

ORDINANCE NO. ORD-18-13

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STREETS AND SIDEWALKS

AN ORDINANCE TO AMEND SECTIONS 4:58 and 4:59 OF CHAPTER 49 (SIDEWALKS) OF TITLE IV OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Sections 4:58 and 4:59 of Chapter 49 of Title IV of the Code of the City of Ann Arbor shall be amended to read as follows:

4:58. Sidewalk maintenance

- (A) Except as provided in subsections (B), (C), (D), and (E) of this section 4:58, all sidewalks within the city shall be kept and maintained in good repair by the owner of the land adjacent to and abutting upon the same, and if any owner shall neglect to keep and maintain the sidewalk along the front, rear, side of the land owned by her or him in good repair and safe for the use of the public, the said owner shall be liable to the city for any damages recovered against the city sustained by any person by reason of said sidewalk being unsafe and out of repair. If the Public Services Area Administrator determines that the condition of a sidewalk is such that repair is required and the owner of land abutting or adjacent to the sidewalk fails to make the repairs after notice from the city, the city may proceed to repair the same and the cost of such repairs shall be charged against the land which said sidewalk adjoins and the owner of said land, and shall be collected as a single lot assessment as provided in section 1:292 of this Code. As used in this subsection (A), "sidewalk" does not include curb ramps or any sidewalk flag that is both adjacent to the top edge of ~~4~~one or more curb ramps and at the corner of a property.
- (B) From July 1, ~~2012-2017~~ through June 30, ~~2017~~2022 all sidewalks within the city that are both outside the Downtown Development District's boundaries, as established by section 1:154 of Chapter 7, and adjacent to and abutting real property against which the city levies property taxes shall be exempt from the requirements of subsection (A), except that if covenants, restrictions, an agreement, easement, or other documents of a subdivision, condominium or development specifically make the property, lot or unit owners, a homeowners association, condominium owners association or similar entity, or the successor in interest of any of the foregoing, responsible for the care or maintenance of such sidewalks, then the exemption in this subsection (B) from the

requirements of subsection (A) shall not apply. As used in this subsection (B), “sidewalk” shall have the same meaning as in subsection (A).

- (C) During any period of time from July 1, ~~2012~~2017 through June 30, ~~2017~~2022 that the city and the Downtown Development Authority do not enter into an agreement as provided in subsection (D)(2), all sidewalks that are both within the Downtown Development District’s boundaries, as established by section 1:154 of chapter 7, and adjacent to and abutting a property with a single- or ~~two~~ 2-family house against which the city levies property taxes shall be exempt from the requirements of subsection (A). As used in this subsection (C), “sidewalk” shall have the same meaning as in subsection (A).
- (D) During the period July 1, ~~2012~~2017 through June 30, ~~2017~~2022 the city may enter into an agreement with the Downtown Development Authority under which the city and the Downtown Development Authority would agree to the provisions in either subsection (D)(1) or subsection (D)(2) for ~~one~~4 or more ~~one~~ 4-year periods running from July 1 to June 30:
- (1) *Agreement for sidewalks within the Downtown Development District to be treated like sidewalks outside the Downtown Development District*
- (a) That the sidewalks that are both within the Downtown Development District’s boundaries, as established by section 1:154 of Chapter 7, and adjacent to and abutting real property against which the city levies property taxes, including property with a single- or ~~two~~ 2-family house, would be exempt from the requirements of subsection (A). As used in this subsection (D)(1), “sidewalk” shall have the same meaning as in subsection (A);
- (b) That the Downtown Development Authority would transmit to the city in each year during which the agreement is in effect, ~~the portion of~~0.125 mill of the 2.125 mill streets, ~~and bridges, and reconstruction and resurfacing and~~ sidewalks ~~repair~~ millage, as adjusted by any required millage roll backs, that is captured by the Downtown Development Authority, which the city may use to repair the sidewalks identified in subsection (D)(1)(a); and
- (c) That the city may use the amount transmitted under subsection (D)(2)(b) only within the Downtown Development District’s boundaries, as established by section 1:154 of chapter 7, but the agreement shall neither obligate the city to use the full amount transmitted under subsection (D)(2)(b) nor limit the city to using only the amount transmitted under subsection (D)(2)(b), for repairs of sidewalks identified in subsection (D)(1)(a).

