



**BOARD OF TRUSTEES**  
**Regular Meeting**  
**July 10, 2024**  
**7:00 p.m.**

1. CALL MEETING TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. APPROVAL OF AGENDA
5. PRESENTATIONS
6. PUBLIC HEARINGS
7. PUBLIC COMMENT: Restricted to three minutes regarding items on this agenda  
*Note: This is an opportunity for comments only, questions to the Board will not be answered at this time. For specific answers to questions, please call Township Hall (989-772-4600)*
8. CLOSED SESSION
9. REPORTS/BOARD COMMENTS
  - A. Current List of Boards and Commissions – Appointments as needed
  - B. Board Member Reports
10. CONSENT AGENDA
  - A. Communications
  - B. Minutes – June 26, 2024 – Regular Meeting
  - C. Accounts Payable
  - D. Payroll
  - E. Meeting Pay
  - F. Fire Reports
11. NEW BUSINESS
  - A. Discussion/Action: (Nanney) Second Reading and Adoption of the Proposed new Sidewalk Ordinance Number 24-02
12. EXTENDED PUBLIC COMMENT: Restricted to 5 minutes regarding any issue  
*Note: This is an opportunity for comments only, questions to the Board will not be answered at this time. For specific answers to questions, please call Township Hall (989-772-4600)*
13. MANAGER COMMENTS
14. FINAL BOARD MEMBER COMMENT
15. ADJOURNMENT

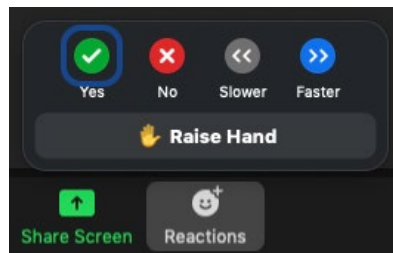
## Hybrid Meeting Instructions for the Charter Township of Union Board of Trustees Meeting

The public can view all Union Township meetings live by clicking on our [YouTube Channel](#). For those who would like to participate during public comment, you can do so via Zoom.

[Click here](#) to participate in the Zoom Meeting via computer or smart phone. (Meeting ID Enter “861 1599 5624” Password enter “926394”). Access to the electronic meeting will open at 6:50 p.m. and meeting will begin at 7:00 p.m.

Telephone conference call, dial (312-626-6799). Enter “861 1599 5624” and the “#” sign at the “Meeting ID” prompt, and then enter “926394” at the “Password” prompt. Lastly, re-enter the “#” sign again at the “Participant ID” prompt to join the meeting.

- All public comments for items on the agenda will be received during the Public Comment section of the Agenda and any issue not on the agenda will be received during the Extended Public Comment section of the Agenda.
- Computer/tablet/smartphone audience: To indicate you wish to make a public comment, please use the “Reactions” icon. **Next, click on the “Raise Hand” icon** near the bottom right corner of the screen.



- **To raise your hand for telephone dial-in participants, press \*9.** You will be called on by the last three digits of your phone number for comments, at which time you will be unmuted by the meeting moderator.
- Please state your name and address for the minutes and keep public comments concise.

You will be called upon once all in-person comments have been received, at which time you will be unmuted by the meeting moderator.

Persons with disabilities needing assistance should call the Township office at (989) 772-4600. Persons requiring speech or hearing assistance can contact the Township through the Michigan Relay Center at 711. A minimum of one (1) business day of advance notice will be necessary for accommodation.

## Board Expiration Dates

Planning Commission Board Members (9 Members) 3 year term			
#	F Name	L Name	Expiration Date
1-BOT Representative	James	Thering	11/20/2024
2-Chair	Phil	Squatrito	2/15/2026
3-Vice Chair	Ryan	Buckley	2/15/2025
4-Secretary	Vacant		2/15/2025
5 - Vice Secretary	Jessica	Lapp	2/15/2026
6	Stan	Shingles	2/15/2027
7	Paul	Gross	2/15/2025
8	Nivia	McDonald	2/15/2026
9	Thomas	Olver	2/15/2027
Zoning Board of Appeals Members (5 Members, 2 Alternates) 3 year term			
#	F Name	L Name	Expiration Date
1-Chair	Liz	Presnell	12/31/2025
2 -Vice Chair	Richard	Barz	12/31/2025
3- PC Rep	Ryan	Buckley	2/15/2025
4 -	Lori	Rogers	12/31/2026
5 -	Eric	Loose	12/31/2024
Alt. #1	David	Coyne	12/31/2024
Alt #2	Brian	Clark	12/31/2026
Board of Review (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Jeanette	Corbin	12/31/2024
2	Sarvjit	Chowdhary	12/31/2024
3	Bryan	Neyer	12/31/2024
Alt #1	Vacant		12/31/2024
Construction Board of Appeals (3 Members) 2 year term			
#	F Name	L Name	Expiration Date
1	Joseph	Schafer	12/31/2025
2	Andy	Theisen	12/31/2025
3	William	Gallaher	12/31/2025
Hannah's Bark Park Advisory Board (2 Members from Township) 2 year term			
1	Mark	Stuhldreher	12/31/2024
2	John	Dinse	12/31/2025
Chippewa River District Library Board 4 year term			
1	Ruth	Helwig	12/31/2027
2	Lynn	Laskowsky	12/31/2025



## Board Expiration Dates

EDA Board Members (9 Members) 4 year term			
#	F Name	L Name	Expiration Date
1-Chair	Thomas	Kequom	4/14/2027
2-VC/BOT Rep	Bryan	Mielke	11/20/2024
3	James	Zalud	4/14/2027
4	Richard	Barz	2/13/2025
5	Robert	Bacon	1/13/2027
6	Marty	Figg	6/22/2026
7	Sarvjit	Chowdhary	6/22/2027
8	Jeff	Sweet	2/13/2025
9	David	Coyne	3/26/2026
Mid Michigan Area Cable Consortium (2 Members)			
#	F Name	L Name	Expiration Date
1	Kim	Smith	12/31/2025
2	vacant seat		
Cultural and Recreational Commission (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1	Robert	Sommerville	12/31/2025
Mt. Pleasant Airport Joint Operations and Mgmt Board (1 seat from Township) 3 year term			
#	F Name	L Name	Expiration Date
1 - Union Township	Rodney	Nanney	12/31/2026

**2024 CHARTER TOWNSHIP OF UNION**  
**Board of Trustees**  
**Regular Meeting Minutes**

A regular meeting of the Charter Township of Union Board of Trustees was held on June 26, 2024, at 7:00 p.m. at the Union Township Hall.

**Meeting was called to order at 7:00 p.m.**

**Roll Call**

Present:

Supervisor Mielke, Clerk Cody, Treasurer Rice, Trustee Bills, Trustee Brown, Trustee Smith and Trustee Thering

**Approval of Agenda**

**Bills moved Brown supported to approve the agenda as presented. Vote: Ayes: 7 Nays: 0. Motion carried.**

**Presentation**

**Public Hearing**

- a. Fox Meadows Estates and Fox Meadow Estates II Special Assessment District

Open: 7:08 p.m.

No Comments were offered.

Closed: 7:09 p.m.

**Public Comment**

Open: 7:09 p.m.

Lori Rogers, 2248 Cornerstone Dr., excited to be running for Treasurer.

Closed: 7:10 p.m.

**Reports/Board Comments**

**A. Current List of Boards and Commissions – Appointments as needed.**

- 1. Appointment to a vacant seat on the Board of Review with a term ending 12/31/2024**

**Cody moved Rice supported to appoint Jeanette Corbin to a vacant seat on the Board of Review with a term ending 12/31/2024. Vote: Ayes: 7 Nays: 0. Motion carried.**

**B. June Monthly Activity Report**

**C. Planning Commission, EDA, and ZBA updates by Community and Economic Development Director**

**D. Board Member Reports**

Thering – gave an update on the June 18<sup>th</sup> Planning Commission

Cody – gave updates on the June 26<sup>th</sup> Election Committee meeting and election production progress

Rice – gave tax production updates

Smith – gave an update on Isabella County Board of Commissioners Meeting.

