

Village of Paw Paw, Van Buren County

Resolution 12-02

**ESTABLISHMENT OF A WALKABLE COMMUNITY INITIATIVE
FOR THE VILLAGE OF PAW PAW**

Purpose: The Village of Paw Paw by adoption of this Walkable Community Initiative, as noted in Article V, Chapter 32 of the Village Code of Ordinances, establishes a network of safe, convenient and connected system of streets, sidewalks and pathways to allow safe passage for vehicles, residents and visitors of all ages and abilities; with or without personal mobility devices.

This Walkable Community Initiative (hereafter referred to as “Initiative”) guides maintenance of existing streets and rights-of-way, alteration or construction; sidewalks, their installation of new and retro-fit sidewalks; and the funding policy necessary to achieve the Walkable Community Initiative within the Village of Paw Paw.

This Initiative provides guidance and direction to staff for sympathetic installation of sidewalk along select streets and roadways within the Village of Paw Paw; establishes standards guiding maintenance and replacement of existing sidewalks; establishes funding responsibility for maintenance, replacement and new installation of sidewalks; provides priority guidance and direction to staff in the implementation of this Initiative and related ordinances; and, provides the Village Council ability to amend this Initiative from time to time as it deems necessary and appropriate by resolution.

This Initiative is also aimed at designing and building roads that meet the needs of all road users, including pedestrians, bicyclists, users of mass transit, people with disabilities, older adults and young children, motorists, freight providers, emergency responders, and adjacent land users This Initiative also provides guidance for the planning, design, and construction or reconstruction of roadways or other transportation facilities in a manner that promotes complete streets as defined by the law, and that is sensitive to the surrounding context.

WHEREAS, the Village Council of the Village of Paw Paw desires to improve the Village’s walkability and accessibility by assuring the built environment is friendly to the presence of people driving, walking, biking, living, shopping, visiting, enjoying or spending time in the Village, and

WHEREAS, the Village Council of the Village of Paw Paw has determined the establishment of sidewalks and bicycle lanes along all street frontage within the Village are beneficial to the health, welfare and safety of the residents of the community, and

WHEREAS, the Village Council of the Village of Paw Paw has determined properly designed streets include sidewalks which increase the safe mobility of residents of all ages

and abilities, with or without personal mobility devices, to safely move along and across streets within the Village of Paw Paw, and

WHEREAS, the Village Council of the Village of Paw Paw has determined properly designed trails, pathways and shared pathways are also beneficial to the health, welfare and safety of the residents of the community; and

WHEREAS, the Village of Paw Paw desires this Initiative be compatible with Michigan's "Complete Streets" policy, a term given to streets that accommodate all forms of travel; including automobiles, bicycles, pedestrians, personal mobility devices, transit and freight in a safe environment on designated Village streets; and

WHEREAS, the Village Council of the Village of Paw Paw recognizes the Michigan Legislature has passed Complete Streets legislation that requires the Michigan Department of Transportation and local governments to consider all users in transportation related projects; and

WHEREAS, the Village Council of the Village of Paw Paw recognizes the Michigan Planning Enabling Act has been amended, requiring that all transportation improvements identified in a plan are appropriate to the context of the community and considers all legal users of the public right of way; and

WHEREAS, the Village of Paw Paw recognizes the importance of street infrastructure and modifications such as sidewalks, crosswalks, shared use paths, bicycle lanes, signage, narrow vehicle lanes, and accessible curb ramps that enable safe, convenient, and comfortable travel for all users; therefore

NOW THEREFORE BE IT RESOLVED, the Village Council of the Village of Paw Paw adopts the Walkable Community Initiative, contained herein below.

BE IT FURTHER RESOLVED, the Village of Paw Paw, to the extent financially feasible, will begin implementation of this initiative with respect to sidewalks, bicycle lanes, trails, pathways, shared pathways, streets and roads within the Village of Paw Paw; and

BE IT FURTHER RESOLVED, the Village of Paw Paw, to the extent feasible, will include Complete Streets design considerations and practices as a routine part of infrastructure planning and implementation; and

RECORD OF ADOPTION:

ROLL CALL:

AYES: President Plaszczak, President Pro-tem Wilhelmi, Council members Flores, Larcinese, Pioch, and McIntosh

NAYS: None

ABSENT: Council member Rohr

Resolution declared adopted/~~rejected~~ (strike one) this 10th day of December 2012.

