

*Application to Perform work on (or Adjacent to)  
the Pedestrian Pathway System*

**Cascade Charter Township**

2865 Thornhills Avenue SE  
Grand Rapids, Michigan 49546  
Telephone: (616) 949-1500  
Facsimile: (616) 949-3918

*Application to be submitted to the Cascade Charter Township Building Inspection Department*

**1. Permittee/Responsible Party for the Work Being Undertaken:**

Name: \_\_\_\_\_  
Address: (Street) \_\_\_\_\_  
(City) \_\_\_\_\_  
(State) \_\_\_\_\_  
(Telephone) \_\_\_\_\_  
(Facsimile) \_\_\_\_\_

**2. Owner (If different than Permittee/Responsible Party):**

Name: \_\_\_\_\_  
Address: (Street) \_\_\_\_\_  
(City) \_\_\_\_\_  
(State) \_\_\_\_\_  
(Telephone) \_\_\_\_\_  
(Facsimile) \_\_\_\_\_

**3. Location of Project Site:**

Street Address: \_\_\_\_\_

**4. Estimated Start & Completion Dates for the Project:**

\*Additional plans required for projects that will take longer than 72 hrs. See section 1.5 of attachment B

Start Date: \_\_\_\_\_ Completion Date (Including restoration): \_\_\_\_\_

**5. Description of Proposed Work:**

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(turn over please)

6. **Proposed Bituminous Mix Contractor or Subcontractor:**

7. **Proposed bituminous Mix Designation To Be Used For Repair:**

8. **Bond, Letter of Credit or Cash Deposit Amount:**

Amount: \$ \_\_\_\_\_

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I acknowledge that Cascade Charter Township has provided me a copy of the Pathway Restoration Requirements, which were adopted as part of the Cascade Charter Township Pedestrian Pathway system Opening Ordinance. I agree to make the necessary improvements to keep the pathway open at all times and to keep the pathway safe and free from dirt and any other debris caused by my activity. I also agree to make the necessary repairs to restore the pedestrian pathway to the specifications contained in this ordinance and its restoration requirements to the fullest extent possible.

**Signature of Permittee or Responsible Party:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Signature of Owner:**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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**How to Calculate Bond, Letter of Credit or Cash Deposit  
Covering the Required Restoration Work**

- The permittee, responsible party or owner shall post a bond, letter of credit or cash deposit, as determined by Cascade Charter Township prior to performing any work as a performance guarantee.
- The amount of the guarantee shall be calculated as follows:  
Multiply \$20 by the lineal footage of the required repair area, as measured parallel to the pathway.
- The performance guarantee may be held by the Township for a period of one year. The township will perform a one-year maintenance inspection of the repair site(s). Should in the opinion of the Township, any repaired area be determined to be defective or otherwise unacceptable and require replacement, the permittee shall have the replacement work completed within 3 weeks of written notification by the township. Should the permittee fail to replace the defective work, the Township may utilize the performance guarantee to have the work completed. Should the cost for such work total more than the guarantee amount; permittee shall reimburse the Township the difference in cost.

## Attachment B

### Cascade Charter Township Pathway Restoration Requirements

#### **1. Submittals:**

The following information must be submitted to the Township prior to performing any work which may cause damage to or requires the removal of any portion of a paved pathway or surrounding landscaping.

A drawing indicating the location and nature of the proposed work.

1. The start and completion dates for the proposed work.
2. Name, telephone, and facsimile number of the person responsible for the work.
3. Proposed bituminous mix designation to be used for bituminous repair.
4. A bond, letter of credit, or cash deposit covering the restoration work required.
5. For projects that will take longer than 3 business days to completely restore the path the applicant must also specify how the path will remain safe, usable and in working order during the duration of the construction activity. This plan shall include the signage plan for informing pedestrians about the project and warning them of the disturbance as well as a daily restoration plan to ensure that at the end of the construction day that the path will be free from dirt and debris.

#### **2. Reconstruction:**

The disturbed path must be restored within 3 business days of the initial disturbance unless a longer time is approved by the Township Manager. For an extension of the 3 days the Township shall take into consideration the following:

1. The scale of the project.
2. How the path is intended to remain open.
3. What materials are being used for any temporary path.
4. The public interest in providing a longer time to restore the path

The Township may also require other reasonable means of ensuring that the path remain safe, usable and in working order during the entire project. These items will also need to be made a part of the reconstruction plan.