Mielke – commented on tour of the Sheriff Facility scheduled for June 27<sup>th</sup>

**Consent Agenda**

- A. Communications
- B. Minutes – June 12, 2024 – Regular Meeting
- C. Accounts Payable
- D. Payroll
- E. Meeting Pay
- F. Fire Reports

**Bills** moved **Smith** supported to approve the consent agenda as presented. **Vote: Ayes: 7. Nays: 0. Motion carried.**

**New Business**

A. **Discussion/Action: (Smith) Fox Meadows Estates & Fox Meadows Estates II Paving Special Assessment District Resolution #5**

**Brown** moved **Bill** supported to adopt Fox Meadows Estates and Fox Meadows Estates II Subdivision Paving Special Assessment District Resolution #5 to confirm the Special Assessment Roll, determine the number of annual installments, and determine the interest rate to be charged on future installments. **Roll Call Vote: Ayes: Mielke, Cody, Rice, Bills, Brown, Smith, and Thering. Nays: 0. Motion carried.**

B. **Discussion/Action: (Smith) Fox Meadows Estates & Fox Meadows Estates II Paving Special Assessment District Isabella County Road Commission Participation Agreement**

**Bills** moved **Brown** supported to approve the Township Participation Contract with the Isabella County Road Commission (ICRC) for the Fox Meadows Estates and Fox Meadows Estates II Subdivisions Paving Special Assessment District for the completion of a mill and Ultra-thin (1”) overlay on Hunters Trail, Brittany Drive, Stoney Creek Lane, and Meadow Drive in the amount of \$115,362.00 and to authorize the Township Manager to sign said contracts. **Roll Call Vote: Ayes: Mielke, Cody, Rice, Bills, Brown, Smith, and Thering. Nays: 0. Motion carried.**

C. **Discussion/Action: (Nanney) Introduction and First Reading of the new proposed Sidewalk and Pathways Ordinance**

**Cody** moved **Bills** supported to introduce and conduct a First Reading for the proposed new Sidewalk and Pathway Ordinance. **Vote: Ayes: 7 Nays: 0. Motion carried.**

D. **Discussion/Action: (Nanney) Consider adoption of new Private Road Ordinance as Ordinance Number 24-01**

**Bills** moved **Cody** supported to adopt the new Private Road Ordinance as Ordinance Number 24-01. **Roll Call Vote: Ayes: Mielke, Cody, Rice, Bills, Brown, Smith, and Thering. Nays: 0. Motion carried.**

E. **Discussion/Action: (Teall) Policy Governance 2.5.10 Cashflow Ratio**

Discussion by the Board

F. **Discussion/Action: (Stuhldreher) Policy Governance 2.7 Ends of Focus of Grants**

Discussion by the Board

G. **Discussion/Action: (Board of Trustees) Policy Governance 3.5 Board Commission and Community Linkage**

Discussion by the Board

H. **Discussion/Action: (Board of Trustees) Policy Governance 3.6 Supervisor’s Role in the Board’s Process**

Discussion by the Board

I. **Discussion/Action: (Board of Trustees) Policy Governance 3.7 Duties of Elected Department Heads**  
Discussion by the Board

J. **Discussion/Action: (Board of Trustees) Clerk Pay discussion**

Rice moved Bills supported to approve the Charter Township of Union resolution to establish the Charter Township of Union Township Clerk's annual salary of \$28,190 with an effective date of January 1, 2024. **Roll Call Vote: Ayes: Mielke, Cody, Rice, Bills, Brown, Smith, and Thering. Nays: 0. Motion carried.**

**EXTENDED PUBLIC COMMENT: RESTRICTED TO 5 MINUTES REGARDING ANY ISSUE**

Open: 9:15 p.m.

No comments were offered.

Closed: 9:16 p.m.

**MANAGER COMMENTS**

- Manager will be out of the office the week of July 1st.
- Happy 4<sup>th</sup> of July

**FINAL BOARD MEMBER COMMENTS**

Brown – Happy 4th of July

Bills – Happy 4<sup>th</sup> of July

Cody - Happy 4th of July

Mielke – Commented on positive feedback from a resident that had a water leak and complimented the staff's response time and professionalism.

**ADJOURNMENT**

Rice moved Smith supported to adjourn the meeting at 9:19 p.m. **Vote: Ayes: 7. Nays: 0. Motion carried.**

**APPROVED BY:**

\_\_\_\_\_  
Lisa Cody, Clerk

\_\_\_\_\_  
Bryan Mielke, Supervisor

*(Recorded by Tera Green)*

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
Bank 101 POOLED CHECKING						
07/01/2024	101	708 (E)	01233	UNITED STATES OF AMERICA	RURAL DEV II BOND PMT (92-05)	142,211.44
07/01/2024	101	709 (E)	00146	CONSUMERS ENERGY	5144 BUD ST	35.33
					5142 BUD ST	134.81
					2180 S LINCOLN RD	47.45
					2010 S LINCOLN RD	816.23
					800 CRAIG HILL RD	49.18
					4520 E RIVER RD	146.25
					5076 S MISSION RD	1,323.95
					900 MULBERRY LN	71.70
					5240 E BROOMFIELD RD	1,173.33
					2270 NORTHWAY DR	36.36
					5537 E BROADWAY RD	64.28
					1933 S ISABELLA RD	571.69
					1660 BELMONT	82.63
					2188 E PICKARD RD	113.76
					1876 E PICKARD RD	70.18
					2495 E DEERFIELD RD	206.81
					2424 W MAY ST	765.11
					1633 S LINCOLN RD	244.21
					2279 S MERIDIAN RD	2,743.76
					5319 E AIRPORT RD	57.06
					4795 S MISSION ST	3,354.60
					4797 S MISSION ST BARN	414.32
					1046 S MISSION ST	108.72
					5228 S ISABELLA RD	8,459.17
					4822 ENCORE BLVD	125.72
					3998 E DEERFIELD RD	76.73
					5369 S CRAWFORD RD	69.15
					3248 S CONCOURSE DR	176.87
					4244 E BLUEGRASS RD	184.63
					1605 SCULLY RD	47.96
					4511 E RIVER RD	13,824.43
					5525 E REMUS RD	68.98
					1776 E PICKARD RD	189.84
						<u>35,855.20</u>
07/01/2024	101	710 (E)	00146	VOID		
					Void Reason: Created From Check Run Process	
						V
07/01/2024	101	711 (E)	00146	VOID		
					Void Reason: Created From Check Run Process	
						V
07/02/2024	101	712 (E)	01105	MASTERCARD	MASTERCARD STUHLREHER	1,963.96
					MASTERCARD TEALL	576.78
					MASTERCARD PETERS	559.88
					MASTERCARD NANNEY	706.40
					MASTERCARD SOMMER	100.38
					MASTERCARD SMITH	356.27
					MASTERCARD THEISEN	67.96
					MASTERCARD WALDRON	40.97
					MASTERCARD BEBOW	3,139.53
					MASTERCARD CRAWFORD	106.85
					MASTERCARD DEARING	2,199.85
					MASTERCARD MCBRIDE	641.86
					MASTERCARD ROCKAFELLOW	480.18
					MASTERCARD HOHLBIEN	008597.06



Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
					MASTERCARD OCKERT	233.36
					MASTERCARD COFFELL	360.70
					MASTERCARD GALLINAT	135.00
						<u>12,266.99</u>
07/02/2024	101	713 (E)	01105	VOID		
					Void Reason: Created From Check Run Process	
07/10/2024	101	25581	00020	JAMES ALWOOD	WELL SITE LEASE-JUN 2024	561.80
07/10/2024	101	25582	01703	AMAZON CAPITAL SERVICES	MOUNTING BRACKETS FOR SHARPS CONTAINERS	55.99
					EARPHONES AND LASER POINTER FOR BOARD RO	41.23
					ETHERNET CABLES/CUT OFF WHEEL/CALIBRATIO	256.49
					CREDIT FOR BRACKET RETURN	(66.48)
					CREDIT FOR BRACKETS RETURN	(22.16)
						<u>265.07</u>
07/10/2024	101	25583	01240	BRAUN KENDRICK FINKBEINER PLC	MTT-JAMESTOWN APARTMENTS-MAY 2024	78.00
					MTT-MT PLEASANT APARTMENTS-MAY 2024	214.50
					GENERAL LEGAL FEES-MAY 2024	180.00
						<u>472.50</u>
07/10/2024	101	25584	00095	C AND C ENTERPRISES INC	RESTROOM SUPPLIES FOR PARKS	357.15
07/10/2024	101	25585	00722	CHARTER TOWNSHIP OF UNION	UTILITY BILLING-TWP HALL-2ND Q 2024	184.72
07/10/2024	101	25586	01626	DANNY COFFELL	MILEAGE TO/FROM JAMESON HALL/HOME 6-22/6	30.56
07/10/2024	101	25587	01978	ABBIE DEWITT	REFUND RENTAL DEPOSIT-JAMESON HALL	250.00
07/10/2024	101	25588	00201	ELHORN ENGINEERING COMPANY	EL-CLOR/LIQUIFIED AQUADENE SUPPLIES	7,489.00
07/10/2024	101	25589	01579	ESRI	ARCGIS ONLINE SOFTWARE FOR FIELD ASSESSI	550.00
07/10/2024	101	25590	00028	G & S MECHANICAL LLC	TROUBLESHOOT COMPRESSOR ISSUE @ WWTP	110.00
07/10/2024	101	25591	00257	GOURDIE FRASER INC	EGLE DWRP PROJECT PLAN-FINAL DESIGN	60,000.00
					EGLE DWRP PROJECT PLAN-FINAL DESIGN	64,466.25
						<u>124,466.25</u>
07/10/2024	101	25592	00261	GRAINGER	THERMOSTAT AND AXIAL FAN	385.16
07/10/2024	101	25593	01746	TERA GREEN	MILEAGE TO/FROM BANK/TWP HALL-JUN 2024	45.83
07/10/2024	101	25594	00287	HOME BUILDERS ASSOCIATION	ANNUAL DUES 2024-2025	470.00
07/10/2024	101	25595	00337	ISABELLA COUNTY TREASURER	REFUND ADMIN FEE ON HOMESTEAD GRANTING	34.24
07/10/2024	101	25596	01975	ROSALINE MALLERY	JAMESON HALL RENTAL CANCELLATION	150.00
07/10/2024	101	25597	01972	JENNIFER MARTIN	REFUND RENTAL DEPOSIT-JAMESON HALL	250.00
07/10/2024	101	25598	01976	MCNALLEY OFFICE SERVICE	REARRANGE FRONT OFFICE DESK	500.00
07/10/2024	101	25599	01806	MEDLER ELECTRIC	DOOR MOUNTING KIT FOR KEYPAD @ WWTP	91.74
07/10/2024	101	25600	01255	MID MICHIGAN SECURITY	ANNUAL ALARM MONITORING FEES	330.00
07/10/2024	101	25601	00128	CITY OF MT PLEASANT	2024 HANNAH'S BARK PARK EXPENSE	490.00
07/10/2024	101	25602	00494	NORTH CENTRAL LABORATORIES	TESTING SUPPLIES @ WWTP	276.56
07/10/2024	101	25603	00497	NORTHERN INDUSTRIAL SUPPLY	DODGE DBL INTERLOCK BEARING	4,490.73
07/10/2024	101	25604	01136	OPTO SOLUTIONS, INC	GROOVE RIO EMU 3-PHASE MONITORING&TRANSF	2,412.54
07/10/2024	101	25605	01977	ALLAN OWL	REFUND RENTAL DEPOSIT-JAMESON HALL	250.00
07/10/2024	101	25606	01489	PFM FINANCIAL ADVISORS LLC	2024 ANNUAL BOND DISCLOSURES	1,100.00
07/10/2024	101	25607	01642	PIVOT POINT PARTNERS LLC	FIELD ASSESSING SUPPORT JUL 2024-JUN 202	1,030.40
07/10/2024	101	25608	00539	PRINTING SYSTEMS INC	ELECTION SECRECY ENVELOPES	402.84
07/10/2024	101	25609	01595	ROMANOW BUILDING SERVICES	JANITORIAL SERVICES WATER PLANT-JUN 2024	316.29
					JANITORIAL SERVICES WWTP-JUN 2024	316.29
					JANITORIAL SERVICES TWP HALL-JUN 2024	527.14
						<u>1,159.72</u>
07/10/2024	101	25610	01973	BARBARA RUDOLPH	REFUND RENTAL DEPOSIT-JAMESON HALL	009250.00
07/10/2024	101	25611	01974	JOSEPH STALTER	REFUND RENTAL DEPOSIT-JAMESON HALL	250.00

Check Date	Bank	Check	Vendor	Vendor Name	Description	Amount
07/10/2024	101	25612	01654	TRACE ANALYTICAL LABORATORIES INC	LAB ANALYSIS	29.00
07/10/2024	101	25613	01314	VERIZON WIRELESS	CELL PHONES 05/16/24 TO 06/15/24	643.94
07/10/2024	101	25614	00703	WASTE MANAGEMENT OF MICHIGAN INC	DUMPSTER SERVICE WTR PLANT-JUL 2024	50.21
					DUMPSTER SERVICE JAMESON PARK-JUN 2024	121.68
					DUMPSTER SERVICE WWTP-JUL 2024	263.27
					DUMPSTER SERVICE MCDONALD PARK-JUL 2024	150.61
					DUMPSTER SERVICE SHOP-JUL 2024	49.71
					DUMPSTER SERVICE TWP HALL-JUL 2024	68.56
						<u>704.04</u>
07/10/2024	101	25615	01236	WEB ASCENDER	WEB HOSTING 3RD Q 2024	177.50
07/10/2024	101	25616	01210	WEBER BROS SAWMILL INC	4 YDS OF BARK FOR WWTP	40.00
						<u><u>40.00</u></u>

101 TOTALS:

Total of 42 Checks:

341,034.92

Less 3 Void Checks:

0.00

Total of 39 Disbursements:

341,034.92

<b>Charter Township of Union</b> <b>Payroll</b>
--

**CHECK DATE: 07/03/24**  
**Pay Period End Date: 06/29/24**

**NOTE: PAYROLL TRANSFER NEEDED**

General Fund	\$	47,160.89
Fire Fund		
EDDA		
WDDA		
Sewer Fund		37,303.66
Water Fund		30,806.42
<b>Total To Transfer from Pooled Savings</b>	<b>\$</b>	<b>115,270.97</b>

**NOTE: CHECK TOTAL FOR TRANSFER**

BS&A Gross Payroll	\$	78,878.71
Employer Share Medicare		1,092.05
Employer Share SS		4,669.49
SUI		28.72
Pension-Employer Portion		6,284.39
Workers' Comp		459.86
Life/LTD		634.69
Dental		1,290.60
Health Care		24,448.58
Vision		405.59
Vision Contribution		(202.79)
Health Care Contribution		(2,718.92)
Flex Administrators		
Cobra/Flex Administration		
PCORI Fee		
<b>Total Transfer to Payroll Checking</b>	<b>\$</b>	<b>115,270.97</b>



# Union Township Report

Date: Monday, June 24, 2024



Alarm Date between 2024-06-16 and 2024-06-22

District	NFIRS Number	Alarm Date	Incident Type Code	Incident Type	Apparatus Name	Personnel Count	Alarms
<b>Union Township</b>	<b>0000421</b>						
		6/16/2024 4:29:10 PM	561	Unauthorized burning	ENG 33	3	1
						<b>Total Responding 3</b>	
<b>Union Township</b>	<b>0000423</b>						
		6/17/2024 5:28:39 AM	112	Fires in structure other than in a building	ENG 33	3	1
						<b>Total Responding 3</b>	
<b>Union Township</b>	<b>0000425</b>						
		6/17/2024 11:54:41 AM	322	Motor vehicle accident with injuries	ENG 33	2	1
						<b>Total Responding 2</b>	

<b>Union Township</b>	<b>0000427</b>						
		6/19/2024 6:59:17 AM	745	Alarm system activation, no fire - unintentional	ENG 33	2	1
						<b>Total Responding 2</b>	
<b>Union Township</b>	<b>0000429</b>						
		6/19/2024 7:32:03 PM	311	Medical assist, assist EMS crew	ENG 33	2	1
						<b>Total Responding 2</b>	
<b>Union Township</b>	<b>0000430</b>						
		6/19/2024 10:12:37 PM	622	No incident found on arrival at dispatch address	ENG 33	2	1
						<b>Total Responding 2</b>	
<b>Union Township</b>	<b>0000431</b>						
		6/19/2024 10:27:34 PM	118	Trash or rubbish fire, contained	ENG 33	2	1

							<b>Total Responding 2</b>
<b>Union Township</b>	<b>0000432</b>						
		6/20/2024 8:41:32 AM	745	Alarm system activation, no fire - unintentional	ENG 33	3	1
						<b>Total Responding 3</b>	
<b>Union Township</b>	<b>0000434</b>						
		6/21/2024 1:56:08 PM	444	Power line down	ENG 33	2	1
						<b>Total Responding 2</b>	
<b>Union Township</b>	<b>0000435</b>						
		6/21/2024 2:18:37 PM	322	Motor vehicle accident with injuries	ENG 33	2	1
						<b>Total Responding 2</b>	
	<b>Total Runs</b>						<b>Total Responding 23</b>
	<b>10</b>						



# Union Township Report

Date: Tuesday, July 2, 2024



Alarm Date between 2024-06-23 and 2024-06-29

District	NFIRS Number	Alarm Date	Incident Type Code	Incident Type	Apparatus Name	Personnel Count	Alarms
<b>Union Township</b>	<b>0000444</b>						
		6/25/2024 2:01:27 PM	444	Power line down	ENG 33	2	1
						<b>Total Responding 2</b>	
<b>Union Township</b>	<b>0000445</b>						
		6/26/2024 1:09:00 AM	154	Dumpster or other outside trash receptacle fire	ENG 33	2	1
						<b>Total Responding 2</b>	
	<b>Total Runs</b>					<b>Total Responding 4</b>	
	2						

**Note: Alarms**

1=Duty Crew

2=Paged Off Duty Full-time

3=Paged Paid-on-Call Firefighters

**To:** Board of Trustees **DATE:** July 1, 2024

**FROM:** Mark Stuhldreher, Township Manager **DATE FOR BOARD CONSIDERATION:** 7/10/2024

**ACTION REQUESTED:** To conduct a Second Reading for and to adopt the proposed new Sidewalk and Pathway Ordinance as Ordinance Number 24-02.

