connectivity for Township residents, to provide for unobstructed and safe pedestrian access to buildings and lots, and to establish an interconnected network of public sidewalks and pathways within and through the Township.

**Section 3.0 Scope.**

The requirements in this Ordinance shall apply to all existing and proposed sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as to all private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance. The procedures, standards, and specifications of this Ordinance are determined to be the minimum necessary to meet the purpose and intent of this Ordinance.

## **Section 4.0 Construction-Related Policies, Orders, and Assessments.**

The Board of Trustees shall have the following authority pursuant to this Ordinance:

### **A. Adoption of Sidewalk or Pathway Construction Policies.**

The Board of Trustees may from time to time adopt or amend by resolution a general policy governing the design, funding, and timing of sidewalk or pathway construction in designated areas of the Township, provided that:

1. This policy may include allowances for temporary relief from sidewalk construction under specific circumstances or in certain designated areas.
2. This policy may include guidelines for additional sidewalk or pathway width in designated areas of the Township based on existing or anticipated intensity of usage.
3. This policy may designate certain areas for pathway construction instead of sidewalks.
4. This policy may include cost sharing guidance to assist the Board of Trustees in decisions related to funding for construction of public sidewalks and pathways.
5. This policy shall not conflict with this Ordinance, other Township ordinances, or the Township's adopted Master Plan and other adopted planning documents.
6. Prior to adoption or amendment, the proposed policy resolution shall be provided to the Planning Commission with a request for review and recommendations for action.

### **B. Provisions for Sidewalk or Pathway Orders and Assessment of Costs.**

In accordance with Public Act 246 of 1931, as amended (Pavements, Sidewalks, and Elevated Structures, being MCL 41.271 et seq.) and for the health, safety, or welfare of the residents, the Board of Trustees may by resolution order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks or pathways in any designated area of the Township, in accordance with the following:

1. The Board of Trustees shall hold a public meeting relative to the ordering of the sidewalk or pathway construction, repair, or maintenance and shall notify property owners involved of the time and place of the hearing.
2. The Board of Trustees may also forward a proposed order to construct a new sidewalk or pathway to the Planning Commission with a request for review and recommendations for action prior to final consideration by the Board.
3. If the Board of Trustees determines that the construction, repair or maintenance of sidewalks or pathways is necessary, it may construct, repair, or maintain the sidewalks or pathways and assess the costs to the property involved, payable over a five-year period, or permit the owners of the property involved to have the sidewalks or pathways constructed, repaired, or maintained according to Township specifications at their own expenses.
4. The Board of Trustees may also propose a cost-sharing mechanism either from general revenues or from a Township-wide sidewalk and pathway construction fund established by Board of Trustees resolution for this purpose.
5. In situations where a proposed sidewalk or pathway does not currently have connecting sidewalks or pathways on the adjacent properties on either side, the Board of Trustees may require a property owner to post a cash deposit in lieu of construction, in an amount

equivalent to the cost of construction, which would be held in deposit until the adjacent properties develop and install sidewalks or pathways.

## **Section 5.0 Sidewalk and Pathway Planning.**

The Planning Commission shall be primarily responsible for preparing, reviewing, and updating long-range plans to guide future improvements to the Township's sidewalk and pathway network as part of the Township's adopted Master Plan or other planning documents adopted in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq. and other applicable state laws.

As authorized by Section 17(2) of the Michigan Planning Enabling Act and any adopted Planning Commission bylaws, the Planning Commission may from time to time choose to appoint an advisory committee of limited duration and purpose to assist the Commission with compiling data or preparing, evaluating, or prioritizing policy or planning alternatives for future sidewalks and pathways.

1. Prior to appointing committee members, the Planning Commission shall identify the desired qualifications and expectations for committee membership and shall prepare and adopt a resolution to serve as an informal charter for the committee's work. To ensure that the committee operates smoothly and remains focused on its assigned tasks, this resolution shall at a minimum include:
  - a. The objectives, desired outcomes, or deliverable for the committee.
  - b. Direction for the appointment of a committee chairperson or facilitator.
  - c. Specific tasks the committee will be responsible for to complete its work.
  - d. A timeline for completion of assigned tasks and to report back to the Commission.
2. The Planning Commission may appoint persons to serve on this committee who are not Planning Commission members, provided that the Planning Commission Chair shall be an ex-officio member of the committee.
3. The Planning Commission may direct that the committee focus on a specific issue, project, or geographic area.
4. The Planning Commission may act by motion at any time to discontinue the work of the committee to take back these delegated planning responsibilities. The Commission shall take action to discontinue the committee with a vote of thanks promptly upon completion of its assigned tasks.

