

CHAPTER 95: STREETS AND SIDEWALKS

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SNOW AND ICE

§ 95.01 OCCUPANT TO REMOVE SNOW AND ICE.

The occupant of any premises within the City of Lake City, or the owner of such premises, if the same is not occupied, shall remove and clear or cause to be removed and cleared from any public paved sidewalk abutting or fronting the premises all snow and ice as herein stated. ('69 Code, § 3102.31) (Ord. A-36, passed 9-12-88) Penalty, see § 95.99

§95.02 REMOVAL OF SNOW.

All snow shall be removed from the sidewalks within a reasonable time period after the snowfall. When the accumulation of snow is four or more inches, such snow shall be removed from the sidewalks within 24 hours of such accumulation. ('69 Code, § 3102.32) (Ord. A-36, passed 9-12-88) Penalty, see § 95.99

§ 95.03 REMOVAL OF ICE.

When ice has so formed on any such sidewalk that it cannot be removed, the occupant shall prevent such ice from causing a hazard to the users of the sidewalk by sprinkling the sidewalk with sand, abrasive material or other product designed to prevent ice accumulation. Otherwise, the occupant shall cause the ice to be removed within 24 hours. The occupant must make the sidewalk reasonably safe for travel. The owner shall be responsible for the sidewalk where there is no occupant. ('69 Code, § 3102.33) (Ord. A-36, passed 9-12-88) Penalty, see § 95.99

§ 95.04 VIOLATIONS.

If any occupant or owner responsible to do so fails to clear ice or snow from the sidewalk fronting or abutting 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 guilty of a violation of this chapter, and the City Manager may cause the snow to be cleared and/or to be removed or controlled. The expense of removal or control shall be the actual cost to the city in labor and materials, but not less than \$25 per premises, shall be a debt to the city from the occupant or owner of such premises and shall be collected as any other debt to the city. ('69 Code, § 3102.34) (Ord. A-36, passed 9-12-88) Penalty, see § 95.99

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SIDEWALKS

§95.15 CROSSWALKS.

All crosswalks shall be constructed and kept in repair by the city under the direction of the Superintendent at such time, in such manner, in such places and of such material as the Council shall from time to time by resolution direct. ('69 Code, § 5101.1) Penalty, see § 95.99

§95.16 SIDEWALKS.

All sidewalks shall be constructed of air-entrained Portland Cement upon a proper foundation. ('69 Code, § 5102.1) Penalty, see § 95.99

§95.17 RESOLUTIONS.

(A) The Council may at any time by resolution authorize, direct and require that sidewalks shall be constructed, rebuilt or repaired on or along either or both sides of any street or streets or part of any street or streets under the direction of the Superintendent.

(B) Such resolution shall specify the points of terminus and width of such sidewalks, the grade and the manner of the construction thereof.
('69 Code, §5103)

§ 95.18 NOTICE.

Within five days after the passing of such resolution, the City Clerk shall give written notice, in accordance with § 10.20, to the owner of any lot or premises in front of or adjacent to which the sidewalk is to be constructed or rebuilt, requiring such person or persons to construct or rebuild such sidewalk or such portion thereof as may be ordered in front of or adjacent to the several parcels of land so owned by him or her within 30 days from the date of such notice. ('69 Code, § 5104.1) Penalty, see § 95.99

§95.19 CONSTRUCTION BY CITY.

If the owner, owners, or agent of any such lot or premises shall refuse or neglect to construct or repair the sidewalk after having been duly notified so to do, in the manner and within the

time prescribed by the Council, the Superintendent is authorized and required immediately after the expiration of such time to cause the same to be constructed or repaired, and the expense of doing the same shall be assessed to the person or persons refusing or neglecting to construct or repair the same and be charged against such lot or premises. ('69 Code, Ch. 5, Art. 1, § 5105.1)

§95.20 SPECIAL ASSESSMENT.

(A) It shall be the duty of the Superintendent to make a full and complete report to the Council when any such sidewalk shall have been constructed or repaired by him or her of the proportion of such expense to be charged against each lot or premises.

(B) Upon receipt of the report, the Council shall take 50% of the amount reported to be charged against such lot or premises and report the same to the assessor to be levied by him or her as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review after proper notice is given as in all other cases of special assessment provided for by the 4th Class City Laws of the State of Michigan.

