

ARTICLE 29

BICYCLE PATHS AND SIDEWALKS

2901 Purposes

Bicycle Paths and Sidewalks promote and provide for the public health, safety, and General welfare by achieving the following public purposes:

- A. Bicycle Paths and Sidewalks provide a safer location for travel along Streets and Private Roads for bicyclists and pedestrians, rather than the edge of a Street or Private Road.
- B. Bicycle Paths and Sidewalks encourage and promote aerobic exercise.
- C. Bicycle Paths and Sidewalks conserve energy and reduce air pollution by allowing for a convenient means of travel by bicycle or as a pedestrian rather than utilizing a Motor Vehicle.
- D. Bicycle Paths and Sidewalks reduce traffic congestion by lowering the number of Motor Vehicles on a Street or Private Road.
- E. The Township has invested significant resources developing Bicycle Paths, and linking new developments to existing Bicycle Paths will help create a multimodal community.

2902 Scope and Applicability

- A. Sidewalks shall be required on both sides of all County Local Roads, and Private Roads within all commercial/industrial developments.
- B. Bicycle Paths shall be required along the entire site frontage of a Street for any Site Plan within all commercial/industrial developments (i.e., planned unit development, site condominium, or any other development).
- C. Bicycle Paths shall be located within the right-of-way of a Street or Private Road.

Adopted 10/28/2013

2903 Design Standards

- A. All Bicycle Paths shall be eight (8) feet wide; they shall meet the standards of the Muskegon County Road Commission and American Association of State Highway and Transportation Officials (AASHTO); and they shall be subject to approval by the Township Engineer. Specific AASHTO requirements may be waived or relaxed by the Planning Commission upon a finding that the public health, safety, and general welfare will be adequately protected.
- B. All Sidewalks shall be a minimum of five (5) feet wide, concrete, and constructed with a minimum thickness of five (5) inches (six [6] inches where Sidewalks are shared with driveways). Sidewalks shall be located along the outer edge of the Street or Private Road right-of-way.
- C. Commercial and/or Industrial developments shall provide one (1) or more pedestrian connections to adjacent residential / commercial / industrial developments, as described above, unless determined by the Planning Commission to not be feasible.
- D. Bicycle Paths and Sidewalk designs shall meet to exceed minimum ADA American Disabilities Act Standards and/or Design Standards 1 and 2 of this act, whichever is greater.

2904 Installation

- A. Site Plans shall include the construction of any required Bicycle Path or Sidewalk along the entire site frontage of a Street for any Commercial and/or Industrial Site Plan development.
- B. In lieu of completing the Bicycle Path construction, a performance guarantee may be allowed by the Township for up to a two (2) year period if subsequent utility improvements would conflict with the Bicycle Path.
- C. All Sidewalks shall be completed within one (1) year after the construction of a development. In lieu of completing the Sidewalk construction, a performance guarantee may be allowed by the Township to ensure that the entire Sidewalk system is completed.
- D. All planning, engineering, construction or related cost to installing and/or maintaining Bicycle Paths or Sidewalks within the commercial and/or industrial district shall be the responsibility of the current property owner(s).
- E. The Planning Commission has the option to not require a Bicycle Path upon considering the following facts.

1. A Bicycle Path already exists on the other side of the Street or Private Road.
2. The adjacent Street or Private Road has widened shoulders which connect to a nearby Bicycle Path.
3. The property is industrially zoned, located within an industrial park, and is on a dead end Street or Private Road.
4. The proposed improvements to the Lot are minor in nature and do not involve a new Building or Parking Lot.

