

APPLICATION FOR SIDEWALK WAIVER

Georgetown Charter Township
1515 Baldwin St, P.O. Box 769
Jenison, MI 49429
616-457-2340

revised: October 29, 2021

APPLICANT INFORMATION

COMPANY NAME:	PHONE:
APPLICANT NAME:	
ADDRESS:	CITY / STATE / ZIP:

PROPERTY INFORMATION

COMPANY NAME:	PHONE:
OWNER / AGENT NAME:	TITLE:
ADDRESS:	CITY / STATE / ZIP:
PARCEL NUMBER:	ZONING DISTRICT:

USE OF THE PROPERTY:

WAIVER INFORMATION

SECTION 14 OF ORDINANCE 2018-14 STATES "THE TOWNSHIP BOARD MAY WAIVE SOME OR ALL OF THE REQUIREMENTS OF THIS ARTICLE REGARDING SIDEWALKS FOR A SPECIFIC LOT OR PARCEL IF THE TOWNSHIP BOARD FINDS THAT EITHER OF THE FOLLOWING STANDARDS IS APPLICABLE:

- A.) THE PRESENCE OF A SIDEWALK IS NOT REASONABLY NECESSARY FOR PUBLIC HEALTH, SAFETY AND WELFARE; OR
- B.) A PARTICULAR REQUIREMENT OF THIS ARTICLE IS UNREASONABLE WITH REGARD TO THE LOT OR PARCEL INVOLVED, AND THERE IS AN ALTERNATIVE AVAILABLE WHICH REASONABLY MEETS ALL OF THE PURPOSES AND INTENT OF THIS ARTICLE."

PLEASE PROVIDE INFORMATION AS TO HOW YOUR REQUEST MEETS THIS STIPULATION OR INFORMATION AS TO WHY THIS ORDINANCE SHOULD BE WAIVED FOR YOUR SITUATION. THE APPLICANT MAY PROVIDE ADDITIONAL EVIDENCE TO SUPPORT THE REQUEST, SUCH AS PICTURES OR SITE PLANS.

APPLICANT SIGNATURE

IT IS THE APPLICANT'S RESPONSIBILITY TO MEET THE REQUIREMENTS OF THE TOWNSHIP ZONING ORDINANCE IN ALL RESPECTS AND TO PROVIDE THE NECESSARY INFORMATION TO THE TOWNSHIP FOR APPROVAL. COPIES OF THE ORDINANCE MAY BE OBTAINED FROM THE GEORGETOWN TOWNSHIP WEBSITE AT WWW.GEORGETOWN-MI.GOV. THE APPLICATION SHALL BE ACCOMPANIED BY A FEE AS ESTABLISHED BY THE TOWNSHIP BOARD. THE REQUEST WILL BE PRESENTED TO THE UTILITIES/FACILITIES COMMITTEE FOR A RECOMMENDATION PRIOR TO APPEARING ON THE GEORGETOWN TOWNSHIP BOARD AGENDA. BY SIGNING, PERMISSION IS GRANTED FOR THE TOWNSHIP STAFF AND BOARD AND COMMISSION MEMBERS TO ENTER THE SUBJECT PROPERTY FOR PURPOSES OF GATHERING INFORMATION TO REVIEW THIS REQUEST. BY SIGNING I ACKNOWLEDGE THERE ARE NO REFUNDS FOR ANY REASONS.

APPLICANT SIGNATURE:	DATE:
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FOR OFFICE USE ONLY

DATE OF TOWNSHIP BOARD MEETING:	APPROVED/DENIED:	ANY CONDITIONS:
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ARTICLE 10-X SIDEWALKS

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Editor's note— Ord. No. 2018-14, § 1, adopted June 11, 2018, repealed the former article X, §§ 10-211—10-220, and enacted a new article X as set out herein. The former article X pertained to similar subject matter and derived from Ord. No. 2000-01, adopted May 8, 2000; Ord. No. 2000-Ord. No. 2003-07, adopted November 24, 2003; Ord. No. 2005-08, June 27, 2005; Ord. No. 2005-09, adopted December 12, 2005 and Ord. No. 2008-01, adopted September 22, 2008.