If the required work is not performed within the specified time period, the Township may contract this work with an agent of their choosing. The cost for said repair work and administration shall be the responsibility of the entity responsible for the original disturbance.

*Disturbances must be restored in accordance with the following:*

1. Subbase: -Native material may be placed back in the trench only if it is granular material. All clay and organic material must be removed.  
-Any removed material must be replaced with MDOT Class II sand.

-Subbase must be compacted to minimum of 95% maximum density. -  
Provide the Township with a copy of the density testing report.

2. Base: -Base course must be 6-inches of crushed concrete meeting MDOT 22A gradation requirements. Material must be free from all dirt, brick, or other foreign materials.  
-Base course must be compacted to minimum of 95% maximum density. Provide the Township with a copy of the density testing report.

3. Pavement: -Paving must be 2-inches of hot-mix, bituminous mixture. No cold patching mixtures will be allowed.  
-Mixture must be either MDOT 13A or 1100-20A.  
-Replacement sections longer than 40 feet (as measured parallel with the pathway) must be paved with a self propelled paver and compacted using a static, steel wheeled roller. Sections shorter than 40 feet may be placed with a truck mounted spreader box and compacted using a static, steel wheeled roller. Sections shorter than 10 feet may be placed by hand and compacted using a hand roller and mechanical plate compactor.  
-Pavement must be compacted to a minimum of 95% maximum mix design density. Provide the Township with a copy of the density testing report.  
-All pavement edges must be sawcut, perpendicular to the pathway prior to paving. No irregular or non-perpendicular joints shall be made without Township approval.

1. Retaining Walls & Timber Frame Pathways:  
-Any surface work within 15 horizontal feet or any excavation work within a 1:3 influence zone of either a modular block retaining wall or a timber frame pathway may be subject to an extended review. The Township may require detailed protection and restoration measures for this work.
2. Grass, Lawn, & Landscaped Areas:  
-Restore to original grade, hydromulch or seed with the following mixture:  
Seed at a rate of 1 lb. Per 40' x10' area:  
30% Perennial Ryegrass  
30% Kentucky Bluegrass  
40% Creeping Red Fescue  
Fertilize at a rate of 2.4 lbs. Per 40' x10' area:  
4-1-2 ratio of nitrogen, phosphorus, and potash  
-Place straw mulch blanket (North American Green S75 or equal) and secure using metal staples in accordance with manufacturers recommendations.  
-In lieu of hydromulching or seeding, permittee may place sod.

3. **Inspection:** The Permittee shall notify the Township of any completed restoration work within 5 working days of completing the work and submit the required material and testing certifications. The Township shall inspect the work and will notify the permittee within 10 working days, after receipt of the required submittals, as to the acceptability of the completed work.
4. **Guarantee:** The permittee shall post a letter of credit or cash deposit, as determined by the township, prior to performing any work as a performance guarantee. The guarantee amount shall be calculated as follows:
  - Multiply \$20 by the lineal footage of the required repair area, as measured parallel with the pathway.

The performance guarantee may be held by the Township for a period of one year. The Township will perform a one-year maintenance inspection of the repaired site(s). Should, in the opinion of the Township, any repaired area be determined to be defective or otherwise unacceptable and require replacement, the permittee shall have the replacement work completed within 3 weeks of written notification by the Township. Should the permittee fail to replace the defective work, the Township may utilize the performance guarantee to have the work completed. Should the cost for such work total more than the guarantee amount, permittee shall reimburse the Township the difference in cost.

5. **Enforcement:** Should the Township determine that pathway disruption has occurred other than the permitted activity or that disruption has occurred without a permit, the Township may require a \$1,000 cash performance bond for any subsequent pathways permits requested by an applicant.

**CASCADE CHARTER TOWNSHIP**

Kent County, Michigan

Ordinance #6 of 2000

Amended by Ordinance #15 of 2004

AN ORDINANCE GOVERNING EXCAVATION OF AND/OR ALTERATIONS TO ANY PORTION OF THE CASCADE TOWNSHIP PEDESTRIAN PATHWAY SYSTEM.

THE CHARTER TOWNSHIP OF CASCADE (“Township”) ORDAINS AS FOLLOWS:

Section 1. Title. This Ordinance shall be known and referred to as the “Cascade Charter Township Pedestrian Pathway System Opening Ordinance.”.

Section 2. Definition. For purposes of this Ordinance, the phrase “Pedestrian Path” shall mean the public way operated and maintained by the Township for bicycle and pedestrian use as depicted in Attachment “A” of this Ordinance.

