

The following Ordinance was introduced and a first reading completed at the Jamestown Charter Township Board meeting on June 16, 2025.

ORDINANCE NO. 25-009

**AN ORDINANCE TO AMEND ORDINANCE 02-003
SIDEWALKS AND BICYCLE PATHS ORDINANCE
OF THE CHARTER TOWNSHIP OF JAMESTOWN**

THE CHARTER TOWNSHIP OF JAMESTOWN ORDAINS:

Section 1. **Amendment of Section 19.** Section 19 of Ordinance 02-003, the Sidewalks and Bicycle Paths Ordinance of the Charter Township of Jamestown, is hereby amended so as to read in its entirety as follows:

Section 19. Construction and Maintenance Requirements.

A. Sidewalk and Bicycle Path Construction Standards. The following construction requirements shall apply to all Sidewalks and Bicycle Paths.

The following construction requirements shall apply to Sidewalks:

1. All Sidewalks shall be of concrete construction.
2. All Sidewalks shall conform to the minimum requirements for Sidewalk construction as adopted and amended from time to time by the Ottawa County Road Commission.
3. Sidewalks located along minor subdivision streets shall be a minimum of five (5) feet in width.

The following construction requirements shall apply to Bicycle Paths:

1. Bicycle Paths shall be a minimum of eight (8) feet in width.
2. Bicycle Paths constructed of concrete shall be constructed in accordance with the same construction requirements as apply to sidewalks as provided above.
3. Bicycle Paths constructed with bituminous pavement shall have

a compacted sub base of six (6") inches of MDOT class II sand, overlaid by six (6") inches of MDOT 22A aggregate compacted in place. The Bicycle Path shall be surfaced with two courses of bituminous pavement. The base course shall consist of 165#/sy (1 ½" thick) MDOT 13A bituminous mixture. The top course shall consist of 110#/sy (1" thick) MOOT 36A bituminous mixture. A bond coat shall be applied between successive courses of bituminous at a rate of 0.10 gallons per square yard.

B. Maintenance Requirements.

1. It shall be the responsibility and duty of the property owner to maintain and keep the Sidewalks adjacent to or abutting the owner's property at all times in good repair and condition and to promptly remove all obstructions from those Sidewalks, except where this responsibility is otherwise specified in the governing documents pertaining to the relevant Site Condominium, Condominium, or other similar document and assumed by a condominium or homeowners association, or a similar entity.

2. In addition, the property owner abutting or adjoining a Sidewalk shall not store or keep any item within the Sidewalk that shall in any way impede, interfere with, or slow down pedestrian use of the Sidewalk, and shall remove, cut, or trim any landscaping plants, trees, bushes, or other foliage that may grow over the Sidewalk or impede pedestrian use of the Sidewalk.

3. Sidewalks shall be promptly repaired or replaced by the property owner of the property abutting or adjoining the Sidewalk when the Sidewalk's condition is detrimental to the safety of the public. Conditions requiring repair or replacement include, but are not limited to, the following:

- a. A vertical displacement of more than one inch between any two sections of Sidewalk;
- b. More than two cracks of one-quarter inch in width or more in any two linear feet of the Sidewalk;
- c. Any section of sidewalk that is tilted in excess of one inch per foot from inside/outside edge to outside/inside edge;
- d. Any linear section of Sidewalk, five feet or more, where more than 25 percent of the surface has scaled off to a depth of one-quarter inch or greater; or

- e. Any condition that arises regarding a Sidewalk that would render it unsafe for use or otherwise unfit for public pedestrian travel.

4. Upon receipt of a written notice from the Township, the owner of the property involved shall repair or replace the Sidewalk to conform the Sidewalk to the requirements of this Ordinance within 60 days. The Township may extend the 60-day time period if weather conditions or Street repairs prevent the repair or replacement in a timely manner.

