

CITY OF LUDINGTON
PROPERTY TRANSFER OF OWNERSHIP
SIDEWALK PROGRAM

Prior to the sale or transfer of any real property in the City of Ludington, the property owner must obtain a Compliance Certificate which certifies that the sidewalk on the property for sale or transfer conforms to the Ludington City Code, Section 46. If any sidewalk is determined to be dangerous or hazardous and in need of replacement, the property owner must make the needed replacement before a Compliance Certificate can be issued. If weather conditions prevent the replacement of dangerous or hazardous sidewalk from being completed, an amount of money sufficient to pay for the needed replacement as determined by the City of Ludington shall be paid to the City Treasurer's Office, a Compliance Certificate will then be issued. If the proceeds of the sale or transfer are needed to make the replacement, a Compliance Certificate can be obtained within seven (7) days after the closing of the sale or transfer and sufficient funds to pay for the needed replacement have been received by the City Treasurer's Office.

(1) DEFINITIONS. For the purpose of this section:

(a) "Property" shall mean any real property that is within the corporate limits of the City of Ludington and abutting sidewalks.

(b) "Transfer of Ownership" shall have the meaning ascribed to it in section 27a(6) and (7) of the General Property Tax Act, 1893 PA 206, as amended, being MCL 211.27a(6) and (7), or any subsequent sections or statutes of the same import.

(2) VIOLATION:

(a) It shall be a violation of Section 46 of the City Code to transfer ownership of real property unless a valid Compliance Certificate is tendered to the purchaser or transferee at the time of the transfer of ownership or if the proceeds of the sale are needed for replacement of the sidewalk, within seven (7) days after the finalization or closing of the sale. Violations shall be municipal civil infraction.

(3) ISSUANCE OF COMPLIANCE CERTIFICATE:

(a) The Department of Public Works shall issue a Compliance Certificate:

(1a) After inspection(s) of the sidewalk, it has been determined that the sidewalk meets the City of Ludington's standard construction specifications, as applicable, and Section 46 of the Ludington City Code.

(2a) The required replacement of dangerous and hazardous sidewalk has been made and all costs have been paid.

(3a) Payment to the City Treasurer's Office of an amount of money equal to the Department of Public Work's Sidewalk Replacement Form has been made.

(4a) Funds have been received by the City Treasurer's Office for the replacement within seven days after the transfer of ownership of the property.

(b) Applications for Compliance Certificates shall be available at the City of Ludington Offices, located at 400 S. Harrison St. Ludington MI, or on the City of Ludington web page.

(d) The applicant shall be provided either a Sidewalk Replacement Form to replace dangerous or hazardous sidewalk, or a signed Compliance Certificate within thirty (30) days after the application is filed.

(e) It shall be the current property owner's responsibility to see that the sidewalks are in such a condition that a proper inspection can be made. If an inspection is requested and due to accumulated snow and ice, the condition of the sidewalk prevents a proper inspection, the inspection shall be rescheduled. If the inspection cannot be completed before the closing due to accumulated snow and ice, the front property line and, when the property is on a corner lot, the front property line and side property line may be assessed for complete replacement, and the property will be re-inspected in the spring. A refund to the party paying the assessment will be made if it is found replacement is not required.

(4) VALIDITY OF COMPLIANCE CERTIFICATE; RESPONSIBILITY OF CITY FOR DEFECTS:

(a) A compliance Certificate shall be valid for (1) year and only until a sale/transfer is finalized for the subject property. A new Compliance Certificate must be obtained for each subsequent sale or transfer of the property. A Compliance Certificate is not a warranty that there are no defects in the sidewalk in the public right-of-way abutting the property.

(5) INSPECTIONS CRITERIA

(a) The Deficiency Criteria for Sidewalk Replacement shall set forth the standards by which the City Manager will order the sidewalk to be replaced for the issuance of the Compliance Certificate. The Deficiency Criteria for Sidewalk Replacement shall be made available for review at the City Manager's Office.

(6) EMERGENCY REPLACEMENT

(a) Should an inspection of the sidewalk reveal that there are conditions which constitute an imminent danger to health and safety, the City Manager may order the conditions to be immediately remedied or may make emergency replacement where appropriate. The property owner will be assessed 50% of the total cost of replacement.

(7) APPEALS

(a) Any property owner, upon service of a Notice to Replace, may file an appeal of said notice if requested within fourteen (14) days after the date of the Notice to Replace. The property owner will then be contacted and given at least seven (7) days' notice of the date, time and place of a public hearing to hear the property owner's appeal. The City Council may uphold the order, modify the orders, invalidate the orders or make such other determinations or judgments. The determination of the City Council shall be final.