

ALLENDALE CHARTER TOWNSHIP
NON-MOTORIZED PATHWAYS ORDINANCE

Ordinance 1997-7

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, AND STATE OF MICHIGAN ORDAINS:

Section 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.

- (a) Bicycle: A device propelled exclusively by human power upon which a person may ride, having either two (2) or three (3) wheels in a tandem or tricycle arrangement; provided, however, that a front wheel drive power assisted device, having construction substantially similar to a bicycle shall be considered a bicycle.

- (b) Moped: A two (2) or three (3) wheeled vehicle with operable pedals which is equipped with a motor that does not exceed fifty (50) cubic centimeters piston displacement, produces 1.5 brake horsepower or less, and cannot propel the vehicle at a speed greater than twenty five (25) miles per hour on a level surface; provided, however, that the term "moped" shall not include a front wheel drive power assisted bicycle.

- (c) Motor Vehicle: A vehicle which is self propelled.

- (d) Motorcycle: A motor vehicle having a saddle or seat for the use of a rider and designed to travel on not more than three (3) wheels in contact with the ground.

- (e) Non-motorized pathway: That paved portion of a street right of way and adjacent easements between the curblines, or the lateral lines of the roadway, and the adjacent property lines intended for the use of pedestrians, bicycles and other uses specifically authorized by this Ordinance.

- (f) Sign: A lettered board, banner or other display placed on or near a non-motorized pathway by or at the direction of the Township for the purposes of transmitting a command, warning, direction or other message to persons utilizing a non-motorized pathway or who may be crossing a non-motorized pathway.

- (g) Snowmobile: A motor driven vehicle designed for travel primarily on snow or ice of a type which utilizes sled type runners or skis, an endless belt tread or any combination of these or other similar means of contact with the surface upon which is is operated.

other similar means of contact with the surface upon which it is operated.

(h) Vehicle: A device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices exclusively moved by human power.

Section 2. PROHIBITION

No person shall operate an automobile, truck, tractor, moped, snowmobile, motorcycle, or any other type of motor vehicle upon any non-motorized pathway within the Township except to enter or leave adjacent property. However, this Section shall not be construed to prohibit the use of non-motorized pathways by persons using motorized wheelchairs. A front wheel drive power assisted bicycle having a motor which produces 1.5 brake horsepower or less shall be permitted on a non-motorized pathway when not using the power assistance.

Section 3. BICYCLE OPERATION

No person shall operate a bicycle on a non-motorized pathway at a speed greater than is reasonable and prudent under the conditions then existing. Any person operating a bicycle on a non-motorized pathway shall yield the right of way to motor vehicles that are crossing the non-motorized pathway, and to pedestrians that are using or on the non-motorized pathway.

Section 4. HORSES

No person shall ride a horse on a non-motorized pathway, nor shall any person walk or lead a horse upon a non-motorized pathway.

Section 5. DAMAGE

No person shall 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 non-motorized pathway, or any sign relating thereto.

Section 6. PARKING

No person shall park any vehicle, trailer, mobile home, motor home, camper, or boat upon a non-motorized pathway so as to obstruct the free passage of others.

Section 7. DEBRIS

No person shall deposit or burn, or cause to be deposited or burned, any leaves, branches, glass, brush or other yard debris upon a non-motorized pathway, or deposit, or cause to be deposited, any earth, stone, sand, gravel, trash, rubbish, cans, bottles, broken glass, nails, garbage cans or any other dangerous objects or debris upon a non-motorized pathway.

Section 8. 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 non-motorized pathway, immediately and completely remove such matter from the non-motorized pathway. This section shall not be interpreted to prohibit the presence of animals on non-motorized pathways, except as otherwise prohibited in Section 4 of this ordinance. No person shall permit any animal to walk on a non-motorized pathway without the animal being held securely on a leash. It shall be unlawful to permit any animal to run on the property of another without the permission of the owner of that property.

Section 9. DEPOSIT OF ICE OR SNOW

No person, in removing snow, ice, or slush from private property, or from public property under his or her control, such as a driveway or approach, shall dump or deposit, or cause to be dumped or deposited such snow, ice, or slush, either temporarily or permanently, on any non-motorized pathway within the Township without the express written permission of an authorized Township officer or employee.

Section 10. VEGETATION

No person shall plant any trees, shrubs, or other vegetation in a location that obscures the view at intersections of a non-motorized pathway with a street or road or with another non-motorized pathway, and no person shall allow trees, shrubs, or other vegetation to grow to a size that obscures the view or obstructs passage along a non-motorized pathway.

Section 11. IRRIGATION

No person shall leave any garden hose, lawn sprinkler, or other irrigation device or implement unattended when such hose, sprinkler, device or implement is in contact with or runs across or over the panel surface of a non-motorized pathway.