2905 Legal Nonconforming Bicycle Paths and/or Sidewalks

- A. Continuance – Notwithstanding any other provision of this article to the contrary, any Bicycle Path and/or Sidewalk which was erected legally and which exists at the time of enactment of this chapter, but which does not conform to the aforementioned listed Design Standards (2903), is deemed to be nonconforming and may continue to exist subsequent to that time, as provided by this section.
- B. Nonexistent – Those properties at point of enactment of this article, which do not contain Bicycle Paths and/or Sidewalks but would have had to include said Bicycle Path and/or Sidewalks had the article been enacted.
- C. Loss of legal nonconforming status – A legal nonconforming Bicycle Path and/or Sidewalk shall immediately lose its legal nonconforming designation if;
 1. The Bicycle Path and/or Sidewalk is altered in any way in structure, which tends to or makes it less in compliance with the requirements of this article than it was before the alteration;
 2. The Bicycle Path and/or Sidewalk is relocated to a position making it less in compliance with the requirements of this article;
 3. The Bicycle Path and/or Sidewalk is replaced; or
 4. Property of nonexistent Bicycle Path and/or Sidewalk with planned improvements of 25% or greater of its current SEV value.
 5. Change in ownership of property containing nonexistent Bicycle Path and/or Sidewalk
 6. On the happening of any one of subsections 2905 – C (1), (2) (3) (4) or (5), the Bicycle Path and/or Sidewalk shall be immediately brought into compliance with this article with a new permit secured.

Adopted 10/28/2013

2906 Legal nonconforming Bicycle Path and/or Sidewalk maintenance and repair

Routine repair to maintain a nonconforming Bicycle Path and/or Sidewalk in a safe and aesthetic condition exactly as it existed at the time of the enactment of this article and so as to continue the useful life of the Bicycle Path and/or Sidewalk shall not constitute an alteration for purposes of this article. If damaged, a legal nonconforming Bicycle Path and/or Sidewalk may be restored to the condition exactly as it existed immediately prior to the damage or destruction if the estimated cost of restoration does not exceed 50 percent of the estimated replacement cost as determined by the township; based on a written estimate from a licensed contractor. If the estimated cost of restoration exceeds 50 percent of the estimated replacement cost, the right to continue using the nonconforming Bicycle Path and/or Sidewalk shall thereupon terminate and the Bicycle Path and/or Sidewalk shall be brought into full compliance with all applicable provisions and requirements of this article prior to further use.

2907 Maintenance

No person shall permit any Bicycle Path and/or Sidewalk which adjoins property owned by him/her to fall into a state of disrepair or to be unsafe.

A. Repair.

1. Whenever the Zoning Administrator shall determine that a Bicycle Path and/or Sidewalk is unsafe for use, notice may be given to the owner of the lot or premises adjacent to and abutting upon the Bicycle Path and/or Sidewalk of such determination, which notice shall be given in accordance with Article 2. Thereafter, it shall be the duty of the owner to place the Bicycle Path and/or Sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence.
2. If the owner of the lot or premises shall refuse or neglect to repair the Bicycle Path and/or Sidewalk within the time limited therefor, or in a manner otherwise than in accordance with this article, the Zoning Administrator shall have the Bicycle Path and/or Sidewalk repaired. If the Zoning Administrator determines that the condition of the Bicycle Path and/or Sidewalk is such that immediate repair is necessary to protect the public, he/she may dispense with the notice. The cost of such repairs shall be charged against the premises which the Bicycle Path and/or Sidewalk adjoins and the owner of the premises.

Adopted 10/28/2013

A. Snow and ice control.

No person shall permit any snow or ice to remain accumulated on sidewalks within the public right-of-way in the front, rear or sides of any business, building or lot owned, occupied or controlled by him longer than 24 hours after the same has fallen. Where either snow or ice has fallen or formed on any such Bicycle Path and/or Sidewalk, the owner, occupant or agent shall, within 24 hours after it has fallen or formed, remove the snow or ice or cause a sufficient quantity of salt, or salt substitute be strewn thereon in such a manner as to render the Bicycle Path and/or Sidewalk safe for persons thereon. Any violation of any portion of this section shall be handled by the township as a civil infraction.

B. Obstructions.

The owner and/or occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if same are not occupied, shall clear and keep clear all Bicycle Path and/or Sidewalk adjoining such lot or premises from any obstructions including, but not limited to, structures, vehicles, materials, debris, vegetation or other similar item.

Adopted 10/28/2013