CERTIFICATION

I, Christopher Tapper, the duly appointed Clerk of the Village of Paw, do hereby certify that the above is a true and exact copy of a Resolution, passed by the Paw Paw Village Council, on the 10th day of December 2012, the original of which is on file at the Paw Paw Village Hall.

Christopher Tapper

Christopher Tapper, Clerk

WALKABLE COMMUNITY INITIATIVE

Section 1: Purpose

This Initiative is written to empower and guide citizens, elected officials, and government agencies in adopting effective and efficient approaches to incorporating the needs of all users in the design, reconstruction, and construction of sidewalks, bicycle lanes, trails, pathways, shared pathways, and roadway projects.

This Initiative provides guidance for the planning, design, construction or reconstruction of sidewalks, bicycle lanes, trails, pathways, shared pathways and roadways or other transportation facilities in a manner that promotes complete streets as defined by the law, and that is sensitive to the surrounding context.

This Initiative is also aimed at designing and building roads and road rights-of-way that meet the needs of all road users, including pedestrians, bicyclists, users of mass transit, people with disabilities, older adults and young children, motorists, freight providers, emergency responders, and adjacent land users. In doing so, the Initiative should bolster environmental, scenic, aesthetic, historic, and economic qualities of the community, all while addressing the primary concern of improving safety and mobility.

Section 2: Goals

Overall

The Village of Paw Paw will pursue a proactive and consistent approach in the implementation of this Initiative, to provide the highest quality integrated transportation services for all users resulting in economic benefit and improved quality of life. In so doing, the Village of Paw Paw recognizes a successful Initiative requires a mutual commitment and collaboration on the part of the Village, other transportation agencies, stakeholders, and the public to identify appropriate opportunities to plan, develop, construct, operate and maintain infrastructure without undue costs or other burdens.

The Village of Paw Paw will consider features for roadways and other transportation facility construction or reconstruction projects it undertakes, or permits other public or private entities to construct connections within Village transportation facilities right of way or within the state trunk line right of way.

The aim of the Initiative is to:

1. Ensure that the safety and convenience of all users of the transportation system are accommodated, including pedestrians, bicyclists, users of mass transit, people with disabilities, older adults and young children, motorists, freight providers, emergency responders, and adjacent land users; and

2. Ensure that all area residents have access to vital destinations regardless of their ability to drive, and to recognize the diverse needs of different transportation users;
3. Incorporate Initiative principles into all aspects of any transportation project development process, from project identification and selection to design, implementation, and follow-up evaluation;
4. Ensure the use of the latest and best design standards, policies, and guidelines;
5. Encouraging the appropriate use of a range of facility types, going beyond sidewalks and bicycle lanes to include such measures as accessible intersection and mid-block crossings, improved signals and signs, bicyclist and pedestrian way-finding, improved lighting, traffic calming measures, and a host of other mechanisms to improve the ease of mobility for non-motorized users;
6. Ensure that design solutions are flexible enough to meet the needs of all residents, adjacent property owners, and users while fitting within their local contexts.

Component Goals

1. This Initiative includes the development/redevelopment of newly constructed or reconstructed facilities such as streets and roads, pathways, bicycle lanes and bicycle paths, shared use paths and shared roadways, trails, and sidewalks.
2. This Initiative focuses on all zoned districts within the Village.
 - a. Within the zoned Central Business District (CBD), the connected corridors to the East, West and South known as the B-1, B-2, and RO zoned districts, and the I-1 and I-2 zoned districts this Initiative shall include development/redevelopment of district infrastructure whether newly constructed or reconstructed to enhance, pedestrian access and mobility, lighting, street accessories, street crossings, plantings and greenery, as well as movement of traffic. In these districts, infrastructure enhancements may include: reduction in the number of lanes; allowance of angle parking; bicycle lanes or establishment of shared roadways; improved pedestrian access and crossings; pedestrian and bicycle amenities and accessories such as lighting, seating, mid-block crossings, bicycle racks and lane markings, etc.; and , inclusion of vegetation and trees within the road right-of-way.
 - b. Within the residential zoned districts known as R-1, R-2, RM, and MH zoned districts, this Initiative shall include development/redevelopment of road right-of-ways to include pedestrian facilities such as sidewalks, pathways, trails, bicycle lanes or paths, and/or shared roadways as are possible and fit with the community context.