C. Pursuant to and in accordance with Section 18a of the Pavements, Sidewalks, and Elevated Structures Act, Public Act 246 of the Public Acts of Michigan of 1932, as amended, the Township Board may construct, repair, or maintain or may order the construction, repair, or maintenance of Sidewalks for the health, safety, and general welfare of the residents of the Township after notifying the involved property owners of the time and place of a hearing on such order. Following the hearing, the Township Board may either construct, repair, or maintain the Sidewalk and assess the cost thereof over a five-year period against the abutting property owners, or permit the owners within a specified time to have the Sidewalks constructed, repaired, or maintained according to Township specifications at the property owner's expense. No such work shall be commenced until approved by either the Ottawa County Road Commission or the MDOT having jurisdiction over the right-of-way within which the Sidewalk is located, or the appropriate agency waives the requirement of such approval. The Township Board, in its discretion, may also authorize collection of the cost of such construction, repair, or maintenance by civil process, small claim, or such other means that may be proper for the collection of debts by legal process.

Section 2. Penalties: Enforcement

(a) Any violation of this ordinance shall constitute a municipal civil infraction. Any person, firm or corporation who violates any provision of this ordinance is responsible for a municipal civil infraction and subject to payment of a civil fine, as well as any other action by the Township to abate the violation. The minimum fine for a municipal civil infraction under this ordinance shall be Fifty (\$50.00) Dollars plus costs and other sanctions for each violation. The maximum fine for a municipal civil infraction shall be Five Hundred (\$500.00) Dollars plus costs and other sanctions for each violation. Increased civil fines shall be imposed for repeated offenses by the same person. As used in this section, the term "repeated offense" means a second (or any subsequent) municipal civil infraction of the same requirement or provision of this ordinance which is committed by a person, firm or corporation within twelve (12) months of a prior municipal civil infraction for which the person, firm or corporation admitted responsibility or was determined to be responsible and for which the person, firm or corporation admits responsibility or is determined to be

responsible. Each day on which a violation of this ordinance continues shall constitute a separate offense and shall be subject to penalties or sanctions as a separate offense.

(b) The Township Supervisor, the Township Attorney, the Township Zoning Administrator, the Building Inspector and an Ottawa County Sheriff's Deputy are hereby authorized to issue municipal civil infraction citations (directing alleged violators to appear in court) for violations of this ordinance. All such citations shall be issued in accordance with all of the requirements of Chapter 87 of the Revised Judicature Act of the State of Michigan, as amended from time to time (MCL 600.8700, et. seq.).

(c) Any violation of this ordinance shall constitute a nuisance per se. The Township is authorized to take any and all actions appropriate to prevent, abate, enjoin or remove any such violation.

(d) The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 3. Severability and Captions. This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part, section, subsection, sentence, phrase, or clause is adjudged unconstitutional or invalid, the remainder of this Ordinance shall not be affected. The captions included at the beginning of each Section are for convenience only and shall not be considered as part of this Ordinance.

Section 4. Repeal. All ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of the date of this Ordinance are repealed to the extent of that conflict.

Section 5. Publication/Effective Date. This Ordinance shall become effective upon the publication of a summary of its provisions in a local newspaper of general circulation.

AYES: Members: _____

NAYS: Members: _____

ORDINANCE DECLARED ADOPTED.

Passed and adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, Michigan, on _____, 2025.

Laurie VanHaitisma, Supervisor
Charter Township of Jamestown

Attest:

Candy DeHaan, Township Clerk

Ordinance # 25-_____

First Reading: _____, 2025

Second Reading: _____, 2025

Ordinance becomes effective: _____, 2025

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Jamestown, County of Ottawa, State of Michigan, at a regular meeting held on _____, 2025, and that the public notice of said meeting was given pursuant to the Open Meetings Act, being Act No. 267 of Public Acts of Michigan of 1976, as amended including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Candy DeHaan
Township Clerk

CERTIFICATE OF PUBLICATION

I, Candy DeHaan, Township Clerk of the Charter Township of Jamestown, County of Ottawa, State of Michigan, hereby certify pursuant to MCL 42.22 that Township Ordinance No. ____, or a summary thereof, was published in the Grand Rapids Press on _____, 2025.

Candy DeHaan
Township Clerk