

Print

Saginaw Code of Ordinances

CHAPTER 96: STREETS AND SIDEWALKS

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Cross-reference:

Incorporation of state violations, see § 31.01

Notice regarding sidewalk repairs, see § 36.02

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GENERAL PRISINS

§ 96.01 SIDEWALK CONSTRUCTION AND REPAIR.

☐☐ No person shall construct or repair any sidewalk in the public right-of-way except in accordance with the line, grade, slope, and specifications established by the City Engineer, nor without first obtaining a written permit from the City Engineer. Said written permit shall be prominently displayed on the construction site. Said person shall at all times comply with the requirements of ☐96.04☐☐ The fee for such permit shall be twenty dollars ☐☐20.00☐

⒃ No person shall permit any sidewalk which adjoins property owned by him or her to fall into a state of disrepair or be unsafe. A property owner shall immediately notify the Bureau of Public Information and Complaint of any such condition.

⒄ Whenever the City Engineer shall determine that a sidewalk is unsafe for use, defective, or in disrepair or is in a condition determined by the City Engineer to be likely to become unsafe for use, defective, or in disrepair before the time of the next periodic inspection by the City Engineer, notice may be given in accordance with the provisions of §36.02. Thereafter it shall be the duty of the owner to place said sidewalk in a permanently safe state of repair. Such notice shall specify a reasonable time, not less than seven (7) days, within which such work shall be commenced and shall further provide that the same shall be completed with due diligence. In the event the owner fails to comply with said notice, the City Engineer shall have said sidewalk repaired. If the City Engineer determines that the condition of said sidewalk is such that immediate repair is necessary to protect the public, he or she may dispense with said notice. The cost of repairs hereunder shall be charged against the premises and the owner thereof, and shall be collected as provided in §33.26.

⒅ The Council may by resolution require the owners of lots and premises to build sidewalks in the public streets adjacent to and abutting upon such lots and premises, the expense of said sidewalks to be paid for by such owner. Notice to such owner shall be given in the manner provided by §36.02.

⒆ If the owner of any lot or premises shall fail to build any particular sidewalk as mentioned and described in this section within such time and in such manner as the Council shall require, the Council may cause such sidewalk to be built and the expense thereof shall be charged to such premises and the owner thereof, and collected as provided in §33.26.

§38 Gen. Code, Ch. 5, §201 Am. Ord. D-1357, passed 11-17-80, effective 11-28-80 Am. Ord. O-112, passed 4-18-11, effective 4-28-11

§ 96.0 SNOW AND ICE REMOVAL.

No person shall remove any snow or ice from any private property, including any private driveway or private road, and deposit the same in or upon any public property, including streets, sidewalks, crosswalks, drains, ditches, and gutters.

§38 Gen. Code, Ch. 5, §202 Am. Ord. D-315, passed 7-27-53, effective 8-6-53 Am. Ord. D-1729, passed 11-21-94, effective 12-1-94

§ 96.0 EXCAVATIONS.

Ⓐ *Streets, cuts and excavations.*

1 No person shall make any excavation or opening in or under any street, alley, or public place without first obtaining a written permit from the Director of Public Services. The fee for such permit shall be thirty dollars §30.00

2 Before any such permit is issued, the applicant therefor may be required to furnish a bond deemed adequate by the Director of Public Services, which bond shall become available in

the payment of any damage to public or private property and the payment for any personal injury resulting from said excavation or opening or any work in connection therewith.

3 The Director of Public Services may, if the public safety requires immediate action, grant permission to make a necessary street cut or excavation, provided that a permit shall be obtained on the following business day and the provisions of this section shall be complied with.

4 No person shall make any opening or excavation in or under a paved street or alley within a period of five years after the completion of any paving or resurfacing thereof. If the public safety requires immediate action, the Director of Public Services may suspend the operation of this provision.

5 Whenever the Council shall determine that the paving or resurfacing of any street or alley, or part thereof, is necessary, the Director of Public Services shall, not less than fifteen days prior to commencement of construction, serve notice upon all public utilities requiring time to install all necessary underground work.

6 The City Manager is hereby empowered, subject to approval by the Council, to make such additional rules and regulations pertaining to the making of excavations or openings in any street, alley, or public places as are necessary to protect property or the safety or welfare of the public, and no person shall fail to comply with any such rules or regulations.