Section 3: Implementation

Notwithstanding the details contained in Section 5 and beyond of this Initiative, the Village Council of the Village of Paw Paw shall have the responsibility and accountability for making continual progress toward achievement of this Initiative. On an annual basis, the Village Council retains its responsibility and accountability by its approval of annual budgets which allow that year's scope of work on Initiative goals.

This Initiative applies to all of the following type of projects:

- A. This Initiative shall apply to all new construction and reconstruction (excluding resurfacing activities that do not alter the current/existing geometric designs of a roadway) of local roadways and their rights-of-way (Major or Minor Streets) regardless of funding sources (local, county, state or federal) for any phase of project implementation, including planning, design, right-of-way acquisition, construction, or construction engineering
- B. This Initiative shall require all projects undertaken by the Village or in which the Village participates to accommodate all users of the transportation system, including pedestrians, bicyclists, users of mass transit, people with disabilities, older adults and young children, motorists, freight providers, emergency responders, and adjacent land users. Further, this Initiative shall require roadway projects make use of the latest and best design standards, policies, and guidelines as referenced in this document. Finally, this Initiative shall require solutions to meet this Initiative to fit within the context of the community.
- C. Exemptions to Initiative
A roadway project may be exempt from the requirements listed in Section 4, § B above if any of the following conditions are met:
 - 1. The project consists of ordinary maintenance activities designed to keep assets in serviceable condition (e.g. moving, cleaning, sweeping, spot repair, and regular or seasonal maintenance);
 - 2. The project involves a roadway and their rights-of-way, a trail, or a pathway that bicyclists and pedestrians are prohibited by law from using. In such case, efforts should be made to accommodate bicyclists elsewhere;
 - 3. There are extreme topographic or natural feature constraints;
 - 4. When other available means or factors indicate an absence of need presently and in the 20-or-more year horizon;
 - 5. A reasonable and equivalent alternative already exists for certain users or is programmed in a separate project;
 - 6. The costs of including accommodations for bicyclists and pedestrians can be demonstrated to be greatly disproportional to the projected benefits from their inclusion;
 - 7. The project is not a roadway improvement project and/or the Village of Paw Paw has no programming authority.
- D. The Village Council of the Village of Paw Paw shall retain the justification and design decision authority over its projects.

SECTION 4: DEFINITIONS

As used in this initiative the terms shall have the following meaning Definitions based on the following:

- Federal Highway Administration (FHWA), and the FHWA Pedestrian Safety Guide. The FHWA has adopted the AASHTO standards with some exceptions
- American Association of Highway Traffic Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets (Green Book) and Guide for the Planning, Design and Operation of Pedestrian Facilities.*
- The MDOT Uniform Criteria, Transportation Planning Services Division. The MDOT has adopted the FHWA adopted standards and geographic/environmental considerations specific to Michigan and which has adopted AASHTO standards.
- The MDOT Complete Streets policy developed by State Transportation Commission as required by PA 134 and PA 135 of 2010.
- *The Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities*
- (ADAAG) (www.access-board.gov)
- *Manual on Uniform Traffic Control Devices (MUTCD)*

ADA: Americans with Disabilities Act – accessibility guidelines.

Bicycle Lane: A portion of roadway designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists. (Bicycle Facility)

Bicycle Path: A paved or improved path, physically separated from motorized vehicular traffic by an open space or barrier, either within a highway right-of-way or within an independent right-of-way, and usable for bicycle transportation purposes. May also be a shared use path used by pedestrians, bicyclists, skaters (in-line and boards), and other non-motorized users. See also Shared Use Path. (Bicycle Facility)

Clear Vision Corner - A corner of an at grade intersection from which all obstructions have been removed and on which no construction or growth is allowed that will interfere with a line of sight established according to principles of safety. Generally requires property beyond the normal R.O.W., triangular in shape with the longer leg along the inside property. Simply stated, it is an unobstructed, relatively flat area beyond the edge of the traveled way that allows a driver to stop safely or regain control of a vehicle that leaves the traveled way.

