Proposed Sidewalk Ordinance Amendments

(Deletions and Additions are noted in red)

~~Sec. 58-525. - Sidewalk repair fund.~~

~~(a)~~ *~~Authorized.~~* ~~In addition to any other permits or fees required in this division, the township board shall establish by resolution a sidewalk repair fund fee charge. Upon the issuance of any permit under this division, in addition to the sidewalk permit fee, a sidewalk repair fund fee shall be required to be paid, which shall be deposited in a sidewalk repair fund which shall be used exclusively to repair sidewalks.~~

~~(b)~~ *~~No relief or modifying of liability.~~* ~~Establishment of this fund does not modify the obligation of the adjoining property owners with regard to repair and maintenance of sidewalks, nor does it limit or relieve persons installing such sidewalk from liability for defects in workmanship, materials, or the like.~~

~~(c)~~ *~~Authorization of repairs and maintenance.~~* ~~The township board, upon building official recommendation, may authorize expenditures for repairs and maintenance. With respect to appropriating the repair funds, the township board may but is not required to allocate 50 percent of the repair costs if the adjoining property owner agrees to pay half of the costs of the repair.~~

~~(Ord. No. 220, § 5-10.04.05, 8-5-1998)~~

Sec. 58-528. - Obligations and responsibilities.

 (c) *Repair or reconstruction by landowner.* The owners of property jointly and severally shall, in accordance with subsection (a) of this section, maintain the sidewalk free from defects and encroachments and in good repair. When the sidewalk requiring repair or reconstruction is contiguous to more than one lot or parcel, costs of such repair or reconstruction shall be prorated on the basis of front footage repaired between the property owners. The failure of one abutting property owner to undertake such repair where such sidewalk abuts more than a single parcel shall not excuse the remaining property owners from the duties established in this section. Property owners jointly and severally are liable pursuant to the following:

(1) *Written notice.* Upon determination by the township ordinance enforcement officer that any sidewalk or portion is in need of repair or elimination from encroachment, as described in subsections (a)(1) and (a)(5) of this section, the township ordinance enforcement officer shall serve a written notice upon the owners of the properties contiguous to the portion of such sidewalk requiring repair or elimination of encroachment, which notice shall be in substantially the form described in this subsection. Written notice shall not be required for matters described in subsections (a)(2), (a)(3) and (a)(4) of this section.

a. Determination of property owners. Owners of the property shall be determined from the most current township tax assessment roll.

b. Service of notice. Such owners shall be notified by delivery of a copy of such notice personally by leaving a copy of such notice with some person of suitable age and discretion who is a member of the household at the residence of such owner, or by mailing a copy of such notice first class mail, addressed to the owners of the property determined from the most current township tax assessment.

(2) *Action by property owners.* It shall be the duty of any owner of property upon whom service of the notice shall be made to cause the repairs or elimination of encroachments in accordance with the notice within 60 days from the date of the notice.

a. Failure to comply. If the owner shall fail to cause such work to be completed within such time and has not otherwise agreed in writing to said repairs being performed in a method approved by the township, the ordinance enforcement officer shall notify the township board of such failure upon the expiration of the 60 day period; and the township board shall thereafter cause the repairs and/or elimination of encroachments to be made and shall certify the total cost, together with an additional fee of 25 percent for engineering supervision and general administrative expense, to the township supervisor, who shall levy such amount against the property on the next succeeding tax assessment roll.

b. Lien against property. From and after the date of certification to the Supervisor by the township board, such amount shall constitute a lien upon the premises; and such tax shall be collected by the township treasurer in the same manner as other taxes and other assessments under the state's general property tax laws.

c. *Option to use township contractor.* Prior to the expiration of the 60

day compliance period noted above, the owner may commit to having

the township contract the repairs without the assessment of the 25% administrative fee. The township board may allow the payment for such repairs to be made over time subject to terms and conditions set forth by board resolution.

(3) *Proration of costs.* When the sidewalk to be repaired is contiguous to more than one lot or parcel of land, the total cost of such repair, if repair is completed under this section, shall be prorated for assessment purposes on the basis of front footage repaired of the lots affected.

 (4) *Township contribution to repairs and maintenance.* The township board may

authorize expenditures for repairs and maintenance. The township board shall periodically set the terms, conditions and contribution amount by resolution. A contribution by the township does not modify the responsibility of the adjoining property owners with regard to repair and maintenance of sidewalks.