

Chapter 22

**STREETS, SIDEWALKS AND OTHER PUBLIC PLACES\***

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\***State law references**—Streets and sidewalks, MCL 67.7 et seq.; paving and improvements, MCL 67.17 et seq.; street regulations, MCL 67.20 et seq.



**ARTICLE I. IN GENERAL**

**Secs. 22-1—22-30. Reserved.**

**ARTICLE II. STREET OPENINGS AND OBSTRUCTIONS****Sec. 22-31. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Street* means all of the land lying between property lines on either side of all streets, alleys and boulevards in the village, and includes lawn extensions and sidewalks and the area reserved therefor where the same are not yet constructed.

*Superintendent* means the superintendent of public works of the village.  
(Code 1959, § 30.001)

**Sec. 22-32. Damage and obstruction prohibited.**

No person shall make any excavation in, or cause any damage to any street in the village, except under the conditions and in the manner permitted in this article. No person shall place any article, thing or obstruction in any street, except under the conditions and in the manner permitted in this article, but this provision shall not be deemed to prohibit such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises, nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.

(Code 1959, § 30.002)

**Sec. 22-33. Permits and bonds.**

(a) Where permits are authorized in this article, they shall be obtained upon application to the superintendent, upon such forms as he shall prescribe, and there shall be a charge for each such permit as currently established or as hereafter adopted by resolution of the village council from time to time. Such permit shall be revocable by the superintendent for failure to comply with this article, rules and regulations adopted pursuant hereto, and the lawful orders of the superintendent or his duly authorized representative, and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this article shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the village in connection therewith, repair all damage done to the street surface and installations on, over or within such street, including trees, and protect and save harmless the village from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be in not less than the amounts as currently

established or as hereafter adopted by resolution of the village council from time to time, except as otherwise specified in this article. A duplicate executed copy or photostatic copy of the original of such insurance policy shall be filed with the village clerk.

(b) Where cash deposits are required with the application for any permit hereunder, such deposit shall be in the amount as currently established or as hereafter adopted by resolution of the village council from time to time, except as otherwise specified in this article, and such deposit shall be used to defray all expenses to the village arising out of the granting of the permit and work done under the permit or in connection therewith. Three months after completion of the work done under the permit, any balance of such cash deposit unexpended, shall be refunded. In any case where the deposit does not cover all costs and expenses of the village, the deficit shall be paid by the applicant.

(Code 1959, § 30.003)

**Sec. 22-34. Street openings.**

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the superintendent. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by section 22-33.

(Code 1959, § 30.004)

**Sec. 22-35. Emergency openings.**

The superintendent may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided that a permit shall be obtained on the following business day and the provisions of this article shall be complied with.

(Code 1959, § 30.005)

**Sec. 22-36. Backfilling.**

All trenches in a public street or other public place, except by special permission, shall be backfilled with approved granular material to within 12 inches of the surface. On main thoroughfares, this material shall contain one sack of cement per yard of fill. The remaining portion shall be filled with road gravel as specified by the superintendent.

(Code 1959, § 30.006)

**Sec. 22-37. Utility poles.**

Utility poles may be placed in such streets as the superintendent shall prescribe and shall be located thereon in accordance with the directions of the superintendent. Such poles shall be removed or relocated as the superintendent shall from time to time direct.

(Code 1959, § 30.007)

**Sec. 22-38. Maintenance of installations in streets.**

Every owner of, and every person in control of, any estate hereafter maintaining a sidewalk vault, coal hole, manhole, or any other excavation, or any post, pole, sign, awning, wire, pipe, conduit or other structure in, under, over or upon, any street which is adjacent to or a part of his estate, shall do so only on condition that such maintenance shall be considered as an agreement on his part with the village to keep the same and the covers thereof, and any gas and electric boxes and tubes thereon, in good repair and condition at all times during his ownership or control thereof, and to indemnify and save harmless the village against all damages or actions at law that may arise or be brought by reason of such excavation or structure being under, over, in or upon the street, or being unfastened, out of repair or defective during such ownership or control.

(Code 1959, § 30.008)

**Sec. 22-39. Curb cuts.**

No opening in or through any curb of any street shall be made without first obtaining a written permit from the superintendent. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

- (1) No single curb cut shall exceed 25 feet nor be less than ten feet.
- (2) The minimum distance between any curb cut and a public crosswalk shall be five feet.
- (3) The minimum distance between curb cuts, except those serving residential property, shall be 25 feet.
- (4) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise, shall be 45 percent of the total abutting street frontage up to and including 200 lineal feet of street frontage plus 20 percent of the lineal feet of street frontage in excess of 200 feet.
- (5) 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 village.
- (6) All construction shall be in accordance with plans and specifications approved by the superintendent.

(Code 1959, § 30.009)

**Sec. 22-40. Sidewalk obstructions.**

No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to said street, or for any other purpose, without first obtaining a permit from the superintendent. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by section 22-33.

(Code 1959, § 30.010)

**Sec. 22-41. Pedestrian passage.**

At least six feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the building operations are such that such free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around such obstruction.

(Code 1959, § 30.011)

**Sec. 22-42. Safeguards.**

All openings, excavations and obstructions, shall be properly and substantially barricaded and railed off, and at night shall be provided with red warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three feet apart, and parallel to the flow of traffic not over 15 feet apart.

(Code 1959, § 30.012)

**Sec. 22-43. Shoring excavations.**

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.

(Code 1959, § 30.013)

**Sec. 22-44. Housemoving.**

No person shall move, transport or convey any building or other similar bulky or heavy object, including machinery, trucks and trailers, larger in width than 14 feet, into, across or along any street, alley or other public place in the village without first obtaining a permit from the superintendent. Such permit shall specify the route to be used in such movement and no person shall engage in such movement along a route other than that specified in the permit. No housemoving permit shall be granted until the applicant shall post a cash deposit in the amount as currently established or as hereafter adopted by resolution of the village council from time to time, and file a liability insurance policy as required by section 22-33.

