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P.O. Box 398
Elk Rapids, MI 49629



VILLAGE OF ELK RAPIDS
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CENTRAL BUSINESS DISTRICT SIDEWALK OBSTRUCTION PERMIT APPLICATION

APPLICATION FILE NUMBER

VILLAGE OF ELK RAPIDS PLANNING/ZONING DEPT.

APPLICATION FEE: \$

E-MAIL: vllgzoning@elkrapids.org

PARCEL NUMBER:

LOT NUMBER:

PROPERTY ADDRESS:

PROPERTY OWNER(S) NAME, ADDRESS, AND TELEPHONE NUMBER:

APPLICANT(S) NAME, ADDRESS, AND TELEPHONE NUMBER:

APPLICANT HEREBY AGREES TO AND ACKNOWLEDGES RECEIPT OF ORDINANCE #262 OF THE CODE OF ORDINANCES VILLAGE OF ELK RAPIDS AND RESOLUTION 96-27, ADDENDUM TO THE SIDEWALK OBSTRUCTION ORDINANCE. APPLICANTS' FAILURE TO ABIDE BY THE REQUIREMENTS OF THE ORDINANCE AND ADDENDUM TO THE ORDINANCE WILL RESULT IN THE IMMEDIATE REVOCATION OF THIS PERMIT, ISSUANCE OF A MUNICIPAL CIVIL INFRACTION AND REMOVAL OF ALL SIDEWALK OBSTRUCTIONS.

APPROVED PERMIT WILL BE VALID AS LONG AS ADEQUATE INSURANCE IS MAINTAINED, A COPY OF THE CERTIFICATE OF INSURANCE IS PROVIDED TO THE ZONING ADMINISTRATOR ANNUALLY, A CHANGE IN OWNERSHIP, APPLICANT OR BUSINESS HAS NOT OCCURRED AND ALL OTHER REQUIREMENTS OF THE ORDINANCE ARE MET.

AFFIDAVIT: THE UNDERSIGNED AFFIRMS THAT HE/SHE IS THE _____ (OWNER, AGENT, OR LESSEE) INVOLVED IN THIS APPLICATION AND THAT THE FOREGOING ANSWERS, STATEMENTS, AND INFORMATION ARE IN ALL RESPECTS TRUE, AND, TO THE BEST OF HIS/HER KNOWLEDGE, CORRECT. BY MAKING THIS APPLICATION, THE UNDERSIGNED GRANTS ALL OFFICIALS, STAFF, AND CONSULTANTS OF THE VILLAGE OF ELK RAPIDS ACCESS TO THE SUBJECT PROPERTY AS REQUIRED AND APPROPRIATE TO ASSESS SITE CONDITIONS IN SUPPORT OF A DETERMINATION AS TO ZONING ORDINANCE COMPLIANCE.

SIGNATURE OF PROPERTY OWNER:

DATE:

SIGNATURE OF APPLICANT:

DATE:

FOR VILLAGE USE ONLY

SIDEWALK OBSTRUCTION FILE NUMBER:

PERMIT APPROVED

FEE TENDERED: \$

PERMIT DENIED

CASH CHECK #

INSURANCE CERTIFICATE RECEIVED

AUTHORIZED SIGNATURE:

DATE:

Superintendent - Department of Public Works

ORDINANCE #262

CENTRAL BUSINESS DISTRICT SIDEWALK OBSTRUCTION ORDINANCE

THE VILLAGE OF ELK RAPIDS ORDAINS:

An Ordinance to regulate the use of certain public sidewalks within the Village of Elk Rapids in order to accommodate pedestrian traffic and to provide for reasonable regulation of public sidewalks is necessary to protect the public health, safety and welfare of the public. Also, to control the placement of tables and chairs, merchandise and goods, news racks, planters and other articles and objects and public service items that present an inconvenience and danger to the safety and welfare of persons using such public sidewalks, including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility and traffic control.

30.012; Section 12

Section 1: Definitions

The following definitions shall apply in the interpretation of this chapter:

- a. "Public Sidewalk" shall mean that portion of the street right-of-way designated for pedestrian travel.
- b. "Articles and Objects" shall mean any thing or obstruction placed over (overhead clearance of seven (7') feet) or upon any sidewalk.
- c. "Public Service Items" shall be such items as trees, public benches, tree grates, light posts, utility posts, fire hydrants, waste containers, post office boxes, clocks, U.S. flags in designated positions, etc.
- d. "Central Business District" shall be defined on the amended village zoning map.

Section 2: Clear Sidewalks

At all times there shall be a five (5) foot width of sidewalk clear of any "Articles or Objects" and "Public Service Items" as measured from the building side of the tree grate toward the building. Said "Clear" sidewalk shall be continuous and unbroken from tree grate to tree grate.

No "Articles or Objects" shall be allowed between the edge of the continuous and unbroken line from tree grate to tree grate to the face of the curb.

Section 3: Allowable items

The Council may, from time to time add or eliminate items between the building and clear sidewalks as Council deems necessary for the safety and welfare of village residents. Said regulations may be reflected by resolution of Council which shall be published in a newspaper of general circulation within 15 days of passage of the resolution.

Section 4: Exempt Period

These restrictions shall not apply on days of functions as approved by the Village Council or their designated official. However, emergency vehicles will be provided continued access.

Section 5: Application Requirements

Any business using any remaining portion of the public sidewalk shall be required to receive an approved permit from the Village. Said application shall be in the form of a letter written to the village requesting use of the public sidewalk. Any person, who shall place a private object on a public piece of property, shall be on notice that they are liable for any damages caused to any person or property whatever by the placement of said object. The letter shall be accompanied by a certificate of liability insurance in the amount of \$300,000 per occurrence and/or aggregate, for personal injury, Bodily Injury and Property Damage. Permit to be approved by the Village Manager or his/her designee.

