

CHAPTER 20 - STREETS AND SIDEWALKS

20-1 DEFINITIONS (As used in this Chapter):

Adjoining Property Owner means the owner or owners of record of land adjoining a sidewalk area.

Department means the Department of Public Services of the City.

Newsrack means any self-service or coin operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers, news periodicals or magazines.

Parkway means that area between the sidewalks and the curb of any street and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway shall also include any area within a roadway which is not open to vehicular travel.

Person means any firm, corporation, partnership, voluntary association and organization of every nature as well as individuals.

Roadway means that portion of a street improved, designed, or ordinarily used for vehicular travel.

Sidewalk means a walkway made of concrete pursuant to the provisions of this Chapter constructed within the sidewalk area.

Sidewalk Area means that portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Street means all of the land lying between property lines on either side of all streets, alleys, and boulevards in the City, and includes lawn extensions and sidewalks and the area reserved for a street although not yet constructed.

20-2 STREETS

20-2.1 STREET DAMAGE AND OBSTRUCTION PROHIBITED. No person shall make any excavation in or cause any damage to any street in the City except under the conditions and in the manner permitted in this Section. No person shall place any article, thing or obstruction in any street except under the conditions and in the manner permitted in this Section, but this provision shall not be deemed to prohibit the following:

- (A) A temporary obstruction as may be incidental to the expeditious movement of articles and things to and from abutting premises.
- (B) The lawful parking of vehicles within the part of the street reserved for vehicular traffic.

20-2.2 STREET TERRACES. No automobile, truck, vehicle, or other object, structure, thing, plant, or shrub shall be parked, placed, erected or planted upon that portion of the street described as the area between the sidewalk line and the near curb line, commonly referred to as the terrace, on any premises, whether commercial or residential, within the City with the following exceptions: street name, direction, traffic control and parking control signs duly erected by the City or governmental unit having control of the street; fire hydrants, public utility poles placed under City franchise, permanent type advertising (banjo) signs already erected and maintained in the area, as permitted by Chapter 30 of this Code; and vehicles which may be parked on a regularly constructed driveway ramp provided the parking of a vehicle or vehicles on the ramp does not interfere with or obstruct the free and clear vision of approaching vehicles at any street intersection near which the driveway ramp may be located, or interfere with the use of the sidewalk by pedestrians walking adjacent to any parking ramp; and refuse containers when placed under conditions allowed pursuant to administrative rules adopted pursuant to the provisions of this Code.

20-2.3 PERMITS AND BONDS. Where permits are authorized in this Section, they shall be obtained upon application to the Superintendent of the Department of Public Services upon forms as he or she shall prescribe, and there shall be a charge for each permit, as provided by resolution of the Commission. The permit shall be revocable by the City Manager for failure to comply with this Section or rules and regulations adopted pursuant to the lawful orders of the City Manager and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this Section shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the City in connection therewith, repair all damage done to the street surface and installation on, over or within the street, including trees, and protect and save harmless the City from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection with this permit. Where liability insurance policies are required to be filed in making application for a permit, they shall be in not less than the following amounts except as otherwise specified in this Section:

- (A) On account of injury to, or death of, any person in any one (1) accident: Five Hundred Thousand (\$500,000.00) Dollars.
- (B) On account of any one (1) accident resulting in injury to, or death of, more than one (1) person: One Million (\$1,000,000.00) Dollars.
- (C) On account of damage to property in any one (1) accident: Two Hundred Fifty Thousand (\$250,000.00) Dollars.

Every insurance policy shall name the City as an additional insured. A duplicate executed copy or photostatic copy of the original as to form by the City Attorney, shall be filed with the City Clerk. Where cash deposits are required with the application for any permit here, such deposit shall be in the amount of Two Hundred Fifty (\$250.00) Dollars except as otherwise specified in this Section, and the deposit shall be used to defray all expenses to the City arising out of the granting of the permit and work done under the permit in connection therewith. Six (6) months after the completion of the work done under the permit, any balance of the cash deposit unexpended shall be refunded. In any case where the deposit does not cover all costs and expenses of the City, the deficit shall be paid by the applicant.

20-2.4 STREET OPENINGS. No person shall make any excavation or opening in or under any street without first obtaining a written permit from the City Engineer. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by Section 20-2.3.

20-2.5 EMERGENCY OPENINGS. If the public safety requires immediate action, the City Manager may grant permission to make a necessary street opening in an emergency provided that a permit shall be obtained on the following business day and the provisions of this Section are complied with.

