

## CHAPTER 1020

### STREETS

1020.01	Definitions	1020.10	Pedestrian Passage
1020.02	Damage & Destruction Prohibited	1020.11	Safeguards
1020.03	Permits & Bonds	1020.12	Shoring Excavations
1020.04	Street Openings	1020.13	Moving of Buildings etc
1020.05	Emergency Openings	1020.14	Removal of Encroachments
1020.06	Backfilling	1020.15	Temporary Street Closings
1020.07	Utility Poles	1020.16	Depositing Snow in Street
1020.08	Maintenance of Installations in Street	1020.17	Vehicle or Machinery Crossing Sidewalk
1020.09	Curb Cuts	1020.18	Penalties
		1020.19	Dedication & Vacating

### CROSS REFERENCES

Special Assessments for Improvements – see CHTR Chap. 10

Failure of property owners to keep sidewalks free of obstruction –  
see M.C.L.A. § 103.4

Excavations generally – see M.C.L.A. § 554.251 et seq

---

#### **1020.01 Definitions.**

Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

- (1) "Street" shall mean all of the land lying between property lines on either side of all streets, alleys and boulevards in the City, and includes lawn extensions and sidewalks and the area reserved therefore where the same are not yet constructed.

(2) "Manager" shall mean the City Manager or his duly, authorized assistant or deputy.

**1020.02 Damage and Obstruction Prohibited.**

No person shall make any excavation in, or cause any damage to any street in the City, except under the conditions and in the manner permitted in this Chapter. No person shall place any article, thing or obstruction in any street except under the conditions and in the manner permitted in this Code, 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, the lawful parking of vehicles within the part of the street reserved for vehicular traffic, or the installation of traffic or directional signs by the City or other authorized governmental agency.

**1020.03 Permits and Bonds**

Where permits are authorized in this Chapter, they shall be obtained upon application to a duly authorized representative. Upon such forms as he shall prescribe and there shall be a charge of Fifty (\$50.00) dollars for each such permit. Such permit shall be revocable by the City Manager for failure to comply with this Chapter, rules and regulations adopted pursuant hereto, and the lawful orders of the City Manager 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 Chapter, shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the City 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 City 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 following amounts, except as otherwise specified in this Chapter;

1. On account of injury to, or death of, any person in any one accident - \$500,000.00

2. On account of any one accident resulting in injury to, or death of, more than one person - \$1,000,000.00
3. On account of damage to property in any one accident - \$500,000.00
4. Combined limit as an alternative of - \$1,000,000.00

A duplicate executed copy of photo static copy of the original of such insurance policy, shall be filed with the City Clerk.

In addition to the insurance coverage, the contractor shall place with the City Clerk, a performance bond of no less than \$50,000.00. The City Manager shall have the option of requiring an amount greater than \$50,000.00 if such is warranted by the project.

**1020.04 Street Openings.**

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the City Manager. No permit shall be granted until the applicant shall post a performance bond and file a liability insurance policy as required by section 1020.03.

**1020.05 Emergency Openings.**

The City Manager, 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 Chapter shall be complied with.

**1020.06 Backfilling.**

All trenches in a public street or other public place, except by special permission, shall be backfilled in accordance with regulations adopted pursuant to this Chapter. Any settlement shall be corrected within four (4) hours after notification to do so.

**1020.07 Utility Poles.**

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

**1020.08 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 City 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 City 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.

**1020.09 Curb Cuts.**

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

- (1) No single curb cut shall exceed twenty-five (25) feet nor be less than ten (10) feet.
- (2) The minimum distance between any curb cut and a public crosswalk shall be five (5) feet.
- (3) The minimum distance between curb cuts, except those serving residential property, shall be twenty-five (25) feet.

- (4) The maximum number of lineal feet of sidewalk driveway crossing permitted for any lot, parcel of land, business or enterprise, shall be forty-five per cent (45%) of the total abutting street frontage up to and including two hundred (200) lineal feet of street frontage plus twenty per cent (20%) of the lineal feet of street frontage in excess of two hundred (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 City.
- (6) All construction shall be in accordance with plans and specifications approved by the City Manager.

**1020.10 Pedestrian Passage.**

At least six (6) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the building operations are such that free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around such obstruction.

**1020.11 Safeguards.**

All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with approved warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three (3) feet apart, and parallel to the flow of traffic not over fifteen (15) feet apart.

**1020.12 Shoring Excavations.**

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

**1020.13 Moving of Buildings, etc.**

No person shall move, transport or convey any building, machinery, truck, or trailer more than 8 feet, 8 inches wide or higher than 13 feet, 6 inches above the surface of the roadway, into, across, or along any street or other public place in the City, without first obtaining a permit from the City Manager. The applicant shall file written clearances from the light, telephone, gas and water utilities, stating that all connections have been properly cut off and, where necessary, all obstructions along proposed route of moving will be removed without delaying moving operations. In addition, clearance shall be obtained from the Police Department, approving the proposed route through the City streets and the time of moving, together with an estimated cost to the Police Department due to the moving operations. The applicant shall deposit with the City the total estimated cost to the City plus a performance bond and shall file an insurance policy as required by section 1020.03.

**1020.14 Removal of Encroachment.**

Encroachments and obstructions in the street may be removed and excavations refilled and the expenses of such removal or refilling charged to the abutting land owner when made or permitted by him or suffered to remain by him, otherwise than in accordance with the terms and conditions of this Chapter.

**1020.15 Temporary Street Closings.**

The City Manager 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. He 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 City Manager.

**1020.16 Depositing Snow in Street.**

No person shall plow, shovel, brush or heap up any snow, ice or other materials into piles or ridges in or upon any street, or other public place, and in all instances where snow or ice are plowed, shoveled, brushed, or moved about, it shall be uniformly scattered over the street in such a manner as to have the same level and not in any manner interfere with public travel.

**1020.17 Vehicle or Machinery Crossing Sidewalk.**

It shall be unlawful for any person to drive, haul, pull, or to cause to be driven, hauled or pulled over any sidewalk in the City, other than at the entry to a driveway or alley, any truck, any excavating machinery, any bulldozer, or any trailer used in connection with any of the foregoing machinery, or any type of heavy machinery whatever, unless the sidewalk is first protected by laying three (3) sections of at least two (2) inch material bolted together to form sections of approximately five (5) feet by ten (10) feet each.

**1020.18 Penalties**

- (a) **First Offense** – The first violation of the above rules shall be a civil infraction, punishable by a fine not to exceed \$100.00 plus costs.
  
- (b) **Second Offense** – The second violation of the above rules, within a 3 year period, shall be a civil infraction, punishable by a fine not to exceed \$200.00 plus costs.
  
- (c) **Third Offense** – The third or more violation of the above rules, within a 3 year period, shall be a misdemeanor punishable by a fine of not greater than \$500.00 plus costs and/or jail sentence not to exceed 93 days in jail.