(C) After such opportunity for review, the assessment shall be confirmed by the Council and shall be a lien upon said lot or premises the same as other special assessments, and the Council shall order the Assessor to spread the said amount together with such penalty upon the special assessment roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes.

('69 Code, §§5106.1- 5106.3)

§95.21 LINES AND GRADES.

(A) Whenever sidewalks are ordered on any street where none have heretofore existed, it shall be the duty of the Superintendent to immediately establish a sidewalk line on said street for at least the distance that sidewalks have been apart, or as near as may be, said stakes to designate the outer edge of the sidewalk from the lot.

(B) The Superintendent shall keep a record of all sidewalk lines and grades in a book prepared for that purpose which record shall be filed in the office of the Clerk.

('69 Code, §§5107.1,5107.2)

STREET EXCAVATIONS AND OBSTRUCTIONS

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§95.35 PERMIT REQUIRED.

(A) It shall be unlawful for any person to do the following without first obtaining a permit as therefore provided in this subchapter:

(1) Make or cause to be made any excavation or opening in or under the surface or pavement of any street, alley, sidewalk or other public place.

(2) Place an obstruction on any part of any street, alley, sidewalk or public place.

(3) Occupy any part of any street, alley, sidewalk or public place for the purpose of construction, maintenance, or repair of property immediately adjacent thereto.

(4) Make or cause to be made any opening in or through any curb of any street, alley or public place.

(B) The foregoing division shall not be applicable to a duly authorized city official or employee in the course of his or her employment; to a person acting under contract with the city; or in any emergency requiring immediate action to preserve public or private property or the public safety, provided that such emergency shall first be reported to the Police Department which shall grant permission to make the necessary excavation or obstruction, and provided that an application for permit is made in the required manner on or before the close of the next business day. ('69 Code, §§ 5201.1, 5201.2) Penalty, see § 95.99

§ 95.36 APPLICATION FOR PERMIT.

(A) The applicant for such permit shall furnish to the Clerk a signed statement showing where such opening or excavation is to be made and the purpose and extent thereof, where such obstruction is to be located or where such construction is to be carried on, and in all cases the extent to which said street, alley, or public place is to be used for the purpose applied for and also the time when such occupancy will commence and the length of time it will continue and the name of the person who will be in charge of the work, together with such other information as the clerk shall direct.

(B) The fee for such permit shall be \$1. ('69 Code, § 5202.1, 5202.2) Penalty, see § 95.99

§ 95.37 APPROVED BY SUPERINTENDENT.

(A) On receipt of such application, the Clerk shall immediately notify the Superintendent and the Superintendent shall investigate and if satisfied that such work or occupancy is necessary and reasonable, shall endorse the application by signing his or her approval on the same.

(B) If the Superintendent shall determine that the application shall be granted only on certain conditions and for a certain limited time, he or she shall so state in his or her endorsement approving the application, and the permit shall be issued only subject to such conditions or limitations.

('69 Code, §§ 5203.1, 5203.2)

§95.38 BOND.

Before any permit is issued, the applicant therefore may be required to furnish a bond deemed adequate by the Superintendent, which bond shall become available in the payment of any damage to public or private property and the payment for any personal injuries resulting from the excavation, obstruction, use, or work in connection therewith, and the bond shall be filed with the Clerk. ('69 Code, §5204.1)

§95.39 DEPOSIT.

(A) The Superintendent may require a deposit to cover the cost of such repaving before approving the permit for the work. The sum so deposited shall be paid to the Clerk and be used solely for the purpose of paying for repairing the repaving.

(B) After completion of the work, the Superintendent shall certify to the Clerk the cost of the work and the amount of any surplus remaining from the amount deposited, and the surplus shall thereupon be returned to the applicant.

('69 Code, §§ 5205.1, 5205.2)

§95.40 SUPERVISION.

(A) No pavement or curb in any street or alley shall be broken except under the direct supervision of the Superintendent or his or her representatives, except in an emergency as heretofore provided.

(B) All excavations in connection with water supply, plumbing, or drainage shall be under the direct supervision of a licensed plumber.

('69 Code, §§ 5206.1, 5206.2) Penalty, see § 95.99

§ 95.41 GUARDING EXCAVATIONS OR OBSTRUCTIONS.

(A) All openings, excavations, or obstructions shall be properly and substantially barricaded and railed off and at night shall be provided with three or more amber warning lights for each such opening, excavation or obstruction.

