

Chapter 32

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

* **State Law References:** City control of highways, Mich. Const. 1963, art. VII, § 29; city authority to acquire, own, establish and maintain boulevards, Mich. Const. 1963, art. VII, § 23; obstructions and encroachments on public highways, MCL 247.171 et seq.; closing of highway for repairs, MCL 247.291 et seq.; driveways, banners, events and parades, MCL 247.321 et seq.; liability of local government for injury from the result of not keeping highway in reasonable repair, MCL 691.1402.

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ARTICLE I.

IN GENERAL

Sec. 32-1. Designation of streets.

All streets in said city shall be known and designated by the names applied thereto, respectively, on the map of the city files with the city clerk, which map is hereby adopted as the official map of said city and made a part hereof. The naming of any new street or the changing of the name of any street shall be done by resolution of the council, and any such resolution shall amend said map.

(Ord. No. 3, art. III, § 1, 7-14-1947)

Sec. 32-2. Street numbers.

All premises shall have a distinctive street number displayed upon the front thereof and adjacent to the principal entrance and in such a position as to be plainly visible from the street.

(Ord. No. 3, art. III, § 2, 7-14-1947)

Secs. 32-3--32-22. Reserved.

ARTICLE II.

CONSTRUCTION, MAINTENANCE AND REPAIR

DIVISION 1.

GENERALLY

Sec. 32-23. Waivers.

The owner of record of any premises or lot may at any time execute in writing a "waiver of notice, assessment and proceeding" and file the same with the city clerk, waiving any and all notice of hearing and other proceedings required hereunder and in the Charter and authorizing the city council to make such special assessment as it may deem proper against said owners and their property without further notice. The city council may thereupon by motion or resolution authorize the city manager to proceed with the improvement. Any special assessment so made shall upon confirmation thereof by the city council, be considered the same as any other special assessment formally made under the provisions of the Charter notwithstanding the omission of any notice or proceeding so waived.

(Ord. No. 14, art. II, § 1, 7-14-1947)

Secs. 32-24--32-49. Reserved.

DIVISION 2.

INITIATION OF SIDEWALK, STREET OR ALLEY IMPROVEMENTS

Sec. 32-50. Initiation.

Initiation of sidewalk, street or alley construction, repair or improvement may be made by written

petition to the city council signed by the owners of 60 percent or more of the linear frontage of the property to be benefited by such construction, repair or improvement.
(Ord. No. 14, art. I, § 1, 7-14-1947)

Sec. 32-51. Investigation and report.

All such petitions shall be referred to the city manager for investigation and report before any further action is taken thereon.
(Ord. No. 14, art. I, § 2, 7-14-1947)

Sec. 32-52. Grant or deny improvement.

After receiving the city manager's report, the city council shall either grant or deny the petition, in case the petition is denied, the reasons therefor shall be stated in the minutes of the meeting at which such denial was made. If the petition is granted the council shall determine the state in the motion or resolution granting the same the basis of percentage of cost to be borne by the property owners and by the city in making such improvement and the matter shall then be placed on file for future action. It shall not be the policy of the council to grant any petition upon which construction can not be started within one year.
(Ord. No. 14, art. I, § 3, 7-14-1947)

Sec. 32-53. Initiation of improvement.

Notwithstanding the sections 32-50 through 32-52 provisions, the city council may initiate any such improvement, either to be paid for by the city or by special assessment in accordance with the provisions of the Charter, regardless of whether or not any petition therefor has been received.
(Ord. No. 14, art. I, § 4, 7-14-1947)

Sec. 32-54. Basis for construction costs.

Regardless of how any proposed public improvement is initiated, construction thereof may be made upon any basis, including a proportionate cost basis that may be agreed upon by the council and the interested property owners.
(Ord. No. 14, art. I, § 5, 7-14-1947)

Secs. 32-55--32-81. Reserved.

DIVISION 3.

SIDEWALKS

Sec. 32-82. Construct, reconstruct, repair in accordance to specification.

No person shall construct, reconstruct, repair or remove any sidewalk except in accordance with the line, grade, slope and specifications established by the city manager.
(Ord. No. 14, art. III, § 1, 7-14-1947)

Sec. 32-83. Property should not fall into disrepair.

No person shall cause any sidewalk which adjoins property owned by him to fall into a state of disrepair or to become unsafe for public travel.
(Ord. No. 14, art. III, § 2, 7-14-1947)

Sec. 32-84. Repair notice if sidewalk is unsafe.

Whenever the city manager shall determine that a sidewalk is unsafe for use due to actions of the owner or occupant, notice to the owner or occupant to repair the same may be given.
(Ord. No. 14, art. III, § 3, 7-14-1947)

Sec. 32-85. Violation if repairs not in accordance to specifications.

In the event that such sidewalk is not repaired in a manner satisfactory to the city manager within five days after the delivery or posting of such notice, it shall be considered a violation of this article and each additional day that said sidewalk shall be permitted to remain unrepaired shall be construed as and shall constitute a separate violation.
(Ord. No. 14, art. III, § 4, 7-14-1947)

Sec. 32-86. City may repair and assess cost to owner.

