

Ordinance Number 1

An ordinance regulating the construction of side walks and the repairing of the same, within the Village of Muir, to be known as ordinance number one.

The Village of Muir ordains:

Section I That hereafter all sidewalks shall be made, constructed, and repaired, and the costs and expenses thereof, provided for and collected according to the provisions of this ordinance.

Section II The costs and expenses of building, repairing, and constructing all sidewalks built, repaired or constructed under the provisions of this ordinance, except where such sidewalks shall be constructed by the owner or occupant of the premises adjacent thereto, shall be assessed and levied upon and collected from the owner or occupant of the lots or premises adjacent to or abutting upon such sidewalks in the manner hereinafter prescribed.

Section III Every sidewalk that shall be hereafter constructed or repaired under the provisions of this ordinance, shall be constructed upon an established grade which shall correspond with the grade of the street adjacent to said walk, as fixed and established by a competent surveyor employed by the village council for that purpose and shown by the profile of said street on file in the village clerk's office; that is the center of said sidewalk shall be on a corresponding grade to the center of the adjacent street. The ground shall be properly graded preparatory to the laying down of said walk, such grading being at the expense of said village.

There shall be laid lengthwise with said grade good, sound oak, pine, or hemlock stringers in size not less than four by four inches, three of such stringers shall be laid one at the outside and one at the inside of said walk, and one in the middle of said walk. The outside and inside stringers shall be so laid that the plank used in constructing said walk, shall project at each end beyond said stringers four inches. Upon said stringers the plank for said sidewalk shall be laid crosswise and close together so as to leave as small a crack between said planks as possible. The plank shall be of good sound, square edged pine,

hemlock, or oak timber and not less than one and one-half, nor more than two inches in thickness, and not less than five feet in length, and if pine or hemlock, not more than twelve nor less six inches in width. The plank for such sidewalk shall be sawed square off at the ends and be of equal and uniform length and thickness as hereinbefore provided for and such plank shall be securely and thoroughly spiked down to, all of said stringers with not less than two nails in each stringer, provided, that any sidewalk may be constructed of concrete, brick, or stone., the width, slant and grade to be the same as of of wood.

All such walks shall be constructed on a uniform decline or slant from the inside to the outside of said walk of two inches in five feet, so that the outside of said of said five feet walks shall be two inches lower than the inside of said walks. IN all the other sidewalks on Superior and Plains Streets through the business part of said village, the sidewalk shall be nine feet in width and in such nine feet walks such slant shall be in proportion of two inches to six feet in width but the center shall be and remain upon the established grade for such walk.

In case the village council shall deem the cost for grading for any sidewalk to correspond with said profile in the village clerks excessive or in case the village council deem the contour of any street requires any change, they may change or establish the grade for such sidewalk on any street or any part of any street and in case no such profile is on file as aforesaid such walks shall be constructed as near as may be in accordance with the present contour of the street of said village.

Section IV Whenever the village council shall determine by resolution, to order the making or construction of any sidewalk, or the repairing of any such sidewalk within said village, such resolution shall refer to this ordinance, and shall be entered at large by the village clerk in the journal of said council. Such resolution ordering the construction, re-construction or repairing of any such sidewalk shall further order and require the owners and occupants of the lots and premises adjacent to and abutting upon the line of such proposed sidewalks, to construct, re-construct or repair such sidewalk adjacent to the lands or premises owned or occupied by them respectively, in the manner prescribed by section three of this ordinance within such time as shall be prescribed by such resolution and this ordinance after service or posting of a notice of such a resolution in the manner described in the following section.

Section V Notice of the passage of the resolution of said village council as prescribed in the last preceding section of the ordinance, shall be personally served not later than ten days after the passage of such resolution by the village marshall of said village upon the owners or occupants of the premises adjacent to or abutting upon the line of such proposed sidewalks if they be residents of said village, but if such lots or premises shall be vacant and not occupied and the owner thereof shall be non-residents of said village or where the ownership of such premises is unknown then in such a case such notice shall be posted upon some conspicuous place by said marshall upon said vacant lots or premises within said ten days. Each notice shall recite the material and substantial contents of said resolution and severally describe the lot or premises adjacent to which each walk is required to be constructed or repaired. Said marshall shall make his affidavit within three days after service or posting of each of said notices, so served or posted of the time and manner of such service or posting and file the same with the village clerk together with a copy of each of said several notices assumed to be preserved by him in his office, and such certificate of service and posting of notice of said marshall shall be prima facie evidence of such posting and service, and of the material facts to such proceeding recited in it.

Section VI After the time shall expire as expressed in the resolution and notice heretofore prescribed by the provisions of this ordinance and after due proof of proper service or posting of the notice herein provided for has been filed in the village clerk's office and such sidewalk or any part thereof so ordered to be built or repaired as aforesaid, shall be or remain unconstructed, or out of repair in whole or in part, the village council may order by resolution the street commissioner of said village to build, repair, construct, or re-construct such sidewalks so remaining unconstructed or out of repair, or uncompleted as aforesaid without delay. Such resolution shall recite the fact that such sidewalk so ordered to be built after such time prescribed in which to construct, re-construct, or repair it, remains unconstructed or unrepaired.

And said street commissioner shall immediately proceed to build, re-build, or repair such sidewalk and report the costs of each district, piece, or parcel of sidewalk so built, rebuilt, or repaired adjacent to each district piece or parcel of land adjacent thereto to the council of said village, which report shall be in writing and filed with the village clerk within ten days after the completion of such walks.

Section VII Upon the filing of the report of said street commissioner as provided for in the last preceding section, the village council shall by resolution, order the village clerk to notify the board of special assessors for said village to assess the several amounts so reported by the street commissioner, together with an addition of ten percent upon such amounts against the several pieces or parcels of land liable for such sums of money as is provided for in section ten chapter seven of act number three of the Public Acts of 1895, entitled, "An act to provide for the incorporation of villages within the State of Michigan, and defining their powers and duties," and such special assessments when made by said board of assessors, shall be subject to review after the notice has been given, as for all other cases of special assessments as provided for in Secs. 7, 8, 9, 10, and 11 of chapter 8, of act No. 3 of the

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Public Acts above referred to, as well as other provisions of said act, whether referred to or not, so far as they shall be applicable.

The motion was supported by Trustee Sherman and the roll call resulted as follows:

Ayes: Trustees Bennett, Stevens, Sherman, West-4

Nays: None

The ordinance was declared passed and on motion of Stevens, supported by West, the board adjourned.

Approved June 19, 1896

Herbert Smith
Village Clerk

H. Jay Hayes
President of Village of Muir