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(B) On long trenches or obstructions, warning lights crosswise of the flow of traffic shall not be over five feet apart, and parallel to the flow of traffic, not over 25 feet apart.

(C) The Superintendent shall determine what constitutes proper barriers and lighting.

(D) The utmost care shall be exercised at all times in protecting life and property in the performance of the work, and the work accomplished with as little as possible interference to traffic and the use of street, alley or thoroughfare. Sufficient help and equipment shall be provided to expedite the work to the satisfaction of the Superintendent.

('69 Code, §§ 5207.1 - 5207.4) Penalty, see § 95.99

§ 95.42 SAFEGUARDS FOR EXISTING STRUCTURES.

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to the workers and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure adjacent to the work. ('69 Code, § 5208.1) Penalty, see § 95.99

§95.43 EXCAVATIONS.

In excavating in paved streets, all materials of paving and ballasting must be removed to the side of the street with the least possible loss or injury to the same or the surrounding pavement. ('69 Code, § 5209.1) Penalty, see § 95.99

§ 95.44 SAFEGUARDING PIPES AND CONDUITS.

In excavations around or near other subsurface structures, pipes, conduits, or other devices, care must be taken to properly safeguard them from injury, and in case of interference or very close proximity to the same, the Superintendent shall determine how proper installation shall be made. ('69 Code, § 5210.1) Penalty, see § 95.99

§95.45 BACKFILLING.

(A) After the completion of the work, all trenches and excavations shall be promptly back-filled and thoroughly settled by wetting or tamping, and all excess material promptly removed from the job.

(B) Each person opening or excavating any street, alley, or thoroughfare shall keep an account of all openings or excavations so made and for one year after such opening or excavation shall keep the same filled and in repair.

(C) Should such person fail to do so, the Superintendent shall give him or her notice to do so within ten days, and if the person shall still fail to make such repairs, the Superintendent shall cause the repairs to be made, and the cost of the same shall be charged against the person to whom the permit was originally issued and may be collected by suit.
(‘69 Code, §§ 5211.1 - 5211.3) Penalty, see § 95.99

§ 95.46 REPAVING.

After the work is completed and proper settlement has occurred, the city will repave the opening and charge and collect the cost of such repaving from the person to whom the permit was granted. (‘69 Code, §5212.1)

§ 95.47 REVOCATION OF PERMIT.

Any person receiving a permit under this subchapter who shall fail to comply with the provisions thereof or with the conditions imposed by the Superintendent, shall be liable to have the permit suspended by the Superintendent and shall not proceed with the work for which the permit was granted until the Superintendent shall order the same to proceed. (‘69 Code, §5213.1)

§95.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is set forth shall be punished as set forth in § 10.99.

(B) Any person, partnership or corporation who violates any provision of §§ 95.01 through 95.04 shall be deemed guilty of a misdemeanor and upon conviction there of shall be fined in an amount not exceeding \$500 or imprisoned in the county jail for a period not exceeding 30 days or both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense.
(‘69 Code, §3102.35)

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CHAPTER 96: TREES, SHRUBS AND PLANTS

Section

- 96.01 Control
- 96.02 Definition
- 96.03 Destruction
- 96.04 Overhanging trees and shrubs
- 96.05 Corner lots
- 96.06 Failure to trim
- 96.07 Planting of trees

§ 96.01 CONTROL

The Department of Public Works shall have control over all trees, shrubs and plants planted or to be planted in the public highways, parks or other public places of the city. The Department of Public Works shall have power to plant, prune, spray and otherwise maintain such trees, plants and shrubs to determine the type or kind of trees to be planted. C60 Code, §5501.1)

§ 96.02 DEFINITION

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC HIGHWAY. All of the land lying between property lines on either side of all the public streets, boulevard, and alleys in the city. ('69 Code, §5501.2)

§96.03 DESTRUCTION.

(A) No person shall cut down, deface, destroy, damage, or injure any tree, shrub, or plant upon the public highways or parks or other public places of the city without first obtaining permission from the Department of Public Works.

(B) No person shall fasten any wire, rope, chain, or cable to any tree or shrub for the purpose of anchorage without a written permit from the Department of Public Works.

(C) No person shall nail, tie, or in any other manner fasten any cards, signs, posters, boards,

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or other articles to any tree, shrub, or plant growing upon any public highway, park, or other public place in the city. ('69 Code, §§ 5502.1 - 5502.3) Penalty, see § 10.99

§ 96.04 OVERHANGING TREES AND SHRUBS.

