

ORDINANCE NO. \_\_\_\_\_

**SIDEWALKS AND PATHS ORDINANCE  
CHARTER TOWNSHIP OF ZEELAND, MICHIGAN**

An Ordinance to regulate the use of sidewalks and paths within the Charter Township of Zeeland; to provide for the health, safety, and welfare of persons and property; and to provide penalties for violations of this Ordinance.

THE CHARTER TOWNSHIP OF ZEELAND, OTTAWA COUNTY, MICHIGAN,  
ORDAINS:

**Sec. 1 DEFINITIONS**

The following words and terms are defined for the purpose of their use in this Ordinance. Any word or term not defined in this Ordinance shall be considered to be defined in accordance with its common or standard definition.

1. **Bicycle:** A device propelled exclusively by human power upon which a Person may ride, having either two or three wheels in a tandem or tricycle arrangement; provided, however, that a power-assisted device, having construction substantially similar to a Bicycle, shall be considered a Bicycle.
2. **Motor Vehicle:** A Vehicle which is self-propelled.
3. **Motorcycle:** A Motor Vehicle having a saddle or seat for the use of a rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.
4. **Other Power-Driven Mobility Device (OPDMD):** Any mobility device powered by batteries, fuel, or other engines (whether or not it was designed primarily for use by individuals with mobility disabilities) that is used by such individuals for the purpose of locomotion. OPDMDs may include golf cars/carts, electronic personal assistance mobility devices such as the Segway ® Personal Transporter, or any mobility device that is not a Wheelchair and is designed to operate in areas without defined pedestrian routes.
5. **Person:** Any firm, association, partnership, joint venture, corporation, trust, limited liability company, or any similar entity or association, or any combination of them, or a natural person.
6. **Sidewalk or Path:** That portion of a street right-of-way and adjacent easements which is constructed and paved separate and apart from the paved street surface and which is for the use of pedestrians, Bicycles, Persons with mobility disabilities using Wheelchairs or OPDMDs, and other uses specifically authorized by this Ordinance, as well as that portion of the paved

street surface which is striped or otherwise marked as being for the use of pedestrians, Bicycles, Persons with mobility disabilities using Wheelchairs or OPDMDs, and other uses specifically authorized by this Ordinance.

7. **Sign:** A lettered board, banner, or other display placed on or near a Sidewalk or Path by or at the direction or with the permission of the Township for the purposes of transmitting a command, warning, direction, or other message to Persons utilizing a Sidewalk or Path or who may be crossing a Sidewalk or Path.
8. **Snowmobile:** A Motor Vehicle designed for travel primarily on snow or ice of a type which utilizes sled-type runners or skis, or an endless belt tread, or any combination of these or other similar means of contact with the surface upon which it is operated.
9. **Vehicle:** A device in, upon, or by which any Person or property is or may be transported or drawn upon a street, excepting devices exclusively moved by human power.
10. **Wheelchair:** A manually operated or power-driven device designed for use by an individual with a mobility disability for the purpose of locomotion. Wheelchairs may include manual Wheelchairs, power Wheelchairs, electric scooters, and other manually powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities.

## **Sec. 2 PROHIBITION**

No Person shall operate a Motor Vehicle, Snowmobile, or Motorcycle upon any Sidewalk or Path within the Township except to enter or leave adjacent property. **However, this Section shall not be construed to prohibit the use of such Sidewalks and Paths by Persons with mobility disabilities using (i) Wheelchairs or (ii) Other Power-Driven Mobility Devices (OPDMDs) subject to Section 4 of this Ordinance and any additional Township rules and policies governing safety requirements for the use of OPDMDs.** Additionally, a power-assisted Bicycle having a motor which produces 1.5 brake horsepower or less shall be permitted on a Sidewalk or Path when not using the power assistance.

## **Sec. 3 BICYCLE OPERATION**

No Person shall operate a Bicycle on a Sidewalk or Path at a speed greater than is reasonable and prudent under the conditions then existing. Any Person operating a Bicycle on a Sidewalk or Path shall yield the right-of-way to Motor Vehicles that are crossing the Sidewalk or Path and to pedestrians that are using or on the Sidewalk or Path.

**Sec. 4 OTHER POWER-DRIVEN MOBILITY DEVICES**

Individuals with mobility disabilities may use OPDMDs on the Sidewalks or Paths within the Township subject to the following safety requirements:

1. The OPDMD may only be used by the Person with the mobility disability and, if necessary, a driver if the Person’s mobility disability prohibits the Person from operating or driving the OPDMD. Additional non-disabled passengers are not permitted on or in the OPDMD.
2. The Person with the mobility disability using the OPDMD must carry at all times documentation or other information providing credible assurance that the OPDMD is required because of the Person’s mobility disability, as authorized by the Americans with Disabilities Act (the “ADA”); provided, however, that the Township’s officers, employees, agents, and other personnel are not permitted to ask an individual using a Wheelchair or OPDMD any questions regarding the nature and extent of the individual’s mobility disability.
3. The OPDMD must not be operated on the Sidewalks or Paths at a speed greater than is reasonable and prudent under the conditions then existing.
4. The Person operating the OPDMD must stay to the right on the Sidewalk or Path, yield the right-of-way to Motor Vehicles that are crossing the Sidewalk or Path, yield the right-of-way to pedestrians that are using or crossing the Sidewalk or Path, and shall give an audible signal before overtaking and passing pedestrians.
5. The OPDMD must be operated at all times in compliance with any additional Township rules and policies governing the use of the Sidewalks and Paths.

