

Chapter 70

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

***Charter reference(s)**--Streets and public places, ' 11.14.

Cross reference(s)--Any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any street, sidewalk or alley saved from repeal, ' 1-11(a)(11); any ordinance establishing the grade of any street or sidewalk saved from repeal, ' 1-11(a)(12); buildings and building regulations, ch. 14; numbering buildings and structures, ' 14-111 et seq.; community development, ch. 26; environment, ch. 34; parks and recreation, ch. 54; peddlers and solicitors, ch. 58; subdivisions and land division, ch. 74; traffic and vehicles, ch. 82; utilities, ch. 86; vegetation, ch. 90; vehicles for hire, ch. 94; zoning, ch. 98.

State law reference(s)--City control of highways and streets, Mich. Const. 1963, art. VII, ' 29.

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ARTICLE I. IN GENERAL

Sec. 70-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the department of public works of the city.

Director means the director of public works of the city.

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 where the streets are not yet constructed. (Code 1971, ' 4.1)

Complete Street is defined as a design principle to promote a safe network of access for bicyclists, pedestrians, transit users, and motorists of all ages and abilities. (2010-223)

Cross reference(s)--Definitions generally, ' 1-2.

Sec. 70-2. Damage and obstruction prohibited.

- (a) 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 chapter. No person shall place any article, thing or obstruction in any street except under the conditions and in the manner permitted in this chapter; but this provision shall not be deemed to prohibit such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises, to the lawful parking of vehicles within the part of the street reserved for vehicular traffic, nor to any sign or other material object erected or maintained for public health and safety purposes by the city.
- (b) No person shall suspend anything above any sidewalk or street area unless expressly authorized by this Code. The council, when in its opinion public safety requires, may authorize the erection of fire escapes or similar devices by resolution. This section shall not apply to awnings or marquees when no part is less than 11 feet above the sidewalk grade. (Code 1971, ' 4.2)

State law reference(s)--Obstructions and encroachments on public highways, MCL 247.171 et seq., MSA 9.251 et seq.; objects overhanging highways and streets, MCL 247.321 et seq., MSA 9.140(21) et seq.

Sec. 70-3. Street names.

All streets shall be known and designated by the names applied on the map of the city known as the street plan map, filed with the department. The naming of any new street or the changing of the name of any street shall be done by resolution, which resolution shall amend the map. (Code 1971, ' 1.20)

Sec. 70-4. Reserving easement.

Whenever the council shall resolve to vacate any street, alley, public way or other public place, the council may as a part of the resolution reserve unto the city such easements or rights-of-way in the street, alley, public way or other public place vacated as the council may deem it necessary and in the best interests of the city to do so. (Code 1971, S 1.22)

Sec. 70-5. Permits and bonds.

- (a) Where permits are authorized in this chapter, they shall be obtained upon application to the director, upon such forms as he shall prescribe; and there shall be a charge for each such permission, except as otherwise provided by resolution of the council. Such permit shall be revocable by the director for failure to comply with this chapter, rules and regulations adopted pursuant to this chapter, and the lawful orders of the director or his duly authorized representative, and shall be valid only for the period of time endorsed on the permit. Application for a permit under the provisions of this chapter 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 with the work, repair all damage done to the street surface and installations on, over or within such 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 or in connection with the permit. Where liability insurance policies are required to be filed in making application for permission, they shall be in not less than the amounts as shall be set from time to time by the council and is listed in appendix A of this Code, except as otherwise specified in this chapter.

- (b) A duplicate executed copy or photostatic copy of the original of such insurance policy, approved 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 hereunder, such deposit shall be in the currently required amount, except as otherwise specified in this chapter, and such deposit shall be used to defray all expenses to the city arising out of the granting of the permit and work done under or in connection with the permit. Six months after the completion of the work done under the permit, any balance of such 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; except public utilities operating under a franchise with the city shall be exempted from making any deposit unless specifically required by the council. (Code 1971, ' 4.3)

Sec. 70-6. Street openings.