20-2.6 BACKFILLING. All trenches in a public street or other public place except by special permission shall be backfilled in accordance with regulations adopted pursuant to this Section. Any settlement shall be corrected within eight (8) hours after notification to do so.

20-2.7 SIDEWALK VAULTS. Openings through the sidewalk for the delivery of fuel when lawfully in existence shall not be greater than thirty (30") inches in diameter, shall be circular in form, and shall be effectively closed when not in actual use by an iron cover set flush within the surface of the sidewalk, level with the sidewalk, and securely locked in place. All openings in the sidewalk for the admission of light and air shall be closed and protected whether by substantial iron grating or illuminating pavement of a design and so placed as to be satisfactory to the City Manager.

20-2.8 UTILITY POLES. Utility poles may be placed in streets as the City Manager shall prescribe and shall be located thereon in accordance with the directions of the City Manager. Poles shall be removed or relocated as the City Manager shall from time to time direct.

20-2.9 MAINTENANCE AND INSTALLATIONS IN STREETS. Every owner of, and every person in control of, any estate maintaining a sidewalk vault, coal hole, manhole, or any other excavation, or any post, pole, sign, awning, wire, pipe, conduit, or other structure in, under, over or upon, any street which is adjacent to or a part of his or her property, shall do so only on condition that maintenance shall be considered as an agreement on his or her part with the City to keep the same and the covers thereof, and any gas and electric boxes and tubes in good repair and condition at all times during his or her ownership or control and to indemnify and save harmless the City against all damages or actions at law that may arise or be brought by reason of the excavation or structure being under, over, in or upon the street, or being unfastened, out of repair or defective.

20-2.10 NEW PAVING. Whenever the City Commission shall determine to pave or resurface any street, the City Manager shall, no less than thirty (30) days prior to commencement of construction, serve notice upon all public utilities, requiring them to install all necessary underground work in advance of the paving or resurfacing.

20-2.11 SEWER AND WATER CONNECTIONS. When paving or resurfacing shall have been ordered or declared necessary by the City Commission, sewer and water connections as are necessary shall be installed in advance of paving or resurfacing, and the cost shall be charged against the premises adjacent thereto, or to be served thereby, and against the owner of the premises. Where paving or resurfacing is financed in whole or in part by special assessment, the cost of sewer and water connections may be made chargeable against the premises served or adjacent thereto, as a part of the special assessment for paving or resurfacing. Where paving or resurfacing is financed otherwise than by special assessment, the cost of the sewer and water connections so installed shall be a lien on the premises adjacent thereto, or to be served thereby, and shall be collected as provided for assessments on single lots pursuant to the provisions of the City Charter.

20-2.12 Determination of Necessity. The necessity for such sewer and water connections shall be determined by the City Manager which determination shall be based upon the size, shape and area of each abutting lot or parcel of land, the lawful use of the land under applicable zoning regulations, the character of the locality and the probable future development of each abutting lot or parcel of land. The City Manager shall give written notice of the intention to install sewer and water connections and to charge the cost of the same to the premises to each owner of land abutting the street to be furnished with the connections, as shown by the records of the City Assessor in accordance with Section 1-10 of this Code. Any owner objecting to the installation of a sewer or water connection shall file his or her objections in writing within seven (7) days after service of notice with the City Manager who shall, after considering each the objection, make a final determination of the sewer and water connections to be installed.

20-2.13 Prohibited Openings. No permit to make any opening or excavation in or under a paved street shall be granted to any person within a period of two (2) years after the completion of the paving or resurfacing of the street. If a street opening is necessary as a public safety measure, the City Manager may suspend the operation of this Section as to the street opening.

20-2.14 CURB CUTS. No opening in or through any curb or any street shall be made without first obtaining a written permit from the City Engineer. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

- (A) No single curb cut shall be less than ten (10') feet.
- (B) The minimum distance between any curb cut and a public crosswalk shall be five (5') feet.
- (C) The minimum distance between curb cuts except those serving residential property, shall be twenty-five (25') feet.
- (D) The maximum number of linear feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise shall be forty-five (45%) percent of the total abutting street frontage plus twenty (20%) percent of the linear feet of street frontage in excess of two hundred (200') feet.
- (E) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the City.
- (F) All construction shall be in accordance with plans and specifications approved by the City Engineer.