**Sec. 5 HORSES**

No Person may ride a horse on a Sidewalk or Path, nor may any Person walk or lead a horse upon a Sidewalk or Path.

**Sec. 6 DAMAGE**

No Person may willfully or maliciously, or wantonly and without cause, destroy, injure, mutilate, deface, paint on, write on, alter, remove, or otherwise damage or carry away a Sidewalk or Path, or any related sign.

**Sec. 7 PARKING; DEBRIS**

No Person may stop, stand, or park, or cause to be stopped, standing, or parked, any Vehicle, Motor Vehicle, boat, or OPDMD upon a Sidewalk or Path so as to obstruct the free passage of others. No Person may deposit or burn, or cause to be deposited

or burned, any leaves, branches, grass, brush, or other yard debris upon a Sidewalk or Path, or deposit, or cause to be deposited, any earth, stone, sand, gravel, trash, rubbish, cans, bottles, broken glass, nails, garbage cans, or any other potentially dangerous objects or debris upon a Sidewalk or Path.

**Sec. 8 FISHING PROHIBITION**

No Person may fish or otherwise attempt to catch fish or other aquatic animals while on a Sidewalk or Path, or any appurtenances of a Sidewalk or Path. Appurtenances of a Sidewalk or Path include, but are not limited to, any bridges or other structures which touch a Sidewalk or Path.

**Sec. 9 ANIMALS**

Any Person who owns or exercises any dominion or control over any animal shall, in the event that such animal deposits any fecal matter on any Sidewalk or Path, immediately and completely remove such matter from the Sidewalk or Path. This section shall not be interpreted to prohibit the presence of animals on Sidewalks or Paths, except as otherwise prohibited in Section 5 of this Ordinance.

**Sec. 10 DEPOSIT OF ICE OR SNOW**

No person, in removing snow, ice, or slush from other property shall dump or deposit, or cause to be dumped or deposited, such snow, ice, or slush, either temporarily or permanently, on any Sidewalk or Path within the Township without the express written permission of an authorized Township officer or employee.

**Sec. 11 VEGETATION**

No Person may plant any trees, shrubs, or other vegetation in a location that obscures the view at intersections of a Sidewalk or Path with a street or with another Sidewalk or Path, and no Person may allow trees, shrubs, or other vegetation to grow to a size that obscures the view or obstructs passage along a Sidewalk or Path.

**Sec. 12 IRRIGATION**

No Person may leave any hose, lawn sprinkler, or other irrigation device or implement unattended when the hose, sprinkler, device, or implement is in contact with or runs across or over the surface of a Sidewalk or Path. No Person may allow any hose, lawn sprinkler, or other irrigation device or implement to sprinkle or deposit water on the surface of a Sidewalk or Path when a Person is attempting to lawfully use the Sidewalk or Path.

**Sec. 13 CONSTRUCTION PROJECTS**

If any construction project on lands adjoining a Sidewalk or Path results in damage to a Sidewalk or Path, then all such damage to the Path or Sidewalk shall be fully restored to its former condition within 10 days after the construction project is

complete. However, if weather conditions prohibit full restoration of the Sidewalk or Path to its former condition within such 10 day period, then the Sidewalk or Path shall be temporarily patched and restored so as to permit reasonable utilization by Bicycles and pedestrians within the 10 day period and full repair and restoration to its former condition shall be completed as soon as weather permits. In addition, an occupancy permit shall not be granted under any Township Zoning Ordinance or Building Code for any building or structure unless and until the Sidewalk or Path damaged in the construction of the building or structure has been fully repaired and restored to its former condition. However, again, if weather conditions prohibit full repair and restoration of the Sidewalk or Path to its former condition, an occupancy permit may be granted if (i) the Sidewalk or Path has been temporarily patched and restored to permit reasonable utilization by Bicycles and pedestrians and (ii) the Township is provided with adequate financial security in the form of a cash deposit, letter of credit, or bond to guarantee full repair or restoration of the Sidewalk or Path to its former condition as soon as weather permits.