38 Gen. Code, Ch. 5, 203 Am. Ord. D-1558, passed 7-27-87, effective 8-5-87 Am. Ord. O-115, passed 4-18-11, effective 4-28-11

B Sewer and water connections in advance of paving.

1 Whenever any paving or resurfacing upon any street or alley or part thereof shall have been ordered, authorized, or declared necessary by the Council, such sewer connections as defined in Ch. 51 of this code and water connections as defined in Ch. 52 as are necessary to preserve such proposed paving or resurfacing when the same shall have been laid and put down, by eliminating insofar as possible the need for making any opening in or excavation under the same, shall be installed in advance of such paving or resurfacing, and the cost thereof, except as hereinafter otherwise provided, shall be charged against the premises to be served thereby and the owner thereof, shall be a lien thereon, and shall be collected as provided in 33.26.

2 a The necessity for such sewer and water connections shall be determined by the engineer in charge of the Division of Engineering of the Department of Public Works giving due consideration to the factors which have a bearing on the demand for sewer and water connections in such street or alley, including, but not limited to, the size, shape, and area of each lot or parcel of land, the uses to which the same may lawfully be put under the zoning regulations, existing structures on the land, the adequacy of existing sewer and water connections, the character of the locality and the probable development or use of each lot or parcel of land. Any existing sewer or water connection which does not meet the specifications of any applicable ordinance of the City shall not be considered in determining what sewer and water connections are necessary.

b Provided, however, that in cases where the future need for a connection is dependent upon the relocation or alteration of an existing structure on the premises to provide space for the erection of an additional residence building thereon, the zoning regulations would permit the location of two residence buildings on a single parcel of land, or the zoning regulations would permit the location of a second residence building on adjoining land which is used as part of and under the same ownership as land upon which an existing residence

building is located, the engineer in charge of the Division of Engineering in the Department of Public Works may order one or two additional water connection or one or two additional sewer connection or both made at City expense. When any connection installed at City expense is put to use, the current cost of such connection shall be charged against the premises to be served thereby and the owner thereof, shall be a lien thereon, and shall be collected as provided in § 33.26.

§ 33.26 Written notice of the intention to install such sewer and water connections and to charge the cost of the same to the premises shall be given to the owners, as indicated by the records of the City Assessor, of each lot or parcel of land, and service of such notice shall be made as now or hereafter provided in § 36.02.

§ 33.27 The objection of any property owner to any such sewer or water connection shall be made within seven (7) days after service of such notice, and shall be heard by the engineer in charge of the Division of Engineering of the Department of Public Works who shall, after considering each such objection made in writing, make a final determination of the sewer and water connections to be installed.

§ 38 Gen. Code, Ch. 5, § 209 Am. Ord. D-278, passed 3-10-52, effective 3-20-52

§ 96.0 OBSTRUCTION PERMITS BARRICADES AND LITS.

§ 96.0(A) No person shall use any part of any street or alley for the temporary storage of materials or obstruct the same by the construction, demolition, alteration, or repair of an adjacent building, or otherwise, without first obtaining a written permit from the City Engineer. Such obstruction shall be barricaded as required by this section and as directed by the City Engineer to reasonably assure the safety of the public.

§ 96.0(B) The applicant thereof shall pay for each such permit the sum of twenty-five dollars (\$25.00)

§ 96.0(C) It shall be the duty of all persons doing construction, excavation, or repair work, storing materials or equipment within a public street or alley, or obstructing any such public street or alley by the construction, demolition, repair, alteration, maintenance of an adjoining building or structure, or otherwise, to place or cause to be placed such barriers, fences, or railings as are necessary to give the public using said street or alley notice of the presence of such work or such material or equipment in the public right-of-way and at evening twilight on each day said person doing said work shall place or cause to be placed suitable and sufficient yellow warning lights around said work or material and keep them illuminated during the night. Such illumination shall be in accordance with the Michigan Manual of Uniform Traffic Control Devices (MUTCD)

§ 38 Gen. Code, Ch. 5, § 205 Am. Ord. D-9, passed 1-2-40, effective 1-15-40 Am. Ord. D-463, passed 8-11-58, effective 8-21-58 Am. Ord. D-593, passed 12-26-62, effective 1-5-63 Am. Ord. D-1558, passed 7-27-87, effective 8-5-87 Am. Ord. O-116, passed 4-18-11, effective 4-28-11

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§ 38 Gen. Code, Ch. 5, § 2-106 Ord. D-446, passed 1-27-58, effective 2-6-58

§ 96.31 GENERAL REQUIREMENTS FOR ALL CURB CUTS.

