

ORDINANCE NO. 04-02

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CORUNNA, MICHIGAN, CHAPTER 70 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, ARTICLE III. SIDEWALKS ,SEC. 70-77. SPECIFICATIONS, PERMITS, SEC. 70-78. LINE AND GRADE STAKES. SEC. 70-80. PERMIT REVOCATION. SEC. 70-81. SHARING OF COSTS. SEC. 70-82. RESOLUTION OF NECESSITY. SEC. 70-83. NOTICE TO OWNER OF ABUTTING PROPERTY. AND SEC. 70-84. SERVICE OF NOTICE.

THE CITY OF CORUNNA, MICHIGAN ORDAINS:

SECTION 1. AMENDMENT TO SECTION 70-77. SPECIFICATIONS, PERMITS,
shall be as follows:

Sec. 70-77. Specifications, permits.

No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the city council, nor without first obtaining a written permit from the **Building Official** city clerk. ~~except that sidewalk repairs of less than 50 square feet of sidewalk may be made without a permit.~~ The written permit shall be prominently displayed on the construction site.

SECTION 2. AMENDMENT TO SECTION 70-78. LINE AND GRADE STAKES, shall be as follows:

Sec. 70-78. Line and grade stakes.

The superintendent of public works shall may furnish line and grade stakes as may be as deemed **necessary for proper control of the sidewalk work, but this shall not relieve the owner of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the superintendent** according to city specifications.

SECTION 3. AMENDMENT TO SECTION 70-80. PERMIT REVOCATION:

Sec. 70-80. Permit revocation.

The city manager, **superintendent of public works or other designated agent** may revoke any permit issued under the terms of this article for in competency or failure to comply with the terms of this article or the rules, regulations, plans and specifications established by the city.

SECTION 4. AMENDMENT TO SECTION 70-81. SHARING OF COSTS, shall be as follows:

Sec. 70-81. Sharing of costs.

All the sidewalks hereafter constructed, repaired or reconstructed by order of the city council shall be constructed, repaired or reconstructed under the direct supervision of the superintendent of public works or under the supervision of such other person as the city council shall by resolution designate.

a. The expense and cost of constructing, repairing or reconstructing all such sidewalks in single family residential districts and occupied single-family residential homes in any other district shall be paid for in the following manner: The city shall pay ~~one-fourth~~ **one half of the costs of **4' width sidewalk in addition to any additional width costs** and the person owning the property along the margin of which the sidewalk shall be constructed shall pay the other ~~three-fourths of the costs~~ **one half of the 4' width cost.****

b. The expense and cost of constructing, repairing or reconstructing all such sidewalks in other than single family residential districts shall be paid for in the following manner: The person owning the property along the margin of which the sidewalk shall be constructed shall pay the entire cost.

c. The expense and cost of constructing, repairing or reconstructing all such sidewalks in any districts across any 20' alley right-of-way shall be paid for in the following manner: The city shall pay the entire cost.

SECTION 5. AMENDMENT TO SECTION 70-82. RESOLUTION OF NECESSITY,
shall be as follows:

Sec. 70-82. Resolution of necessity.

When in the judgment of the city council it shall be necessary that any new sidewalk shall be constructed along any street, or that any sidewalk located along any street needs to be repaired or reconstructed, the council shall first by resolution so determine. The resolution shall state where the sidewalk is to be built, repaired or reconstructed, the width thereof or the manner in which the sidewalk shall be repaired or reconstructed, and ~~the resolution shall briefly set forth~~ the specifications and manner in which the sidewalk should be built, repaired or constructed.

SECTION 6. AMENDMENT TO SECTION 70-83. NOTICE TO OWNER OF
ABUTTING PROPERTY, shall be as follows:

Sec. 70-83. Notice to owner of abutting property.

If the council shall have passed the resolution provided for in section 70-82, a copy of such resolution shall be **sent by first class mail to served upon** the abutting owners of the property along which the walk is to be constructed, repaired or reconstructed, together with a notice addressed to the owners of such property **with estimated property owner cost.** City Council may allow an abutting property owner ~~that they are required~~ to construct, repair or reconstruct such sidewalk in compliance with said resolution, **however, such property owner shall have only 15 days from the day of mailing such resolution to respond with his intent to construct, repair or reconstruct such sidewalk in compliance with said resolution and city specifications and sign an agreement as well as obtain any necessary permits with the city stating such. Failure of any property owner to respond within the 15 days forfeits their**