## **Section 6.0 Sidewalk or Pathway Required.**

In accordance with the purpose and intent of this Ordinance, sidewalks or pathways shall be required to be constructed and maintained within or adjacent to road rights-of-way and also to connect to existing sections of sidewalk or pathway and to connect to buildings and uses of land where present on adjacent land in compliance with this Ordinance and other Township ordinances, and in a manner and arrangement consistent with the Township's adopted Master Plan and other adopted planning documents, or any sidewalk or pathway construction policies adopted by the Board of Trustees.

## **Section 7.0 Use of Sidewalks and Pathways.**

Sidewalks and pathways are primarily reserved for use by pedestrians and are not intended for use by motorized vehicles. Travel by bicycle or micro-mobility device shall also be allowed on Township sidewalks and pathways, provided that bicyclists and users of such devices shall yield to pedestrians at all times and

that travel by any electric or power-assisted bicycle or micro-mobility device shall not exceed ten (10) miles per hour at any time.

## **Section 8.0 Construction Standards.**

Sidewalks and pathways shall comply with the standards of this Section and Ordinance, along with any supplemental engineering standards that may be adopted by the Board of Trustees and any adopted sidewalk or pathway specifications of the applicable road authority with jurisdiction. If the sidewalk or pathway is located within a public road right-of-way, the standards of the applicable road authority with jurisdiction shall prevail. In the event of a conflict between different standards, the more stringent standard shall apply.

### **A. Sidewalk vs. Pathway.**

The choice to construct or require the construction of a sidewalk versus a pathway in a designated area of the Township shall not conflict with this Ordinance, other Township ordinances, the Township's adopted Master Plan and other adopted planning documents, or any sidewalk or pathway construction policies adopted by the Board of Trustees. Pathways may also be constructed in lieu of sidewalks in locations that support a contiguous regional pathway system or in other locations that do not parallel roadways.

### **B. Width Standards.**

The minimum width of sidewalks and pathways in the Township shall conform to the following:

1. **Public and general use sidewalks.** The minimum width for public and general use sidewalks shall be a minimum of five (5) feet, except as follows:
  - a. Along E. Bluegrass Road between S. Mission Road and S. Isabella Road shall be a minimum of eight (8) feet.
  - b. Along E. Broomfield Road between S. Mission Road and S. Isabella Road shall be a minimum of six (6) feet.
  - c. Where topography or obstructions require an adjustment, the sidewalk width may be reduced to four (4) feet for the minimum necessary distance.
2. **Sidewalk connectors and internal sidewalks.** The minimum width for internal sidewalks and sidewalk connectors from the public sidewalk to connect to buildings and uses of land where present on adjacent land shall be a minimum of four (4) feet, except as follows:
  - a. Where topography or obstructions require an adjustment, the sidewalk width may be reduced to 42 inches for the minimum necessary distance.
  - b. Where the sidewalk is directly adjacent to parking spaces, the width shall be increased to a minimum of seven (7) feet.
3. **Pathways.** The minimum width for public and general use pathways shall be a minimum of ten (10) feet, except where topography or obstructions require a reduction to a minimum of eight (8) feet for the minimum necessary distance.
4. **Manufactured housing developments.** This minimum sidewalk width standard shall not apply within the interior of manufactured housing (mobile home) park developments as otherwise regulated by the State of Michigan, provided that required sidewalks or pathways along public road frontages shall conform to this Ordinance.