(A) Every owner of any tree, shrub, or plant overhanging the streets or highways within the city shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of ten feet above the surface of the street or highway.

(B) The owner shall remove all dead, diseased, or dangerous trees or broken or decayed limbs of trees which constitute a menace to the safety of the public.
('69 Code, §§ 5503.1, 5503.2) Penalty, see § 10.99

§96.05 CORNER LOTS.

All bushes, shrubs, or plants located on any corner lot within the city shall not be permitted to grow to a height of more than three feet above the surface of the roadways in order that the view of the driver of a vehicle approaching the street intersection shall not be obstructed. ('69 Code, § 5504.1) Penalty, see § 10.99

§ 96.06 FAILURE TO TRIM.

(A) In all cases of violation of § 96.03 or § 96.04, the Department of Public Works shall give written notice, in accordance with § 10.20, order the owner of any tree, shrub, or plant, to trim or cut the same so as to comply with the provisions of this chapter. The order shall be complied with within a period of ten days.

(B) Should the owner refuse or neglect to comply with such order within the ten days period, the Department of Public Works shall perform the necessary work. In such case, the city shall have an action at law against the owner of such premises for the cost and expenses incident to such work and shall be entitled to a judgment for the same.

(C) Any failure to comply with the provisions of this chapter, or with any lawful order of the Department of Public Works, after due notice thereof, shall be a violation of this Code and punishable as provided herein.
('69 Code, §§ 5505.1 - 5505.3) Penalty, see § 10.99

§ 96.07 PLANTING OF TREES.

(A) No tree, shrub, or plant shall be placed in any public street, park, or public place except under the supervision of the Department of Public Works and in accordance with the provisions of this chapter.

(B) No poplar, box elder, or willow tree shall hereafter be planted in the public highways, parks, or other public places of the city.

('69 Code, §§ 5506.1, 5506.2) Penalty, see § 10.99

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CHAPTER 97: ABANDONED VEHICLES

Section

- 97.1 Definitions
- 97.2 Storage of inoperable vehicles
- 97.3 Public nuisance
- 97.4 Prima facie evidence

§97.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DISMANTLED AND PARTIALLY DISMANTLED MOTOR VEHICLES. Motor vehicles from which some part or parts ordinarily a component of such motor vehicles has been removed or is missing.

INOPERABLE MOTOR VEHICLES. Motor vehicles which, by reason of dismantling, disrepair, lack of licensing, or other cause are either incapable of being propelled under their own power or are prevented by law from being so propelled.

MOTOR VEHICLES. Any wheeled vehicles which are self-propelled. ('69 Code, §6102.1)

§ 97.02 STORAGE OF INOPERABLE VEHICLES.

No person, firm, or corporation shall accumulate, park, place or permit the accumulation, storage or placement of any dismantled, partially dismantled, unlicensed or inoperable motor vehicle, or parts thereof, outdoors on any premises within the city limits for more than seven days continuously. Vehicles parked in violation of this section shall receive a citation, and if the vehicle is not removed within three days of the issuance of the citation, the vehicle may be towed, impounded and stored at the vehicle owner's expense. This section shall not apply to junk dealers duly licensed by the city, nor dismantled, partially dismantled or inoperable motor vehicles, or parts thereof, stored in a closed building. ('69 Code, § 6102.2) (Am. Ord. A-57, passed 1-12-98) Penalty, see § 10.99

§ 97.03 PUBLIC NUISANCE.

The presence of any dismantled, partially dismantled or inoperable motor vehicle or parts thereof outdoors on any premises within the city limits of Lake City is declared to be a public

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nuisance and is further decreed to be offensive to the public health, welfare, and safety.
(‘69 Code, § 6102.4) Penalty, see § 10.99

§ 97.04 PRIMA FACIE EVIDENCE.

The ownership, occupation or use of land by any person, firm or corporation upon which any dismantled, partially dismantled or inoperable motor vehicle, or parts thereof, are accumulated, stored or placed shall be prima facie evidence that the person, firm or corporation accumulated, stored or placed such dismantled, partially dismantled, inoperable motor vehicle, or parts thereof, or permitted the accumulation, storage or placement upon such land. (Am. Ord A-58, passed 11-10-97)