20-2.15 SIDEWALK OBSTRUCTIONS.

- (A) No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to the street, or for any other purpose without first obtaining a permit from the City Manager and posting a cash deposit and filing an insurance policy as required by Subsection 20-2.3.
- (B) At least five (5') feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians; and if the building operations are such that such free passageway is impracticable, a temporary plank sidewalk with substantial railing or sidewalk shelter built in accordance with Chapter 12 of this Code shall be provided around such obstruction.

20-2.16 SAFETY REQUIREMENTS.

- (A) All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with prescribed warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three (3') feet apart, and parallel to the flow of traffic not over fifteen (15') feet apart.
- (B) All openings and excavations shall, where necessary, be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.

20-2.17 HOUSE MOVING. No person shall move, transport, or convey any building, machinery, truck or trailer more than eight (8') feet, eight (8") inches wide or higher than thirteen (13') feet six (6") inches above the surface of the roadway, into, across, or along any street, or other public place in the City without first obtaining a permit from the City Manager. The applicant shall file written clearances from the light, telephone, gas and water utilities stating that all connections have been properly cut off; and where necessary, all obstructions along proposed route of moving will be removed without delaying moving operations. In addition, clearance shall be obtained from the Police Department approving the proposed route through the City streets and the time of moving together with an estimated cost to the Police Department due to the moving operations. The applicant shall deposit with the City the total estimated cost to the Police Department and Department of Public Services plus a cash deposit as required by Subsection 20-2.3 and shall file with the City a liability insurance policy in the amount of One Hundred Thousand (\$100,000.00) Dollars for injury to one (1) person and Three Hundred Thousand (\$300,000.00) Dollars for injury to more than one (1) person and property damage insurance in the amount of Fifteen Thousand (\$15,000.00) Dollars.

20-2.18 ICE AND SNOW REGULATIONS.

- (A) **Clearing Ice and Snow.** No person shall shovel or push by means of plow or otherwise cause to be placed or deposited in or upon the traveled portion of any street or sidewalk or within any ditch or gutter in any public street any snow or ice removed by him/her or under his/her direction from any private property or from any public property abutting any private property owned or occupied by him or her without first obtaining a permit to do so. The existence of any deposit of snow or ice deposited by artificial means in the traveled portion of any street or sidewalk or within any ditch or gutter in any public street shall be prima facie evidence that the occupant of the abutting property closest thereto placed or deposited the ice or snow therein.

- (B) **Designation of Snow Routes.** The following streets within the City shall be designated as snow routes: Constantine Street, Main Street (South, North), Hoffman Street (West, East), Sixth Avenue, Fifth Avenue - Wood Street to Portage Avenue, North Wood Street, Michigan Avenue (East, West), Broadway Street (West, East), Eighth Street, Mechanic Street, Middle Street, Douglas Avenue (South, North), Arnold Street, Portage Avenue, Millard Street - Constantine Street to City Limits, River Street - Eighth Street to City Limits, Fourth Street - Main Street to Bell Street, Bell Street - Fourth Street to Main Street, Hill Street - Douglas Avenue to Hospital Drive, Pealer Street - Douglas Avenue to Hooker Avenue, North Hooker Avenue, Moore Street, Maple Street - Hoffman Street to Rock River Avenue, Railroad Drive, Prutzman Street, Foster Street, Water Street - Michigan to Foster, Rock River Avenue - Maple Street to West Street. Each said street shall be posted with signs clearly marking it as a "snow route", and a record of such streets shall be maintained on file in the Department of Public Services and the Police Department.
- (C) **Parking Prohibited Under Certain Conditions.** No person shall park or otherwise leave unattended any vehicle upon any street or avenue which has been designated as a "snow route" when conditions of snow or ice exist on the surface of a designated snow route to the extent of an accumulation of two (2") or more inches. Parking may be resumed on streets designated as a "snow route" after the accumulated snow or ice has been removed from the full width of the street. The parking restrictions of this Subsection shall not be construed so as to suspend any other parking restriction or prohibition imposed by any other Section of this Code.
- (D) **Removal of Vehicles.** Any vehicles parked or otherwise left unattended in violation of any of the provisions of Paragraph (C) is hereby declared to be a nuisance and shall be subject to removal by the City by means of towing or otherwise. Any removal and resulting storage of a vehicle shall be at the expense of the owner or operator and costs shall remain a lien upon the vehicle until paid.