**C. Location Standards.**

The location of sidewalks and pathways in the Township shall conform to the following:

1. Public and general use sidewalks and pathways shall be aligned horizontally and vertically with existing sidewalks and pathways where present on adjacent land. Where no adjacent sidewalk or pathway is present, the terminus of the sidewalk or pathway shall be located one (1) foot inside of the road right-of-way.
2. Public and general use sidewalks and pathways shall be located one (1) foot off the property line within the road right-of-way of a platted subdivision and otherwise located one (1) foot inside of the road right-of-way, except as follows:
  - a. Where topography, obstructions, or the location of existing sidewalks or pathways on adjacent land require an adjustment.
  - b. Where there is inadequate road right-of-way width or public safety hazards that require an adjustment.
  - c. Where the planned right-of-way is greater than the width of the existing right-of-way, in which case the sidewalk may be located one (1) foot inside the planned right-of-way.
3. Access and use of public and general use sidewalks and pathways not located within an existing road right-of-way shall be governed by easement rights established in accordance with applicable state laws and case law.
4. New sidewalk and pathway construction not located with an existing road right-of-way or dedicated easement shall require establishment of a dedicated easement in a format acceptable to the Township and recorded at the Isabella County Register of Deeds Office.

**D. Paving.**

1. Sidewalks shall be constructed of concrete with a thickness of at least four (4) inches placed over six (6) inches of compacted sand, except that sidewalks across a driveway or other vehicle crossing shall be reinforced and have a pavement thickness of at least six (6) inches.
2. Pathways shall be constructed of at least three (3) inches of hot mix asphalt over six (6) inches of 22A road gravel (minimum grade).
3. The base of the sidewalk or pathway shall be trimmed to grade and be firm and uniform. The sidewalk or pathway shall slope towards an adjacent road at a rate of no more than two percent (2%).
4. Topsoil and organic soils shall be removed and replaced with appropriate compacted fill meeting Michigan Department of Transportation (MDOT) Class II requirements prior to installing the base or paving materials.
5. Other types of paving may be allowed, subject to Planning Commission approval after a review and recommendation from the Township Engineer.

**E. Barrier-free Design.**

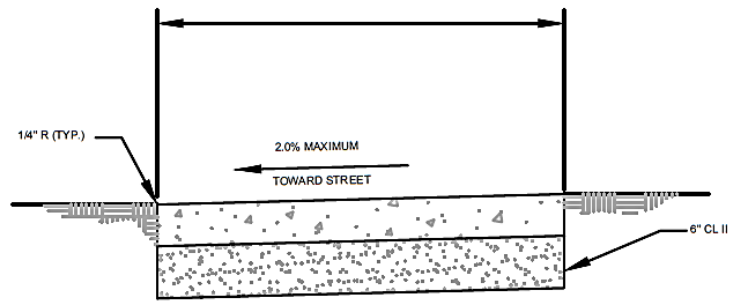
Sidewalks or pathways shall comply with all state and federal barrier-free design requirements. Barrier-free ramps shall be provided at curbs and other locations with a grade change. Detectable

warning surfaces shall be installed wherever a sidewalk or pathway approaches a road intersection, and shall be constructed in accordance with State of Michigan specifications.

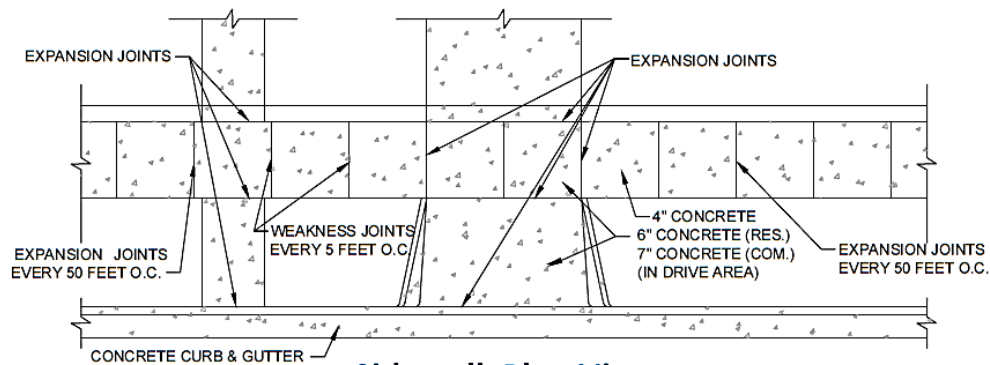
**F. Grading and Drainage.**

Proposed sidewalks or pathways shall be designed to maintain the existing direction and flow of surfacewater runoff, and to conform to the applicable standards of the Township's Stormwater Management Ordinance.