(Code 1959, § 30.014)

**Sec. 22-45. Removal of encroachment.**

Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting landowner when made or permitted by him or suffered to remain by him, otherwise than in accordance with the terms and conditions of this article. The procedure for collection of such expenses shall be as prescribed in Chapter VIII of the Charter (MCL 68.31 et seq.).

(Code 1959, § 30.015)

**Sec. 22-46. Temporary street closings.**

The superintendent shall have authority to temporarily close any street, or portion thereof, when he shall deem such street to be unsafe or temporarily unsuitable for use for any reason. The superintendent shall cause suitable barriers and signs to be erected on said street, indicating that the same is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over said street except as the same may be necessary incidentally to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the superintendent.  
(Code 1959, § 30.016)

**Secs. 22-47—22-70. Reserved.****ARTICLE III. SIDEWALKS****Sec. 22-71. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Sidewalk* means the portion of the street right-of-way designed for pedestrian travel.  
(Code 1959, § 30.101)

**Sec. 22-72. Specifications and permits.**

No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established for such sidewalk, nor without first obtaining a written permit from the superintendent of public works, except that sidewalk repairs of less than 50 square feet of sidewalk may be made without a permit. The fee for such permit shall be as currently established or as hereafter adopted by resolution of the village council from time to time.  
(Code 1959, § 30.102)

**Sec. 22-73. Line and grade stakes.**

The superintendent of public works shall furnish line and grade stakes as may be necessary for proper control of the work, but this shall not relieve the owner of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the superintendent of public works. Where it is necessary to replace engineer's stakes disturbed or destroyed without fault on the part of the village, or its employees, a charge shall be paid as currently established or as hereafter adopted by resolution of the village council from time to time.  
(Code 1959, § 30.103)

**Sec. 22-74. Sidewalk specifications.**

Sidewalks shall not be less than four inches in thickness and expansion paper shall be placed in the joints. All concrete used in sidewalk construction shall, 28 days after placement, be capable of resisting a pressure of 2,500 pounds per square inch without failure.

(Code 1959, § 30.104)

**Sec. 22-75. Permit revocation.**

The superintendent of public works may issue a stop order to any permittee holding a permit issued under the terms of this article for failure to comply with this article, or the rules, regulations, plans and specifications established for the construction, rebuilding or repair of any sidewalk, and the issuance of such stop order shall be deemed a suspension of such permit. Such stop order shall be effective until the next regular meeting of the village council, and if confirmed by the council, at its next regular meeting, such stop order shall be permanent, and shall constitute a revocation of the permit.

(Code 1959, § 30.105)

**Sec. 22-76. Approval of specifications.**

The line, grade, slope and width of sidewalks, and specifications as to materials and manner of construction not in conflict with this article, shall be established by the superintendent of public works, and where, under the following sections of this article, the council orders the construction of any sidewalk, then the council shall also, by resolution, specify the line, grade, slope, width, materials and manner of construction for the sidewalk ordered built.

(Code 1959, § 30.106)

**Sec. 22-77. Construction or replacement paid by village.**

All costs of sidewalk replacement or construction in the village shall be paid for by the village.

(Code 1959, §§ 30.107, 30.108; Res. of 6-21-2004)

**Sec. 22-78. Sidewalk maintenance.**

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

(Code 1959, § 30.109)

**Sec. 22-79. Sidewalk repair.**

Whenever the superintendent of public works shall determine that a sidewalk is unsafe for use, notice may be given to the owner of the lot or premises adjacent to and abutting upon said sidewalk of such determination which notice shall be given in accordance with section 1-18. Thereafter, it shall be the duty of the owner to place said sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence.

If the owner of such lot or premises shall refuse or neglect to repair said sidewalk within the time limited therefor, or in a manner otherwise than in accordance with this article, the superintendent of public works shall have said sidewalk repaired. The cost of repairs hereunder shall be charged against the premises which said sidewalk adjoins and the owner of said premises, and shall be collected as provided in section 10 of Chapter VII of the Charter (MCL 67.10).

(Code 1959, § 30.110)

**Sec. 22-80. Snow removal.**

(a) *Sidewalks to be cleared.* The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When any snow shall fall or drift upon any sidewalk during the night time, such snow shall be cleared from the sidewalks by 6:00 p.m. Snow falling or accumulated during the day shall be cleared from the sidewalks by 6:00 p.m. of the day following.

(b) *Failure to clear.* If any occupant or owner shall neglect or fail to clear ice or snow from the sidewalk adjoining his or her premises within the time limited, or shall otherwise permit ice or snow to accumulate on such sidewalk, then the superintendent of public works, or other authorized officer, may cause the same to be removed and the expense of such removal may be recovered against the persons so neglecting or refusing to remove same, in a civil action brought in the name of the village, with the costs of suit, in addition to any fine to which such person may be liable hereunder.

(c) *Penalty.* In addition to the civil remedy as set forth in subsection (b) of this section, a violation of this section shall be punished as follows:

- (1) A first violation within a calendar year shall be punished by a fine of not less than \$20.00 nor more than \$25.00;
- (2) A second violation within a calendar year shall be punished by a fine of not less than \$40.00 nor more than \$50.00;
- (3) A third violation within a calendar year shall be punished by a fine of not less than \$100.00 nor more than \$500.00 and costs of prosecution or by imprisonment in the county jail not to exceed 90 days or by both such fine and imprisonment at the discretion of the court.

(Code 1959, §§ 30.150—30.153 )