

VILLAGE OF FARWELL  
CLARE COUNTY, MICHIGAN  
Ordinance Number 1993-1

An Ordinance enacted pursuant to the authority granted at MCL 67.8, MCL 66.1 et seq and MCL 67.1 et seq to regulate the repair and installation of sidewalks within the Village of Farwell, to require a permit prior to the repair and provide penalties for the violation hereof, including a provision that a violation will constitute a misdemeanor, to establish that any violation shall be a public nuisance, and to provide for the enforcement of the Ordinance.

THE VILLAGE OF FARWELL, CLARE COUNTY, MICHIGAN ORDAINS:

Section 1.0 TITLE

This Ordinance shall be known and cited as the Village of Farwell Sidewalk Construction Ordinance and it shall be sufficient to any action for enforcement of the provisions hereof to define the same by such title or reference to the number hereof.

Sections 2.0 PURPOSE

It is the purpose of this Ordinance to promote the general health, safety and welfare of the residents and property owners of the Village of Farwell by regulating the construction of sidewalks on Public Rightaways within the Village of Farwell limits.

Section 3.0 PERMITS REQUIRED

No person, firm, corporation, partnership or other legal entity shall repair or install a sidewalk without first having obtained a written permit from the Village of Farwell. The application for a sidewalk repair or installation permit shall be available at the Village Hall and fees for the permit shall be set by the Village Council. The permit shall expire for work not started within 30 days or completed after 60 days after the issuance of a permit and a new permit shall be required before beginning or completing the new work.

Section 4.0 REGULATIONS

No person, firm, corporation, partnership or other legal entity shall repair or install a sidewalk within the Village of Farwell unless it complies with the following standards and those contained in the remainder of Section Four:

- (A) Minimum width: 4 ½ feet.
- (B) Beginning distance from property line: 18 inches.
- (C) Grade: to follow a line sloping up and away from the top of the curb at a slope of ¼ inch per foot.

Section 4.1 Variance from standards: The Village engineer may authorize variances from standard sidewalk provisions where no curb exists or when unusual topographical conditions, nature or existing construction, or similar factors would make adherence to standard provisions unreasonable.

Section 4.2 Grade and line required: No sidewalk shall be installed unless a grade and line are established therefor. If no grades or lines are available, sidewalks may be installed, but they shall be removed, modified or replaced to conform to grades and lines when established by the Village at the sole cost of the property owner abutting said sidewalk.

Section 4.3 Construction standards: Sidewalks shall be constructed in accordance with details and specifications as established by the Village Council.

Section 4.4 Inspection of work: All work shall be subject to inspection by the Village during construction and upon completion. The inspector shall be notified by permittee after forms are set and no concrete shall be poured or further construction started until approval by the inspector.

Section 5.0 ENFORCEMENT OFFICER

The Village of Farwell Ordinance Enforcement Officer, or the Village of Farwell Council, collectively or individual, are charged with enforcement of the Ordinance as more fully set forth herein.

Section 6.0 MISDEMEANOR

Any person who shall violate any of the terms of this Ordinance shall, upon conviction in a court of competent jurisdiction, be guilty of a misdemeanor and subject to a fine of not more than five hundred and no/100ths (\$500.00) dollars or to imprisonment for a period of not more than ninety (90) days, or both, plus cost of prosecution.

Section 7.0 NUISANCE PER SE

Any violation of the provisions of this Ordinance shall constitute a nuisance per se and be subject to action in circuit court to abate the nuisance and enforce the provisions of this Ordinance.

Section 8.0 SERVERABILITY

The provisions, sections, sentences and phrases of this Ordinance are declared to be severable and if any such portion is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, such findings shall in no way affect or invalidate the remainder of this Ordinance.

Section 9.0 EFFECTIVBE DATE

This Ordinance shall take effect 30 days after publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Steven Grim, President  
Margaret C. Brewer, Clerk

CERTIFICATION OD ADOPTION OF VILLAGE ORDINANCE

I, Margaret C. Brewer, the duly elected Clerk of the Village of Farwell, Clare County, Michigan, hereby certify that the foregoing Ordinance was adopted at a regular meeting of the Village of Farwell Council on the 3<sup>rd</sup> day of May, 1993 at which meeting the following named members of the council were present and voted in person as follows:

(A) Voting in favor of adoption of the Ordinance:

C/Whaley, C/Allan, C/Marshall, C/Brewer, C/Schofield, C/Birdsong, & Pres. Grim.  
(B) Voting against the adoption of the Ordinance:  
None

Certification Date: May 3, 1993      Margaret C. Brewer, Clerk

I, Margaret C. Brewer, the duly elected Clerk of the Village of Farwell, Clare County, Michigan, hereby certify that this Ordinance was published in the Clare Sentinel a newspaper of general circulation within the Village on the 11<sup>th</sup> day of May, 1993, and that this Ordinance and the Publisher's affidavit hereto attached are filed in the Village of Farwell Ordinance Book on the date of Certification, such date being within one week after the first of such publication.

Certification Date: May 11, 1993      Margaret C. Brewer, Clerk