Section 3. Pedestrian Path Openings. No person shall make any alternation, excavation or opening in, to, upon or under the Pedestrian Path (or any portion thereof) without first obtaining a written permit from the Township. With the exception of those listed in Section 6 and 7 of this Ordinance. No permit shall be granted until the applicant has done all of the following:

- a. Fully filled out the application form required by the Township and filed the same with the Township;
- b. Posted the appropriate letter of credit, cash or bond as required by the Township; and
- c. Provided proof of insurance as required by the Township.

Section 4. Time Limit. For all projects that will take longer than 3 business days to completely restore the path the applicant must also specify how the path will remain safe, usable and in working order during the duration of the construction activity. This plan shall include the signage plan for informing pedestrians about the project and warning them of the disturbance as well as a daily restoration plan to ensure that at the end of the construction day that the path will be free from dirt and debris.

Section 5. Reconstruction. The disturbed path must be restored within 3 business days of the initial disturbance unless a longer time is approved by the Township Manager. For an extension of the 3 days the Township Manager shall take into consideration the following:

1. The scale of the project.
2. How the path is intended to remain open.
3. What materials are being used for any temporary path.
4. The public interest in providing a longer time to restore the path.

The Township may also require other reasonable means of ensuring that the path remain safe, unobstructed and open during the entire project. These items will also need to be made a part of the reconstruction plan.

If the required work is not performed within the specified time period, the Township may contract this work with an agent of their choosing. The cost for said repair work and administration shall be the responsibility of the entity responsible for the original disturbance.

When doing any work to or under a pedestrian path, the applicant shall fully comply with this Ordinance and all requirements of the permit.

Section 6. Exemption. This Ordinance shall not apply to work to the Pedestrian Path (or affecting the same) being done by the Township.

Section 7. Utility companies. Public utility companies are required to obtain a permit within 5 business days of the start of the work. They are not required to submit a performance bond for the restoration but must meet the pathways restoration standards of this ordinance.

Section 8. Compliance with Township Standards and Requirements. Any person doing any work in, to, on or under the Pedestrian Path pursuant to a permit issued under this Ordinance shall fully comply with any and all applicable Township standards and requirements as contained in Attachment "B" of this Ordinance and when finished, shall return the Pedestrian Path to its former state.

Section 9. Obstructions. No person shall obstruct or occupy (except temporarily for walking or bicycling uses) the Pedestrian Path (or any portion thereof) unless done pursuant to and in compliance with a validly issued permit from the Township.

Section 10. Damage to the Pedestrian Path. Any person who shall damage the Pedestrian path (or any portion thereof) in any way shall be responsible for returning the Pedestrian Path to its state prior to such damage. At the Township's option, the Township may either repair the damage caused by such person and such person shall be responsible for reimbursing the Township for such repair work, or alternately, the Township may require that the person who caused the damage repair the Pedestrian Path to its prior state within thirty (30) days of the date of the damage.

Section 11. Penalties. Any person who violates any provision of this ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions, for each infraction. Every day that a violation continues shall constitute a separate offense. Repeat offenses under this Ordinance shall be subject to increased fines as provided below. As used herein, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of any provision of this Ordinance committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:

- a. The fine for any offense which is a first repeat offense shall not be less than \$500.00, plus costs.
- b. The fine for any offense which is a second repeat offense shall be not less than \$1,000.00, plus costs.
- c. The fine for any offense which is a third repeat offense or any subsequent repeat offense shall be not less than \$5,000, plus costs.

Section 12. Severability. This Ordinance and the various portions and sections thereof are hereby declared to be severable. If any portion of this Ordinance is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 13. Effective Date: This Ordinance shall become effective upon its publication in a newspaper of general distribution in the township as specified by law.

The foregoing Ordinance was offered by Board Member Timmons, supported by Board Member Goodyke. The roll call vote being as follows:

YEAS: Carpenter, Goodyke, Jones, Julien, Kleinheksel, Parrish, Timmons  
NAYS: None  
ABSENT: None

ORDINANCE DECLARED ADOPTED.

Marlene K. Kleinheksel  
Cascade Charter Township Clerk

**CERTIFICATION**

I hereby certify the above to be a true copy of an ordinance adopted by the Cascade Charter Township Board at a regular meeting held at the Township Museum Building on, September 22, 2004, at 7:00 pm., pursuant to the required statutory procedures.

By: Marlene K. Kleinheksel  
Cascade Charter Township Clerk