Sec 10-211 Authority; Purpose

This article is enacted pursuant to various Michigan statutes, including, but not necessarily limited to, Public Act No. 359 of 1947 (MCL 42.1 et seq.), Public Act No. 288 of 1967 (MCL 560.101 et seq.) and Public Act No. 246 of 1931 (MCL 41.288a et seq.). The purpose of this article is to provide for the installation, construction, maintenance, snowplowing and repair of sidewalks, paths and general snow removal for the safety of the public.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-212 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abutting, adjoining or adjacent property means any lot or parcel of land adjoining, next to, bordering, and/or touching a street as defined herein. A property is adjacent to and/or abuts and/or adjoins a street regardless of whether the property extends under a street easement or right-of-way or merely touches, fronts on or extends to a street easement or right-of-way.

Adjacent sidewalk means that portion of the sidewalk located within the street right-of-way or easement, public utility easement, or sidewalk easement next to, along or adjoining an abutting or adjacent parcel, lot or property.

Lot means any platted lot, site condominium unit or parcel of land.

Paved pathway or path means an asphalt paved surface, separated from the improved roadway by at least three feet and designed for non-motorized vehicle and pedestrian travel. A pathway or path is a type of sidewalk.

Sidewalk means that portion of the street right-of-way or abutting easement improved with concrete or asphalt and designed for pedestrian travel. A paved pathway is one type of sidewalk. Unless otherwise expressly provided in this Article, all requirements for sidewalks shall also apply to pathways.

Street means a dedicated or other public right-of-way or easement that is a state, county or municipal roadway, or a private road easement, adjoining or affording the principal means of access to abutting, adjacent or adjoining property. A street also includes the land between or within the street right-of-way or easement lines, whether improved or unimproved. A private road includes the land within the required private road easement.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-213 Required Sidewalk Installation And Construction

- A. Sidewalks shall be required in all new developments and projects (and shall be installed or paid for by the developer or land owner) as follows:
1. All new plats and subdivisions.
 2. All new site condominium and other condominium projects or developments.
 3. Any new commercial, industrial, business or office use or development and for which a zoning site plan approval is required.
 4. Any expansion of or addition to the development or project specified in subsection (1), (2) or (3) above.
- B. The township board has the authority (at its discretion) to order the installation and construction of sidewalks and/or non-motorized paved pathways to the specifications required by this article in any area of the township (including in long existing neighborhoods, subdivisions and developments) where the township board deems it reasonably necessary in order to protect the health, safety and/or welfare of the residents, property owners and motorists of the township. The owner of a lot or parcel adjoining or abutting the sidewalk shall be responsible for the costs of installing, constructing, maintaining, snowplowing and repairing the sidewalk adjacent to or abutting that owner's lot or parcel.
For new sidewalks, the township may either:
1. Require the owner of the lot or parcel adjoining or abutting the sidewalk area to construct and install the sidewalk along the lot or parcel; or
 2. The township may construct and install the sidewalk and assess the costs to the adjoining or abutting lot or parcel.
- C. Where sidewalks are required pursuant to this article, the sidewalks shall be conventional sidewalks with concrete construction, unless a specific provision of this article or the township board requires the installation of a paved pathway instead (in which situation, a pathway complying with this article shall be installed).
- D. Non-motorized paths eight (8) feet in width shall be installed, constructed with asphalt and maintained adjacent to paved streets in all new residential developments given final plat approval after January 1, 2006, and all developments given site plan or planned unit development approval after January 1, 2006, in place of concrete sidewalks along the following streets:
1. 48th Avenue.
 2. 36th Avenue from Baldwin Street to Fillmore Street.
 3. 40th Avenue from Bauer Road to Fillmore Street.