Current Action  Emergency

Funds Budgeted: If Yes  Account #  No  N/A

### BACKGROUND INFORMATION

The Township’s current Sidewalk and Pathway Ordinance was adopted by the Board of Trustees on 12/30/2009 as Ordinance No. 2009-03. This ordinance was intended to establish basic standards for design, maintenance, and use of sidewalks and pathways.

#### Deficiencies in the Current Ordinance

With direction from the Planning Commission, a review of Ord. No. 2009-03 was undertaken by staff in 2021, which identified the following deficiencies in the current ordinance:

- Minimum sidewalk width requirements are insufficient and not consistent with current practices. In addition, clarification is needed regarding standards for connections from the public sidewalk to building entrances.
- The current ordinance does not address where installation of a “pathway” vs. a “sidewalk” would be preferred.
- Standards for sidewalk easements outside of the road right-of-way are missing.
- Provisions for enforcement responsibilities are out-of-date.
- The current ordinance provides no distinction between rural and urban areas as it relates to requirements for sidewalk or pathway installation.
- The current ordinance is in conflict with the 2018 policy adopted to allow for temporary relief from sidewalk construction, as there is no enabling language in the current ordinance for this policy.
- Provisions describing the specific duties of the Sidewalks and Pathways Prioritization Committee leave far too much room for interpretation. The relationship between the committee and the Planning Commission is also less clear than it should be.

#### Key Elements of the Updated Ordinance

A proposed new Sidewalk and Pathway Ordinance has been developed in consultation with the Township Engineer, Township Attorney, and Planning Commission to address the deficiencies identified in Ord. No. 2009-03. The proposed ordinance includes the following key elements:

1. **Clear authority for adoption of sidewalk or pathway construction policies** by Board of Trustees resolution after recommendation by the Planning Commission (see Section 4.A.).



2. **Statement of Board of Trustees authority** for sidewalk or pathway orders and assessment of costs as granted by Michigan Public Act 246 of 1931, as amended (see Section 4.B).
3. **Confirmation of Planning Commission responsibility for sidewalk and pathway planning**, and for establishment and discontinuation of any committee charged with assisting the Commission with this responsibility (see Section 5.0).
4. **Updated sidewalk and pathway use standards** to confirm that use of electric or power-assisted bicycles or micro-mobility devices (such as electric scooters/skateboards) shall be allowed on the Township’s sidewalks and pathways, subject to reasonable limitations (see Section 7.0).
5. **Updated construction standards** consistent with current engineering and design practices (see Section 8.0).
6. **Updated provisions for repair and replacement of existing sidewalks and pathways** to clarify who is responsible and the standards that apply (see Section 9.0).
7. **Updated maintenance standards** to address maintenance by the EDA Board or private parties or associations, and to relax somewhat the current, very strict requirements for clearing of snow and ice after a storm event (Section 10.0).
8. **Violations and penalties provisions** in the proposed ordinance have been updated consistent with equivalent provisions in other Township ordinances (see Section 16.0). As is the case with other ordinances, the goal of any Township ordinance enforcement process is to help the violator understand the ordinance and how to bring things back into compliance.

An initial draft of the ordinance was reviewed by the Township Attorney, and all recommended changes have been incorporated into the proposed ordinance document for Board of Trustees review and action.

**Public Notice, Public Meetings, and the Timing of the Second Reading**

The following is a summary of public notice and public meetings associated with this proposed ordinance:

Date	Event	Actions
May 21, 2024 and June 18, 2024	Regular meetings of the Planning Commission	Review and discussion in May and June. Recommended for adoption on 6/18/2024
June 26, 2024	Regular meeting of the Board of Trustees	Introduction and First Reading
June 28, 2024	Summary of the proposed ordinance and notice of the date, time, and place of the Second Reading, in accordance with the requirements of the Charter Township Act (Public Act 359 of 1947, as amended).	Posting of the summary, notice, and the proposed ordinance at the Township Hall and on the Township’s website
July 2, 2024		Publication of the summary and notice in The Morning Sun newspaper
July 10, 2024	Regular meeting of the Board of Trustees	Second Reading and consideration of the proposed ordinance for adoption

**Planning Commission Recommendation**

On 6/18/2024, the Planning Commission adopted the following motion:

***Olver moved Shingles supported to recommend to the Board of Trustees that the proposed Sidewalk and Pathway Ordinance with a draft date of June 11, 2024 be adopted as presented with the following change to strike section 4.B.4 and 4.B.5 until a policy is adopted for its implementation. Roll Call Vote:***

**Ayes: Buckley, Gross, Olver, Shingles, and Squattrito. Nays: McDonald and Thering. Motion carried.**

The language referenced by the Planning Commission for removal from Section 4.0, subsections “B.4.” and “B.5.” of the proposed Ordinance is part of the enabling language of the governing state law that establishes the Board of Trustees’ authority over sidewalk and pathway construction, repair, and maintenance. This is the Pavements, Sidewalks, and Elevated Structures Act (Public Act 246 of 1931, as amended), which is referenced in the preamble of the proposed Ordinance.

Equivalent ordinance language has been part of the current Sidewalk and Pathway Ordinance since 2009 (see Section 6.03 of Ord. No. 2009-03), which also references Act 246 in the preamble. Under the enabling authority of Act 246:

- The Board of Trustees may construct, repair, or maintain sidewalks or pathways in a designated area of the Township using public funds; or
- The Board of Trustees may by resolution order the construction, repair, or maintenance of sidewalks or pathways in a designated area of the Township, provided that a public meeting relative to the order shall first be held after proper notice to the affected property owners.
  - The Board of Trustees may permit the affected property owners to have the sidewalks or pathways constructed, repaired, or maintained according to Township specifications at their own expense; or
  - The Board of Trustees may assess the costs of sidewalk or pathway construction by the Township to the affected property owners, payable over a five-year period; or
  - The Board of Trustees may require a property owner to post a cash deposit in lieu of construction to be held until adjacent sidewalks or pathways are completed; or
  - The Board of Trustees may propose a cost-sharing mechanism either from general revenues or from a Township-wide sidewalk and pathway construction fund established by Board of Trustees resolution for this purpose.

As highlighted above, the enabling language of Act 246 provides options for the Township to fund and manage sidewalk and pathway construction. It is permissive in character and does not mandate any particular funding approach.

Among the potential funding options are provisions for a property owner affected by a Board of Trustees’ order for sidewalk or pathway construction to repay the Township for the construction cost over a five year period (similar to the special assessment process established under a separate state Act); or under certain circumstances to provide payment in lieu of construction into a fund established by the Board of Trustees for this purpose.

The Planning Commission’s proposal to “*strike section 4.B.4 and 4.B.5*” from the proposed ordinance would eliminate these choices for affected property owners.

To maintain consistency with the state Act’s enabling authority language and to maximize potential future funding choices for affected property owners if the Board of Trustees were to determine that an order for sidewalk or pathway construction is necessary to be fully or partially funded by the property owners, it is the recommendation of the Township Administration that the proposed Sidewalk and Pathway Ordinance be adopted as presented in the June 11, 2024 draft document (without striking subsections “B.4.” and “B.5.” of Section 4.0).

## Changes requested by the Board of Trustees

As part of the First Reading discussion, the Board of Trustees requested revisions to Section 4.0, subsection "A." of the proposed Ordinance to expand the scope of the implementation policy language to include cost sharing guidance to assist the Board of Trustees in decisions related to funding for construction of public sidewalks and pathways. The following is a marked-up excerpt from the updated Section 4.0 showing the proposed revisions:

**Section 4.0 Construction-~~Related~~-Timing Policies, Orders, and Assessments.**

The Board of Trustees shall have the following authority pursuant to this Ordinance:

**A. Adoption of Sidewalk or Pathway Construction Policies.**

The Board of Trustees may from time to time adopt or amend by resolution a general policy governing the design, funding, and timing of sidewalk or pathway construction in designated areas of the Township, provided that:

1. This policy may include allowances for temporary relief from sidewalk construction under specific circumstances or in certain designated areas.
2. This policy may include guidelines for additional sidewalk or pathway width in designated areas of the Township based on existing or anticipated intensity of usage.
3. This policy may designate certain areas for pathway construction instead of sidewalks.
4. This policy may include cost sharing guidance to assist the Board of Trustees in decisions related to funding for construction of public sidewalks and pathways.
5. This policy shall not conflict with this Ordinance, other Township ordinances, or the Township's adopted Master Plan and other adopted planning documents.
6. Prior to adoption or amendment, the proposed policy resolution shall be provided to the Planning Commission with a request for review and recommendations for action.