Curb cuts for any purpose shall comply with the following:

A The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the City.

B All construction shall be in accordance with plans and specifications approved by the City Engineer.

§ 38 Gen. Code, Ch. 5, § 2-107 Ord. D-446, passed 1-27-58, effective 2-6-58

§ 96.32 CURB RESTORATION.

A *Restoration of unauthorized curb cuts.* Any curb cut for which any required permission or permit has not been obtained shall be restored by replacement of the curb as herein provided.

§ 38 Gen. Code, Ch. 5, § 2-109

B *Restoration of abandoned curb cuts.* Any curb cut which has been abandoned shall be restored as hereinafter provided except where such abandonment shall have been at the request of or for the convenience of the City. Any curb cut shall be deemed to be abandoned where structural or other changes on the adjoining premises make it no longer useful thereto.

§ 38 Gen. Code, Ch. 5, § 2-110

C *Notice to show cause.* Whenever the City Engineer shall have evidence that any curb cut exists in violation of the provisions of divisions A or B hereof, he or she shall cause written notice to show cause why the same should not be reconstructed and the expense thereof charged against the adjoining premises to be given to the owners thereof as indicated by the records of the City Assessor. Such notice shall be given in accordance with the provisions of § 36.02, and shall set forth the time and place of the hearing by the City Manager, which time shall not be less than five (5) days after the service of the notice.

§ 38 Gen. Code, Ch. 5, § 2-111

D *Hearing.* The owner of the premises, the person obligated to pay the taxes thereon, any other person having an interest therein, and counsel, if any, shall have an opportunity to show cause why the curb should not be restored, and to cross-examine any witnesses and examine any evidence produced to establish that the curb cut exists in violation of divisions A or B hereof. The decision of the City Manager shall be in writing and shall be final and conclusive.

§ 38 Gen. Code, Ch. 5, § 2-112

E *Notice of decision; restoration of curb cut.* The City Manager shall cause a copy of the decision to be served on the owner as shown by the records of the City Assessor and on any other persons who are interested in the affected property and who participated in the hearing, in accordance with the procedure established for the service of notices by § 36.02. Thereupon, if

the City Manager shall have found that the curb cut is required by the provisions of this subchapter to be restored, the City shall proceed to restore such curb cut by contract or force account and to charge the cost of such restoration against the adjoining premises and the owner thereof, and to collect such cost, all as provided in § 96.26.

§ 38 Gen. Code, Ch. 5, § 2-113

Ord. D-446, passed 1-27-58, effective 2-6-58

§ 96.33 AUTHORITY OF BOARD OF BUILDING APPEALS.

In order that the provisions of this subchapter may be reasonably applied in instances where practical difficulties are apparent or unnecessary hardship would result from carrying out the strict letter hereof, and in cases where the applicant deems himself or herself aggrieved by the denial of a curb cut, the Board of Building Appeals shall have the power to vary the mandatory provisions hereof or to modify or reverse the decision of the City Engineer in any specific case in such manner that substantial justice is done and the spirit and purpose hereof, as set forth in § 96.26, are upheld.

§ 38 Gen. Code, Ch. 5, § 2-108 Ord. D-446, passed 1-27-58, effective 2-6-58

ENCROACHMENTS

§ 96. DEFINITIONS.