Section 12. CONSTRUCTION PROJECTS

If any construction project on lands adjoining a non-motorized pathway results in damage to a non-motorized pathway, then all such damage to the non-motorized pathway shall be fully restored to its former condition within ten (10) business days after the construction project is complete. Provided, however, that if weather conditions prohibit full restoration of the non-motorized pathway to its former condition within such ten (10) business days, then the non-motorized pathway shall be temporarily patched and restored so as to permit reasonable utilization by bicycles and pedestrians within such ten (10) business days and full repair and restoration to its former condition shall then be completed as soon as weather permits. If a contractor is unable to restore the non-motorized pathway to its former condition with ten (10) business days after the construction project is complete and instead chooses to temporarily patch the non-motorized pathway, then such contractor will provide the Township with adequate financial security in the form of a cash deposit, letter of credit or bond to guarantee full repair or restoration of the non-motorized pathway to its former condition as soon as

weather permits.

Section 13. NON-MOTORIZED PATHWAY CUTS

All persons, firms, associations, partnerships, corporations, or other legal entities must complete a Non-Motorized Pathway Opening Permit if it is necessary to make a cut or opening in the non-motorized pathway. Such cut or opening shall not be made until a permit 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 Superintendent of Public Works. 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 the fee paid on the next business day during which the Township office 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 non-motorized pathway. A performance bond, certified check or cash shall be returned after the Public Works Department has approved the full repair or restoration of the non-motorized pathway. 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 pathway shall be made by saw 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 non-motorized pathway. All cuts and openings shall be compacted and patched whenever a Non-Motorized Pathway 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, a barrier must be erected around the cut or opening to protect the public.

Section 14. BANNERS

No person shall suspend any sign, banner, printed leaflet, or other similar object above a non-motorized pathway, nor shall any person tape or affix any sign, banner, printed leaflet or other similar object to a non-motorized pathway without the express written permission of an authorized Township officer or employee.

Section 15. NONDESIGNATION

The non-motorized pathways are provided for the benefit and enjoyment of pedestrians, persons in wheel chairs and bicylists. The approval and adoption of this Ordinance by the Township Board shall not be deemed to be a designation of any non-motorized pathway as a bicycle path. The Township Board expressly reserves the right to designate any non-motorized pathway 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 is a designation of a non-motorized pathway as a bicycle path, and shall refer to the

Michigan Vehicle Code, MCLA 257.660 (3), or any successor section thereto.

Section 16. ENFORCEMENT AND PENALTIES

(a) **Fines and Imprisonment:** Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than \$500 and costs of prosecution, or imprisoned for not more than ninety (90) days.

(b) **Reimbursement for Damages:** In addition to the penalties provided in this Ordinance for violating its provision, any person convicted of an act of vandalism or destruction of property shall reimburse the Township for the total amount of the damage as determined by the court, plus costs of prosecution.

Section 17. INSPECTION AND REPORTING

In order to ensure proper maintenance, periodic inspections, and appropriate response should an unsafe condition on the Township non-motorized pathways be discovered, the following procedures will be utilized:

1. All complaints, concerns, or information from the public regarding any reported unsafe condition on the non-motorized pathway must be immediately documented and forwarded to the Township Supervisor.

2. All non-motorized pathways within the jurisdiction of the Township must be inspected by the Township each May and any unsafe conditions discovered must be immediately documented and forwarded to the Township Supervisor.

3. Non-motorized pathways will be considered unsafe and/or inadequate if pieces of the non-motorized pathway are broken off, buckled, sunk, and/or if large cracks have formed that could cause an individual using the non-motorized pathway to trip and fall.

4. All reports of unsafe conditions must be documented and maintained on file at the Township.

Section 18. DUTY TO WARN

Immediately upon being made aware of an unsafe condition on a non-motorized pathway, the

Township shall take reasonable action to warn the public of the unsafe condition through the use of marking paint, safety pylons, safety tape, or other suitable warning materials.

The Township shall take reasonable actions to ensure that the warning markers are maintained.

Section 19. REPAIR

After an unsafe condition on the non-motorized pathway has been documented and efforts have been made to warn the public of the unsafe condition, the Township shall take reasonable action to repair the unsafe condition in a timely fashion.

Section 20. SEVERABILITY AND CAPTIONS

This ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby. The captions included at the beginning of each section are for convenience only and shall not be considered as a part of this Ordinance.

Section 21. ADMINISTRATIVE LIABILITY

No officer, agent, or employee of the Township shall render himself or herself 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 his or her duties pursuant to this Ordinance.

Section 22. REPEAL

This ordinance shall be deemed to repeal all other ordinances or parts thereof 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.

Section 23. EFFECTIVE DATE

This ordinance was approved and adopted by the Township Board on August 11, 1997, after introduction and a first reading on July 28, 1997, and publication in the Grand Rapids Press, Community Edition, a newspaper of general circulation in the Township, on August 7, 1997, after such first reading as required by Michigan Act 359 of 1947, as amended. This ordinance shall be effective on August 21, 1997.