

Chapter 23 - STREETS AND SIDEWALKS^[1]*Footnotes:**-- (1) --**Charter reference— Authority to regulate and control streets, alleys, public places and sidewalks, § 2.2(f), (g), (h), (u), (w).**Cross reference— Litter in public places, § 13-2; traffic, Ch. 25; trees and shrubs, Ch. 26.*

ARTICLE I. - IN GENERAL

Sec. 23-1. - Moving, damaging, etc.

No unauthorized person shall move, alter, deface, injure or destroy any part or accessory of any street or alley or any sign or barricade erected or placed to protect, warn or guide the public.

(Code 1962, § 7-122)

Sec. 23-2. - Damaging poles.

No person shall hack, cut, mutilate, disfigure or in any manner injure any telegraph, telephone, electric light, railway or fire alarm pole in any street, alley, park, lane or public place in the city.

(Code 1962, § 7-117)

Sec. 23-3. - Leaving building materials on sidewalks.

No person owning, building or repairing any house or other building shall permit any lumber, brick, plaster, mortar, earth, clay, sand, stone or other material to remain on the sidewalk after sunset of the day upon which it was placed there, without permission, in writing, from the chief of police, subject to any safeguards he may prescribe.

(Code 1962, § 7-116)

Sec. 23-4. - Removal of snow and ice from sidewalks by owners of abutting property.

The occupant or owner of any premises shall keep the sidewalks in front of, or adjacent to such premises cleared, so far as is practicable and reasonable, from snow and ice to facilitate pedestrian use. Where there are no sidewalks, the occupant or owner as aforementioned, is

required to clear a path free from snow and ice where a sidewalk would otherwise be, to facilitate pedestrian use. Whenever any snow or ice has fallen or accumulated it shall be cleared within thirty-six (36) hours after it has fallen or accumulated.

(Code 1962, § 7-119; Ord. No. 2014-01, § 1, 7-14-2014; Ord. No. 2016-02, § 1, 3-7-2016)

Sec. 23-4a. - Penalty; enforcement.

- (a) Any person who is found to have violated this section shall be deemed responsible for a municipal civil infraction as defined by section 113(1) of the Revised Judicature Act (MCL 600.113(1)) and punished by a civil fine as provided herein plus costs and expenses.
 - (1) For a first offense, a fine of twenty-five dollars (\$25.00) shall be assessed.
 - (2) For a second offense, a fine of seventy-five dollars (\$75.00) shall be assessed.
 - (3) For a third offense and all subsequent offenses, a fine of one hundred twenty-five dollars (\$125.00) shall be assessed.
- (b) For purposes of this section a prior offense means a prior or current resident of the property or prior or current owner of the property for which the current violation applies has had a judgment entered against them for a violation of this section for that property within the same snow season. Each day a violation exists shall constitute a separate offense.
- (c) For purposes of this section a snow season shall mean from October 1 to April 30 of the following year.
- (d) To charge a violation as a subsequent offense, the issuing officer shall note on the citation that it is a subsequent offense and all dates of the prior offenses and all of the names of all persons or entities to whom the prior citations were issued that make this a subsequent offense.
- (e) *Lien against property.* If the owner fails to pay any fines, fees, penalties, or civil infraction awards required by this section, then the amount due shall accrue interest at the rate of twelve (12) percent per annum or, if twelve (12) percent is deemed invalid for any reason, the highest amount allowable by law, from the date when it becomes due and shall be filed with the city assessor's office and shall be collected in the manner fixed by law for collection of taxes and assessments.

All criminal fines and/or civil infractions, which are awarded in favor of the city and assessed against the owner and/or agent may be assessed against the property in any way allowed by this section or any other law.

(Ord. No. 2014-01, § 1, 7-14-2014; Ord. No. 2016-02, § 2, 3-7-2016)

Sec. 23-5. - Suspending objects above street or sidewalk.

No person shall suspend anything above any sidewalk or within any street area unless expressly authorized by this Code, except an awning or marquee no part of which is less than seven (7) feet above the sidewalk grade.

(Code 1962, § 7-120)

Sec. 23-6. - Vehicles on sidewalks.

No person shall go upon or drive, or cause to be driven, any vehicle on any pavement sidewalk, curbing, gutter, on any street in the city except at a driveway constructed for such purpose.