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the director. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by section 70-5. (Code 1971, ' 4.4)

State law reference(s)--Protection facilities during construction activities, MCL 460.701 et seq., MSA 22.190(1) et seq.

Sec. 70-7. Emergency openings.

The director may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided that permission shall be obtained on the following business day and the provisions of this chapter shall be complied with. (Code 1971, ' 4.5)

Sec. 70-8. 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 chapter. Any settlement shall be corrected within four hours after notification to do so. (Code 1971, ' 4.6)

Sec. 70-9. Prohibited sidewalk surfaces.

No door shall be placed in any sidewalk unless the design and specifications shall be approved by the department. No open iron grating or other open devices, nor any device containing glass, shall be placed in or used as the surface of any sidewalk. (Code 1971, ' 4.7)

Sec. 70-10. Utility poles.

Utility poles may be placed in such streets as the director shall prescribe and shall be located in accordance with the directions of the director. Such poles shall be removed or relocated as the director shall direct. Where utility easements exist at the rear of lots, poles shall be located in such easements, if feasible in the opinion of the director. (Code 1971, ' 4.8)

Sec. 70-11. Maintenance of installations in street.

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 estate shall do so only on condition that such maintenance shall be considered as an agreement on his part with the city to keep the excavation or structure and their covers, and any gas and electric boxes and tubes on them, in good repair and condition at all times during his 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 such excavation or structure being under, over, in or upon the street, or being unfastened, out of repair or defective during such ownership or control. (Code 1971, ' 4.9)

Sec. 70-12. Curb cuts.

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

- (1) No single curb cut shall be less than ten feet.
- (2) The minimum distance between any curb cut and a public crosswalk shall be five feet.
- (3) The minimum distance between curb cuts, except those serving residential property, shall be 25 feet.
- (4) 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. (Code 1971, ' 4.13)

Sec. 70-13. Penalties.

Willful or negligent violation of any section of this chapter shall be a misdemeanor and subject the offender to punishment in accordance with section 1-7. (Code 1971, ' 4.34)

Sec. 70-14. Vacating streets.

Vacated portions of streets and alleys shall be eliminated from said street plan map. The vacating of any street or alley shall be done by resolution, which resolution shall amend said map. The resolution shall declare the intent of the Council to vacate such street and shall set a date, not less than four (4) weeks subsequent to the introduction of such resolution, for a public hearing on proposed vacation. Notice of such hearing, with a copy of said resolution, shall be published two (2) successive weeks prior thereto.

Sec. 70-15. New Construction or Reconstruction of Streets.

All new construction or reconstruction of any street in the City of Houghton, including the opening of any new street, shall be done in accordance with the City of Houghton Complete Street Ordinance set forth in Chapter 74, Article III. Design Standards.

Secs. 70-16--70-45. Reserved.

ARTICLE II. OBSTRUCTIONS*

*State law reference(s)--Obstructions and encroachments on public highways, MCL 247.171 et seq., MSA 9.251 et seq.

Sec. 70-46. Prohibited street uses.

No person shall place any merchandise, material or sign on any sidewalk or any merchandise or material within any street area; except that a reasonable quantity of material may be stored within such area for a period not exceeding 90 days upon permission issued by the department. Such goods or materials shall be barricaded in a manner prescribed by the department, and the granting of such authority shall be conditioned upon obtaining permission from the director and posting a cash deposit and filing an insurance policy as required by section 70-5. Exceptions to this rule are street sales by local merchants when approved by the council. (Code 1971, ' 4.14)

Sec. 70-47. Pedestrian passage.

Construction projects shall proceed in such manner that at least five 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 railings or sidewalk shelter built in accordance with chapter 14, shall be provided around such obstruction. (Code 1971, ' 4.15)

Sec. 70-48. Safeguards.

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 feet apart and parallel to the flow of traffic, not over 15 feet apart. (Code 1971, ' 4.18)

Sec. 70-49. Shoring excavations.