20-2.19 LEAVES AND BRUSH. No person shall move, transport, or cause to be placed in any street, roadway, or other public thoroughfare any leaves, brush, branches, or other materials.

20-2.20 ADDITIONAL REGULATIONS. Subject to the approval of the City Commission, the City Manager may make additional regulations pertaining to openings and excavations in the streets, curb cuts, street openings, and house moving regulations.

- (A) **Removal of Encroachment.** Encroachment and obstructions in the street may be removed and excavations refilled, and the expense of removal or refilling charged to the abutting land owner when made or permitted by him/her or suffered to remain by him/her otherwise than in accordance with the terms and conditions of this Section. The procedure for collection of such expense shall be as prescribed in the City Charter.
- (B) **Temporary Street Closings.** The City Manager may temporarily close any street or portion of a street when the City Manager deems such a street to be unsafe or temporarily unsuitable for use for any reason. When closing a street, the City Manager shall cause suitable barriers and signs to be erected on the street, indicating that it is closed to public travel. When a street has been closed to public travel, no person shall drive any vehicle upon the street except for the purpose of street repairs or construction work. No person shall move or interfere with any sign or barrier erected pursuant to this Subsection without authority from the City Manager.

20-3 SIDEWALKS.

20-3.1 Duty of Adjoining Property Owners. No adjoining property owner shall allow any sidewalk which adjoins his or her property to fall into a state of disrepair so as to be unsafe for pedestrian traffic.

20-3.2 Permit Required. No adjoining property owner or other person shall commence the construction, repair, reconstruction, or removal of any sidewalk without first obtaining a written permit from the City.

20-3.3 Standards for Construction, Repair, and Reconstruction. The following standards shall be adhered to for all sidewalk construction:

- (A) The City Manager shall establish the line, grade, slope, and design standards for all construction, repair, or reconstruction of sidewalks.
- (B) All sidewalks shall be made of cement limestone mix in accordance with specifications provided by the City Manager unless otherwise recommended by the City Manager and approved by the City Commission.
- (C) All sidewalks shall be located within the sidewalk area and adjacent to the property line of the adjoining property owner except that all reasonable allowances shall be made to avoid cutting trees. In no case, however, shall sidewalks constructed under the provisions of this Chapter be located on private property.
- (D) All new sidewalks shall be constructed four (4') feet wide on local streets and five (5') feet wide on major streets and state trunklines within the sidewalk areas. Local streets, major streets, and state trunklines are as defined on the City's street system map as prepared by the Michigan Department of Transportation.

When existing sidewalks are repaired or reconstructed, the width of the sidewalk shall remain as originally constructed.

20-3.4 Sidewalk Costs. All sidewalks that are newly constructed pursuant to the provisions of this Chapter shall be at the sole expense of the adjoining property owners except as provided in Section 20-3.5. The cost of the repair and reconstruction of sidewalks pursuant to the provisions of this Chapter shall be shared equally by the City and the adjoining property owner. The City's share of the costs of sidewalk repair or reconstruction shall be paid out of the City's Sidewalk Repair Fund as established by Resolution No. 95-60, adopted by the City Commission on October 3, 1995, which Resolution and any amendments thereto, is incorporated in and made a part of this Chapter by reference. (See appendix 1 to this Chapter.)

20-3.5 Sidewalk Repair at City Expense. Upon determination by the City Commission that a sidewalk has been damaged and is in an unsafe condition as the result of the use of equipment or other actions by employees of the City or its agents, the sidewalk shall be repaired or reconstructed at the sole expense of the City. Upon determination by the City Commission that a sidewalk has been damaged and is in unsafe condition as a result of actions authorized or permitted by the adjoining owner, the sidewalk shall be repaired or reconstructed at the sole expense of the adjoining owner.

20-3.6 Sidewalk - New Construction. No structure shall be erected on any vacant lot or parcel of land which is adjacent to a sidewalk area without an existing sidewalk unless the owner of the lot or parcel shall cause a sidewalk to be constructed within the adjoining sidewalk area in accordance with the provisions of this Chapter. In such cases, specifications for sidewalk construction shall be included as a part of the site plan, subdivision plan and/or the plans submitted for obtaining a building permit.

