

VILLAGE OF FAIRGROVE
TUSCOLA COUNTY, MICHIGAN

ORDINANCE NO. 64

SIDEWALK ORDINANCE

An ordinance to provide for the maintenance of and to prohibit obstructions on the sidewalks within the Village of Fairgrove.

THE VILLAGE OF FAIRGROVE ORDAINS:

Section 1. Maintenance

An owner of real property adjacent to a sidewalk within the Village shall keep that sidewalk free of snow, ice, dirt, gravel or any other debris. Furthermore, an owner shall have twenty four hours from accumulation to remove the snow, ice, dirt, gravel or other debris from that sidewalk. Grass overgrowth shall be removed from the sidewalks. Weed overgrowth, and all protruding branches or overhanging shrubbery, thereby providing a passage at least seven feet high and six inches outside of the sidewalk boundaries.

Section 2. Obstructions

An owner of real property adjacent to a sidewalk within the Village shall not, without the permission of the Village Council, obstruct or allow any other person to obstruct that sidewalk in any manner. Furthermore, an owner shall not park or allow another to park a motor vehicle on the sidewalk adjacent to his or her property.

Section 3. Penalty

Any person or entity that violates any provision of this Ordinance shall be responsible for a municipal civil infraction and subject to payment of a civil fine of not less than One Hundred and 00/100 (\$100.00) Dollars, plus costs and other sanctions as set forth in Civil Infraction Ordinance No. 49 for each infraction. Repeat violations of this Ordinance shall be subject to increased fines and other sanctions as provided by Ordinance No. 49. Furthermore, any violation shall be subject to such injunctive relief as granted by the Court.

Section 4. Clearing the sidewalk from Grass and weed overgrowth, and all protruding branches or overhanging shrubbery is from sidewalk.

In the event any sidewalk property within the Village of Fairgrove has not been maintained in accordance with Village of Fairgrove Ordinance 64, the Village of Fairgrove and its authorized representatives are hereby empowered to enter upon such land for the purpose of accomplishing abatement of the violation by spraying, cutting and/or other methods deemed acceptable by the Department of Public Works of the Village of Fairgrove. All expenses of such snow and ice removal, spraying, cutting or destroying, including any and all costs incurred in the removal or relocation of debris, junk or other miscellaneous obstructions which would be necessary or convenient for carrying out the requirements of this section shall be paid by the owner of such land at a rate of one hundred (\$100) dollars per hour. The Village of Fairgrove or its authorized representative may enter upon such lands as often as necessary to necessitate compliance with this ordinance and shall not be liable for damages or in any action of trespass thereof.

Section 5. Reimbursement to Village and Assessment of Cost

Whenever the Department of Public Works or its authorized representative shall enter upon any parcel of land in order to accomplish abatement of an existing violation pursuant to the provisions of this Ordinance, the Supervisor of the Department of Public Works is hereby authorized and directed to keep and accurate account of all properties mowed, cut, sprayed or otherwise cleansed of weeds and/or brush and based upon the same to issue a certificate determining and certifying the fees involved for such work with respect to each parcel of property. Within thirty (30) days after receipt of said certificate, the Village clerk shall forward an invoice of the total charges assessed on each parcel of property to the owner as shown by the last current assessment or tax roll, and said assessment shall be payable to the Village of Fairgrove within thirty (30) days from the date said statement was forwarded. If not paid

within the prescribed thirty (30) day period, such assessment shall be filed by the Village Treasurer with the Village Assessor and shall thereupon be assessed against the land in question and become a lien on such property. The amount so charged may be discharged at any time by the payment of the amount specified in the statement together with interest at the rate of ten (10) per cent per annum compiled from the mailing of the original invoice.

Section 6. Repeal

The former Village of Fairgrove Sidewalk Ordinance No. 3, adopted on July 2, 1957, and Ordinance No. 58 adopted on July 20, 2009 is hereby repealed in its entirety.

Section 7. Separability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 8. Certification and Effective Date

The undersigned President and Clerk of the Village of Fairgrove hereby certify that this Ordinance was duly adopted by the Fairgrove Village Council at a meeting held on the 6th day of July, 2015 and a synopsis thereof was published in the *Tuscola County Advertiser* on the 15th day of July, 2015. This Ordinance shall take effect twenty (20) days after said date of adoption, which is August 4, 2015.

____ //Signed// _____

Thomas Wassa, Village President

____ //Signed// _____

Heidi Stark, Village Clerk

Ordinance Amended

The undersigned President and Clerk of the Village of Fairgrove hereby certify that this Ordinance was duly adopted by the Fairgrove Village Council at a meeting held on the 5th day of February, 2018 and a synopsis thereof was published in the *Tuscola County Advertiser* on the 10th day of March, 2018. This Ordinance shall take effect immediately.

____ //Signed// _____

Thomas Wassa, Village President

____ //Signed// _____

Heidi Stark, Village Clerk