right to construct, repair, or reconstruct such sidewalk. Any property owner signing an agreement to construct, repair, or reconstruct their sidewalk must complete such project within 45 days after the initial 15 day notice. Failure to complete their sidewalk project within the 45 days terminates all property owners' rights on such project and warrants the City to complete such project and assess all costs incurred by the city in completing such project for the property owner. Any property owner who wishes to construct, repair, or reconstruct the sidewalk adjacent to his property in the city must obtain the proper permits from the building official to do so and is responsible for 100 percent of the cost involved in such project unless city council agrees to a shared cost of the project upon a request from the property owner. ~~within 20 days from and after the service on them of such resolution and notice and in default of the Owners of the property in default of constructing, repairing or reconstructing the sidewalk within the 20 day time limited by such resolution, that the sidewalk will be constructed, if a new sidewalk, by the city and three fourths of the expense will be charged against such owners and made a lien upon such property until paid by them to the city, or collected as provided by resolution of the city council, or, if the sidewalk is an old sidewalk which the council shall determine is to be repaired or reconstructed by the city, that the entire expense will be charged against such owners and made a lien upon such property until paid by them to the city or collected as provided by resolution of the city council.~~ **The council may provide for the payment of sidewalk costs in annual installments. Such annual installments shall not exceed 5 in number, the first installment being due 60 days from date of invoice upon completion of construction with deferred installments being due annually thereafter or, in the discretion of the council, may be spread upon and made a part of each annual city tax roll thereafter until all are paid. Interest shall be charged on all deferred installments at a rate not to exceed seven percent per annum, commencing on the due date of the first installment and payable on the due date of each subsequent installment; the full amount of all or any deferred installments, with interest accrued thereon to the date of payment, may be paid in advance of the due dates thereof.**

Should any installment remain unpaid when due, the full remaining obligation shall be considered as delinquent and a 4% penalty shall be collected on such unpaid obligation. Deferred installments shall be collected without penalty until 60 days after the due date, after which time such installments shall be considered as delinquent and the penalties on the installments shall be collected as are provided in the Charter to be collected on delinquent general city taxes. After the completion of construction, the city treasurer shall notify by mail each property owner on the roll that the roll has been filed, stating the amount owed and the terms of payment. Failure on the part of the city treasurer to give the notice or of such owner to receive the notice shall not invalidate any obligation to the city, nor excuse the payment of interest or penalties.

SECTION 7. AMENDMENT TO SECTION 70-84. SERVICE OF NOTICE, shall be as follows:

Sec. 70-84. Service of notice.

The notice and resolution provided for in this article shall be **mailed by first class mail to the property owner as listed on the latest tax roll of the city.** ~~served by either the superintendent of public works or by the chief of police in the manner prescribed in section 1-15.~~

SECTION 8. Severability.

This Ordinance and the several sections, sub-sections, paragraphs, clauses and parts thereof are hereby declared to be severable. If any part or clause thereof is declared or adjudged invalid by present or future legislation or decree, the balance of the Ordinance shall not be affected thereby.

SECTION 9. Conflicting Ordinances Repealed.

All Ordinances previously adopted and incorporated in the Code of the City of Corunna, Michigan, through codification procedures, or any existing Ordinances that are inconsistent with the provision of this Ordinance are hereby repealed, and in the case of inconsistencies, to the extent of such inconsistency, are hereby repealed.

SECTION 10. Copies Available.

This Ordinance may be purchased or inspected in the City Clerk's Offices, Monday through Friday, between the hours of 9:00 a.m. and 4:30 p.m.

SECTION 11. Effective Date.

This Ordinance shall take effect pursuant to the Corunna City Charter, immediately upon publication hereof.

DATE OF PASSAGE:	<u>JULY 6, 2004</u>
DATE OF PUBLICATION:	<u>JULY 12, 2004</u>
EFFECTIVE DATE:	<u>JULY 12, 2004</u>

CITY OF CORUNNA

BY: _____
Steve Corey

ITS: MAYOR

BY: _____
Yvonne F. Long

ITS: CLERK

STATE OF MICHIGAN }

}ss.
COUNTY OF SHIAWASSEE}

I, Yvonne F. Long, being Clerk of the City of Corunna, do hereby certify that the foregoing is a true and accurate copy of the City of Corunna **ORDINANCE NO. 04-02 passed on the 6TH day of JULY, A.D., 2004.** Further, I certify that I caused the same to be published in the Argus Press newspaper, Owosso, MI, within seven (7) days after adoption by the Corunna City Council, Corunna, Michigan.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 6TH day of JULY, A.D., 2004.

Yvonne F. Long
Corunna City Clerk