20-3.7 Sidewalk Construction Not In Conjunction with a Street Project. Whenever the City Manager shall determine that new sidewalk construction is required to provide reasonable public access for pedestrian traffic, or when any adjoining property owner submits a written petition requesting new sidewalk construction, the City Manager shall make a report to the City Commission in conformance with Chapter 3 of the City Code pertaining to special assessments. If the City Commission adopts a resolution determining necessity, a special assessment district shall be established in accordance with Chapter 3 of the City Code.

All new sidewalk assessments and all charges for new sidewalk construction performed by the City under provisions of this Section shall be due and payable by the respective adjoining property owners within ninety (90) days from the date of the assessment notice or invoice from the City to the adjoining property owner. Assessments or charges shall become a lien on the property of each adjoining owner if not paid to the City within the ninety (90) day period.

As an alternative to special assessment for new sidewalk construction, an adjoining property owner may construct the new sidewalk within the sidewalk area adjoining his or her property provided the adjoining property owner notifies the City and secures a permit within ten (10) days after the City Commission shall have adopted a resolution of necessity and provided further that the adjoining property owner shall complete construction of the new sidewalk within sixty (60) days from the date of issuance of the permit. If, after obtaining a permit, an adjoining property owner fails to complete the construction of the new sidewalk within the sixty (60) day period, the permit shall become invalid; and the City may construct a new sidewalk within the assessment district at the property owner's cost as assessed pursuant to Chapter 3 of the City Code.

20-3.8 Sidewalk Construction in Conjunction with a Street Project. Whenever the City Commission shall consider the necessity for construction, reconstruction, or resurfacing of a public street, the City Commission may also consider the necessity for construction, repair, or reconstruction of a sidewalk. Whenever feasible, sidewalk work shall be completed in conjunction with the street project as finally approved by the City Commission. In such case, a separate special assessment district shall be established in accordance with Section 20-3.7 of this Chapter for all sidewalk work completed pursuant to this Section.

20-3.9 Sidewalk Repair and Reconstruction. The City Manager shall appoint one or more sidewalk inspectors who shall periodically inspect all sidewalks. A sidewalk inspector shall file a written report with the City Manager as to any sidewalk in need of repair or reconstruction and shall identify the adjoining property owner by name and address as shown on the records of the City Assessor. The City Manager shall send a written sidewalk repair notice to the adjoining property owner with an estimate of the cost of repair or reconstruction of the sidewalk. If the report of a sidewalk inspector states that a sidewalk in need of repair or replacement is a significant hazard to pedestrian traffic, the City Manager may order that the unsafe portion of the sidewalk be immediately barricaded so as to prevent pedestrian use until repair or replacement of the sidewalk has been completed. An adjoining property owner may appeal a sidewalk repair notice to the City Commission by filing a written notice of appeal within fifteen (15) days from the date of the sidewalk repair notice.

20-4 NEWSRACKS.

20-4.1 News racks Prohibited.

- (A) No person shall install, use or maintain any news rack or other structure which projects onto, into or over any part of the roadway of any public street, or which rests wholly or in part upon, along or over any portion of the roadway of any public street.

- (B) No person shall install, use or maintain any news rack which in whole or in part rests upon, in or over any public sidewalk or parkway when such installation, use or maintenance endangers the safety of persons or property; or when the site or location is used for public utility purposes, public transportation purposes or other governmental use; or when the news rack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location; or when the news rack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.

20-4.2 Registration of Location.

- (A) No person shall install or maintain any news rack which in whole or in part rests upon, in or over any public sidewalk or parkway without first notifying the City Manager of the following:
- (1) The location of each news rack to be installed or maintained in the City by the applicant.
 - (2) The name, address, and telephone number of the applicant.
- (B) No more than one (1) notification shall be required per applicant, regardless of the number of news racks the applicant maintains in the City.
- (C) From the above information the City Manager shall designate locations and shall be guided solely by the standards and criteria set forth in Subsection 20-3.3. The application is proposed by the applicant, and in any event, when denial is solely as to location, it shall be without prejudice to amend the application to state a different location or locations.