Complete Streets: Complete Streets are those that safely serve all legal users of the roadway and their rights-of-way, from trucks, cars and buses to bicyclists and pedestrians, regardless of age or ability. The concept is an initiative aimed at designing and building a walkable community that meet the needs of all road users, including vehicles, pedestrians, bicyclists, users of mass transit, people with disabilities, older adults and young children, motorists, freight providers, emergency responders, and adjacent land users.

Department: the Village Department of Public Services.

Director: The head of the Department of Public Works, also referred to as the Director.

Driveway: An area of private property above the sidewalk for the purpose of parking vehicles.

Driveway Approach: An area within the right-of-way located between the sidewalk and the edge of the improved roadway, but not always including the grassy berm.

Edging of Sidewalks: The cutting, trimming, or clearing along the outside edges of sidewalks to remove vegetative growth or build up of dirt which can hinder safe passage and narrow the width of the sidewalk. Also used as a verb as in “A sidewalk is to be ‘edged’ as needed.”

Inspector: Shall mean any representative of the community designated to perform the inspections.

Manager: The Village Manager of the Village of Paw Paw, also referred to as Manager.

Owner: The person to whom the real property is assessed and/or has responsibility for property improvements whether the taxpayer of record, a lease holder whose agreement specifically indicates responsibility for sidewalk maintenance, replacement or installation or land contract holders whose contract specifically states the land contracted party has responsibility for sidewalk maintenance, replacement or installation.

Pedestrian: Any person afoot or who is using a wheelchair, power wheelchair, or a means of conveyance propelled by human power (i.e.: skates or skateboard) other than a bicycle.

Private Property: Shall mean any property not belonging to the Village.

Public Property: Shall mean the dedicated right-of-way which includes public highways, streets, alleys and easements.

Right-of-way: A general term denoting land, property or interest therein acquired for or devoted to a street.

Right of Way - (R.O.W.) - The entire area reserved for the construction, operation, and maintenance of the roadway and the improvement of the roadside. Right of way will either be free access or limited access. Limited access right of way is when the inherent right of access to a public highway by the abutting owner or occupant is acquired along with the title to the right of way.

Statutory Right of Way - The right of way of roads established by “use”, where no other right of way was established by dedication or purchase. This right of way is defined by statutes.

Road Diet: Reduction in number of lanes or width of lanes.

Shared roadway: A roadway open to both bicycle and motor vehicle travel. This may be a shared lane, street with wide outside lanes, or road with paved shoulders. On signed shared roadway, provide bicycle railing or pedestrian fence when shoulder is less than 5 feet. (Bicycle facility)

Shared use path: A multi-use trail or other path, physically separated from motorized vehicular traffic by an open space or barrier, either within a highway right-of-way or

within an independent right-of-way, and usable for transportation purposes. Shared use paths may be used by pedestrians, bicyclists, skaters, equestrians (sometimes), and other non-motorized users. (Pedestrian and Bicycle Facility)

Sidewalk: That portion of a street between the curb line, or the edge of a roadway, and the adjacent property line or on easements of private property that is paved or improved and intended for use by pedestrians. A smooth, paved, stable and slip-resistant, exterior pathway intended for pedestrian use along a vehicular way separated with a curb offset.

Sidewalk Construction Materials: Sidewalk construction materials may include concrete, brick, block or other hardened materials which allow safe passage by persons of all ages and abilities; with or without personal mobility devices.

Spalling, Sliver - Chipping of concrete edge along a joint sealant usually within 12 millimeters of the joint edge.

Spalling, Surface - Cracking, breaking, chipping, or fraying of slab surface, usually within a confined area less than 0.5 square meters.

Street: A public thoroughfare in the Village that is designed for public travel and transportation.

Street Amenities: Equipment or fixtures which accommodate and are used by pedestrians, bicyclists such as benches, drinking fountains, time clock, bicycle racks or posts, etc.

Street Furniture: Sidewalk equipment or furnishings such as garbage cans, benches, etc.

Street Seats: A structure designed to accommodate the seating and serving of patrons of adjacent food service establishments and placed on sidewalks, in parking spaces or in other designated areas of the roadway or right-of-way.

Tenant: Someone or business that legally occupies a property other than the property owner.

