

## Chapter 11

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

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\* **Cross References:** Business licensing, Ch. 4; traffic and motor vehicles, Ch. 12.

**State Law References:** Streets and sidewalks, 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.

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**ARTICLE I.****IN GENERAL****Sec. 11-1. Riding bicycles, skateboards, etc., on sidewalks.**

It shall be unlawful for any person to ride any bicycle, motorbike, motor scooter, motorcycle, skateboard, roller skates or similar vehicles or devices upon any sidewalk within one (1) block of the intersection of Main and Ovid Streets in the village. It shall be unlawful for any person while riding or operating the above-mentioned vehicles or devices on any sidewalk in the village, not prohibited in this section, to fail to yield the right-of-way to pedestrians using the sidewalks.

(Ord. No. 51-A, § 1, 4-11-88)

**Sec. 11-2: Impounding of Bicycles/ Skateboards**

Members of the police department are hereby authorized to seize and to impound bicycles or skateboards in the village bicycle/skateboard pound for a time discretionary with the chief of police but not exceeding a period of six months, under the following circumstances:

1. When any bicycle or skateboard is deemed to have been abandoned or stolen.
2. When any bicycle or skateboard is being operated in violation of any provision of the state vehicle code appropriate to the operation of bicycles, or in violation of any provision of village laws.
3. When the owner or operator of a bicycle or skateboard is not readily available to be served with notice of any violation of this article
4. When any bicycle or skateboard is operated in any public place at night without the lighting required by law.
5. When more than one person is riding at the same time on a bicycle or skateboard which is not designed and equipped for such purpose.

(Ord. No. 155, § 1.1, 8-04-09)

**Sec. 11-3 Unclaimed Bicycles or Skateboards**

Whenever any bicycle or skateboard is impounded under the provisions of this article and is not claimed and obtained from the village pound by its owner within a period of six months from its impoundment it shall be subject to a storage fee as set by resolution of the village council and to disposal in any manner deemed appropriate by the chief of police, including public sale thereof, transfer to others for charitable purposes or scrapping.

(Ord. No. 155, § 1.2, 8-04-09)

**Secs. 11-4--11-25. Reserved.**

**ARTICLE II.****STREET OBSTRUCTIONS****Sec. 11-26. Exhibits, displays on sidewalks, curbs.**

No person shall exhibit or display any goods, wares or merchandise for sale, either at wholesale or retail, upon any sidewalk in the village nor beyond the curb between the sidewalk and the street; provided, however, that any merchant regularly engaged in business within the village may so display his goods, wares and merchandise on the sidewalk immediately in front of and adjacent to his place of business with a space or distance not to exceed one-third of the width of the sidewalk immediately in front of his place of business.

(Ord. No. 47, § 1, 2-20-58)

**Secs. 11-27--11-45. Reserved.****ARTICLE III.****CONSTRUCTION AND REPAIR OF SIDEWALKS\***

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\* **State Law References:** Construction and maintenance of sidewalks, MCL 67.8, MSA 5.1292.

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**Sec. 11-46. Duty of adjacent property owners.**

It shall be the duty of the owner of every lot or parcel of land in the village to keep the sidewalks adjoining his lot or parcel of land in good repair; to remove or cause to be removed and cleared away all snow and ice and other obstructions from the sidewalks; and to build, reconstruct or repair sidewalks in front of or adjoining such premises when so ordered.

(Ord. No. 50, § 1, 2-20-58)

**Sec. 11-47. Declaration of necessity by council resolution; notice to landowners.**

(a) Whenever the village council shall deem the construction of a new sidewalk, or the reconstruction or repair of an existing sidewalk, a necessary public improvement, the council shall so declare by resolution, describing the property in front of or adjacent to which such construction or reconstruction is ordered by lots, blocks or parcels of land. The materials to be used in such construction or reconstruction shall be as provided by the council, according to the specifications prepared therefore by the street committee of the village, and approved by the village council. Such specifications shall be placed on file with the clerk.

(b) After the adoption of such resolution, it shall be the duty of the village clerk to cause a notice of the resolution to be published in a newspaper published and circulated in the village, directed to the owners of the parcels of land, without naming them, in front of or adjacent to which the sidewalks are to be constructed, reconstructed or repaired, requiring such owners to construct, reconstruct or repair, as the case may be, such sidewalks as are contemplated by such resolution within twenty (20) days from the date of publication, or the street committee of the village council may mail such notice to the last known address of each property owner affected.

