

ORDINANCE NO. 16

An Ordinance Relating to Sidewalks and to Provide for Building and Repairing the Same and Keeping Them Clean and In Good Order.

THE VILLAGE OF DECATUR ORDAINS:

Sec. 1. That it shall be the duty of the Village Street Commissioner to report to the Common Council any defective sidewalk or crosswalk in need of repairs, in the Decatur village, giving the location of such defective sidewalks, stating wherein defective, and of what material the original walk was built, and to further report to said common Council, from time to time, the non-existence of any sidewalks in said Decatur village, caused by the original walk having been worn out, torn up or from other causes where the public necessity or convenience may, in his judgment, require a sidewalk or crosswalk.

Sec. 2. Whenever two thirds of the owners or occupants of the property on one or both sides of any of the public streets in said Decatur village shall desire sidewalks built, on one or both sides of such street or streets they may petition the Common Council, asking for the building thereof, setting forth in such petition the reasons which, in their judgment, make the building of such walks a necessity or great public convenience, the grade and width they desire to have them built and showing who are the residents or those owning property along the side or sides of such streets and who are the occupants and by what right they so occupy.

Sec. 3. Whenever the Common Council of said village shall, upon consideration of any report of the Street Commissioner as provided for in section one of this ordinance or upon consideration of petition or petitions from the citizens of said Decatur village as provided for in section two of this ordinance, or upon their own motion shall by resolution determine upon building of any sidewalk or crosswalk or the repairing of any such walk or walks already built, it shall be the duty of the Street Commissioner to notify the owner or person having the premises in charge, if known, in front of which any such walk is to be built or repaired within one week after such resolution shall be passed, by delivering to them a written notice if they can be found; if not, then by posting such notice in three public places in said village, one of which shall be posted on the premises in front of which such walk is to be built or repaired. Such notice shall contain the time when such walk shall be built, the grade thereof, the thickness and kind of material and the width and manner of constructing the same.

Sec. 4. If the owner of any lot or premises, after such notice as aforesaid, shall fail for thirty days after such notice has been given to construct any sidewalk or crosswalk or to repair the same as mentioned in the preceding section, the Council may, by resolution cause said walk to be constructed at the expense of such owner and the amount of all the expenses incurred thereby shall be reported by the Street Commissioner to the Council and shall be levied and collected as a special assessment upon the lot and premises adjacent to and abutting upon such sidewalk or crosswalk.

Sec. 5. It shall be the duty of the owner or occupants of lots adjacent to and abutting on any sidewalk or crosswalk in said village to keep the same free from any obstructions – snow, ice, or any nuisance. In case of his or her refusal so to do and to clean the sidewalk as above mentioned in this section after one day's notice has been given by the Street Commissioner, the said Street Commissioner shall proceed to clean the same and any and all expense incurred thereby, shall be levied and collected as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk or crosswalk, such crosswalks to be kept clean and free from all obstructions, snow or ice or any nuisance, one-half their distance, by the owner or occupants from each side of such streets.

Sec. 6. Any person who shall maliciously break down, injure or tear up any sidewalk or crosswalk within the corporate limits of said Decatur village shall, upon conviction thereof, be punished by a fine of not less than five or more than fifty dollars and costs of prosecution or by imprisonment not exceeding thirty days,

or both such fine and imprisonment in the discretion of the court; and upon failure to pay such fine and costs of prosecution, may be imprisoned for any time not exceeding thirty days, unless payment thereof be sooner made; and the person so convicted and imprisoned shall be kept at labor inside or outside such place of imprisonment under the direction of the Marshal of said village; and if imprisonment be adjudged in any case, it may be in the village prison or in the county jail of Van Buren county, or in any other place of confinement provided by said village for such person in the discretion of the court.

(Ord 26, July 1885) Renumbered August 12, 1954

(SECTION 7 Amendment (see below) addition adopted March 2, 1959)

(SECTION 7 Further Amended by Ordinance 109, November 1, 1993)

(SECTION 7 Made a civil infraction by Ordinance 131, September 13, 1999)

Sec. 7. BUSINESS DISTRICT SIDEWALKS. The sidewalks situated on the following portions of streets within the Village of Decatur, Michigan, are hereby declared and defined to be business district sidewalks, to wit: both sides of Phelps Street from Sherwood Street to St. Mary's Street; The Northerly side of East and West Sherwood Street, both sides of East and West Delaware Street and the southerly side of East and West St. Mary's Street and Phelps Street to the Alley or a distance of 100 feet from Phelps Street.

- (1) It shall be the duty of owners, tenants and occupants of land abutting on any business district sidewalk as hereinbefore defined to keep said adjacent sidewalk clean of snow, ice and sleet at all times. If any such person neglects or refuses to remove the snow, sleet and ice from said sidewalk for a period of 24 hours he or she shall be subject to a fine of not to exceed \$10.00 and the costs of prosecution or imprisonment for 10 days in the Village or County Jail or both in the discretion of the Court having jurisdiction in such case. Each 24 hour period shall be a separate offense.
- (2) It shall be unlawful to exhibit, place or display merchandise for sale on any business district sidewalk and any person that shall violate this provision of this ordinance shall be subject to the same penalty as provided in subsection 1 of this Section 7.

This amendment shall be effective within 30 days from date hereof. Adopted by the Common Council of the Village of Decatur, MI at a regular meeting thereof this March 2, 1959. Approved: March 2, 1959. Dr. J.T. Bowers, Village President. H. P. Schmidt, Village Clerk