20-4.3 Standards for Installation, Maintenance and Operation. Any news rack which in whole or in part rests upon, in or over any public sidewalk or parkway shall comply with the following standards:

- (A) No news rack shall exceed five (5') feet in height, thirty (30") inches in width, or two (2') feet in thickness.
- (B) News racks shall only be placed near a curb or adjacent to the wall of a building. News racks placed near the curb shall be placed no less than eighteen (18") inches and not more than twenty-four (24") inches from the edge of the curb. News racks placed adjacent to the wall of a building shall be placed parallel to the wall and not more than six (6") inches from the wall. No news rack shall be placed or maintained on the sidewalk or parkway opposite a news rack or to any permanently fixed object.
- (C) No news rack shall be chained, bolted or otherwise attached to any property not owned by the owner of the news rack or to any permanently fixed object.
- (D) No news rack shall weigh, in the aggregate, in excess of one hundred (100) pounds when empty.
- (E) Notwithstanding the provisions of Paragraph (B) of Subsection 20-4.1, no news rack shall be placed, installed, used or maintained:
 - (1) Within ten (10') feet of any marked crosswalk.
 - (2) Within fifteen (15') feet of the curb return of any crosswalk.
 - (3) Within ten (10') feet of any fire hydrant, fire call box, police call box or other emergency facility.
 - (4) Within ten (10') feet of any driveway.
 - (5) Within seventy-five (75') feet of the main entrance to any public building.
 - (6) At any location whereby the clear space for the passageway of pedestrians is reduced to less than six (6') feet.
 - (7) Within five (5') feet of any area improved with lawn, flowers, shrubs, or trees or within five (5') feet of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with reasonable use of such window for display purposes.
 - (8) Within one hundred (100') feet of any other news rack containing the same publication.
- (F) No news rack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.
- (G) Each news rack shall be maintained in a clean, neat and attractive condition and in good repair at all times.
- (H) No more than four (4) news racks shall be located on any public right-of-way within a space of two hundred (200') feet in any direction within the same block of the same street.

20-4.4 Newsrack Identification Required. Every person who places or maintains a news rack on the streets of the City shall have his or her address and telephone number affixed to the news rack in a place where the information may be easily seen. Prior to the designation of location by the City Manager under Subsection 20-3.3 of this Chapter, the applicant shall present evidence of compliance with this Subsection.

20-4.5 Newsrack Violations.

- (A) Any news rack installed, used or maintained in violation of this Section shall be tagged with a "notice of violation" stating the violation, date of tagging, notice of intention to remove the news rack if the violation is not corrected within five (5) days, and the procedure for obtaining a hearing before the City Manager, if desired.
- (B) Notwithstanding the above Subsection (A), in the case of violations of this Section relative to restrictions upon attachments of news racks to property other than that owned by the owner of the news rack, to fixed objects, or to each other, and upon location of news racks, the City Manager may, as an alternative to tagging the news rack, move, align, remove such attachment, or otherwise move such rack or racks in order to restore them to a legal condition.
- (C) Any news rack which has been tagged and remains in violation of the provisions stated on the tag past the five (5) day correction period, and no hearing has been requested, the news rack shall be removed by the City Manager and stored in any convenient place. The City Manager shall notify the owner of the news rack by mailing a "notice of removal" to the last known address of the owner. The notice shall state the date the news rack was removed, the reasons, the location and procedure for claiming the news rack, and the procedure for obtaining a post-removal hearing before the City Manager, if desired. Any news rack removed and stored pursuant to this Section shall be released to the owner if claimed within thirty (30) days after removal and upon the payment of reasonable charges of removal and storage. Upon failure of the owner to claim the news rack and pay the reasonable charges within thirty (30) days after the mailing of written notice of removal, the news rack shall be deemed to be unclaimed property in possession of the Police Department and may be disposed of pursuant to law.
- (D) Any news rack in violation of the provisions of this Section, which violation creates an immediate danger to the health, safety or welfare of the public, which violation cannot be corrected by moving or otherwise repositioning the news rack, may be summarily removed and stored in a convenient location so as to eliminate the danger. The City Manager shall notify the owner of the news rack by mailing a "notice of removal" to the last known address of the owner. The notice shall state the date the news rack was removed, the reasons therefor, the location and procedure for claiming the news rack, and the procedure for obtaining a post-removal hearing before the City Manager, if desired. Any news rack removed and stored pursuant to this Subsection shall be released to the owner if claimed within thirty (30) days after the mailing of written notice of removal and upon the payment of reasonable charges of removal and storage.

20-4.6 Hold Harmless. Every person who places or maintains a news rack on a public sidewalk or parkway in the City shall file a written statement with the City Manager, satisfactory to the City Attorney, agreeing to indemnify and hold harmless the City, its officers, agents and employees from any loss or liability or damage, including expenses and costs for bodily or personal injury and for property damage sustained by any person as a result of the installation, use or maintenance of a news rack within the City.