(Ord. No. 50, §§ 2, 3, 2-20-58)

**Sec. 11-48. Failure of owner to comply; action by village.**

If at the expiration of twenty (20) days from the publication of notice, in the manner provided in this article, the owner of the property in front of or adjacent to which the sidewalk is ordered to be constructed, reconstructed or repaired has not constructed, reconstructed or repaired such sidewalk, the street committee shall proceed without unnecessary delay thereof to cause such sidewalk to be constructed, reconstructed or repaired in accordance with the resolution of the village council relating thereto, and in the manner required by this article and in accordance with the specifications for such sidewalks as required by the street committee and approved by the village council.

(Ord. No. 50, § 4, 2-20-58)

**Sec. 11-49. Recovery of village expenses; billing of owner.**

(a) The expense of construction, reconstruction or repairing of any sidewalk ordered by the village council pursuant to this article shall be defrayed equally by the village and the adjacent property owner to which the sidewalk is ordered to be constructed, reconstructed or repaired, and that part to be defrayed by the village may be paid out of the contingent fund of the village. The village council, after the cost of constructing, reconstructing or repairing the sidewalk has been reported to it by the street committee, shall assess as a special tax one-half of the cost of constructing, reconstructing or repairing the sidewalk to the owner of the parcel of land in front of or adjacent to which the sidewalk was constructed, reconstructed or repaired.

(b) The owner shall be billed for the amount so determined by the village council as soon as possible after completion of the sidewalk construction, reconstruction or repairing.

(Ord. No. 50, §§ 5, 6, 2-20-58)

**Sec. 11-50. Creation of lien.**

If any special assessments under this article have not been paid in full at the time the next following general assessment rolls of the village are to be prepared, the village shall, and is hereby authorized to, place the unpaid amount of the special assessments in the general assessment roll of the village. Such amount so added shall be a lien on the

premises in the same manner as the tax to which it is added, and if not paid or collected, the lands and premises affected thereby may be held therefor in the same manner as for general village taxes.

(Ord. No. 50, § 7, 2-20-58)

**Sec. 11-51. Construction specifications.**

All sidewalks to be constructed in the village shall be constructed according to specifications prepared therefor by the street committee of the village and approved by the village council.

(Ord. No. 50, § 8, 2-20-58)

**Sec. 11-52. Grade and line of sidewalks.**

It shall be the policy of the village council so far as practical to lay all sidewalks so as to conform to the grade established by the council. Except when the council shall order, such walks shall be constructed of no greater width than six (6) feet nor less than five (5) feet, or unless the narrowness of the street, shade trees, obstructions or other reasons prevent it, such walks shall be laid a distance of six (6) feet from the line of the lot or parcel of land adjoining. It shall be the duty of the street committee, when any such sidewalk is ordered constructed by the village council, to cause stakes to be set showing the grade and line of such walks.

(Ord. No. 50, § 9, 2-20-58)

**Sec. 11-53. Materials.**

It shall be the duty of the street committee to prepare specifications prescribing specifically the kind and quality of all material to be used in the construction of any of the sidewalks mentioned in this article and the manner of laying and constructing the sidewalks. When such specifications shall have been approved by the village council, no sidewalk shall be constructed in violation thereof.

(Ord. No. 50, § 10, 2-20-58)

**Sec. 11-54. Contractor's agreement; bond.**

Every contractor constructing sidewalks in pursuance of any contract with the village shall construct the sidewalks in accordance with the plans and specifications adopted by the village council. Every such contractor shall enter into a bond to the village, conditioned for the faithful performance of the contract and this article, including any amendments thereto, and shall also enter into a bond to the state, conditioned for the payment of all labor and material debts therefor as required by law. Both of the bonds shall be in such penal sums and with such sureties as may be approved by the village council.

(Ord. No. 50, § 11, 2-20-58)

**Sec. 11-55. Penalty for noncompliance.**

Should any owner of property adjacent to which a sidewalk shall be constructed or reconstructed not comply with the provisions and requirements of this article, the owner shall not be reimbursed for fifty (50) percent of the cost of the construction, reconstruction or repair by the village, but shall be obligated to defray the entire cost thereof; provided, however, that should any such owner cause to be constructed a sidewalk not in conformity with this article and the sidewalk does not meet the specifications and is improperly constructed or repaired the village may cause the sidewalk to be removed and the cause of such removal shall be defrayed by the adjacent property owner, in the same manner as the construction, reconstruction or repair provided in this article.

(Ord. No. 50, § 12, 2-20-58)

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