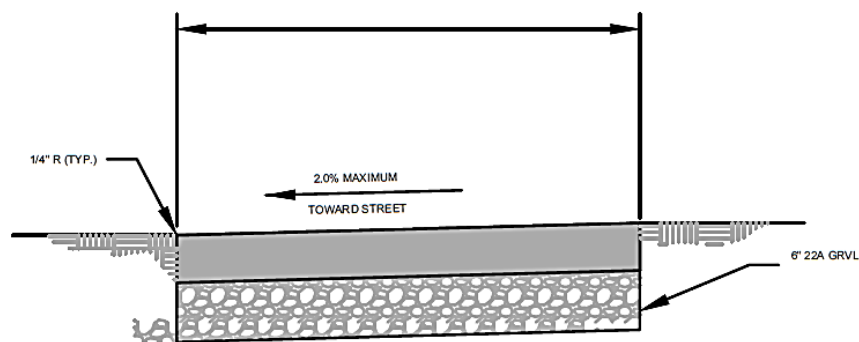
**ILLUSTRATIONS**



**Sidewalk Cross-Section**



**Sidewalk Plan View**



**Pathway Cross-Section**

## **Section 9.0 Repairs to or Replacement of Existing Sidewalks or Pathways.**

Repairs to or replacement of existing sidewalks and pathways shall be subject to the following standards:

### **A. Criteria for Sidewalk or Pathway Repairs or Replacement.**

1. A sidewalk or pathway that becomes cracked or damaged to the extent that the sidewalk or pathway becomes potentially unsafe for use shall be repaired or replaced in compliance with the construction standards specified herein.
  - a. Sidewalks and pathways located within a public road right-of-way or within an easement dedicated to the Township for public use shall be the responsibility of the Township.
  - b. Sidewalks and pathways not located within a public road right-of-way or within an easement dedicated to the Township for public use shall be the responsibility of the owner(s) of the land upon which the sidewalk or pathway is located.
2. The following criteria shall be used by the Township to determine whether or not a sidewalk or pathway is in need of repair or replacement:
  - a. If the sidewalk has displacement of more than three-quarters ( $\frac{3}{4}$ ) of an inch between any two (2) sections (flags) of sidewalk at the connection joint.
  - b. If the sidewalk or pathway has more than two (2) cracks of one-quarter ( $\frac{1}{4}$ ) inch in width or more in any two (2) linear feet.
  - c. If the sidewalk or pathway has a crack more than three-quarters ( $\frac{3}{4}$ ) inch in width.
  - d. If any section of sidewalk is tilted in excess of one (1) inch per foot from edge to edge in a transverse direction.
  - e. If, in any flag of sidewalk, more than fifty percent (50%) of the surface has scaled off to a depth of one-quarter ( $\frac{1}{4}$ ) inch or greater.
  - f. If concrete or asphalt settling has allowed water to pond to depth of one (1) inch or more.

### **B. Applicable Standards for Repair or Replacement.**

Unless required by other statutes or any sidewalk or pathway construction policies adopted by the Board of Trustees, repairs to or replacement of less than 100 feet of any existing sidewalk or pathway shall not be required to conform to the minimum width requirements of this Ordinance, provided that the repair or replacement section shall be consistent with the width of adjacent sections of sidewalk or pathway and shall conform to Section 7.0 (Construction Standards). Any other replacement of an existing sidewalk or pathway section shall fully conform to the standards of this Ordinance.

## **Section 10.0 Maintenance Standards.**

### **A. Responsibility for Sidewalk and Pathway Maintenance.**

It shall be the duty of the property owner to maintain internal sidewalks and sidewalk connectors on their lot and public and general use sidewalks or pathways on or adjoining their lot in accordance with the requirements of this Section and Ordinance, except as follows:

1. A homeowners association or condominium association board or other legally established



private governing board may assume the responsibility for maintenance of sidewalks or pathways within a subdivision, condominium, or lot under their jurisdiction. The terms and conditions under which this private governing board assumes such responsibility shall be specified in the board's governing documents.

2. The Board of Trustees may from time to time designate specific public or general use sidewalks or pathways for maintenance by the Township.
3. The Economic Development Authority (EDA) Board may take responsibility for maintenance of specific public or general use sidewalks or pathways within the East or West Downtown Development Authority (DDA) Districts.

**B. Obstructions.**

Sidewalks or pathways shall be kept free of all obstructions, including but not necessarily limited to structures, vehicles, equipment, debris, and vegetation. This restriction shall not apply to temporary obstructions due to maintenance or construction work on or adjacent to the sidewalk or pathway, provided that appropriate barriers and signage shall be erected to maintain public safety.