These revisions to subsection "A." have been integrated into the proposed Ordinance presented for a Second Reading and Board of Trustees consideration for adoption. The Board of Trustees did not request any other changes, so the remainder of Section 4.0 remains the same as presented for the First Reading.

### SCOPE OF SERVICES

Second Reading and adoption of the proposed new Sidewalk and Pathway Ordinance.

### JUSTIFICATIONS

Adoption of the proposed Ordinance is necessary to correct deficiencies noted in the current Ord. No. 2009-03, to update minimum width and location requirements consistent with adopted non-motorized transportation plan recommendations and current Township practices for sidewalks along certain Township road corridors, and to update minimum sidewalk and pathway design and construction standards to be fully consistent with current engineering practices for these types of projects.

### GOALS ADDRESSED

Board of Trustees goals addressed by this Ordinance (From Policy 1.0: Global End):

1. **Community well-being and common good**
3. **Safety and Health**
5. **Economic Development**

Adoption of the proposed Ordinance would help facilitate the effective use of resources (1.0). Proposed construction, repair/replacement, and maintenance standards for new and existing sidewalks and pathways will help to ensure safe and accessible routes for pedestrians, bicyclists, and others (1.3.1). The provisions for adoption of sidewalk or pathway construction policies, including updated policies for temporary relief from sidewalk construction, are consistent with commerce-friendly economic development policies and MEDC Redevelopment Ready Communities program best practices (1.5).

**COSTS**

NA

**TIMETABLE**

After a Second Reading and adoption by the Board of Trustees, the Ordinance would take effect on the day immediately following publication of the required notice of adoption.

**RESOLUTION**

To conduct a Second Reading for and to adopt the proposed new Sidewalk and Pathway Ordinance as Ordinance Number 24-02.

Resolved by \_\_\_\_\_ Seconded by \_\_\_\_\_

Yes:

No:

Absent:

**CHARTER TOWNSHIP OF UNION  
ISABELLA COUNTY, MICHIGAN**

**SIDEWALK AND PATHWAY ORDINANCE NO. \_\_\_\_\_**

An ordinance adopted under the provisions of the Charter Township Act (Public Act 359 of 1947, as amended, being MCL 42.1 – MCL 42.34) and the Pavements, Sidewalks, and Elevated Structures Act (Public Act 246 of 1931, as amended, being MCL 41.271 – MCL 41.290) to specify standards for design and construction of sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as for private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance; to establish requirements for obtaining permits to construct sidewalks or pathways; to designate sidewalk and pathway maintenance responsibilities; to establish enforcement procedures and penalties for violation of this Ordinance; and for other purposes.

**CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN HEREBY ORDAINS:**

**Section 1.0 Title.**

This ordinance shall be known and cited as the Sidewalk and Pathway Ordinance; and may be referred to herein as “this Ordinance.”

**Section 2.0 Purpose and Intent.**

Unobstructed and safe pedestrian access to buildings and lots and an interconnected network of public sidewalks and pathways are necessary to promote and protect the health, safety, and welfare of the public and to maximize accessibility, mobility, and connectivity for residents within and through the Township. The purposes of this Ordinance are to specify standards for design and construction of sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as for private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance; to establish requirements for obtaining permits to construct sidewalks or pathways; to designate sidewalk and pathway maintenance responsibilities; and to establish enforcement procedures and penalties for violation of this Ordinance.

The standards of this Ordinance are intended to maximize accessibility, mobility, and connectivity for Township residents, to provide for unobstructed and safe pedestrian access to buildings and lots, and to establish an interconnected network of public sidewalks and pathways within and through the Township.

**Section 3.0 Scope.**

The requirements in this Ordinance shall apply to all existing and proposed sidewalks and pathways located in public road rights-of-way or easements allowing for public use, as well as to all private connecting sidewalks for pedestrian access to buildings and lots as required by this Ordinance. The procedures, standards, and specifications of this Ordinance are determined to be the minimum necessary to meet the purpose and intent of this Ordinance.

## **Section 4.0 Construction-Related Policies, Orders, and Assessments.**

The Board of Trustees shall have the following authority pursuant to this Ordinance:

### **A. Adoption of Sidewalk or Pathway Construction Policies.**

The Board of Trustees may from time to time adopt or amend by resolution a general policy governing the design, funding, and timing of sidewalk or pathway construction in designated areas of the Township, provided that:

1. This policy may include allowances for temporary relief from sidewalk construction under specific circumstances or in certain designated areas.
2. This policy may include guidelines for additional sidewalk or pathway width in designated areas of the Township based on existing or anticipated intensity of usage.
3. This policy may designate certain areas for pathway construction instead of sidewalks.
4. This policy may include cost sharing guidance to assist the Board of Trustees in decisions related to funding for construction of public sidewalks and pathways.
5. This policy shall not conflict with this Ordinance, other Township ordinances, or the Township's adopted Master Plan and other adopted planning documents.
6. Prior to adoption or amendment, the proposed policy resolution shall be provided to the Planning Commission with a request for review and recommendations for action.

### **B. Provisions for Sidewalk or Pathway Orders and Assessment of Costs.**

In accordance with Public Act 246 of 1931, as amended (Pavements, Sidewalks, and Elevated Structures, being MCL 41.271 et seq.) and for the health, safety, or welfare of the residents, the Board of Trustees may by resolution order the construction, repair, or maintenance of, or may construct, repair, or maintain sidewalks or pathways in any designated area of the Township, in accordance with the following:

1. The Board of Trustees shall hold a public meeting relative to the ordering of the sidewalk or pathway construction, repair, or maintenance and shall notify property owners involved of the time and place of the hearing.
2. The Board of Trustees may also forward a proposed order to construct a new sidewalk or pathway to the Planning Commission with a request for review and recommendations for action prior to final consideration by the Board.
3. If the Board of Trustees determines that the construction, repair or maintenance of sidewalks or pathways is necessary, it may construct, repair, or maintain the sidewalks or pathways and assess the costs to the property involved, payable over a five-year period, or permit the owners of the property involved to have the sidewalks or pathways constructed, repaired, or maintained according to Township specifications at their own expenses.
4. The Board of Trustees may also propose a cost-sharing mechanism either from general revenues or from a Township-wide sidewalk and pathway construction fund established by Board of Trustees resolution for this purpose.
5. In situations where a proposed sidewalk or pathway does not currently have connecting sidewalks or pathways on the adjacent properties on either side, the Board of Trustees may require a property owner to post a cash deposit in lieu of construction, in an amount

equivalent to the cost of construction, which would be held in deposit until the adjacent properties develop and install sidewalks or pathways.

### **Section 5.0 Sidewalk and Pathway Planning.**

The Planning Commission shall be primarily responsible for preparing, reviewing, and updating long-range plans to guide future improvements to the Township’s sidewalk and pathway network as part of the Township’s adopted Master Plan or other planning documents adopted in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq. and other applicable state laws.

As authorized by Section 17(2) of the Michigan Planning Enabling Act and any adopted Planning Commission bylaws, the Planning Commission may from time to time choose to appoint an advisory committee of limited duration and purpose to assist the Commission with compiling data or preparing, evaluating, or prioritizing policy or planning alternatives for future sidewalks and pathways.

1. Prior to appointing committee members, the Planning Commission shall identify the desired qualifications and expectations for committee membership and shall prepare and adopt a resolution to serve as an informal charter for the committee’s work. To ensure that the committee operates smoothly and remains focused on its assigned tasks, this resolution shall at a minimum include:
  - a. The objectives, desired outcomes, or deliverable for the committee.
  - b. Direction for the appointment of a committee chairperson or facilitator.
  - c. Specific tasks the committee will be responsible for to complete its work.
  - d. A timeline for completion of assigned tasks and to report back to the Commission.
2. The Planning Commission may appoint persons to serve on this committee who are not Planning Commission members, provided that the Planning Commission Chair shall be an ex-officio member of the committee.
3. The Planning Commission may direct that the committee focus on a specific issue, project, or geographic area.
4. The Planning Commission may act by motion at any time to discontinue the work of the committee to take back these delegated planning responsibilities. The Commission shall take action to discontinue the committee with a vote of thanks promptly upon completion of its assigned tasks.

