

Chapter 22

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

* **Cross References:** Any ordinance relating to any specific local improvements saved from repeal, § 1-6(2); buildings and building regulations, ch. 6; numbering buildings, § 6-106 et seq.; hawkers, peddlers and solicitors, § 8-31 et seq.; environment, ch. 12; parks and recreation, ch. 18; subdivisions and other divisions of land, ch. 24; traffic and vehicles, ch. 26; utilities, ch. 28; zoning, ch. 30.

State Law References: Streets and sidewalks, powers of council, MCL 67.7 et seq., MSA 5.1291 et seq.; paving and improvements, MCL 67.17 et seq., MSA 5.1301 et seq.; street regulations, MCL 67.20 et seq., MSA 5.1304 et seq.

Sec. 22-1. Snow removal.

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Sec. 22-1. Snow removal.

(a) *Moving snow onto streets.* No person shall push, blow or otherwise move accumulated snow from any private driveway onto the traveled portion of any public street.

(b) *Damage of village property; owner liability.* If any water curb boxes, valves or drainage tubes or ditches or other village property shall be damaged by snow removal equipment during the removal of snow from any private drive, the owner of the premises upon which the drive is located shall be responsible for the cost of the repair and replacement of such village property.

(c) *Costs of repair or replacement of village property; billing of property owner; penalty for nonpayment.* The cost of repair or replacement of such property shall be billed to the owner of the premises by the village on completion of replacement or repair and if the costs are not paid within 30 days thereafter, such costs shall be reported to the village council, together with a penalty of ten percent, which shall be levied as a special assessment against the premises pursuant to the ordinance in such case made and provided.

(d) *Violation of section.* Any person violating the provisions of subsections (a) and (b) of this section shall be guilty of an infraction and punished in accordance with section 1-12.
(Comp. Ords. 1987, §§ 30.031--30.054)

Sec. 22-2 Snow Removal, Notice to Owner, Abatement and Assessment.

(a) *Necessity.* The Village Council determines the public safety and welfare require the prompt removal of snow and ice from the pedestrian sidewalks in the central business district of the Village. The central business district of the Village is such is described on the official zoning map of the Village which is on file and available in the Village offices.

(b) *Nuisance.* The Village Council declares that ice and snow on sidewalks located in the central business district of the Village which remains uncleared after the time limits expressed in notice to the property owner as provided for in this Ordinance. All owners of property located in the central business district shall keep sidewalks adjacent to the property they own clear of ice and/or snow.

(c) *Notice to Owner/Occupants.* When ice and/or snow shall remain uncleared on any sidewalk located in the central business district of the Village for a period of time exceeding 24 hours, the Village shall give notice to the owner of the property to which the said sidewalk is adjacent which notice shall require said owner to remove or cause to be removed the ice and/or snow within 24 hours of service of said notice and abate the nuisance.

(d) *Default, Abatement by the Village, Special Assessment.* If the owner of property having received notice pursuant to the preceding section shall fail to remove or cause to be removed the ice and/or snow from the sidewalk, the Village may then abate the nuisance by removing the ice and/or snow and upon doing so shall charge the cost of so doing against the real property to which the sidewalk is adjacent. All costs incurred by the Village for removal of snow and/or ice from sidewalks under this section shall be paid by the owner of the property adjacent to the sidewalk within 30 days of receipt of an invoice for the same. If a property owner does not fully pay the Village within 30 days of receipt of an invoice for such charges, the Village may declare a special assessment against the property for the full amount of costs incurred by the Village to remove snow and/or ice and such shall be collectible in the same manner as real property taxes.

Sec. 22-3. Culverts; installation or replacement.

(a) *In conformity with this section.* Culverts shall be installed or replaced within the limits of any public street in the village only in conformity with the provisions of this section.

(b) *Upon order and under direction of council.* Such culverts shall be installed or replaced only by village employees or authorized contractors upon the order and under the direction of the village council which shall determine the depth, size and length of the culvert and the quantity and type of backfill to be used.

(c) *Payment of costs.* The entire cost of such installation or replacement, including material and labor, shall be paid to the village at the time request is made for such culvert by the property owner who will utilize the culvert.

(d) *Replacement procedure; costs to constitute lien.* If the village council shall determine any culvert to be in need of replacement, it may, after notice to the owner of the premises to be affected and affording such owner an opportunity to be heard before the village council, proceed to replace the culvert, and the cost of such culvert shall constitute a lien against the premises until paid.

(Comp. Ords. 1987, §§ 30.021--30.024)

Sec. 22-4. Openings or excavations.

(a) *Permit required.* No person shall make any opening or excavation in the public streets of the village or install any pipe, conduit or other structure therein without first obtaining a permit from the village.

(b) *Application procedure.* Application for such permits shall be in writing and shall show the location and nature of the proposed work, the manner in which the installation will be made and demonstrate that the proposed work will not be detrimental to the use or condition of the street and will be compatible with present and projected underground installations. The applicant shall indemnify and hold the village harmless from all claims and demands which may arise out of the work and shall pay the currently required permit fee. The village council may designate a representative to process such applications and issue permits.

(c) *Backfilling; restoration of street surface; barricades and lighting.* All excavations shall be backfilled with sand and tamped. The surface of the street shall be restored to its prior condition. The applicant shall provide necessary barricades and lighting and take all steps necessary to protect the public from injury.

(d) *Paved portions of streets; methodology.* No excavation shall be permitted in the paved portion of any street, except Main Street between Church and Meier, and all underground installations under such streets shall be by boring or jacking.

(e) *Supervision of work; costs.* All work shall be done under the supervision of the duly authorized representative of the village council and to his satisfaction. The applicant shall pay all costs of the work. (Comp. Ords. 1987, §§ 30.001--30.005)

Sec. 22-5. Construction of private driveways, sidewalks, fences, etc., in the village right-of-way.

(a) *Permit required.* Any person desiring to construct a private driveway, sidewalk, walkway, fence or the planting of trees or bushes on any village-owned right-of-way must obtain a special permit to do so. Tree species to be cleared with the director of public works prior to planting.

(b) *Permit fee.* The permit to construct a private driveway, sidewalk, walkway, fence, or plant bushes on rights-of-way may be obtained from the clerk's office at 131 N. Main Street by paying the currently required fee. (Comp. Ords. 1987, §§ 22.051, 22.052)

Sec. 22-6. Inspection of construction.

(a) All work conducted within a village right-of-way shall be installed under the standards or specifications or other accepted engineering practices of the village. All construction shall be inspected by the director of public works prior to being covered and during regular village working hours.

(b) Open pit inspections are required for all culverts, water boxes or any other underground installation. (Comp. Ords. 1987, § 22.053; Ord. No. 88-1A, 7-1-1991)

Sec. 22-7. Riding of bicycles, skateboards, roller skates or in-line skates on certain public sidewalks and other public places.

(a) It is unlawful for any person to ride a bicycle, skateboard, roller skates or in-line skates on a public sidewalk from 8:00 a.m. to 8:00 p.m. in the following areas:

(1) Main Street from Church Street to Meier Street.

The prohibitions in this section do not apply to a police officer engaged in the lawful performance of his/her duties.

(Ord. No. 2008-01, § 1, 01-07-2008)

Sec. 22-8. Penalty.

Any person violating any provision of this chapter shall be guilty of a civil infraction and shall be punished in accordance with section 1-12.

(Comp. Ords. 1987, § 22.054; Ord. No. 2008-01, § 1, 01-07-2008)