4. Bauer Road from 36th Avenue to 48th Avenue.
5. Fillmore Street from 36th Avenue to 48th Avenue.

- E. Where a developer or property owner does not desire to construct and install a sidewalk or sidewalks pursuant to the initial construction or installation of improvements within the plat or development involved, the township shall have the authority to extend sidewalk completion time limits and may require that financial security be filed with the township (in the form of a cash deposit, bond, or irrevocable letter of credit, and in a form, amount, and from a financial institution deemed acceptable to the township) in an amount estimated by the township to be sufficient to cover the costs of installation of sidewalks in all portions of the plat or development plus reasonable incidental additional costs and expenses. The township may also impose additional reasonable conditions on any time extension.
- F. Where a site plan is required for any zoning approval, sidewalks shall be shown on the site plan where required and shall be installed by the developer or land owner consistent with the approved site plan.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-214 Relation To Planned Unit Developments

Modifications from the requirements of this article are allowed in planned unit developments if such modifications are expressly approved by the township in the PUD approval process.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-215 Timing Of Sidewalk Construction

Sidewalks shall be fully installed and completed by the earliest date of the following:

- A. For a new residential development (including, but not limited to, a plat, subdivision or site condominium development), prior to final zoning compliance approval being granted for a dwelling on the abutting or adjoining lot or parcel.
- B. For a new commercial, industrial, office or business use, before zoning compliance approval occurs for any of the buildings involved.
- C. For all other developments and situations, the township board may set deadlines for the installation and completion of the sidewalks.
- D. For all residential plats, subdivisions or site condominiums, sidewalks shall be installed and completed adjacent to every lot, parcel and condominium unit (including vacant properties) within the plat, subdivision or site condominium involved within four years of that plat, subdivision or site condominium receiving final development approval.
- E. Where no deadline is specified, sidewalks shall be installed within one (1) year of the completion of the building or improvements on the abutting lot or parcel involved.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-216 Construction Standards; Ottawa County Approval

- A. Sidewalks shall be installed and constructed to meet or exceed the specifications required by the Ottawa County Road Commission for sidewalks. Paved pathways shall be paved with asphalt 8 feet wide.

- B. No person shall install, construct, or repair any sidewalk or pathway except in full compliance with this article.
- C. The township board may approve alternative construction standards and/or locations for sidewalks or pathways. The planning commission may transmit a recommendation to the township board regarding the request for alternative construction standards and/or locations. If the township board approves sidewalks or pathways outside of the public street right-of-way or easement, a recorded easement shall be required for the sidewalk. Any alternative construction standards for sidewalks must also be approved in writing by the Ottawa County Road Commission.
- D. No sidewalk or pathway shall be installed, replaced, rebuilt or substantially repaired unless and until a permit has been issued by both the township and the Ottawa County Road Commission (or its successor). All new sidewalks and pathways shall be inspected and approved by the Ottawa County Road Commission (or its successor) or the township, whichever is applicable.
- E. The township may suspend any township permit issued under this article for failure to comply with the terms of this article or any rules, regulations, plans or specifications established under the provisions of this article for sidewalks or pathways. The township may cause work to be stopped under any township permit granted for the construction, reconstruction or repair of any sidewalk or pathway by issuing a written stop work order for such sidewalk construction.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-217 Removal Of Obstructions And Repair Of Sidewalks

- A. It shall be the responsibility of the owner of every lot to maintain and keep the sidewalks adjacent to or abutting the owner's lot at all times in good repair and condition and to promptly remove all obstructions from such sidewalk. In addition, it shall be the responsibility of the owner of every lot to keep the sidewalks adjacent to or abutting the owner's lot cleared of snow and ice at all times. Furthermore, property owners, tenants, and other persons having authority and control over the removal of snow and ice from driveways and parking areas on their premises shall not permit the deposit of snow or ice on sidewalks, pathways, driveways, or parking areas to block or impede the use of sidewalks by pedestrians in any manner. Snow and ice must be removed within 24 hours of the end of any accumulation of 2 inches or more of snowfall.
- B. In addition, the owner of a lot or parcel 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.
- C. Sidewalks shall be promptly repaired or replaced by the owner of the lot 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:
 - 1. A vertical displacement of more than one inch between any two sections of sidewalk.
 - 2. More than two cracks of one-quarter-inch in width or more in any two linear feet of section.
 - 3. Any section of sidewalk that is tilted in excess of one inch per foot from inside/outside edge to outside/inside edge.
 - 4. Any five-foot linear section of sidewalk, where more than 25 percent of the surface has scaled off to a depth of one-quarter-inch or greater.
 - 5. Any condition that arises regarding a sidewalk that would render it unsafe for use or otherwise unfit for public pedestrian travel.