### **Section 6.0 Sidewalk or Pathway Required.**

In accordance with the purpose and intent of this Ordinance, sidewalks or pathways shall be required to be constructed and maintained within or adjacent to road rights-of-way and also to connect to existing sections of sidewalk or pathway and to connect to buildings and uses of land where present on adjacent land in compliance with this Ordinance and other Township ordinances, and in a manner and arrangement consistent with the Township’s adopted Master Plan and other adopted planning documents, or any sidewalk or pathway construction policies adopted by the Board of Trustees.

### **Section 7.0 Use of Sidewalks and Pathways.**

Sidewalks and pathways are primarily reserved for use by pedestrians and are not intended for use by motorized vehicles. Travel by bicycle or micro-mobility device shall also be allowed on Township sidewalks and pathways, provided that bicyclists and users of such devices shall yield to pedestrians at all times and

that travel by any electric or power-assisted bicycle or micro-mobility device shall not exceed ten (10) miles per hour at any time.

## **Section 8.0 Construction Standards.**

Sidewalks and pathways shall comply with the standards of this Section and Ordinance, along with any supplemental engineering standards that may be adopted by the Board of Trustees and any adopted sidewalk or pathway specifications of the applicable road authority with jurisdiction. If the sidewalk or pathway is located within a public road right-of-way, the standards of the applicable road authority with jurisdiction shall prevail. In the event of a conflict between different standards, the more stringent standard shall apply.

### **A. Sidewalk vs. Pathway.**

The choice to construct or require the construction of a sidewalk versus a pathway in a designated area of the Township shall not conflict with this Ordinance, other Township ordinances, the Township's adopted Master Plan and other adopted planning documents, or any sidewalk or pathway construction policies adopted by the Board of Trustees. Pathways may also be constructed in lieu of sidewalks in locations that support a contiguous regional pathway system or in other locations that do not parallel roadways.

### **B. Width Standards.**

The minimum width of sidewalks and pathways in the Township shall conform to the following:

1. **Public and general use sidewalks.** The minimum width for public and general use sidewalks shall be a minimum of five (5) feet, except as follows:
  - a. Along E. Bluegrass Road between S. Mission Road and S. Isabella Road shall be a minimum of eight (8) feet.
  - b. Along E. Broomfield Road between S. Mission Road and S. Isabella Road shall be a minimum of six (6) feet.
  - c. Where topography or obstructions require an adjustment, the sidewalk width may be reduced to four (4) feet for the minimum necessary distance.
2. **Sidewalk connectors and internal sidewalks.** The minimum width for internal sidewalks and sidewalk connectors from the public sidewalk to connect to buildings and uses of land where present on adjacent land shall be a minimum of four (4) feet, except as follows:
  - a. Where topography or obstructions require an adjustment, the sidewalk width may be reduced to 42 inches for the minimum necessary distance.
  - b. Where the sidewalk is directly adjacent to parking spaces, the width shall be increased to a minimum of seven (7) feet.
3. **Pathways.** The minimum width for public and general use pathways shall be a minimum of ten (10) feet, except where topography or obstructions require a reduction to a minimum of eight (8) feet for the minimum necessary distance.
4. **Manufactured housing developments.** This minimum sidewalk width standard shall not apply within the interior of manufactured housing (mobile home) park developments as otherwise regulated by the State of Michigan, provided that required sidewalks or pathways along public road frontages shall conform to this Ordinance.



**C. Location Standards.**

The location of sidewalks and pathways in the Township shall conform to the following:

1. Public and general use sidewalks and pathways shall be aligned horizontally and vertically with existing sidewalks and pathways where present on adjacent land. Where no adjacent sidewalk or pathway is present, the terminus of the sidewalk or pathway shall be located one (1) foot inside of the road right-of-way.
2. Public and general use sidewalks and pathways shall be located one (1) foot off the property line within the road right-of-way of a platted subdivision and otherwise located one (1) foot inside of the road right-of-way, except as follows:
  - a. Where topography, obstructions, or the location of existing sidewalks or pathways on adjacent land require an adjustment.
  - b. Where there is inadequate road right-of-way width or public safety hazards that require an adjustment.
  - c. Where the planned right-of-way is greater than the width of the existing right-of-way, in which case the sidewalk may be located one (1) foot inside the planned right-of-way.
3. Access and use of public and general use sidewalks and pathways not located within an existing road right-of-way shall be governed by easement rights established in accordance with applicable state laws and case law.
4. New sidewalk and pathway construction not located with an existing road right-of-way or dedicated easement shall require establishment of a dedicated easement in a format acceptable to the Township and recorded at the Isabella County Register of Deeds Office.

**D. Paving.**

1. Sidewalks shall be constructed of concrete with a thickness of at least four (4) inches placed over six (6) inches of compacted sand, except that sidewalks across a driveway or other vehicle crossing shall be reinforced and have a pavement thickness of at least six (6) inches.
2. Pathways shall be constructed of at least three (3) inches of hot mix asphalt over six (6) inches of 22A road gravel (minimum grade).
3. The base of the sidewalk or pathway shall be trimmed to grade and be firm and uniform. The sidewalk or pathway shall slope towards an adjacent road at a rate of no more than two percent (2%).
4. Topsoil and organic soils shall be removed and replaced with appropriate compacted fill meeting Michigan Department of Transportation (MDOT) Class II requirements prior to installing the base or paving materials.
5. Other types of paving may be allowed, subject to Planning Commission approval after a review and recommendation from the Township Engineer.

**E. Barrier-free Design.**

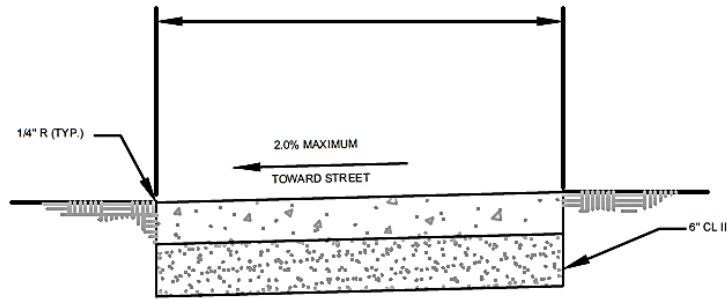
Sidewalks or pathways shall comply with all state and federal barrier-free design requirements. Barrier-free ramps shall be provided at curbs and other locations with a grade change. Detectable

warning surfaces shall be installed wherever a sidewalk or pathway approaches a road intersection, and shall be constructed in accordance with State of Michigan specifications.

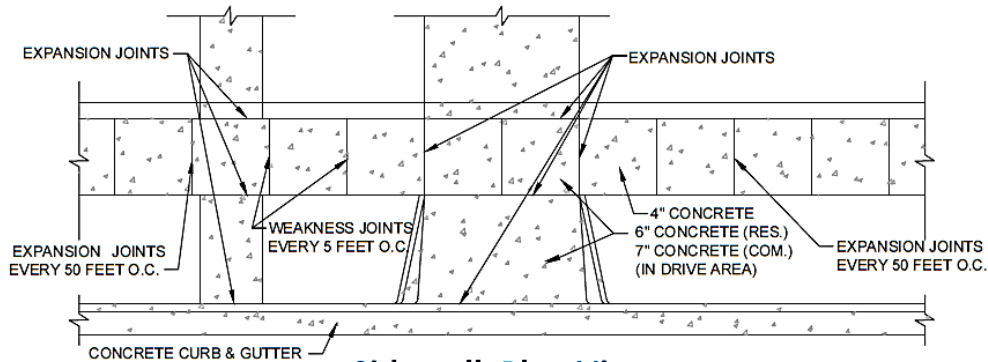
**F. Grading and Drainage.**

Proposed sidewalks or pathways shall be designed to maintain the existing direction and flow of surfacewater runoff, and to conform to the applicable standards of the Township’s Stormwater Management Ordinance.

