

Chapter 30

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

Article I. In General

Secs. 30-1—30-18. Reserved.

Article II. Sidewalks

- Sec. 30-19. Reservation of land; construction; approval of street commissioner.
- Sec. 30-20. Petition for construction.
- Sec. 30-21. Construction contracts.
- Sec. 30-22. Construction specifications.
- Sec. 30-23. Maintenance.
- Sec. 30-24. Duties of adjoining property owners and occupants.
- Sec. 30-25. Default of property owners and occupants.
- Secs. 30-26—30-53. Reserved.

Article III. Shade Trees

- Sec. 30-54. Prohibited in public rights-of-way.
- Sec. 30-55. Trimming.
- Sec. 30-56. Cutting, etc., prohibited.
- Sec. 30-57. Violation as a municipal civil infraction.

***State law references**—Streets and sidewalks, MCL 67.7 et seq.; paving and improvements, MCL 67.17 et seq.; street regulations, MCL 67.20 et seq.

ARTICLE I. IN GENERAL

Secs. 30-1—30-18. Reserved.

ARTICLE II. SIDEWALKS

Sec. 30-19. Reservation of land; construction; approval of street commissioner.

(a) A strip of land six feet wide within the public right-of-way on each side of all streets shall be reserved for sidewalks.

(b) All artificial sidewalks shall be constructed within said strip. Plans and specifications and the performance of such construction shall be approved by the street commissioner.

(Code 1988, § 1.018)

Sec. 30-20. Petition for construction.

Property owners desiring construction of sidewalks adjoining their premises shall file with the village council a petition therefor signed by the owners of not less than 75 percent of the front footage over which sidewalk construction is petitioned for. Upon the filing of such petition, a date not less than 30 days thereafter shall be set for a hearing on such petition, and each owner of property which would be affected thereby shall be notified of such date of the hearing and that the cost of construction of such sidewalks will be assessed upon the property adjacent thereto as a special assessment on such premises. A majority vote of the village council taken after such hearing shall be required for approval of petitions for the construction of sidewalks and to authorize construction of the same and the assessment of the construction costs upon the property adjacent thereto. The council may, by two-thirds vote of all the trustees, elect to pay such part of the expense of building or rebuilding such walk as they may determine proper from the general fund.

(Code 1988, § 1.019)

Sec. 30-21. Construction contracts.

When there is construction of sidewalks within the village, pursuant to the approval of a petition as provided in section 30-20, or under any other circumstances where the village constructs the sidewalk and enters into a contract for such construction, such contract shall be in writing and must state the price, mixture, materials and thickness of walk of the sidewalk and contain a guarantee for the standup of the work under normal use.

(Code 1988, § 1.020)

Sec. 30-22. Construction specifications.

Specifications for sidewalks located within the corporate limits of the village shall be as follows:

- (1) Materials to be used in all sidewalks, either new or repaired, shall be as follows:
 - a. Clean washed gravel: three parts.
 - b. Clean washed sand: two parts.
 - c. High quality cement: one part.
- (2) The thickness of sidewalks shall be as follows:
 - a. Four inches on common walks.
 - b. Six inches crossing private driveways.
 - c. Eight to ten inches on commercial driveways.

(Code 1988, § 1.021)

Sec. 30-23. Maintenance.

All cement sidewalks within the corporate limits of the village shall be maintained and kept in repair by the village, except in cases of deliberate destruction. In such cases, the total costs of repair shall be assessed against the owner of the adjoining premises as a special assessment on the village taxes on such premises, upon a majority vote of the village council after due notice and hearing.

(Code 1988, § 1.022)

Sec. 30-24. Duties of adjoining property owners and occupants.

It shall be the duty of the owner or occupant to keep the sidewalk adjacent to and abutting upon the premises occupied or owned by him free from obstructions, encroachments, encumbrances, filth and other nuisances and to remove all ice and snow therefrom as often as may be necessary for the safety and convenience of the public, and the street commissioner shall keep all crosswalks and sidewalks adjacent to public property free from dirt, ice and snow.

(Code 1988, § 1.023)

Sec. 30-25. Default of property owners and occupants.

Whenever the sidewalk shall be found encumbered with snow, ice or rubbish, it shall become the duty of the street commissioner to notify such owner or occupant of each lot, if there be one found, to clean the walks, and in the event such owner or occupant cannot be located or refuses or neglects to do such within 24 hours after such notice, the street commissioner shall cause such to be done, and the expense thereon shall be a lien upon such lot or premises in the same manner as special assessments and shall be assessed and collected in the same manner.

(Code 1988, § 1.024)

Secs. 30-26—30-53. Reserved.

ARTICLE III. SHADE TREES**Sec. 30-54. Prohibited in public rights-of-way.**

It shall be unlawful for any person to plant or set out any tree within the public right-of-way of any street in the village, except under the direction and upon the line and grade furnished by the street commissioner. Any tree set out in violation of this section shall be subject to removal by order of village council.
(Code 1988, § 1.025)

Sec. 30-55. Trimming.

Any person desiring to trim or cut any trees in the public right-of-way shall first obtain written permission to do so from the council, specifically from the trustee who is chairman of the street committee or the street commissioner.
(Code 1988, § 1.026)

Sec. 30-56. Cutting, etc., prohibited.

It shall be unlawful for any person to cut, mark, write upon, or in any manner deface, mangle or pull up any tree which has been reserved as a shade tree, or which may have been properly planted for that purpose, which tree is in the public right-of-way, except in accordance with the provisions in section 30-55.
(Code 1988, § 1.027)

State law reference—Malicious mischief generally, MCL 750.377a et seq.

Sec. 30-57. Violation as a municipal civil infraction.

Any person violating this article shall be responsible for a municipal civil infraction.