- (2) *Agreement for Downtown Development Authority to be responsible for keeping and maintaining sidewalks in good repair*
- (a) That the Downtown Development Authority would to be responsible for keeping and maintaining in good repair, as required by subsection (A), the sidewalks that are both within the Downtown Development District's boundaries, as established by section 1:154 of Chapter 7, and adjacent to and abutting real property against which the city levies property taxes;
 - (b) That the city would transmit to the Downtown Development Authority in each year during which the agreement is in effect, 0.125 mill of the 2.125 mill streets, ~~and bridges, reconstruction and resurfacing~~ and sidewalks ~~repair~~ millage, as adjusted by any required millage roll backs, that is collected from property located within the Downtown Development District boundaries, as established by section 1:154 of Chapter 7, and that is not otherwise captured by the Downtown Development Authority, for the Downtown Development Authority to use to fulfill the requirements of subsection (A) for the sidewalks identified in subsection (D)(2)(a);
 - (c) That the city will notify the Downtown Development Authority of emergency repairs required under section 2:59 of any sidewalk described in subsection 2:58(D)(2) and the Downtown Development Authority will immediately proceed to perform those repairs. If the Downtown Development Authority does not immediately proceed to perform those repairs, the city will perform the repairs as provided in section 2:59. The city will bill the Downtown Development Authority and the Downtown Development Authority will pay the city for the city's cost for such emergency repairs;
 - (d) That if the Public Services Area Administrator determines that the condition of a sidewalk identified in subsection 2:58 (D)(2) is such that repair is required, and if the Downtown Development Authority fails to make the repairs after notice from the city, the city may proceed to repair the same and will bill the Downtown Development Authority, and the Downtown Development Authority will pay the city for the city's cost for such repairs;
 - (e) That if the Downtown Development Authority neglects to keep and maintain any of the sidewalks identified in subsection (D)(2) for the cost of repairs in good repair and safe for the use of the public, the Downtown Development Authority shall be liable to the city for any

damages recovered against the city sustained by any person by reason of said sidewalk being unsafe and out of repair.

- (E) Sidewalks as defined in section 4:51(1)(b) or (c) shall not be the responsibility of the owner of the land adjacent to and abutting upon the same.
- (F) The sidewalk maintenance and repair required by this section 4:58 does not include the snow and ice removal required by section 4:60.

4:59. Emergency repair.

- (A) If the Public Services Area Administrator determines that the condition of any sidewalk is such that immediate repair is necessary to protect the public, he/she shall immediately proceed to repair the same without notice to the owner of the land abutting thereon or adjacent thereto. Except as provided in subsections (B) through (D), the cost of such emergency repairs shall be charged against the land which said sidewalk adjoins and the owner of said land, and shall be collected as a single lot assessment as provided in section 1:292 of this Code.
- (B) Emergency repairs by the city from July 1, ~~2012~~2017 through June 30, ~~2017~~2022 of any sidewalk described in either subsection (B) or (C) of section 4:58 shall not be charged against the land which said sidewalk abuts or adjoins or its owner.
- (C) Emergency repairs by the city of a sidewalk that is both within the Downtown Development District's boundaries, as established by section 1:154 of Chapter 7, and adjacent to and abutting real property against which the city levies property taxes, including property with a single- or two-family house, that are done from July 1, ~~2012~~2017 through June 30, ~~2017~~2022 during a year in which the city and the Downtown Development Authority have entered into an agreement in accordance with subsection (D)(1) of section 4:58 shall not be charged against the land which said sidewalk abuts or adjoins or its owner.
- (D) Emergency repairs by the city of a sidewalk that is both within the Downtown Development District's boundaries, as established by section 1:154 of Chapter 7, and adjacent to and abutting real property against which the city levies property taxes, excluding property with a single- or ~~two~~-family house, that are done from July 1, ~~2012~~2017 through June 30, ~~2017~~2022 during a year in which the city and the Downtown Development Authority have entered into an agreement in accordance with subsection (D)(2) of section 4:58 shall be charged to the Downtown Development Authority.

Section 2. That this Ordinance shall take effect on the tenth day following legal publication.