Trails: Trails are pedestrian routes developed primarily for outdoor recreational purposes and do not connect elements, spaces, or facilities within a site. Trails are largely designed for pedestrians and other users to "experience" the outdoors and may be used by a variety of users, but they are not designed for transportation purposes. (Pedestrian Facility)

Trip Hazard: As defined by Michigan Statute, generally a 2 inch difference in the surface of a single sidewalk section and another adjacent section; or, in the case of a damaged sidewalk section, where a single section may have a change of elevations of at least 2 inches.

Walking Path: The clear unobstructed space between the edges of the sidewalk and seven feet (7') straight up from the edge over the sidewalk.

Walking surface: Pedestrian and/or bicycle facility with running slope not steeper than 1:20.

Village: The Village of Paw Paw.

SECTION 5 – CONSTRUCTION STANDARDS

Sidewalks shall be installed within the generally accepted ASTM standards/guidelines for sidewalks already in use within the Village. These generally include such criteria as:

- 1) Distance from road pavement (6-feet, ideal),
- 2) Minimum Width (5-feet),
- 3) Bicycle, Trails and Shared Use Pathways-purpose pathway width, (8-feet)
- 4) Thickness (4 inches with a thickness of 6 inches under driveways),
- 5) Slope (2%), and
- 6) Type of acceptable materials; concrete, brick or block of certain grades or qualities as determined by the Village and which allow safe passage by all persons regardless of age and abilities, with or without use of personal mobility devices. As an example, bricks may be placed along the sides of sidewalks to widen the sidewalk.
- 7) Construction materials shall not be mixed. Examples: If a section of concrete is replaced it shall be replaced with concrete. If a stretch of sidewalk is to be in-filled, it shall be constructed of the same materials as that which borders the section. This section does not apply to coloration, striping or required panels which foster use by those with mobility limitations.

SECTION 6 – EXCEPTIONS TO STANDARDS

The Village Council recognizes retro-fitting of sidewalks along existing streets and roads may present some unique challenges which would warrant a variance from the usual and recommended standards. The Manager, upon advice from the Director, is authorized to determine when and where a variance is appropriate. Other existing sidewalk installation criteria not included in this paragraph applies.

SECTION 7 - SIDEWALK INSPECTION METHOD AND CRITERIA

The Village will be divided into two zones as used for Brush/Leaf pick-up with sidewalks in those ‘zones’ manually inspected by the end of the month of August. Inspection will be on an annual rotating basis so that Zone one is completed one year and Zone 2 is completed the next year.

An exception to the annual rotating Zone inspections shall be annual inspections for those sidewalks which fall into the following categories:

- 1) Sidewalk routes leading to public, parochial and private schools;
- 2) Sidewalk routes leading to a hospital or medical facility;
- 3) Sidewalks in the CBD commercial district and along S. Kalamazoo Street from Oak Street to CR 665;
- 4) Sidewalks along streets targeted for reconstruction in any given year;
- 5) Sidewalks on which a complaint has been logged; and

- 6) Sidewalks which may be inspected during the normal course of an employee of the Village fulfilling his/her duties.

The inspection identifies sidewalks that may hinder or prohibit safe passage by persons of all ages and abilities; with or without personal mobility devices. Defects include:

- 1) Sidewalk with a deflection (up or down) from adjacent sections of sidewalk that is significant enough to cause a trip and fall hazard; MCL establishes a municipal liability may occur if such is 2 or more inches.
- 2) Sidewalk that has shifted, broken, or has cracked surfaces which may result in creating a trip or fall hazard.
- 3) Sidewalk sections that have been removed or which have become separated from adjacent sections in excess of more than three-quarters (3/4) of an inch.
- 4) Significant surface pitting, chipping, holes, scaling, spalling, deterioration, missing or loose aggregate that may result in hazards to safe passage.
- 5) Sidewalk surfaces that have become vaulted (a “v” shaped upheaval or depression).
- 6) Sidewalks that have not been edged and which safe passage has been prohibited or hindered by vegetative growth or build up of dirt onto the sidewalk. This narrows the useable width of the sidewalk and may create an uneven walking path.
- 7) Sidewalks where adjacent vegetative growth intrudes into the space of the walking path and prohibits or hinders safe passage.
- 8) Sidewalks upon which an accumulation of debris prohibits safe passage
- 9) Ramps not in compliance with ADA standards.

The above list is not all inclusive. All conditions should be reported.