(Code 1962, § 7-121)

Sec. 23-7. - Obstructions and encumbrances generally.

No person shall obstruct or encumber any street, alley or any public place with any article or thing whatsoever.

(Code 1962, § 7-125)

Sec. 23-8. - Leaving, depositing, spilling, etc., materials on streets prohibited.

No person shall drop, throw, deposit or scatter any earth, ashes, shavings, sawdust, hay, leaves, refuse, rubbish, straw, chips, stones, brick, ice, dirt, manure, filth or any other loose material or articles in any street, alley or public place nor shall any person permit such substances, things and articles to spill, drop or be blown about from any vehicle while hauling same in any street, alley or public place.

(Code 1962, § 7-126)

Sec. 23-9. - Vacation of streets and alleys.

The council shall have power by resolution to vacate, discontinue or abolish any highway, street, lane, alley or other public place or part thereof, provided, however, that it shall not have power to vacate, discontinue or abolish any state or county highway or street. After receiving recommendations from the city planning commission, city engineer, chief of police and fire chief, the council shall determine whether the vacation, discontinuance or abolition is advisable. Should the council decide to vacate, discontinue or abolish any highway, street, lane, alley or other public place or part thereof, it shall introduce a resolution to that effect and, by separate resolution, appoint a time, not less than thirty (30) days thereafter, when it shall hold a public hearing thereon. Notice of such meeting with a copy of both resolutions shall be published at least one week prior thereto and shall be sent to all owners of property abutting the highway, street, lane, alley or other public place or part thereof proposed to be vacated, discontinued or abolished. Subsequent to the public hearing, the council shall take final action on the pending resolution. In order to be adopted, the resolution to vacate, discontinue or abolish shall require the affirmative vote of four (4) or more members of the council.

(Code 1962, § 7-127; Ord. No. 232, § 1, 4-15-74)

Secs. 23-10—23-25. - Reserved.

ARTICLE II. - EXCAVATION, STREET CUT, SIDEWALK, CURB, DRIVEWAY CONSTRUCTION, REPAIR, ETC.^[2]

Footnotes:

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Cross reference— Special assessments, Ch. 22.

DIVISION 1. - GENERALLY

Sec. 23-26. - Dangerous or unsafe sidewalks prohibited.

No person shall permit any sidewalk which adjoins property owned by him to fall into a state of disrepair or be unsafe.

(Code 1962, § 7-102)

Sec. 23-27. - Repair of sidewalks.

Whenever the city engineer or his or her assigned representative shall determine that a sidewalk is unsafe for use, or required to be constructed for the public safety, he or she shall give written notice thereof to the owner of the abutting premises by mail, addressed to the last known address of said owner, or if the owner or his or her address be unknown by delivering said notice and leaving same with a person of suitable age and discretion at the premises, or if such person be not found, by posting such notice in some conspicuous place on the premises. The notice shall specify the construction of the sidewalk required and specifications therefore, or the condition to be repaired and the nature of the repairs to be made. In the event such owner fails to repair or construct such sidewalk within thirty (30) days the city engineer or his or her assigned representative shall report same to the city council with the request that the city engineer is authorized to repair or construct the same. The city engineer or his or her assigned representative may dispense with said notice and report, and request the council for authority to repair or construct the sidewalk, if, in his or her opinion, the sidewalk condition is unsafe and dangerous and requires immediate repair to assure public safety and to prevent the possibility of city liability for personal injury or property damage. Upon receipt of any such report of the failure of such owner to repair the sidewalk within the time specified in such notice, or such request for authority for immediate construction or repair, the council may determine to construct or repair same by resolution and order the city engineer to proceed with the required work. The cost of repairs or construction hereunder if made by the city shall be charged against the premises abutting such sidewalk and the owner thereof in accordance with the provisions of the Charter relative to special assessments.

(Code 1962, § 7-103; Ord. No. 2012-02, § 1, 5-7-2012)

Charter reference— Special assessments, § 12.1 et seq.

Sec. 23-28. - Repair of unsafe driveways and crosswalks.

Whenever any driveway, crosswalk or other paved area between the sidewalk and the curb is or becomes so defective that it is not reasonably safe or fit for travel, and in the opinion of the city engineer or his or her assigned representative, the same should be immediately repaired, he or she shall give the owner or occupant of the premises adjacent to such driveway crosswalk or other paved area, notice to repair same within thirty (30) days, and in default thereof the city engineer or his or her assigned representative shall have the power to cause the same to be repaired, and the engineer or his or her assigned representative shall make a detailed report to

the council of the cost and expense of performing this work, which cost and expenses shall be charged to such owner or occupant in the manner provided by the Charter relative to special assessments.