20-4.7 Penalty. Every person convicted of a violation of a provision of this Chapter shall be punished by a fine of not more than Five Hundred (\$500) Dollars and costs of prosecution. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

20-5 CITIZENS STREETS AND SIDEWALK COMMITTEE

- (A) The Citizens Street and Sidewalk Advisory Committee shall consist of four (4) members, one from each voting district of the City.
- (B) The members of the Committee shall be appointed by the Mayor, subject to the approval of the City Commission.
- (C) The term of each member of the Committee shall be four (4) years except that in the case of the first Committee appointed, two (2) members shall be appointed for a term of two (2) years and two (2) members shall be appointed for a term of four (4) years. Each member shall hold office until his or her successor has been appointed. Vacancies occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the Mayor, subject to the approval of the City Commission. All members of the Committee shall serve without compensation.
- (D) The Committee shall at its first meeting in each calendar year, elect from its membership a Chairman and Vice Chairman. The City Clerk or Deputy City Clerk shall serve as Secretary of the Committee.
- (E) The Committee shall meet from time to time upon call of its Chairman or the City Manager.

- (F) The Committee shall act as an advisory body to the City Commission. The primary duties of the Committee shall be to review each planned street or sidewalk improvement project and to advise the City Commission of its findings and recommendations as to each such project.

20-6 REMOVAL OF ICE AND SNOW FROM CITY SIDEWALKS

20-6.1 Purpose. This section is intended to provide the City a means of applying reasonable regulations to require snow and ice removal from sidewalks, and to require that the removal of snow from private property shall not be deposited or placed in a manner deemed inappropriate, in order to promote the public health, safety and welfare.

20-6.2 Definitions. For the purpose of this Subsection, the following words and phrases shall have the meaning hereafter defined:

Adjoining Property Owner means the owner or owners of record of land adjoining a sidewalk area.

Parkway means that area between the sidewalks and the curb of any street and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway shall also include any area within a roadway which is not open to vehicular travel.

Person means any firm, corporation, partnership, voluntary association and organization of every nature as well as individuals.

Roadway means that portion of a street improved, designed, or ordinarily used for vehicular travel.

Sidewalk means a walkway made of concrete pursuant to the provisions of this Chapter constructed within the sidewalk area.

Sidewalk Area means that portion of a street between the curb lines or lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Street means all of the land lying between property lines on either side of all streets, alleys, and boulevards in the City, and includes lawn extensions and sidewalks and the area reserved for a street although not yet constructed.

Owner includes the person or persons who hold title to premises abutting a sidewalk, and/or tenant, lessee, agent, manager, adult occupant or other person in charge of the premises.

20-6.3 Responsibility for Removal of Snow and Ice from Sidewalks.

(1) Every owner of any building or lot of land fronting or abutting on a paved sidewalk, shall remove and clear away or cause to be removed or cleared away, snow and/or ice from the sidewalk a path of at least thirty (30") inches in width from so much of the sidewalk as is in front of or abuts on the owner's building or lot of land, and further remove snow and/or ice from a path of at least thirty (30") inches in width from an area around any fire hydrant adjacent to the owner's premises.

(2) Except as provided in Subparagraph (3) below, snow and ice shall be removed from sidewalks within seventy-two (72) hours after the cessation of the fall of snow, sleet or freezing rain.

(3) In the event snow and/or ice on a sidewalk has become so hard that it cannot be removed twenty-four (24) hours after the cessation of the fall of snow, sleet or freezing rain, without likelihood of damage to the sidewalk, the owner shall cause enough sand or other abrasive to be put on the sidewalk to make travel reasonably safe; and shall, as soon thereafter as weather permits, cause to be cleared a path on the sidewalk of at least thirty (30) inches in width free of snow and ice.

20-6.4 Requirements for Removal. All persons removing snow from sidewalks or private property, whether by use of a shovel, snow blower, plough, or any other method, shall comply with the following regulations:

(1) Snow shall not be deposited or spread into the traveled portion of sidewalks, alleys, streets, or highways.

(2) Snow shall not be deposited so as to obstruct fire hydrants or fire appliances.

(3) Snow shall not be deposited so as to create any visual obstruction which would impair the safe use of sidewalks, alleys, streets, or highways.