SECTION 8 - IDENTIFYING AND RECORDING DEFECTS

The visual inspection includes the following procedure and process:

- 1) Maintain a log of sidewalk inspections and findings;
- 2) Identifying and recording of any sidewalk section or sections in the log;
- 3) Photographing of the section(s) to note the severity of the defect.
- 4) Photos of the adjoining area should be taken showing any trees, shrubs, plantings, driveway, etc. prior to and during the replacement/repair process.
- 5) Report the defect to appropriate Village management personnel.
- 6) Appropriate Village personnel will determine any necessary and appropriate action as may be required by Village ordinance or this Initiative (policy).

SECTION 9 – RESPONSIBLE PARTIES FOR MAINTENANCE AND REPLACEMENT OF SIDEWALKS

The Village of Paw Paw shall be responsible for normal and natural deterioration including but not limited to pitting/spalling, upheaval due to natural causes such as a Village tree root, or depressions due to non-domestic animal burrow. For those sidewalk sections which are to be repaired/replaced at the Village's expense, the property owner and tenant if different than the property owner shall be notified in writing by the Village that: 1) Sidewalk repairs/replacement will occur, 2) Said repair/replacement will occur at Village expense, and 3) and estimate of when the repairs/replacement will be completed. Also refer to Section 13.

The Property Owner shall be responsible for sidewalk maintenance, repair, and/or replacement due to vegetation, build up of dirt (see Edging sidewalk), snow removal as may be required in addition to snow removal provided by the Village, and damages caused by owner or tenant activity. When it is determined a property owner is responsible for sidewalk maintenance or replacement the Village will compile a list of defects that need to be repaired/replaced. The property owner will be notified, as per Village procedures in the Property Maintenance Code. This 'Notice and Order' will include the needed repairs/replacement and the timeframe in which the repairs/replacement are to be accomplished. The property owner is then responsible to cause the repairs/replacement to be made in the timeframe designated or may request a different time frame to which the Village may agree. Also refer to Section 13.

SECTION 10 – RESPONSIBILITY FOR INSTALLATION OF NEW SIDEWALK

- A. Village Responsibility. The Village is responsible for intersection crosswalks. Further, the Village Council may determine that it desires new sidewalk installation and may provide the funding for such sidewalk.
- B. Shared Responsibility. For those sidewalk sections where the property owner and the Village are to share in the expenses of installing new sidewalk, the Village shall notice the property owner of the intended installation of sidewalk and notice the sharing of the cost. The property owner is then responsible for their share of the cost.
- C. Property Owner Responsibility. New development, regardless of zoning district, shall include sidewalk installation along all street frontages; except as modified by the following paragraphs. Sidewalk inclusion shall be part of the Site Plan consideration for approval by the Village Planning Commission and the Village Council. Further, property owners in commercial and industrial zoning districts which undertake Rehabilitation, Additions, Alterations to Property which trigger the need to have their prior approved site plan amended shall be responsible for the installation of sidewalk on their street frontages if they do not have sidewalk. Whether the improvements cited herein trigger a required amendment to a site plan or not is detailed in the Village's Code of Ordinances Chapter 42, Article V, Section 42-402, § 5 and Section 42-402 § 8. Generally, site plans that may be amended by administrative approval under Section 42-402 § 8 do not trigger the owners responsibility to install sidewalk when undertaking some improvements described herein.

However, in Single and Two Family Residentially zoned districts, a single lot in-fill development where neither adjoining property has a sidewalk may install a sidewalk at their expense . However, when three or more adjoining residential lots shall be

developed at the same time, the developer shall install new sidewalk. New residential development projects such as platted subdivisions, PUD's, or other types of single and two family residential developments shall be required to have sidewalks installed.

However, in Multi-Family, Mobil Home, Commercial and Industrial zoned districts, the developer shall have the option of installing sidewalks along street frontages or making a payment to the Village which the Village shall hold in a sidewalk escrow fund and shall use to install the said sidewalk when sidewalk is established along the street. The Village shall estimate the cost of the sidewalk at the time of the residential development and property owner shall pay that amount plus 10% more into the sidewalk escrow fund.