All openings and excavations shall, where necessary, be properly and substantially sheeted and braced as a safeguard to workers and to prevent caveins and washouts which would tend to injure the thoroughfare or subsurface structure of the street. (Code 1971, ' 4.19)

Sec. 70-50. Moving of buildings.

No person shall move, transport or convey any building, machinery, truck or trailer, more than eight feet eight inches wide or higher than 13 feet six 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 director. The applicant shall file written clearance 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 works, and shall file an insurance policy as required by this article. (Code 1971, ' 4.23)

State law reference(s)--Size, weight and load, MCL 257.716 et seq., MSA 9.2416 et seq.; building moving and obstruction, MCL 247.188, MSA 9.268.

Sec. 70-51. Sweepings.

No person shall sweep or cause to be swept any dirt or litter of any kind or type whatsoever out of or off any building or private property and into any public sidewalk, parkway, alley or roadway of the city. (Code 1971, ' 4.25)

Sec. 70-52. Deposits prohibited.

No person shall place or cause to be placed in or on any public sidewalk or on any pavement, gutter, drain, ditch, alley or roadway in the city any grass clippings, leaves, lawn rakings, tree or bush trimmings, tree trunks, stumps, ashes, soil, dirt or household debris unless specifically approved by the director. (Code 1971, ' 4.26)

State law reference(s)--Littering highways, streets and alleys, MCL 324.8902, MSA 13A.8902; causing litter or object to fall or be thrown into path of or to hit automobile, MCL 324.8903, MSA 13A.8903.

Sec. 70-53. Load security.

No person shall drop, leave or scatter on any sidewalk, park, alley or roadway within the city any coal, sand, dirt, gravel, scrap materials or any other material or substance that is being hauled or carried about in a truck, trailer, wagon, cart or any other vehicle. (Code 1971, ' 4.27)

State law reference(s)--Load security, MCL 257.720, MSA 9.2420.

Sec. 70-54. Additional regulations authorized.

The city manager may make additional regulations pertaining to openings and excavations in the streets, curb cuts, street obstructions, and house moving, which regulations shall be subject to the approval of the council. No person shall fail to comply with any such regulations. (Code 1971, ' 4.31)

Sec. 70-55. Removal of encroachment.

Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting landowner when made or permitted by him or suffered to remain by him, otherwise than in accordance with the terms and conditions of this article. (Code 1971, ' 4.32)

State law reference(s)--Obstruction and encroachment of highways, MCL 247.171 et seq., MSA 9.251 et seq.

Sec. 70-56. Temporary street closings.

The director shall have authority to temporarily close any street, or portion of a street, when he shall deem such street to be unsafe or temporarily unsuitable for use for any reason. He shall cause suitable barriers and signs to be erected on the street, indicating that the street is closed to public travel. When any street or portion shall have been closed to public travel, no person shall drive any vehicle upon or over such street except as may be necessary incidental to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the director. (Code 1971, ' 4.33)

State law reference(s)--Closing of highways for parades, festivals, and the like, MCL 247.323, MSA 9.140(23); closing of highways for repairs, MCL 247.291 et seq., MSA 9.1421 et seq.

Secs. 70-57--70-90. Reserved.

ARTICLE III. SIDEWALKS

DIVISION 1. GENERALLY

Secs. 70-91--70-100. Reserved.

DIVISION 2. CONSTRUCTION, REPAIR AND MAINTENANCE

Sec. 70-101. Sidewalk construction.

The council, whenever it shall deem it necessary, may authorize and order the construction or repair of any sidewalk or sidewalks in the public streets and alleys of the city and require the owners or occupants of adjacent and abutting lots and premises to construct, maintain or repair such sidewalks; and the city may employ a contractor to construct or repair such sidewalks. Sidewalks shall be constructed or repaired under the supervision and direction of the city director of public works on the established grade as ascertained, determined and furnished by him. The cost of such sidewalk construction or repair shall be at the expense of the owner of the premises adjoining the walks unless the council shall, by resolution, underwrite a part or all of such cost. (Code 1971, ' 4.45)

Sec. 70-102. Line and grade.