- D. Upon receipt of a written notice from the township, the owner of the lot involved shall make the sidewalk repairs or replacement necessary to conform to this article within 60 days of receipt of said notice. The township may extend said 60-day time period if weather conditions or road repairs prevent such repair and/or replacement.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-218 Use Of Snow Removal Equipment

No person shall use any mechanically driven vehicle or apparatus for the removal of snow or ice from sidewalks or other public pedestrian easements in the township which, by virtue of its use for such purpose, will cause damage to the areas from which snow/ice is being removed. If any such vehicle or apparatus is used and it damages the sidewalk, the owner of the lot adjoining or abutting the sidewalk shall be responsible for repairing or replacing such damaged sidewalk area at the lot owner's expense pursuant to section 10-217 of this article.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-219 Construction Or Repair By The Township

- A. If the owner or occupant of any lot adjoining or abutting a sidewalk fails to comply with section 10-217, the township may remove or cause to be removed such snow, ice or other obstruction or repair or replace such sidewalk and shall assess the cost thereof against the abutting or adjoining lot.
- B. Whenever the township shall determine that a sidewalk is unsafe for use or in need of repair, notice may be given by the township to the owner of the lot or premises adjacent to or abutting upon said sidewalk of such determination. Thereafter, it shall be the duty of the lot owner to place said sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than twenty-one days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair said sidewalk within the time limit therefore, or in a manner otherwise than in accordance with this section, the township shall have the sidewalk repaired and shall assess the costs to the lot involved. If the township determines that the condition of said sidewalk is such that immediate repair is necessary to protect the public, the township may dispense with said notice. The cost of repairs hereunder shall be charged against the lot which said sidewalk adjoins or abuts and to the lot owner of said premises, and shall be collected as a single lot assessment or as otherwise allowed by law.
- C. If the owner of any lot or premises abutting or adjoining a sidewalk shall fail to install any particular sidewalk within the time and in the manner required, the township is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, to cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner thereof, and collected as provided for single lot assessments or as otherwise allowed by law.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-220 Obstruction Of Vision

A lot owner or occupant who clears a driveway or sidewalk of snow shall not permit such snow to be deposited on the traveled portion of a street or sidewalk, or to be piled to a height of three feet or higher so as to obstruct vision between any driveway and street or between any street and another street. Snow removed by a lot owner or occupant (or by their agent or contractor) must be returned to the lot

from which it was removed unless permission to deposit the snow on another's lot has been received by the owner of that lot.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-221 Violation A Municipal Civil Infraction

Any person who violates this article is responsible for a municipal civil infraction, punishable as provided in section 1-11 of this Code of Ordinances. Any property or sidewalk in violation of this Article is both a common law nuisance and a nuisance per se.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-222 Liability And Responsibilities Of The Lot Owner

- A. In addition to the penalties provided in this article, any lot owner who shall refuse or neglect to comply with the provisions of this article or any notice to install or repair under this article shall be liable for and compelled to pay to the township all damages to persons or property for which the township may be liable or sued by reason of injury or damages resulting therefrom, which sum may be recovered by the township in proceedings brought for such purpose in any court of competent jurisdiction.
- B. A lot or parcel owner is responsible under this article for the acts, inaction, activities, negligence and/or actions of the lot owner's family, lessee, agent and contractor.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-223 Rules And Regulations

The township board shall have the authority to adopt rules, regulations and/or additional requirements regarding sidewalks and paths to further implement the purpose and requirements of this article. A violation of any such rule, regulation or requirement is also a violation of this article.

(Ord. No. 2018-14, § 1, 6-11-18)

Sec 10-224 Appeals And Waivers

The township board may waive some or all of the requirements of this article regarding sidewalks for a specific lot or parcel if the township board finds that either of the following standards is applicable:

- A. The presence of a sidewalk is not reasonably necessary for public health, safety and welfare.
- B. A particular requirement of this article is unreasonable with regard to the lot or parcel involved, and there is an alternative available which reasonably meets all of the purposes and intent of this article.

In waiving or lessening any sidewalk requirement, the township board may impose additional reasonable conditions.

(Ord. No. 2018-14, § 1, 6-11-18)