Section 6: Penalty

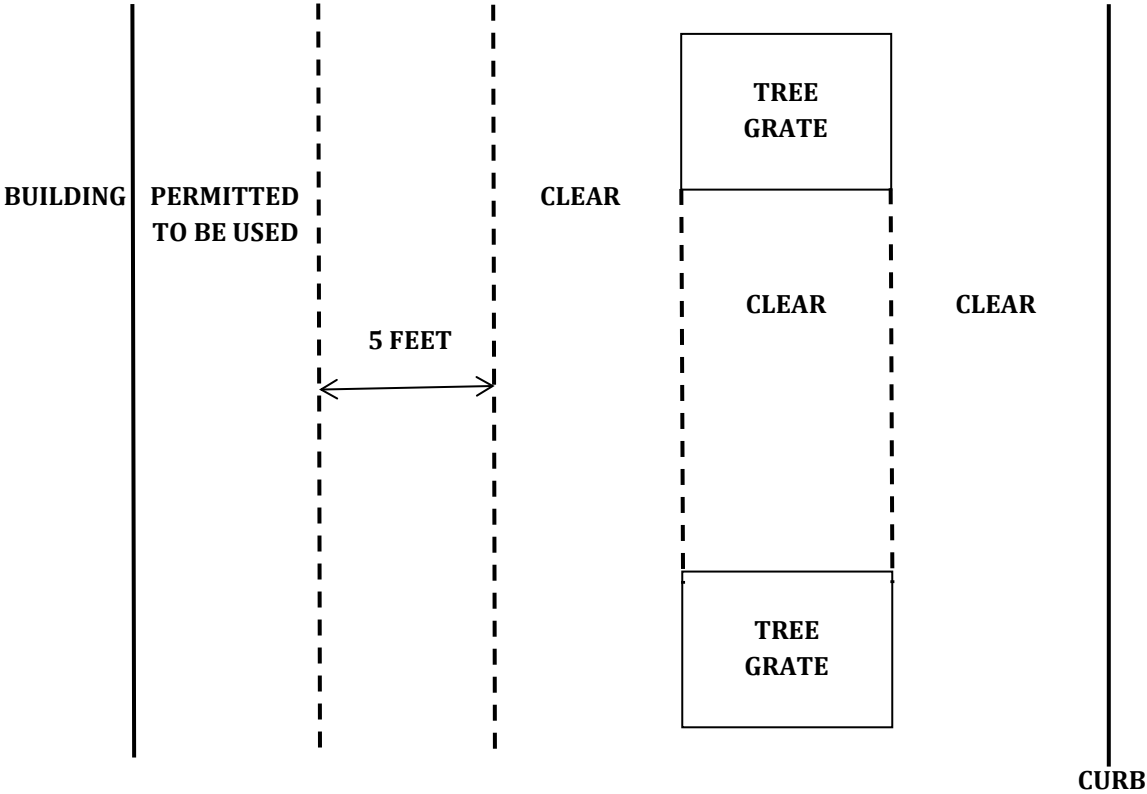
Any person violating this ordinance shall be guilty of a civil infraction. Violation of this ordinance shall carry a maximum fine of \$50.00 for the first offense and \$100.00 on the second and subsequent offense, together with the cost of prosecution.

Roll Call Vote: 5 yes; 2 absent, Motion Carried

Adopted at the Regular Council Meeting held on 3/4/96.

I, Elaine A. Glowicki, Village Clerk, do hereby certify that the above Ordinance was adopted on 3/4/96 and published in the Elk Rapids town Meeting on 3/13/96.

DIAGRAM FOR SIDEWALK OBSTRUCTION PERMIT
(According to Section 2 of Ordinance 262)



RESOLUTION 96 - 27

ADDENDUM TO THE SIDEWALK OBSTRUCTION ORDINANCE

WHEREAS: ORDINANCE #262 HAS BEEN ADOPTED TO REGULATE THE USE OF CERTAIN PUBLIC SIDEWALKS
WITHIN HE VILLAGE OF ELK RAPIDS TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC, AND

WHEREAS: DIFFERENT RELES MAY8 CHANGE FROM TIME TO TIME TO ACCOMMODATE BOTH PATRONS AND BUSINESS OWNERS,

THEREFORE: THE VILLAGE OF ELLK RAPIDS ORDAINS TO ADOPT A RESOLUTION THAT WILL DEFINE "ALLOWABLE ITEMS" ON PUBLIC SIDEWALKS BETWEEN THE BUILDING AND THE CLEAR SIDEWALK AS FOLLOWS:

1. CARTS AND POTS OF FLOWERS AND OTHER BEAUTIFICATION ITEMS.
2. FLAGS ATTACHED TO BUILDINGS, APPROPRIATELY PLACED TO NOT BE A HAZARD TO PEDESTRIANS.
3. TABLES, CHAIRS AND BENCHES.
4. NEWSPAPER VENDING MACHINES OR RACKS; LOCATION TO BE APPROVED BY THE VILLAGE MANAGER.
5. MERCHANDISE WHICH DEPICTS THE NATURE OF THE BUSINESS INSIDE THE ADJACENT BUILDING.

YAYS: 5 NAYS: 1 ABSENT: 1

I, ELAINE A. GLOWICKI, VILLAGE CLERK DO HEREBY CERTIFY THAT THE ABOVE RESOLUTION 96 - 27 WAS DULY ADOPTED AT THE REGULAR COUNCIL MEETING HELD ON 3/18/96.