The line and grade of all sidewalks shall be ascertained, determined and furnished by the city director of public works, and when so furnished shall be accepted by the owner of the premises abutting the sidewalk and the city as correct; and his determination fixing the line and grade of any sidewalk shall be final as between the city and the owner of the premises abutting the sidewalk. (Code 1971, ' 4.47)

Sec. 70-103. Specifications.

All sidewalks constructed on the public streets and alleys of the city shall be constructed according to the specifications and dimensions furnished by the city director of public works, approved by the council. (Code 1971, ' 4.48)

Sec. 70-104. Permit required.

- (a) No sidewalk shall be constructed or an existing sidewalk replaced without first obtaining a written permit from the city clerk, and any sidewalk construction shall be according to the specifications as furnished by the city director of public works.
- (b) No existing sidewalk shall be repaired, altered or changed without first obtaining a written permit from the city clerk; and all sidewalk repairs shall be according to the specifications as furnished by the city manager. (Code 1971, ' 4.49)

Sec. 70-105. Contractor's bond.

Every contractor, before proceeding to construct, build or repair any city sidewalk or other facilities belonging to the city, shall upon request of the council execute and deliver to the city a bond with such sureties as shall be approved by the council in the currently required amount conditioned that the sidewalks so constructed shall be constructed according to plans, dimensions, specifications and standards furnished by the city director of public works, such bond to be in full force and effect until the sidewalks covered by the bond shall be accepted in writing by the city director of public works as conforming to the plans, dimensions, specifications and standards submitted to such contractor by the city, which bond shall be in the following form:

Know All Men by These Presents, that we, _____ as principal, and _____ and _____ as sureties, are held and firmly bound unto the City of Houghton, Michigan, in the sum of \$1,000.00 to be paid the City of Houghton, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, and each and every one of them firmly by these presents.

Sealed with our seals and dated this _____ day of _____ A.D. _____.

The condition of the above obligation is such that WHEREAS, the above bounden principal _____ is about to engage in constructing or repairing sidewalks upon the streets of the city, a part of the expense for the building or repairing of such sidewalks is to be borne by the city and part of the adjacent property owners, said sidewalks being described as follows:

WHEREAS the above bounden principal does hereby agree and warrant that he or it shall construct or repair the sidewalk or sidewalks according to the plans, specifications, dimensions and standards submitted by the city director of public works and within the time specified.

WHEREFORE, if said principal _____ shall in all respects well and faithfully construct or repair each, any and all sidewalks he or it may undertake to construct or repair strictly according to the terms, requirements, plans, dimensions, specifications and standards specified, and when the sidewalk or sidewalks are formally accepted in writing by the city director of public works as conforming to the plans, specifications, dimensions and standards as furnished by him and shall well and truly pay as it may become due and payable all indebtedness which may become due to any person, firm or corporation, on account of any labor performed or material

furnished in the construction or repair of such sidewalk or sidewalks, and shall save the City of Houghton harmless from any and all claims as a result of accident, personal injury or property damage occurring through the negligence of the principal, his or its agents or employees, while engaged in the constructing of any such sidewalk or sidewalks, then this obligation to be void; otherwise to be in full force and effect. (Code 1971, ' 4.50)

Sec. 70-106. Default by contractor.

If any contractor shall construct or repair a sidewalk and the same construction or repair shall not conform in every respect to the plans, dimensions, specifications and standards submitted, and shall not be formally accepted by the city director of public works either because of faulty materials or defective workmanship in the construction or repair or in the materials used, the contractor shall proceed within ten days after receiving notice from the city director of public works to reconstruct or re-repair such sidewalk or sidewalks in accordance with the plans, specifications, dimensions and standards furnished him; and if he shall fail to do so, the city may on its own motion proceed to reconstruct or re-repair or have reconstructed or re-repaired the sidewalk, and the contractor and his bondsmen shall be liable on their bond for the penalty. (Code 1971, ' 4.51)

Sec. 70-107. Compliance with specifications.