20-6.5 Rental Properties. It is the responsibility of the owner(s) of rental properties to provide snow and ice removal from public sidewalks adjoining the rental property. The owner may contract for snow removal service or may by written agreement require that the tenant to assume responsibility for sidewalk snow removal as a part of a written rental agreement. Notwithstanding any agreement with the tenant, or any other provisions of this Subsection, the owner of a rental property has the ultimate responsibility for snow and ice removal from public sidewalks adjoining the rental property.

20-6.6 Business Owners. It shall be unlawful and shall constitute a public nuisance for any person that does business within or performs services for the public within the City to permit or suffer to remain snow or ice on the public sidewalk adjacent to a place of business or service owned or operated or managed by that person in violation of this Subsection.

20-6.7 Vacant Lots. Owners of vacant lots adjoining public sidewalks are required to keep sidewalks clear of ice and snow as provided in this Subsection.

20-6.8 Absentee Owners. Persons who own real property in the City, but do not live in the City, are nonetheless responsible for complying with the provisions of this Subsection pertaining to the removal of snow and ice from public sidewalks adjoining their property.

20-6.9 Deposit of Snow on Streets and Sidewalks. It shall be unlawful for any person to deposit or cause to be deposited any accumulation of snow or ice from roofs of buildings, publicly or privately owned parking lots, drive-in service places and other off-street areas, upon the traveled portion of any street, alley, sidewalk or crosswalk. Snow naturally falling on a public right-of-way may be deposited in the area between the curb and sidewalk or in the gutter.

20-6.10 Removal of Snow from Trash Pick-up Points. Every owner of any building or other structure within the City shall remove and clear away, or cause to be removed and cleared away, any accumulation of snow from the front, rear and sides of all trash containers situated on their property or the parkway adjoining their property.

20-6.11 Piling Snow on Another Property. No person shall pile snow on another person's property without permission.

20-6.12 Senior Citizen and Handicapped Assistance. The City Manager shall establish a network of individual volunteers and civic organizations willing to assist senior citizens and handicapped owners with sidewalk snow and ice removal. In addition, the City Manager may maintain a list of contractors who will remove sidewalk snow for a reasonable fee.

20-6.13 Notice to Owners.

(a) If the City Manager finds that any portion of a sidewalk has not been cleared of snow and ice as required by this Subsection, and that a hazardous condition exists, the City Manager shall notify the owner that snow must be removed from the sidewalk as prescribed by this Subsection within forty-eight (48) hours from the date of the notice.

(b) If the owner fails to remove the snow and ice as required by the notice, the City Manager may cause the snow and/or ice to be removed to meet the requirements of this Subsection and charge the costs thereof, plus reasonable administrative costs, to the owner.

20-6.14 Exemptions. In residential districts only, owners who for reasons of infirmity, believe compliance with this Subsection would cause undue hardship, may file a written request for exemption from this Subsection with the City Manager. The City Manager shall approve or disapprove the request according to guidelines adopted by the City Commission. If approved, the City may then remove snow and ice from the owner's sidewalk at a cost to the owner established by the City Commission.

20-6.15 Work Done at Owner's Expense. If the provisions of this Subsection are not complied with and if snow or ice are allowed to accumulate on any sidewalk in violation of this Subsection, the City Manager may cause such snow and ice to be removed and the cost of such removal be billed to the owner for the cost thereof at rates established by the City Commission and shall at the end of the fiscal year report any such charges remaining unpaid to the City Commission. Unpaid charges, as reported by the City Manager, shall become a lien upon the property abutting or adjoining the sidewalk upon which such work has been done and shall be assessed and collected in the manner provided in the City Charter.

20-6.16 Administration and Enforcement. It shall be the responsibility of the City Manager, or any City official so designated by the City Manager, to administer the provisions of this Subsection. It shall be the responsibility of the Police Department and/or City officials, as appointed by the City Manager, to enforce the provisions of this Subsection. Personnel so appointed shall be authorized to issue and serve civil infraction citations with respect to violations and/or non-compliance with any of the provisions of this Section.

20-6.17 Reporting a Violation. The City Manager shall from time to time during the winter months publish in the local newspaper a summary of City sidewalk snow removal requirements and the times and manner of reporting sidewalk snow removal violations.

20-6.18 Municipal Civil Infraction For each violation of a provision of this Subsection, or failure to comply with any of its requirements, an appointed City official shall be authorized to issue and serve a municipal civil infraction citation, in accordance with Chapter 9 of this Code, on any person with respect to a violation of this Subsection when there is reasonable cause to believe that person has committed such an offense.

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