**C. Snow and Ice Removal.**

Sidewalks or pathways shall be kept free and clear of ice and snow. Snow shall not be piled in a manner that might obstruct the vision of drivers or that blocks or impairs travel on a sidewalk, pathway, or adjacent roadway or access drive.

1. Accumulated or drifting snow totaling more than one (1) inch on a sidewalk or pathway in the Township shall be removed within 36 hours of the end of a snowfall event.
2. In the event of holiday observances and prolonged periods of snow or ice storms exceeding 36 hours, the time period to remove ice or snow shall be extended to within 72 hours of the end of a snowfall event.

**Section 11.0 Unsafe Condition and Unlawful Damage.**

It shall be unlawful to damage or deface a sidewalk or pathway by any means, or for a sidewalk or pathway to be in an unsafe state of disrepair.

**Section 12.0 Permits and Approvals.**

A permit is required from the Township prior to the construction, removal, or repair of a public or general use sidewalk or pathway. If a proposed sidewalk or pathway is part of larger development that requires site plan or subdivision plat approval, then the sidewalk or pathway shall be detailed on the site plan or subdivision plat, which shall be reviewed in accordance with the review procedures set forth in the applicable Township ordinance. The applicant shall be responsible for obtaining all applicable outside agency permits or approvals prior to the start of construction.

**Section 13.0 Fees and Escrow Deposits.**

The Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. The Township may also require an applicant to deposit funds in escrow with the Township to defray anticipated variable costs and expenses incurred by the Township for application reviews and inspections. No action shall be taken on any application or

appeal until all applicable fees and escrow deposits have been accepted by the Township. Escrow deposit funds shall be managed by the Township consistent with the following:

1. The funds will not be deposited in an interest-bearing account.
2. The escrow deposit shall be held in the applicant's name and shall be used solely to defray applicable variable costs and expenses.
3. Upon request by the applicant, the Township shall provide copies of any written reports and statements of variable costs and expenses.
4. The Township shall provide a written request to the applicant for an additional escrow deposit if at any time the sum on deposit appears insufficient to cover anticipated costs and expenses.
5. The applicant shall promptly deposit additional funds in accordance with the written request from the Township. If additional funds are not promptly deposited, the Township may issue a stop work order, postpone action on the application, or cease to process the project.
6. Sums remaining after final action on the application and inspections, and after all of the Township's variable costs and expenses have been deducted, shall be returned to the applicant.

#### **Section 14.0          Performance Guarantees.**

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Planner may require that a performance guarantee be deposited with the Township to insure faithful completion of required improvements. The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. The performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township at least ninety (90) calendar days prior to any cancelation. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Manager attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Manager presents an affidavit to the agent attesting to the Township's right to receive funds, whether or not the applicant protests that right.
2. The performance guarantee shall be submitted prior to the start of construction, except in cases where the guarantee is intended to insure completion of limited number of remaining details by a specific deadline date that the Township Planner has determined to not impede allowing the road to open for use prior to full completion of construction. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant may provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Township Planner.
4. The performance guarantee shall not be returned to the applicant unless a letter of completion shall have been received by the Township Planner, as provided for in Section 15.0 (Inspections.).

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner and applicant responsible for completion of the required improvements.

### **Section 15.0 Inspections.**

All required improvements shall be subject to inspection by the Township Engineer during construction, and subject to a final inspection upon completion of construction. The Township Engineer shall report the results of each inspection to the Township Planner in writing. The applicant's engineer shall certify to the Township Engineer before the final inspection that the required improvements were made in accordance with this Ordinance and all approved plans and conditions of Permit approval.