The term *ENCROACHMENT* as used in this subchapter shall mean any of the following which is located on, over, in or under any roadway, sidewalk, alley or other public right-of-way: architectural projection, including belt course, planter, mansard, cosmetic wall covering, roof cornice and wall buttress; awning; canopy; cellar entrance; coal hole; fence; manhole; marquee; sidewalk elevator; step or stair; fire escape; standpipe or sprinkler connection; sign; subgrade spread footing; underground conduit; private wall; loading dock, platform or facility; hoistway opening; sidewalk vault; street vault; elevated craneway or walkway; any device or object, or anything specifically permitted by the Council and designated by it as an encroachment subject to the provisions of this subchapter. The term *ENCROACHMENT* as used in this subchapter shall not include any of the following facilities owned by a public utility: overhead electric and telephone lines, poles and appurtenances; underground electric, telephone, gas and steam lines, together with tunnels and conduits therefor; nor shall said term include any encroachment by a public utility permitted by the City and for which the utility company has agreed to hold the City harmless.

§ 38 Gen. Code, Ch. 2, § 1701 Ord. D-471, passed 11-17-58, effective 11-28-58 Am. Ord. D-1211, passed 1-17-77, effective 1-27-77 Am. Ord. D-1836, passed 6-7-99, effective 6-17-99 Am. Ord. O-101, passed 6-7-10, effective 6-17-10

§ 96.6 PERMITS REQUIRED.

It shall be unlawful for any person to erect, build, maintain or relocate any encroachment as defined in this subchapter, without first obtaining a permit from the Licensed Inspector of the Inspections Division or by Council approval as provided in §96.50(B), paying the permit fee as required under §96.51, and furnishing the necessary insurance certificate as defined under §96.53, if applicable.

§38 Gen. Code, Ch. 2, §1702 (Ord. D-471, passed 11-17-58, effective 11-28-58) Am. Ord. D-533, passed 7-25-60, effective 8-4-60 (Am. Ord. D-1836, passed 6-7-99, effective 6-17-99) Am. Ord. O-101, passed 6-7-10, effective 6-17-10

§ 96. APPLICATION FOR ERMIT.

Applications for encroachment permits (either existing or proposed) shall be made on a form provided by the Licensed Inspector of the Inspections Division and shall include the following information:

- (A) Name, address, and telephone number of applicant
- (B) Location and type of the existing or proposed encroachment, building to which attached, or abutting lot which encroachment serves, or if not abutting a privately owned lot, location of encroachment in street, alley or public way
- (C) Blueprints or ink drawings showing the plans and specifications of the proposed encroachment, if requested by the Licensed Inspector
- (D) Such other information as the Licensed Inspector shall require in order to insure compliance with this subchapter and all other ordinances of the City and laws of the State of Michigan.

§38 Gen. Code, Ch. 2, §1703 (Ord. D-471, passed 11-17-58, effective 11-28-58) Am. Ord. D-1836, passed 6-7-99, effective 6-17-99 (Am. Ord. O-101, passed 6-7-10, effective 6-17-10)

§ 96. ENCROACHMENT ERMIT CLASSIFICATIONS.

Upon receipt of an application for an encroachment permit, the Licensed Inspector shall determine whether or not such encroachment, because of its nature, shall or shall not require regular inspections due to public safety and/or potential liability issues the encroachment may present. Those encroachments not requiring routine inspections shall be graded Class I encroachments and those requiring routine inspections shall be graded Class II encroachments, and fees shall be set accordingly as defined in §96.51.

§38 Gen. Code, Ch. 2, §1705 (Ord. D-471, passed 11-17-58, effective 11-28-58) Am. Ord. D-1836, passed 6-7-99, effective 6-17-99 (Am. Ord. O-101, passed 6-7-10, effective 6-17-10)

§ 96.9 EXISTING ENCROACHMENTS.

All existing encroachment permit holders shall be required to complete an application for permit as defined in §96.47, including those permitted by special written agreement.

Ord. O-101, passed 6-7-10, effective 6-17-10

§ 96. AROAL OF ENCROACMENTS B LICENSE INSECTOR.

A It shall be the duty of the Licensed Inspector to review the proposed encroachment to ensure it does not pose an adverse affect to public safety or convenience and where appropriate, shall order any necessary repairs, alterations or removal.

B When the encroachment meets all the requirements of this and any other ordinance of the City, including but not limited to 150.20 and 150.21, referred to as the Sign Code, and the laws of the State of Michigan, the Licensed Inspector shall then issue an encroachment permit, provided the applicant pays the required fee as defined in 96.51 and furnishes the necessary certificate of insurance as defined in 96.53, if applicable. In the event the Licensed Inspector does not believe granting the encroachment permit would be in the best interest of the City, he or she may deny the granting of a permit.

