

# High court requires townships maintain sidewalks

BY TIM RICHARD  
STAFF WRITER

Townships can be sued for failure to maintain sidewalks and/or safety paths along county roads, the Michigan Supreme Court said in a 5-2 decision.

The high court on July 30 sent suits against Canton and Redford townships back to Wayne Circuit Court for trial.

Also closely watching the case were the Oakland County townships of Bloomfield, Highland, Independence, Milford, Oakland, Orion and West Bloomfield. They filed "amicus" briefs supporting Canton and Redford.

Townships argued they had "governmental immunity," a doctrine dating back to the

medieval kings of England. But the Supreme Court applied the "highway exception" to the immunity rule to sidewalks.

"We believe that the Legislature intended municipalities to retain reasonable control over sidewalks within their boundaries, as long as the control pertains to local concerns and does not interfere with the state or counties' control over their high-

ways," said the opinion by Justice Michael Cavanagh.

It was signed by Chief Justice James Brickley and Justices Charles Levin and Conrad Malott Jr. and concurred in by Justice Patricia Boyle.

Analyzing state laws giving townships the power to construct and maintain sidewalks, the Supreme Court said the law

"demonstrates that it (Legislature) did not intend the McNitt act to transfer the duty to maintain sidewalks to the county."

"Further, our conclusion is consistent with public policy and the overall legislative scheme. It treats townships the same as cities, and ensures that those persons injured on township sidewalks abutting a county road are not within the only

class of persons without a remedy against a governmental agency."

Justice Elizabeth Weaver and Dorothy Comstock Riley dissented. Weaver said governmental liability for roads doesn't extend to sidewalks.

Riley said the townships lacked sufficient jurisdiction over the sidewalks and shouldn't be held liable.

## Nichols hosts website

Sheriff John Nichols, Oakland County's GOP candidate who will face Democrat Matt Hogan in the November general election, has established a website address through which area residents can talk with him.

The address is <http://www.pathway.com/votenichols>.

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