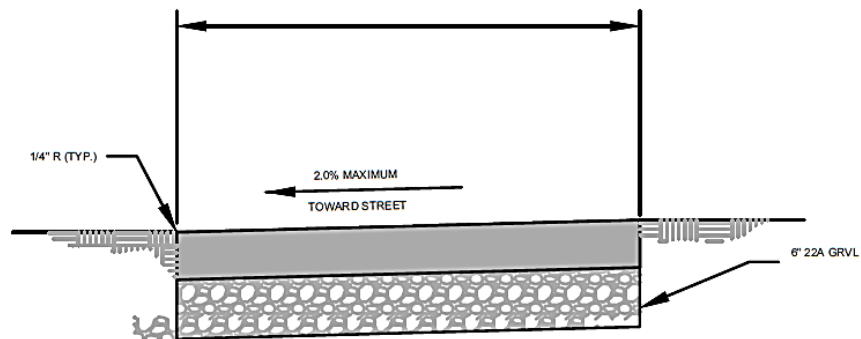
**ILLUSTRATIONS**



**Sidewalk Cross-Section**



**Sidewalk Plan View**



**Pathway Cross-Section**

## **Section 9.0 Repairs to or Replacement of Existing Sidewalks or Pathways.**

Repairs to or replacement of existing sidewalks and pathways shall be subject to the following standards:

### **A. Criteria for Sidewalk or Pathway Repairs or Replacement.**

1. A sidewalk or pathway that becomes cracked or damaged to the extent that the sidewalk or pathway becomes potentially unsafe for use shall be repaired or replaced in compliance with the construction standards specified herein.
  - a. Sidewalks and pathways located within a public road right-of-way or within an easement dedicated to the Township for public use shall be the responsibility of the Township.
  - b. Sidewalks and pathways not located within a public road right-of-way or within an easement dedicated to the Township for public use shall be the responsibility of the owner(s) of the land upon which the sidewalk or pathway is located.
2. The following criteria shall be used by the Township to determine whether or not a sidewalk or pathway is in need of repair or replacement:
  - a. If the sidewalk has displacement of more than three-quarters ( $\frac{3}{4}$ ) of an inch between any two (2) sections (flags) of sidewalk at the connection joint.
  - b. If the sidewalk or pathway has more than two (2) cracks of one-quarter ( $\frac{1}{4}$ ) inch in width or more in any two (2) linear feet.
  - c. If the sidewalk or pathway has a crack more than three-quarters ( $\frac{3}{4}$ ) inch in width.
  - d. If any section of sidewalk is tilted in excess of one (1) inch per foot from edge to edge in a transverse direction.
  - e. If, in any flag of sidewalk, more than fifty percent (50%) of the surface has scaled off to a depth of one-quarter ( $\frac{1}{4}$ ) inch or greater.
  - f. If concrete or asphalt settling has allowed water to pond to depth of one (1) inch or more.

### **B. Applicable Standards for Repair or Replacement.**

Unless required by other statutes or any sidewalk or pathway construction policies adopted by the Board of Trustees, repairs to or replacement of less than 100 feet of any existing sidewalk or pathway shall not be required to conform to the minimum width requirements of this Ordinance, provided that the repair or replacement section shall be consistent with the width of adjacent sections of sidewalk or pathway and shall conform to Section 7.0 (Construction Standards). Any other replacement of an existing sidewalk or pathway section shall fully conform to the standards of this Ordinance.

## **Section 10.0 Maintenance Standards.**

### **A. Responsibility for Sidewalk and Pathway Maintenance.**

It shall be the duty of the property owner to maintain internal sidewalks and sidewalk connectors on their lot and public and general use sidewalks or pathways on or adjoining their lot in accordance with the requirements of this Section and Ordinance, except as follows:

1. A homeowners association or condominium association board or other legally established

private governing board may assume the responsibility for maintenance of sidewalks or pathways within a subdivision, condominium, or lot under their jurisdiction. The terms and conditions under which this private governing board assumes such responsibility shall be specified in the board's governing documents.

2. The Board of Trustees may from time to time designate specific public or general use sidewalks or pathways for maintenance by the Township.
3. The Economic Development Authority (EDA) Board may take responsibility for maintenance of specific public or general use sidewalks or pathways within the East or West Downtown Development Authority (DDA) Districts.

**B. Obstructions.**

Sidewalks or pathways shall be kept free of all obstructions, including but not necessarily limited to structures, vehicles, equipment, debris, and vegetation. This restriction shall not apply to temporary obstructions due to maintenance or construction work on or adjacent to the sidewalk or pathway, provided that appropriate barriers and signage shall be erected to maintain public safety.

**C. Snow and Ice Removal.**

Sidewalks or pathways shall be kept free and clear of ice and snow. Snow shall not be piled in a manner that might obstruct the vision of drivers or that blocks or impairs travel on a sidewalk, pathway, or adjacent roadway or access drive.

1. Accumulated or drifting snow totaling more than one (1) inch on a sidewalk or pathway in the Township shall be removed within 36 hours of the end of a snowfall event.
2. In the event of holiday observances and prolonged periods of snow or ice storms exceeding 36 hours, the time period to remove ice or snow shall be extended to within 72 hours of the end of a snowfall event.

**Section 11.0 Unsafe Condition and Unlawful Damage.**

It shall be unlawful to damage or deface a sidewalk or pathway by any means, or for a sidewalk or pathway to be in an unsafe state of disrepair.

**Section 12.0 Permits and Approvals.**

A permit is required from the Township prior to the construction, removal, or repair of a public or general use sidewalk or pathway. If a proposed sidewalk or pathway is part of larger development that requires site plan or subdivision plat approval, then the sidewalk or pathway shall be detailed on the site plan or subdivision plat, which shall be reviewed in accordance with the review procedures set forth in the applicable Township ordinance. The applicant shall be responsible for obtaining all applicable outside agency permits or approvals prior to the start of construction.

**Section 13.0 Fees and Escrow Deposits.**

The Township Board shall have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. The Township may also require an applicant to deposit funds in escrow with the Township to defray anticipated variable costs and expenses incurred by the Township for application reviews and inspections. No action shall be taken on any application or

appeal until all applicable fees and escrow deposits have been accepted by the Township. Escrow deposit funds shall be managed by the Township consistent with the following:

1. The funds will not be deposited in an interest-bearing account.
2. The escrow deposit shall be held in the applicant's name and shall be used solely to defray applicable variable costs and expenses.
3. Upon request by the applicant, the Township shall provide copies of any written reports and statements of variable costs and expenses.
4. The Township shall provide a written request to the applicant for an additional escrow deposit if at any time the sum on deposit appears insufficient to cover anticipated costs and expenses.
5. The applicant shall promptly deposit additional funds in accordance with the written request from the Township. If additional funds are not promptly deposited, the Township may issue a stop work order, postpone action on the application, or cease to process the project.
6. Sums remaining after final action on the application and inspections, and after all of the Township's variable costs and expenses have been deducted, shall be returned to the applicant.

#### **Section 14.0 Performance Guarantees.**

To ensure compliance with the provisions of this Ordinance and any conditions imposed thereunder, the Planning Commission or Township Planner may require that a performance guarantee be deposited with the Township to insure faithful completion of required improvements. The performance guarantee shall meet the following requirements:

1. The performance guarantee shall be in the form of an insurance bond, an irrevocable bank letter of credit, or cash escrow. The performance guarantee shall not have an expiration date and shall include a provision that calls for notification of the Township at least ninety (90) calendar days prior to any cancellation. If the applicant posts a letter of credit, the credit shall require only that the Township present the credit with a sight draft and an affidavit signed by the Township Manager attesting to the Township's right to draw funds under the credit. If the applicant posts a cash escrow, the escrow instructions shall provide that the escrow agent shall have a legal duty to deliver the funds to the Township whenever the Township Manager presents an affidavit to the agent attesting to the Township's right to receive funds, whether or not the applicant protests that right.
2. The performance guarantee shall be submitted prior to the start of construction, except in cases where the guarantee is intended to insure completion of limited number of remaining details by a specific deadline date that the Township Planner has determined to not impede allowing the road to open for use prior to full completion of construction. If appropriate based on the type of performance guarantee submitted, the Township shall deposit the funds in an account in a financial institution with which the Township regularly conducts business.
3. The amount of the performance guarantee shall be sufficient to cover the estimated cost of the improvements for which the performance guarantee is required. The applicant may provide an itemized schedule of estimated costs to complete all such improvements. The exact amount of the performance guarantee shall be determined by the Township Planner.
4. The performance guarantee shall not be returned to the applicant unless a letter of completion shall have been received by the Township Planner, as provided for in Section 15.0 (Inspections.).

Whenever required improvements are not installed or maintained within the time stipulated or in accordance with the standards set forth in this Ordinance, the Township may complete the necessary improvements itself or by contract to an independent developer, and assess all costs of completing said improvements against the performance guarantee. Prior to completing said improvements, the Township shall notify the owner and applicant responsible for completion of the required improvements.

### **Section 15.0 Inspections.**

All required improvements shall be subject to inspection by the Township Engineer during construction, and subject to a final inspection upon completion of construction. The Township Engineer shall report the results of each inspection to the Township Planner in writing. The applicant's engineer shall certify to the Township Engineer before the final inspection that the required improvements were made in accordance with this Ordinance and all approved plans and conditions of Permit approval.