It shall be unlawful for any person to construct, alter or repair any sidewalk within the limits of any of the public streets or alleys of the city without a permit or in violation of the plans, specifications, dimensions and standards furnished by the city director of public works. (Code 1971, ' 4.52)

Sec. 70-108. Construction by agreement.

The council may, when requested by any property owners, construct, change or repair any sidewalk upon such terms and conditions as agreed upon by such property owners and the city without setting up a special assessment district, and that portion of the expense to be paid by such property owners, which if not paid on demand or as agreed, shall be levied as a special assessment upon the lots or premises adjacent to and abutting such sidewalk. (Code 1971, ' 4.53)

Sec. 70-109. Notice to construct.

Except in cases where a special assessment district is established in accordance with the provisions of the Charter and chapter 66, whenever the council shall by resolution or otherwise order the construction of any new sidewalk or the repair of any sidewalk constructed, it shall be the duty of the city manager to forthwith cause to be notified the owner or occupant of the land adjacent to and abutting on the street or alley upon which the new sidewalk is to be built, or the old sidewalk is to be repaired of such order in accordance with section 1-12. Such notice shall be in writing, signed by the city director of public works and shall be directed to the owners or occupants of the adjacent land, advising such owner or occupant of the premises that the city intends to construct or repair the sidewalk, describing the sidewalk, or directing the owner or occupant to construct or repair the sidewalk within 30 days, as the case may be. (Code 1971, ' 4.54)

Sec. 70-110. Construction by city.

In those cases where the owner or occupant has been directed to construct or repair a sidewalk adjoining his premises, if the owner of any lot or premises shall neglect or fail to construct or repair any sidewalk within 30 days from date of the service of such notice, it shall be the duty of the city director of public works to forthwith proceed to build or repair the sidewalk, as the case may be, and after the sidewalk shall be so built or repaired to file with the city manager a statement in writing containing a

statement of the cost and expense of building the sidewalk or of the repairing of the sidewalk. It shall be the duty of the council after receiving notice of such statement to order by resolution the city assessor to spread two-thirds of the respective sums upon the next assessment roll of the city as a special tax against the property in front of or adjacent to which the sidewalk has been so built or repaired; and the city clerk shall certify the order to the assessor. Upon receiving the certificate, the assessor shall assess the several sums, together with ten percent added to each sum respectively to cover the costs of proceedings and collection upon the respective lots and premises to which they are especially assessable and against the persons chargeable as a tax on the tax roll next thereafter to be made; and thereupon the amounts so assessed in the tax roll shall be collected and enforced with the other taxes and in the same manner; and the amounts shall be and continue to be a lien upon the premises assessed from the date of filing of the statement by the city director of public works until paid, and when collected shall be paid into the city treasury. (Code 1971, ' 4.55)

Sec. 70-111. Maintenance of lien.

The failure on the part of the city or its agents to strictly comply with the provisions of this article shall not destroy or impair the lien of the city upon adjacent premises for such amount of the cost of constructing or repairing a sidewalk as may be charged against the sidewalk pursuant to the terms of this article or as by a regular mode of proceeding might have been lawfully assessed. (Code 1971, ' 4.56)

Secs. 70-112--70-145. Reserved.

ARTICLE IV. SNOW AND ICE REMOVAL

DIVISION 1. GENERALLY

Secs. 70-146--70-165. Reserved.

DIVISION 2. SIDEWALKS

Sec. 70-166. Time to clear.

On streets to be designated by resolution of the council, no person shall permit any snow or ice to remain on the sidewalk in front of any building or lot occupied by him, or if unoccupied, owned by him, longer than 24 hours after the snow or ice has fallen or formed; and when ice is formed on any sidewalk, such owner or occupant shall, within 12 hours after the ice has formed, cause salt, chloride or sand to be strewn on the ice. (Code 1971, ' 4.57)

Sec. 70-167. Clearing by city.

