

CHAPTER 151: STREETS, ALLEYS AND RIGHTS-OF-WAY; SIDEWALKS

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STREET VACATIONS

§ 151.01 CHARTER PROVISIONS.

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Pursuant to the charter provisions of Public Act 3 of 1895, the General Law for Villages, vacation of streets, alleys, rights-of-way and the like shall be in accordance with Ch. VII, § 13, of said Act, being M.C.L. § 67.13, which, in its current form, prescribes the following sections in this subchapter.

(1989 Code, § 26.100)

§ 151.02 INITIATION.

Upon receipt of a petition from adjacent property owners, or on its own motion, the Village Council may declare its intent to vacate, discontinue or abolish a highway, street, lane, alley or public ground by resolution, which shall set a date, time and place for public hearing and meeting not less than four weeks after the date of the resolution.

(1989 Code, § 26.110)

§ 151.03 NOTICE OF HEARING.

A copy of the resolution declaring intent shall be:

(A) Posted at the Village Hall and in at least two other conspicuous public places in the village within seven days of the initiating meeting. Proof of such posting shall be filed with the resolution by the date of hearing; and

(B) Mailed to owners of contiguous property by certified mail. Proof of such mailing shall be filed with the resolution by the date of hearing.

(1989 Code, § 26.120)

§ 151.04 OBJECTIONS.

(A) Written objections to the vacating or discontinuance of use must be filed with the Village Clerk prior to the hearing.

(B) In event that an objection is filed, the highway, alley, street, lane, public ground or part hereof shall not be vacated or discontinued, except by a vote of two-thirds of the members of the Council.

(1989 Code, § 26.130)

§ 151.05 ORDINANCE OF ABANDONMENT.

(A) If a sufficient number of the Village Council support the vacating, then the Council shall, by amendment to this subchapter, declare the abandonment of the highway, alley, street, lane, public ground or part thereof.

(B) A true copy of the action shall be filed with the Register of Deeds.

(1989 Code, § 26.140)

SIDEWALKS; CONSTRUCTION, MAINTENANCE AND USE

§ 151.20 COUNCIL RESOLUTION.

The Council of the village shall, by resolution, determine the necessity for the construction, reconstruction and repair of any sidewalk in any street or alley in the village and shall declare, by intention of the village (i.e., declaration of intent), to make such improvement.
(1989 Code, § 23.100)

§ 151.21 NOTICE OF SIDEWALK IMPROVEMENTS.

(A) Immediately after the passage of the declaration of intent, the Village Clerk shall notify the owners of property adjoining the sidewalk (which is proposed for construction, reconstruction or repair) of the intention of the village to make such improvement and assess the cost thereof against the abutting property owner.

(B) Said notice shall also state that the owner may cause said work to be done by a licensed contractor in conformance with the plans and specifications on file in the office of the Village Clerk at his or her own expense; provided, this work is completed within 30 days after the date of such notice.

(C) Said notice shall be given by personal service if the property owner resides upon the property. If, for any reason, personal service cannot be secured on the owner of the property, the Village Clerk shall serve the property owner of such notice by registered mail, a return card requested.

(D) If the address or residence of the owner of said property is not known or of record in the office of the Village Clerk, substituted service may be had by posting in three of the most conspicuous places in the village, and publishing said notice in a newspaper of general circulation in the village for two consecutive publications.
(1989 Code, § 23.110)

§ 151.22 PLANS AND SPECIFICATIONS.

(A) All sidewalks shall be constructed in conformity with the plans on file in the office of the Village Clerk, and in accordance with the standard specifications of the village, which shall, at all times hereafter, be subject to change by the village and notice published of such change.

(B) (1) *Residential sidewalks.*

(a) All sidewalks shall be constructed with a four-inch sand base under concrete, four feet wide, four inches deep, six inches deep at apron for driveway to backside of sidewalk.

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(b) All walks shall be built to grade or at a grade approved by the Village Council or DPW Supervisor.

(c) All sidewalks are to be constructed of concrete, including those crossing driveways; sidewalks must not be covered by asphalt.

(d) All walks shall be constructed of a minimum six sack, limestone mix cement, unless approved by the DPW Supervisor.

(e) All sidewalks shall be constructed clear of any and all tree roots and/or other obstructions as specified by the DPW Supervisor.

(f) Sidewalks shall conform with all other construction plans, regulations and specifications prescribed by the Village Council and on file with the Village Clerk, or specified by the DPW Supervisor.

(2) *Commercial sidewalks.*

(a) Same specifications as residential, except apron approach is to be eight inches minimum or depending on expected load may require increase in depth and reinforcement.

(b) All walks shall be four feet wide and at least four inches in depth.

(c) All walks shall be built to grade or at a grade approved by the DPW Supervisor.

(d) All walks shall be constructed of a minimum six sack, limestone mix cement, unless approved by the DPW Supervisor.