### **Section 16.0 Violations and Penalties.**

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the construction or maintenance of a sidewalk or pathway in the Township to comply with the applicable requirements and standards of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

1. **Violations.** Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance, or who impedes or interferes with the enforcement of this Ordinance by a Township ordinance enforcement official, shall be deemed to be in violation of this Ordinance subject to issuance of a municipal civil infraction and other measures allowed by law. The imposition of any fine or other penalty shall not exempt the violator from compliance with this Ordinance.
2. **Correction periods and stop work orders.** All violations shall be corrected within thirty (30) days following the receipt of an order to correct from a Township ordinance enforcement official. The ordinance enforcement official may do one or more of the following:
  - a. Grant an extension of up to 180 days upon determining that the additional time is necessary for correction.
  - b. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
  - c. Issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.
3. **Penalties and remedies.** The violator shall be subject to any or all of the following penalties and remedies:
  - a. **Civil infraction notice.** Civil infraction notices shall be administered and fines imposed per the Township's Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the Township shall impose a fine per the established Township fee schedule for each violation.
  - b. **Civil infraction citation.** Civil infraction citations shall be administered and fines imposed per the Township's Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the court may impose a civil fine

of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township's attorney fees.

- c. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.
4. **Public nuisance per se.** Any construction, alteration, or maintenance of a sidewalk or pathway in violation of this Ordinance is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.
5. **Rights and remedies preserved.** Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.

## **Section 17.0 Definitions.**

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

**Building.** Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, or similar structures.

**Detectable Warning Surfaces.** Corrosion resistant grey iron in pavement that is installed to signal visually-impaired pedestrians where a sidewalk or pathway intersects a road.

**Enforcement Official.** The person or persons designated by the Township as being responsible for enforcing and administering requirements of this Ordinance.

**Fixed Costs and Expenses.** Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, and facility construction, maintenance and repair.

**Lot.** A tract of land that (1) is of sufficient land area to satisfy the requirements of this Ordinance for maximum lot coverage and minimum lot area; (2) is of sufficient land area to provide the minimum buildable area, yard setbacks, and any other open space as required by this Ordinance for a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, as allowed in the zoning district; and (3) has direct frontage on and access to a public or private road right-of-way. A condominium unit established under the Condominium Act, parcel created under the Land Division Act, and any other lot of record shall be a "lot" for purposes of

this Ordinance only if the physical characteristics of the unit, parcel or lot of record include all three elements of this definition.

**Micro-mobility device.** A skateboard, scooter, or similar means of short-distance transportation designed for a single-user, which may also be electric motor-assisted or electrically powered.

**Motorized vehicles.** Motorcycles, mopeds, golf carts, off-road utility vehicles, and any vehicles for which a state license is required for operation on public roads and state highways. This term shall not include electric motor-assisted or electrically powered bicycles and micro-mobility devices.

**Pathway.** An off-road shared use, non-motorized path, usually asphalt, separate from the public road (though sometimes in the public right-of-way).

**Pavement or Hard Surface.** Plant-mixed bituminous material, concrete, or similar durable materials approved by the Township.

**Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications.

**Planning Commission.** The Planning Commission for the Charter Township of Union, Isabella County, Michigan, as established under the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

**Road or Street.** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. This term does not include a farm track or similar vehicle accessway to an agricultural operation, a driveway as defined in this Section, a cross-access connecting adjacent commercial premises, or a vehicle accessway for utility, railroad, institutional or similar purposes.

**Road Commission.** The Isabella County Road Commission.

**Sidewalk.** A paved path, usually concrete, located in a road right-of-way but away from the actual road surface, and designed, constructed, and designated for pedestrian travel.

**Township.** Charter Township of Union, Isabella County, Michigan.

**Township Board.** The Supervisor, Clerk, Treasurer, and Trustees of the Charter Township of Union, Isabella County, Michigan.

**Township Engineer.** The person(s) or firm designated by the Township to advise on drainage, grading, paving, stormwater management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or Township employee.

**Township Planner.** The Director of the Township's Community and Economic Development Department or the Director's designee with responsibility to advise the Township administration, Township Board, Planning Commission, and Zoning Board of Appeals on planning, zoning, land use, housing and other related planning and development issues.

**Variable Costs and Expenses.** Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses, including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Attorney, or other Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.

**Section 18.0 Severability.**

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

**Section 19.0 Repeal.**

All Ordinances or parts of Ordinances in conflict with this Ordinance, including the Sidewalk and Pathway Road Ordinance No. 2009-03, are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the Township's Zoning Ordinance.

**Section 20.0 Publication.**

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

**Section 21.0 Effective Date.**

This Ordinance was adopted by the Township Board on July 10, 2024, after a first reading by the Township Board of Trustees on June 26, 2024, publication after such first reading as required by Public Act 359 of 1947, as amended, and a second reading held on July 10, 2024. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township.