### **Section 16.0 Violations and Penalties.**

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the construction or maintenance of a sidewalk or pathway in the Township to comply with the applicable requirements and standards of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

1. **Violations.** Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of this Ordinance, or who impedes or interferes with the enforcement of this Ordinance by a Township ordinance enforcement official, shall be deemed to be in violation of this Ordinance subject to issuance of a municipal civil infraction and other measures allowed by law. The imposition of any fine or other penalty shall not exempt the violator from compliance with this Ordinance.
2. **Correction periods and stop work orders.** All violations shall be corrected within thirty (30) days following the receipt of an order to correct from a Township ordinance enforcement official. The ordinance enforcement official may do one or more of the following:
  - a. Grant an extension of up to 180 days upon determining that the additional time is necessary for correction.
  - b. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
  - c. Issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.
3. **Penalties and remedies.** The violator shall be subject to any or all of the following penalties and remedies:
  - a. **Civil infraction notice.** Civil infraction notices shall be administered and fines imposed per the Township's Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the Township shall impose a fine per the established Township fee schedule for each violation.
  - b. **Civil infraction citation.** Civil infraction citations shall be administered and fines imposed per the Township's Municipal Ordinance Violations Bureau Ordinance. The violator shall be responsible for a municipal civil infraction for which the court may impose a civil fine

of not less than \$100.00 nor no more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the Township has incurred in connection with the violation, including the Township's attorney fees.

- c. **Injunctive relief.** The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance. In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance. A petition for injunctive relief shall in no way relieve the violator of any and all criminal or civil liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.
4. **Public nuisance per se.** Any construction, alteration, or maintenance of a sidewalk or pathway in violation of this Ordinance is hereby declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.
5. **Rights and remedies preserved.** Any failure or omission to enforce the provisions of this Ordinance, and failure or omission to prosecute any violations of this Ordinance, shall not constitute a waiver of any rights and remedies provided by this Ordinance or by law, and shall not constitute a waiver nor prevent any further prosecution of violations of this Ordinance.

## **Section 17.0 Definitions.**

Whenever used in this Ordinance, the following words and phrases shall have the meaning ascribed to them in this Section:

**Building.** Any structure, either temporary or permanent, having a roof or other covering and used or built for the shelter or enclosure of persons, animals, or property or materials of any kind. A building shall not include such structures as signs, fences, or smokestacks, but shall include structures such as storage tanks, grain elevators, coal bunkers, or similar structures.

**Detectable Warning Surfaces.** Corrosion resistant grey iron in pavement that is installed to signal visually-impaired pedestrians where a sidewalk or pathway intersects a road.

**Enforcement Official.** The person or persons designated by the Township as being responsible for enforcing and administering requirements of this Ordinance.

**Fixed Costs and Expenses.** Monetary charges incurred by the Township that are generally shared by all functions performed under the authority of this Ordinance, including costs for telephone, copy services, supplies, equipment, utilities, per diem-hourly-salary expenses, and facility construction, maintenance and repair.

**Lot.** A tract of land that (1) is of sufficient land area to satisfy the requirements of this Ordinance for maximum lot coverage and minimum lot area; (2) is of sufficient land area to provide the minimum buildable area, yard setbacks, and any other open space as required by this Ordinance for a principal building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, as allowed in the zoning district; and (3) has direct frontage on and access to a public or private road right-of-way. A condominium unit established under the Condominium Act, parcel created under the Land Division Act, and any other lot of record shall be a "lot" for purposes of

this Ordinance only if the physical characteristics of the unit, parcel or lot of record include all three elements of this definition.

**Micro-mobility device.** A skateboard, scooter, or similar means of short-distance transportation designed for a single-user, which may also be electric motor-assisted or electrically powered.

**Motorized vehicles.** Motorcycles, mopeds, golf carts, off-road utility vehicles, and any vehicles for which a state license is required for operation on public roads and state highways. This term shall not include electric motor-assisted or electrically powered bicycles and micro-mobility devices.

**Pathway.** An off-road shared use, non-motorized path, usually asphalt, separate from the public road (though sometimes in the public right-of-way).

**Pavement or Hard Surface.** Plant-mixed bituminous material, concrete, or similar durable materials approved by the Township.

**Performance Guarantee.** A financial guarantee to ensure that all improvements, facilities, or work required by this Ordinance will be completed in compliance with the Ordinance, regulations, and approved plans and specifications.

**Planning Commission.** The Planning Commission for the Charter Township of Union, Isabella County, Michigan, as established under the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

**Road or Street.** Any public or private thoroughfare or right-of-way, other than a public or private alley, dedicated to or designed for travel and access to any land, lot or parcel whether designated as a thoroughfare, road, avenue, highway, boulevard, drive, lane, place, court, or any similar designation. This term does not include a farm track or similar vehicle accessway to an agricultural operation, a driveway as defined in this Section, a cross-access connecting adjacent commercial premises, or a vehicle accessway for utility, railroad, institutional or similar purposes.

**Road Commission.** The Isabella County Road Commission.

**Sidewalk.** A paved path, usually concrete, located in a road right-of-way but away from the actual road surface, and designed, constructed, and designated for pedestrian travel.

**Township.** Charter Township of Union, Isabella County, Michigan.

**Township Board.** The Supervisor, Clerk, Treasurer, and Trustees of the Charter Township of Union, Isabella County, Michigan.

**Township Engineer.** The person(s) or firm designated by the Township to advise on drainage, grading, paving, stormwater management and control utilities, and other related site engineering and civil engineering issues. The Township Engineer may be a consultant or Township employee.

**Township Planner.** The Director of the Township's Community and Economic Development Department or the Director's designee with responsibility to advise the Township administration, Township Board, Planning Commission, and Zoning Board of Appeals on planning, zoning, land use, housing and other related planning and development issues.

**Variable Costs and Expenses.** Monetary charges incurred by the Township that do not meet the definition of fixed costs and expenses, including items which vary depending upon the scope of the project, such as advisory services from the Township Engineer, Township Attorney, or other Township consultants, attorney fees, inspection costs, recording fees, and testing or laboratory costs.



**Section 18.0 Severability.**

All sections, terms, provisions or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

**Section 19.0 Repeal.**

All Ordinances or parts of Ordinances in conflict with this Ordinance, including the Sidewalk and Pathway Road Ordinance No. 2009-03, are hereby repealed, except that this Ordinance shall not be construed to repeal any provision of the Township’s Zoning Ordinance.

**Section 20.0 Publication.**

The Clerk for the Township shall cause this Ordinance to be published in the manner required by law.

**Section 21.0 Effective Date.**

This Ordinance was adopted by the Township Board on \_\_\_\_\_, 2024, after a first reading by the Township Board of Trustees on June 26, 2024, publication after such first reading as required by Public Act 359 of 1947, as amended, and a second reading held on \_\_\_\_\_, 2024. This Ordinance shall become effective immediately upon publication of a summary of the ordinance and notice of adoption in a newspaper of general circulation in the Township.

**CERTIFICATION OF ADOPTION AND PUBLICATION OF TOWNSHIP ORDINANCE**

I, Lisa Cody, the duly elected Clerk of The Charter Township of Union, Isabella County, Michigan, hereby certify that the foregoing Ordinance was adopted at a meeting of the Charter Township of Union Board of Trustees on the \_\_\_\_\_ day of \_\_\_\_\_, 2024, at which the following members of the Board of Trustees were present and voted in person as follows:

<b><u>Board of Trustees</u></b>	<b><u>Aye</u></b>	<b><u>Nay</u></b>	<b><u>Absent</u></b>	<b><u>Abstain</u></b>
Supervisor Bryan Mielke	_____	_____	_____	_____
Clerk Lisa Cody	_____	_____	_____	_____
Treasurer Kim Rice	_____	_____	_____	_____
Trustee Connie Bills	_____	_____	_____	_____
Trustee Jeff Brown	_____	_____	_____	_____
Trustee Brian Smith	_____	_____	_____	_____
Trustee James Thering	_____	_____	_____	_____

I further certify that a summary and notice of adoption of this Ordinance were published in The Morning Sun, a newspaper of general circulation in The Charter Township of Union on \_\_\_\_\_, 2024.

Certification Date: \_\_\_\_\_, 2024

\_\_\_\_\_  
Lisa Cody, Clerk

I, Bryan Mielke, the duly elected Supervisor of The Charter Township of Union, Isabella County, Michigan, hereby confirm the authenticity of this record and Ordinance.

\_\_\_\_\_  
Bryan Mielke, Supervisor

Date: \_\_\_\_\_, 2024