SECTION 11 – ASSESSMENT OF SIDEWALK COSTS

Should a property owner not act to maintain, replace or install sidewalk following notification, as noticed elsewhere in this policy, the Village shall cause the sidewalk to be maintained, replaced or installed. Should the Village incur cost in providing said maintenance, replacement or installed, said cost will be billed the property owner. Should the property owner not make payment, the Village shall act in the required timeframe, the Village shall, as per ordinance and authority, act to cause the costs and related fees be placed as a lien against the property and be added the property taxes of said property owner.

SECTION 12 – ANNUAL INITIATIVE BUDGETING AND SELECTION PROCESS

The Village Manager shall be responsible for seeing the following process is implemented.

1. The Walkable Community Initiative (Resolution 12-02) is to be scheduled for action at a Village Council meeting. This resolution announces the intention of the Village Council, in an orderly and funded process, to plan for repairs, replacements and installation of sidewalks within the Village. Following this action, the annual process is as follows:
 - a) The Village Council shall annually determine the budget for Village funded sidewalk repairs, replacement or installation.
 - b) Once determined, bids shall first be solicited by staff.
 - c) Acceptance or rejection of the bids shall be an action of the Village Council.
 - d) Once a bid is accepted, the Manager and DPS Director shall cause to have prepared drawings for presentation to the public and property owners.

SECTION 13 – ANNUAL PUBLIC NOTIFICATION PROCESS

1. The target list of sidewalks for repairs, replacement and installation and the list of streets for resurfacing or improvements for the following fiscal year shall be known in December of each year.
2. Both lists shall be advertised in the local paper in February or March each year. The notice will indicate streets affects, the portion of the cost that shall be paid by the Village (public cost) and the total portion of the cost that will be paid property owners

(private cost), and the timeframe which sidewalks will be repaired, replaced or installed.

3. Upon receipt of the design drawings, property owners and tenants along the street where sidewalks are to be repaired, replaced or installed shall be invited to a meeting with the Manager and the Director to review the plans. This notification of the meeting may be by hand delivery, delivered by regular mail at least 15 days prior to the date of any meeting to discuss the plans.
4. Property owners and tenants may voice their concerns by providing written, emailed, or telephone comments in addition to attending the meeting.
5. Property owners and tenants will have an opportunity to voice concerns regarding the plans.
6. The Manager will review all comments and may alter plans accordingly.
7. Upon development of final plans, the sidewalk repairs, replacement or installation may take place.

SECTION 14 – NOTICE OF INABILITY TO INSTALL SIDEWALKS

Additionally, should the Manager determine it is not reasonably possible or beneficial to install a sidewalk in any particular areas, the Manager shall report such to the Village. The Village Council may take whatever action they deem appropriate.

SECTION 15 – PRIORITY

The following priorities are adopted to guide the first five years of the Village's Walkable Community Initiative as it addresses installation of new sidewalks, shared use paths and bicycle lanes. Maintenance, repair, and replacement of existing facilities shall be done on an as needed basis. The priorities shall be reviewed every five years from date of adoption and amended as the Council may choose.

With recognition to Section 14 above, goals and targets for this Initiative are, by type of pathway and then in descending order, as follows:

A. Sidewalk Priorities

- 1) Sidewalks along streets targeted for reconstruction in any given year.
- 2) Streets leading to public, parochial, and private schools as well as senior housing and hospital. Along these streets, it shall be the goal of the Initiative to maintain, replace or install sidewalks along both sides of the street or roadway by first installing on one side of the street on streets where none exists. When all streets have sidewalks on at least one side, then the remaining side shall be targeted. This generally and area described as bounded on the east by Hazen Street (including Hazen Street), on the north by North Street, on the south by Michigan Avenue (including the portion of Miller Street south of Michigan Avenue), and on the west to Village limits and streets

around the Cedar Street School, Trinity Lutheran School, St. Mary's School and the Michigan Avenue Academy.

- 3) Sidewalks in the CBD commercial district and along S. Kalamazoo Street from Oak Street to south Village limits; as well as Ampey Road and Gremps Street between Ampey Road and Michigan Avenue.
- 4) In-fill and new sidewalks in the commercial areas along East and West Michigan Avenue; both to the Village Limits.
- 5) Residential streets along which neither side of the street has a sidewalk. When each street in these areas has sidewalk along at least one side, then work toward establishing sidewalk on the other side shall begin.