(Code 1962, § 7-107; Ord. No. 2012-02, § 1, 5-7-2012)

Special assessments, § 12.1 et seq.

Sec. 23-29. - Street openings to be guarded.

No person making an opening in a street, alley or public place shall fail to guard the same fully during the period of construction, and no person causing any such opening to be used, nor the user thereof, shall fail to guard or barricade the same while in use, so as to protect the safety of the public. No person using any street opening, or causing the same to be used, shall fail to close the opening in accordance with the directions of the city engineer immediately after use.

(Code 1962, § 7-110)

Sec. 23-30. - Additional construction regulations.

The department of engineering may make such additional rules and regulations subject to the approval of the council, pertaining to the making of openings or excavations in streets, in the building of any vault, stair, or area-way in or under the streets, as are necessary to secure the health and safety of the public and for the protection of property, and such rules and regulations shall constitute the standards upon which the permits herein required shall be issued.

(Code 1962, § 7-115)

Secs. 23-31—23-40. - Reserved.

DIVISION 2. - PERMIT

Sec. 23-41. - Permit for street cuts and excavations.

No person shall make any excavation or opening in or under any street, or public place without first procuring a permit from the department of engineering. Each applicant for a permit to open a street shall pay in addition to the permit fee herein required the estimated cost of restoring the surface of the street to its proper condition, which cost shall be determined by the council.

(Code 1962, §§ 7-109, 7-111)

Sec. 23-42. - Permit to construct, alter, etc., driveway aprons, curb cuts.

No person shall construct, alter or change any crosswalk, driveway apron or any opening in or through any curb in any street or public way without first procuring a permit from the department of engineering. No permit to cut any curb shall be issued by the department unless the applicant shall agree in such application, as a condition of the issuance of the permit, to install a driveway apron of concrete or other material of comparable quality within ninety (90) days after completion of the cut.

(Code 1962, §§ 7-104, 7-105)

Sec. 23-43. - Sidewalk construction and repair permit.

No person shall construct or repair any sidewalk except in accordance with the lines, grade, slope and specifications established by the city engineer and without first procuring a permit from the department of engineering. Permits shall be prominently displayed on the construction site.

(Code 1962, § 7-101)

Sec. 23-44. - Plans and specifications; supervision of work.

No work for which a permit is required under this article shall be done by any person except in accordance with plans and specifications approved by the city engineer, and all work shall be done under his supervision.

(Code 1962, § 7-108)

Sec. 23-45. - Bond required.

No permit shall be granted for the doing of any work under this article until a bond or policy of insurance has been filed with the department of engineering, as herein provided. The bond or policy of insurance shall be in the sum of one thousand dollars (\$1,000.00), unless a larger bond shall be required by the council at the time any permit is granted by it upon appeal. All bonds or policies of insurance shall be conditioned to pay all damages to the streets of the city or to hold the city harmless of every other damage of every other nature, whether to persons or property for which such city may be held liable by reason of, or which is occasioned by, the doing of a thing or the exercise of the privilege for which the permit upon which the bond or policy of insurance was based, was granted.

(Code 1962, § 7-112)

Sec. 23-46. - Denial; appeal.

If the department of engineering shall refuse to issue any permit pursuant hereto, the applicant may appeal to the council which shall grant a hearing thereon and the decision of the council shall be final. In granting a permit after such hearing, the council may impose such conditions therefor as it may deem desirable to protect the safety of persons and property during the moving of any building and the replacement of any utility wires, poles and other street appurtenances as may be moved or taken down therefor.

(Code 1962, § 7-113)

Sec. 23-47. - Revocation or suspension.

All work done pursuant to any permit issued pursuant hereto shall be inspected by the city engineer and he may suspend, or revoke any permit so granted where either the workmanship or materials used does not conform to the plans and specifications approved or required upon issuance of the permit, or when the terms of any permit or of this chapter are violated. No person shall perform any work authorized by any permit or cause any such work to be performed while that permit is suspended or revoked.

(Code 1962, § 7-114)

Secs. 23-48, 23-49. - Reserved.