If any owner or occupant of any house, building or lot shall fail to remove or cause to be removed snow as provided in section 70-166, the city may resort to such action as provided for in section 70-192 of this Code. (Code 1971, ' 4.58)

Sec. 70-168. Maintenance in specific area.

- (a) Every person or entity owning, or having control of any lot or building located adjacent to Shelden Avenue or those portions of Bridge Street, Quincy Street, Pewabic Street, Dodge Street, Huron Street, Isle Royale Street, Portage Street or Ripley Street lying between Lake Avenue and

Montezuma Avenue shall repair and maintain the public sidewalk immediately adjacent to such lot or building so as to be reasonably safe and fit for pedestrian travel.

- (b) Every person or entity owning or having control of any lot or building described in subsection (a) of this section shall not permit any snow or ice to remain on the public sidewalks immediately adjacent to such lot or building longer than 24 hours after snow or ice has fallen or formed; and when ice is formed on any such sidewalk, the owner or person having control of such property shall, within 12 hours after the ice has formed, cause salt, chloride or sand to be strewn on the sidewalk in such a manner as to render the sidewalk in a condition reasonably safe and fit for pedestrian travel. (Ord. No. 57, ' ' 4.60, 4.61, 7-13-1983)

Secs. 70-169--70-190. Reserved.

DIVISION 3. STREETS, ALLEYS AND PUBLIC WAYS

Sec. 70-191. Restrictions.

No owner or occupant shall take or remove, or cause to be taken or removed, any snow, ice or other material from any property owned, occupied or controlled by him and pile or dump the material within the lines of any street of the city; except:

- (1) Snow may be removed from business premises when weather conditions require it and onto city streets in such a manner as to cause a minimum of obstruction to traffic on such streets only between the hours of 2:00 a.m. and 7:00 a.m. so that it may be removed by city employees in the course of regular snow removal operation.
- (2) The owner or occupant of such business premises may contract with the city by November 1 for removal throughout the subsequent season of snow and ice discharged by him on the streets in such manner as to cause a minimum obstruction to traffic and only between the hours of 2:00 a.m. and 7:00 a.m. The contract charge by the city for this service shall be determined by resolution of the council.
- (3) Any owner or occupant may take and remove snow or ice from a driveway 12 feet or less in width on such property and pile the snow or ice in a public street, but only along, parallel with and as a part of the bank of snow formed by the city in its snow plowing operations. Such snow or ice shall be piled on the bank immediately in front of and adjacent to the property so owned or occupied, and in no event shall the snow or ice so placed extend more than two feet six inches further into the roadway than the existing bank.
- (4) The owner or occupant may, from in front of his premises, remove or cause to be removed any snow, ice or other material from any public walk or from the banks of snow formed by the city in its plowing operations and pile or dump such material within the street right-of-way in such manner as to reduce the width between the banks of snow formed by the city in its plowing operations by not more than two feet six inches.
- (5) Premises used for overnight parking from which it is necessary to remove snow at hours other than between 2:00 a.m. and 7:00 a.m. may be cleared between the hours of 7:00 a.m. and 2:00 a.m., following; and the snow shall be piled immediately in front of the property in a portion of the street not regularly used by pedestrians or vehicular traffic.

(Code 1971, ' 4.37)

Sec. 70-192. City removal.

Snow, ice or other material moved, piled or dumped in violation of this division may be moved by the city and the expense of such removal charged to the party violating this division and placed on his tax bill as a special assessment, or otherwise collected by law, if not paid within 30 days of billing. Such charge shall be set from time to time, and a schedule of such is printed in appendix A. Further, any person violating any of the provisions of this division shall, upon conviction, be punished in accordance with section 1-7. (Code 1971, ' 4.38)