(e) All sidewalks shall be constructed clear of any and all tree roots and/or other obstructions as specified by the DPW Supervisor.

(f) Sidewalks shall conform with all other construction plans, regulations and specifications prescribed by the Council of the village and on file with the Village Clerk, or specified by the Village DPW Supervisor.

(C) The Supervisor (or other agent designated by the Village Council) shall be responsible for inspection of any walk during the construction.

(D) In case of violation, the inspector is directed to stop the work and immediately notify the Village President.

(E) Every public sidewalk shall be stamped with the permit number and year once in every 100 lineal feet thereof.

(1989 Code, § 23.120) Penalty, see § 10.99

§ 151.23 SIDEWALK CONSTRUCTION PERMIT.

(A) No sidewalk shall hereafter be constructed in the village without a permit being obtained therefor from the Village Clerk.

(B) The Village Clerk shall be authorized to issue such permits upon payment of a fee to the Village Treasurer in the amount to be set annually by the Village Council.

(C) This permit shall be secured by the owner of the property abutting said sidewalk or his or her agent and, under the terms of this permit, the owner shall agree to construct this sidewalk in conformity with the grade established by the village and according to specifications attached to such permit.

(D) The Village Clerk is hereby authorized to grant a permit to any property owner to construct a sidewalk in front of or adjacent to any real estate owned by him or her to meet the construction standards recited.

(1989 Code, § 23.130) Penalty, see § 10.99

§ 151.24 REVOCATION OF PERMIT.

The Village Council may revoke any permit issued under the terms of this subchapter for incompetency or failure to comply with the terms of this subchapter or the rules, regulations, plans and specifications furnished by the village ordinance for the construction, reconstruction or repairing of any sidewalks.

(1989 Code, § 23.140)

§ 151.25 RESPONSIBILITY FOR SIDEWALK CONDITION.

(A) The owner of the property abutting the sidewalk, covered by such permit, shall be responsible for the condition of said sidewalk.

(B) Any replacement or repairs on this sidewalk shall be at the expense of the property owner or his or her successor in title.

(1989 Code, § 23.150)

§ 151.26 PAYMENT OF THE COSTS ASSESSED AS TAXES.

(A) The Council of the village shall be and is hereby authorized to construct, reconstruct or repair any sidewalk or crosswalk in any street or alley of said village.

(B) After construction, reconstruction or repair and the confirmation of the charges therefor by the Council, the charges shall be paid by the property owner abutting the said sidewalk forthwith and, if not paid, shall be assessed against the property and become a lien thereon for the payment thereof.

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(C) This lien may be enforced by the municipality by the institution of suit for the collection of same in any court of competent jurisdiction, but no attempt to collect unpaid costs of construction, reconstruction or repair shall in any way invalidate or waive the lien upon the premises.

(D) In case the payment of the construction, reconstruction or repairing of said sidewalk is not paid prior to July 1, in the year after construction, reconstruction or repairing, and the costs therein are assessed as taxes against the abutting property owner, a 3% carrying charge will be assessed and collected as taxes or preferred installments shall bear interest at the rate as the Council may prescribe.

(1989 Code, § 23.160)

§ 151.27 CONSENT TO ASSESS AS TAXES.

Any abutting property owner authorizing the construction, reconstruction or repairing of the said sidewalk thereby also consents to the assessing of the costs thereof against the property as taxes. In the event that sidewalk construction, reconstruction or repairs are financed by creation of a special assessment district, authorization or consent of abutting owners shall not required for collection.

(1989 Code, § 23.170)

§ 151.28 RIDING, PARKING OR DRIVING ON SIDEWALKS.

(A) *Prohibition.* It shall be unlawful for any person to ride, park or drive upon any of the sidewalks within the corporate limits of said village in or on any automobile, truck, motorcycle, wagon, buggy, cart or other motorized vehicles other than single passenger chairs, carts or buggies designed for and operated by handicapped persons.

(B) *Exception.* Handicapped persons in motorized chairs are excepted from this prohibition.

(1989 Code, § 23.300) Penalty, see § 10.99

SNOW REMOVAL

§ 151.40 DUTY OF SNOW REMOVAL.

The occupant of every lot or premises adjoining any street, or the owners of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such commercial, residential lot or premises within 12 hours after cessation of a two-inch or greater snowfall and businesses within four hours after cessation of a snowfall.

(1989 Code, § 23.200) Penalty, see § 10.99

§ 151.41 SNOW REMOVAL BY VILLAGE.

If any occupant or owner shall fail to clear ice or snow from the sidewalk adjoining his or her premises within the time limit, or shall otherwise permit ice or snow to accumulate on such sidewalk,

he or she shall be in violation of this subchapter, and the DPW Supervisor may cause the same to be cleared and the expense of removal shall become a debt to the village from the occupant or owner of such premises, and shall be collected as any other debt to the village.
(1989 Code, § 23.210)