

## **ARTICLE IV. SIDEWALKS**

### Sec. 26-76. Definitions.

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

Major roads: Roadways defined as city major streets, county primary roads, and state trunk lines in accordance with Act 51 of the Public Acts of 1951, as amended.

Owner: Any of the following:

- (1) The person to whom real property is assessed on the city tax roll.
- (2) The person in the process of developing property for residential use and constructing sidewalks as a part of common improvements to the development and who has not released the responsibility of maintenance of those improvements to an established homeowner or condominium association.
- (3) The association of homeowners or condominium owners having the responsibility for the maintenance and repair of common areas of a residential development.

Sidewalk: The portion of the street right-of-way designed and improved for pedestrian and nonmotorized travel.

(Code 1981, 10.150; Ord. No. C-12-94, 1, 7-18-94)

Cross reference- Definitions and rules of construction generally, 1-2.

### Sec. 26-77. Adherence to specifications, permit required.

No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the city engineer nor without first obtaining a written permit from the department of public services, except that sidewalk repairs or [on] less than fifty (50) square feet of sidewalk may be made without a permit. The written permit shall be prominently displayed on the construction site. The fee for such permit shall be set by resolution of the council.

(Code 1981, 10.151)

### Sec. 26-78. Line and grade stakes.

The department of public services shall approve line and grade stakes as may be necessary for proper control of work under this article. This shall not relieve the owner of the responsibility for making careful and accurate measurements in constructing the work to the line and grade approved by the city engineer.

(Code 1981, 10.152)

### Sec. 26-79. Construction, maintenance specifications.

Sidewalks shall be constructed and maintained in accordance with the standards and specifications as established by the city engineer and approved by the council.

(Code 1981, 10.153)

### Sec. 26-80. Permit revocation.

The director of public services may revoke any permit issued under the terms of this article for incompetency or failure to comply with the terms of this article or the rules, regulations, plans and specifications established by the city.

(Code 1981, 10.154)

Sec. 26-81. Obstructions.

The owner and/or occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if same are not occupied, shall clear and keep clear all sidewalks adjoining such lot or premises from any obstructions including, but not limited to, structures, vehicles, materials, debris, vegetation or other similar items. (Code 1981, 10.155)

Sec. 26-82. Maintenance.

No person shall permit any sidewalk which adjoins property owned by such person to fall into a state of disrepair or to be unsafe. (Code 1981, 10.156)

Sec. 26-83. Sidewalks needing repair; notice to property owner; repair by city.

- (a) Whenever the city manager determines that a sidewalk is unsafe for use, notice may be given to the owner of the lot or premises adjacent to and abutting upon such sidewalk of the city manager's determination. Such notice shall be given in accordance with subsection (c). Thereafter, it shall be the duty of the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than ten (10) days, within which such work shall be completed with due diligence.
- (b) If the owner of such lot or premises shall refuse or neglect to repair the sidewalk within the time limited therefor, or in a manner otherwise than in accordance with this article, the city manager shall have the sidewalk repaired. If the city manager determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, he may dispense with the notice and institute the repairs immediately. In any event, the cost of repairs under this section shall be charged against the premises which adjoins the sidewalk and shall be paid by the owner of the premises. If not paid, the cost of repairs shall be collected as provided in section 7.13 of the Charter.
- (c) Notice regarding sidewalk repairs shall be served in the following manner:
  - (1) By delivering the notice to the owner personally or by leaving the same at the owner's residence, office or place of business with some person of suitable age and discretion;
  - (2) By mailing the notice by certified or registered mail to such owner at his or her last known address; or
  - (3) If the owner is unknown, by posting the notice in some conspicuous place on the premises at least fifteen (15) days before the required work shall be completed. No person shall interfere with, obstruct, mutilate, conceal or tear down any official notice or placard posted by any city official, unless permission is given by such officer to remove the notice.

(Code 1981, 10.157, 10.158)

Sec. 26-84. Sidewalks located on major roads.

Section 26-83 shall not apply to sidewalks located along major roads.

(Ord. No. C-12-94, 2, 7-18-94)

Secs. 26-85. Reserved.

Editor's note- Section 3 of Ord. No. C-12-94, adopted July 18, 1994 repealed 26-85, which pertained to snow and ice removal, and was derived from Ord. No. C-64-85, 1, adopted Dec. 9, 1985.

Sec. 26-86. Appeals.

- (a) Any owner who believes the actions of the city manager pursuant to this article are improper may appeal the decision of the city manager to the council, provided such appeal is filed with the city clerk's office within ten (10) days of receipt or posting of a notice under this article. The appeal shall be in writing and shall state in clear and concise language the reasons for the appeal
- (b) The timely filing of an appeal shall stay all proceedings related thereto pending the outcome of the appeal.
- (c) The city clerk shall immediately deliver a copy of the appeal to the city manager and shall place the appeal hearing on the agenda of the next available council meeting.
- (d) At the conclusion of the appeal hearing, the council may affirm, modify or rescind the decision of the manager. The decision of the council shall be final.

(Code 1981, 10.159)

Sec. 26-87. Violations.

Any person who shall violate any section of this article shall be responsible for a civil infraction and shall pay a fine not to exceed five hundred dollars (\$500.00). Each day a violation exists may be considered a separate violation and a fine so imposed.

(Code 1981, 10.160; Ord. No. C-59-85, 1(10.190), 10-28-85)

Secs. 26-88-26-105. Reserved.