#### **Sec. 14           SIDEWALK OR PATH CUTS**

No Person may make a cut or opening in a Sidewalk or Path unless the Person applies for and obtains an opening permit from the Township. The cut or opening shall not be made until a Sidewalk or Path opening permit application has been completed and returned with a fee, to be established by resolution and amended from time to time by the Township Board, to the Township. If an emergency requires an immediate utility cut or opening to be made, the permit approval may be waived, but the Township shall be notified and the permit completed and fee paid on the next business day during which the Township is open. A performance bond, certified check, or cash deposit in the amount of \$250.00 is required for any cut or opening on a Sidewalk or Path. The performance bond, certified check, or cash shall be returned after the Township has approved the full repair or restoration of the Sidewalk or Path. The Township may increase the amount of the performance bond, certified check, or cash required if it is determined that the additional financial security is required because of the size or location of any proposed cut or opening. Any cut or opening made shall be as narrow as possible while ensuring workers' safety, repair or installation of the utility, backfilling, and compaction. Cuts in the bituminous pavement of any Sidewalk or Path shall be made by saw or four inch air space to ensure straight side cuts. Cuts or openings shall not be made with a backhoe bucket or any other instrument which can create jagged edges and weaken the surrounding pavement. All cuts and openings shall be compacted and patched to standards, which shall be established by the Township, and such standards shall be given whenever a Sidewalk or Path opening permit is requested. No cut or opening shall remain open for more than 48 hours. During a period that a cut or opening exists, barriers must be erected around the cut or opening to protect the public.

#### **Sec. 15           BANNERS**

No Person may suspend any sign, banner, printed leaflet, or other similar object above a Sidewalk or Path, nor may any Person tape or affix any sign, banner, printed leaflet, or other similar object to a Sidewalk or Path without the express written

permission of an authorized Township officer or employee.

**Sec. 16 TOWNSHIP POWERS**

This Ordinance shall not be construed to prohibit the Township, or any Township officer, employee, or agent from exercising all reasonable and necessary governmental powers with respect to the use, maintenance, and repair of Sidewalks and Paths.

**Sec. 17 NONDESIGNATION**

The Sidewalks and Paths are provided for the benefit and enjoyment of pedestrians, bicyclists, and Persons with mobility disabilities using Wheelchairs or OPDMDs. The approval and adoption of this Ordinance by the Township Board shall not be deemed to be a designation of any Sidewalk or Path as a bicycle path. The Township Board expressly reserves the right to designate any Sidewalk or Path as a bicycle path. Any such designation shall be made exclusively by a resolution of the Township Board. Any resolution making such a designation shall expressly state that it is a designation of a Sidewalk or Path as a bicycle path, and shall refer to the Michigan Vehicle Code, MCLA 257.660(3), or any successor section of applicable law.

**Sec. 18 VIOLATIONS**

Any Person who or which violates the provisions of this Ordinance shall be responsible for a municipal civil infraction. The sanction for a violation of this Ordinance shall be a civil fine of not less than \$50.00, plus costs and other sanctions. Increased civil fines may be imposed for repeated violations of this Ordinance by a Person. A “repeat violation” of this Ordinance is a second or subsequent violation of this Ordinance committed by a Person within six months of a prior violation of this Ordinance, and for which the Person admits responsibility or is determined to be responsible. The sanction for a violation of this Ordinance which is a first repeat violation shall be a civil fine of not less than \$250.00, plus costs and other sanctions. The sanction for a violation of this Ordinance which is a second or subsequent repeat violation shall be a civil fine of not less than \$500.00, plus costs and other sanctions.

**Sec. 19 SEVERABILITY AND CAPTIONS**

This Ordinance and its various parts, sections, subsections, sentences, phrases, and clauses are declared to be 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 a part of this Ordinance.

**Sec. 20 ADMINISTRATIVE LIABILITY**

No officer, agent, or employee of the Township shall be personally liable for any damage, consequence, or occurrence that may occur to any Person as a result of any act performed in the discharge of duties pursuant to this Ordinance.

**Sec. 21 REPEAL**

This Ordinance shall be deemed to repeal all other ordinances or parts of other ordinances which are in conflict in whole or in part with any of the provisions of this Ordinance as of the effective date of this Ordinance.

**Sec. 22 EFFECTIVE DATE**

This Ordinance was approved and adopted by the Township Board on \_\_\_\_\_, 2020, after a first reading on \_\_\_\_\_, 2020 and publication following that first reading. This Ordinance shall be effective on \_\_\_\_\_, 2020, which is 30 days after publication of the Ordinance.

\_\_\_\_\_  
Glenn Nykamp, Township Supervisor

\_\_\_\_\_  
Kate Kraak, Township Clerk

CERTIFICATE

I, Kate Kraak, Clerk for the Charter Township of Zeeland, Ottawa County, Michigan, certify that the foregoing Sidewalks and Paths Ordinance was adopted at a regular meeting of the Township Board held on \_\_\_\_\_, 2020. The following members of the Township Board were present at that meeting: \_\_\_\_\_.

The following members of the Township Board were absent: \_\_\_\_\_. The Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_ voting in favor and \_\_\_\_\_ members of the Board voting in opposition. The Ordinance or a summary was published in the \_\_\_\_\_ on \_\_\_\_\_, 2020.

\_\_\_\_\_  
Kate Kraak, Township Clerk