If said sidewalk shall not be repaired within the said five days after the giving of notice as herein provided, the city manager may cause the same to be repaired and may collect the cost thereof from the owner either in an action at law or by assessing the cost thereof against the said property in the same manner that taxes are assessed thereon.
(Ord. No. 14, art. III, § 5, 7-14-1947)

Sec. 32-87. Obstruction or nuisance prohibited.

No person having the care, either as occupant or owner, of any premises bordered by a graded or paved sidewalk shall fail to remove promptly therefrom all sand, rubbish, litter, obstruction or nuisance of any kind.
(Ord. No. 14, art. III, § 6, 7-14-1947)

Sec. 32-88. Openings.

No person shall make or use any opening in any sidewalk within said city unless such opening is provided with suitable protection which has been approved by the city manager.
(Ord. No. 14, art. III, § 7, 7-14-1947)

Secs. 32-89--32-94. Reserved.

DIVISION 4.

SNOW HANDLING AND SNOW REMOVAL

Sec. 32-95. Duty to eliminate snowfall hazards.

All businesses, residences, and public entities, whether owner, occupant or agent, shall attend to all snowfall that accumulates over two inches in a 24-hour period to protect the safety and welfare of the general public. Efforts shall be made to eliminate hazards that such accumulations may create.
(Ord. No. 2008-05, § 1, 5-12-2008)

Sec. 32-96. Pedestrian walkways.

The city shall designate high-profile pedestrian walkways within its sidewalk system for snow removal and maintain passage on them for the public use. The city shall use designation places as criteria for establishing said walkway routes. Routes to schools, to businesses in the central business district, and to commercial shopping districts shall be highly considered.
(Ord. No. 2008-05, § 2, 5-12-2008)

Sec. 32-97. Snow storage areas on commercial properties.

All owners or occupants of commercial properties with parking areas for public use shall designate snow storage areas on site. Snow removed from commercial parking lots shall not be placed on property of others, on any public roadway, or public right-of-way. If snow exceeds its on-site storage area capacity, the owner or occupant shall have the snow hauled off the premises.
(Ord. No. 2008-05, § 3, 5-12-2008)

Sec. 32-98. Placement of snow on public roadways or rights-of-way prohibited.

(a) No residential property owner, occupant or agent shall place snow on public roadways or public rights-of-way that creates a public hazard, impedes vehicular traffic flow, or impairs a driver's vision. Residential properties adjacent to local streets that have sidewalks abutting their properties are not mandated to keep them free of snow. However, property owners, occupants, or agents are not allowed to add to the natural snowfall conditions which create hazardous conditions.

(b) No property owner, occupant or agent shall place snow on a public roadway or public right-of-way that is designated a city snowmobile route.
(Ord. No. 2008-05, §§ 4, 5, 5-12-2008)

Sec. 32-99. Penalty.

Violators of this article shall be subject to a municipal civil infraction.
(Ord. No. 2008-05, § 6, 5-12-2008)

Secs. 32-100--32-106. Reserved.

ARTICLE III.

CONTROL OF RIGHTS-OF-WAY

Sec. 32-107. Control and regulation.

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

Franchise agreement means an agreement entered into between the city and a service provider to use and occupy public rights-of-way for the delivery of specific services within the city, subject to applicable laws and the police powers of the city.

Permit means a nonexclusive permit issued by the city to a service provider to use the public rights-of-way in the city.

Public right-of-way means the area on, below, or above a public roadway, highway, street, alley, sidewalk, easement or thoroughfare. Public right-of-way does not mean a federal, state, or private right-of-way.

(b) *Purpose.* The purpose of this section is to ensure that uses of public rights-of-way within the city are regulated to the full extent permitted by law in order to protect public health, safety and welfare and to exercise all reasonable control of city highways, streets, alleys, and rights-of-way granted by the Michigan Constitution of 1963 and laws of the state.

(c) *Control reserved to city.* The city shall exercise all control and authority over public rights-of-way as is permitted by law, including without limitation, section 29 of article 7 of the Michigan Constitution of 1963, the city home rule act, being Public Act No. 279 of 1909 (MCL 117.1 et seq.), and the Charter. The city shall exercise such control and authority concurrently with federal and/or state authorities of competent jurisdiction, up to the point at which city authority is preempted by manifest and complete state and/or federal occupation of the field of regulation.

(d) *Effect of granting permits or franchises.* The granting of permits and/or entering franchise agreements as required by state and/or federal law does not affect or diminish the right of the city, in the exercise of its police powers, to enact and enforce regulations intended to promote the safety, welfare, and convenience of the public in the use of its public rights-of-way. Approval of a permit or franchise agreement does not waive or limit such city control or authority over its public rights-of-way or prevent the city from issuing and enforcing additional regulations pertaining to access to, and ongoing use of, public rights-of-way. (Ord. No. 2007-004, § 1, 12-10-2007)