

**ORDINANCE NO: 2019-02**

**AN ORDINANCE TO AMEND THE OBSTRUCTION OF PUBLIC RIGHTS OF WAY 2019-01 WITHIN THE VILLAGE OF ASHLEY; TO REQUIRE THE MAINTENANCE OF A PORTION OF THE PUBLIC RIGHT OF WAY; AND TO REQUIRE THE MAINTENANCE OF CLEAR VISION AREAS**

The Village of Ashley Ordains:

Section 1: This Ordinance shall be known and cited as the Village of Ashley Public Rights of Way Ordinance:

Purpose:

(a) No person or persons shall, without authority of law:

(1) Obstruct any public street, sidewalk or other public place;

(2) Obstruct the ordinary and usual means of approach to and departure from any entrance of any building, storeroom or factory;

(3) Obstruct or cause to be obstructed any railroad crossing for a period of more than five minutes at any one time;

(4) Place, deposit, or allow to migrate onto any public street sidewalk, alley or other public place any substance or material, including water, in such fashion as to present an immediate hazard to pedestrian and/or vehicular traffic;

(5) Deposit within the traveled portion of any public street, sidewalk or alley, any snow or ice;

(b) The owner or occupant of any premises abutting a public sidewalk shall keep the same free of ice and snow.

(c) The owner or occupant of any premises abutting a public right of way shall mow the non-travelled portion of the right of way adjacent to such premises.

(d) No person shall plant, grow or allow to grow any vegetation upon any premises owned or occupied by him or her

which obstructs the clear vision of persons using an adjacent public right of way for vehicular or pedestrian travel.

(e) Any person who violates this section shall be responsible for a municipal civil infraction and subject to the penalties enumerated in chapter \_\_. Each day of any continuing violation shall constitute a separate offense.

Section 2: Separability. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 3: Ordinances Repealed. All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Section 4: Effective Date. This ordinance shall take effect and be in force fifteen days from and after its enactment as provided by the Village council.

Section 5: Violation.

A. Any person who shall violate the provisions of this ordinance shall be deemed to be responsible for a municipal civil infraction. Each day that such violation continues shall constitute a separate municipal civil infraction. A person found responsible shall be subject to a civil fine set forth in the amount of \$100 for the first offense; \$200 for the second offense; and \$250 for all subsequent offenses.

B. Any violation of this ordinance shall constitute a nuisance per se which, at the option of the Village President or his/her designee, may be abated by action in the appropriate Court. In the event of a Court Order which orders the abatement of any such nuisance the Village may, if the Defendant fails to obey such order, take such measures as necessary or as directed by the Court to abate such nuisance and the entire cost thereof including all costs and attorney fees shall become lien against the premises upon which the nuisance was located and shall be added to the tax rolls. Alternatively, the Village may recover a judgement for all costs of abatement from the owner and/or the occupant of the premises upon which such nuisance exists.

C. This ordinance shall be enforced by the Village President or his/her designee.

Passed and approved by the Village Council of the Village of Ashley, Gratiot County, Michigan, in regular session, June 13, 2019.

We, the undersigned President and Clerk of the Village of Ashley, Michigan, do hereby certify that the above and foregoing Ordinance, known as Ordinance # 2019-02 Public Rights of Way of the Village of Ashley, Michigan was adopted at a regular meeting of the Village Council, held on June 13, 2019 and published in a newspaper circulated within the Village on March 24, 2019, not less than fifteen days having elapsed between adoption and publication.

Dated at Ashley, Michigan, this 13<sup>th</sup> day of June 2019.

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President

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Clerk