C If the applicant does not concur with the decision of the Licensed Inspector either to make repairs, alterations or removal, or the Licensed Inspector's decision to deny the application, the application shall be transmitted to the City Council for approval or disapproval. The decision of City Council shall be final.

38 GenCode, Ch. 2, 1706 Ord. D-471, passed 11-17-58, effective 11-28-58 Am. Ord. D-1211, passed 1-17-77, effective 1-27-77 Am. Ord. O-101, passed 6-7-10, effective 6-17-10

§ 96.1 ERMIT FEES.

A Each applicant shall pay an application fee as follows:

1 Class I Encroachment Permit: Twenty- five dollars 25.00 annually routine inspections not required

2 Class II Encroachment Permit: Fifty dollars 50.00 annually routine inspection required

B A separate permit and fee will be charged for each encroachment on any one parcel. Application fees are not prorated and are non- refundable. All permits for encroachments now existing or issued prior to the effective date of this subchapter shall expire on June 30, 2010. This includes all encroachment permits issued at any time during the prior three 3-year license term. All encroachment permits shall require renewal on or before June 30 of each year.

38 GenCode, Ch. 2, 1707 Ord. D-471, passed 11-17-58, effective 11-28-58 Am. Ord. D-904, passed 1-19-70, effective 1-29-70 Am. Ord. D-1836, passed 6-7-99, effective 6-17-99 Am. Ord. O-101, passed 6-7-10, effective 6-17-10

§ 96.2 LATE AMENT ENALT.

An additional late charge of fifty percent 50% of the permit fee shall be incurred as a result of the following:

- A Failure to pay the initial encroachment permit fee within fifteen (15) days of application
 - B Failure to apply for an encroachment permit within fifteen (15) days of date of notice
 - C Failure to renew any/all encroachment permits within fifteen (15) days of permit expiration.
- Ord. O-101, passed 6-7-10, effective 6-17-10

§ 96.3 INSURANCE REQUIREMENT.

- A Prior to the issuance of any encroachment permit, the Licensed Inspector shall determine if such encroachment may present possible claims for personal injury, bodily injury or property damage due to its nature, and as a result may require the applicant to provide proof of liability insurance in an appropriate amount by a company authorized and accepted to do insurance business in the State of Michigan, specifically naming the City of Saginaw as additional insured and loss payee for any such claims.
 - B In the event such proof of liability insurance is required, it shall be updated and provided to the City annually at the time of renewal.
- 38 Gen. Code, Ch. 2, § 1704 Am. Ord. D-1836, passed 6-7-99, effective 6-17-99 Am. Ord. O-101, passed 6-7-10, effective 6-17-10

§ 96. INSECTION.

- The Licensed Inspector shall inspect, at such times as he or she deems necessary, each encroachment permit granted to determine whether it is in need of repair or removal, and the permit fee shall be deemed to cover the costs of this inspection, whether inspection be made annually or at other intervals.
- 38 Gen. Code, Ch. 2, § 1708 Ord. D-471, passed 11-17-58, effective 11-28-58 Am. Ord. D-718, passed 3-21-66, effective 3-31-66 Am. Ord. D-1836, passed 6-7-99, effective 6-17-99 Am. Ord. O-101, passed 6-7-10, effective 6-17-10

§ 96. ERMIT REOCABLE AT AN TIME.

- All rights and privileges acquired under the provisions of this subchapter or any amendment thereto are mere licenses, revocable at any time by the Licensed Inspector or the City Council under the terms and provisions of this subchapter and all such permits shall contain this provision.
- 38 Gen. Code, Ch. 2, § 1709 Ord. D-471, passed 11-17-58, effective 11-28-58 Am. Ord. D-1836, passed 6-7-99, effective 6-17-99 Am. Ord. O-101, passed 6-7-10, effective 6-17-10

§ 96.6 REMOAL OF ENCROACMENT UON FAILURE TO AL FOR ERMIT A ERMIT FEE OR MAINTAIN LIABILIT INSURANCE.

§ 96.57 REMOVAL OF UNSAFE ENCROACHMENTS.

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