B. Bicycle Lane Priorities

- 1) Should the opportunity exist to work with the MDOT, a bicycle lane shall be established on one or both sides of North and South Kalamazoo Street from the North Village limits to the South Village limits.
- 2) Bicycle lanes, as possible, along streets targeted for reconstruction.
- 3) A bicycle lane shall be established on one or both sides of Michigan Avenue between the east and west limits.
- 4) Bicycle lanes along Hazen Street from Michigan north to Village limits.
- 5) Bicycle lanes along St. Joseph Street east to Tyler Field (Liberty Street) and along Liberty Street from St. Joseph to north Michigan Avenue.
- 6) Other bicycle lanes as opportunities arise.

C. Shared Use Path and Trail Priorities

- 1) Following Briggs Pond and the West Branch of the Paw Paw River, a shared use path shall be established around the Village portion of Maple Lake.
- 2) A trail or shared use path shall be established that connects West Michigan Avenue to Ampey Road.
- 3) Other trails and shared use paths may be established as opportunities are presented.

D. Central Business District Priorities

- 1) Traffic and parking enhancements such as road diets, roundabouts, back-in or pull-in angle parking, etc.
- 2) Pedestrian and bicycle enhancements such as bicycle lanes and amenities, crosswalks (corners or mid-block), lighting, vegetation and trees, vegetated bump-out and tree-islands, etc.
- 3) Business enhancements such as allowance for outdoor seating/serving, commonly referred to as Street Seats which may be placed on sidewalks, in road rights-of-way, designated parking spaces, etc.

Exceptions to Priority Ranking

As may be expected with infrastructure, annual factors and conditions may exist which necessitate emergency attention that may displace the priority rankings above. Should such occur, the Manager will report such to the Village Council as well as the resulting impact on the Initiative.

Additionally, the determination of streets for annual reconstruction may not follow the sidewalk priority ranking. Yet, the street schedule may well warrant changes to the priority ranking for sidewalk installation. Should such occur, the Manager will report such to the Village Council as well as the resulting impact on the above priority ranking.

SECTION 16 – FUNDING THE INITIATIVE

All Street and Road enhancements to meet the objectives of this Initiative shall be funded by the Village of Paw Paw or as may be funded in part or whole by grants, loans or bonds. Until otherwise amended by resolution, the funding for the Walkable Community Initiative sidewalk projects shall be as follows: (Also, refer to Sections 10 and 11.)

A. R-1 and R-2 Residential Zoned Districts

1. The Village shall pay 100% of the cost of installation of new sidewalks on existing developed residential properties.
2. The Village will pay 100% of repairs and replacement to sidewalks not damaged by negligence, abuse of improper use of property owners, adjacent residents or contractors work at the particular property.
3. Property owners are responsible for other maintenance or replacement of sidewalks as noted in Section 10 and Section 11 of this Initiative.
4. Property owners shall pay 100% of the cost of installing sidewalks for all new R-1 and R-2 residential developments (new residences on vacant lots) within the Village. Subject to Section 10, C. above. (Once installed, items 2 and 3 immediately above become effective.)

B. Non-R-1 and R-2 Zoned Districts

1. The Village shall pay 50% of sidewalk maintenance, replacement of sidewalk existing at the time of adoption of this Initiative unless said sidewalk has been damaged by cause of the property owner or tenant or business.
2. The Village will notify property owners of other maintenance and repairs outside of 1 and 2 above providing a notice and order to affect the noted maintenance, replacement, or installation as presented elsewhere herein. Property owners that do not make payment shall be subject to having the costs attached to their property as a lien; as allowed in Village ordinances and noted elsewhere herein.
3. Property owners shall pay 100% of the cost of installing sidewalks as a part of new construction, additions, alterations, rehabilitation, and amendments to site plans on existing developed properties and on vacant lands. Subject to Section 10, C. above. (Once sidewalks have been established, # 1 immediately above becomes effective.)

Resolution and Policy declared adopted/rejected (strike one) this 10th day of December 2012.

CERTIFICATION

I, Christopher Tapper, the duly appointed Clerk of the Village of Paw, do hereby certify that the above is a true and exact copy of a Resolution and Policy, passed by the Paw Paw Village Council, on the 10th day of December 2012, the original of which is on file at the Paw Paw Village Hall.

Christopher Tapper

Christopher Tapper, Village of Paw Paw Clerk