

Chapter 32

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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* **Cross references** – Any ordinance dedicating, establishing, naming, locating, relocating, opening, paving, widening, repairing or vacating any streets, 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. 6; community development, ch. 10; environment, ch. 12; land divisions and subdivisions, ch. 16; parks and recreation, ch. 22; peddlers and solicitors, ch. 24; planning, ch. 26; special assessments, ch. 30; telecommunications, ch. 34; traffic and vehicles, ch. 36; utilities, ch. 38; franchises, app. A.

State law references – City control of highways, Mich. Const. art. VII, § 29; city authority to acquire and establish and maintain boulevards, Mich. Const. art. VII, § 23; obstructions and encroachments on public highways, MCL 247.171 et seq.; closing of highway for repairs, MCL 247.291 et seq.; driveways, banners, events and parades, MCL 247.321 et seq.; liability of local government for injury of not keeping highway in reasonable repair, MCL 691.1402.

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ARTICLE I. IN GENERAL

Secs. 32-1 – 32-30. Reserved.

ARTICLE II. SIDEWALKS

Sec. 30-31. Definitions.

The following words, terms and phrases, when used in this article, 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.

Sidewalk means the paved portion of the street right-of-way designed for pedestrian travel.

(Ord. No. 160, § 34.1, 5-13-1996)

Cross reference – Definitions generally, § 1-2.

Sec. 32-32. Location; width; materials.

All sidewalks in the city shall be laid so that the inner edge of each sidewalk shall be a distance of two feet from the nearest parallel right-of-way line, or such distance as the department shall prescribe, and shall be such width and of such materials as the regulations of the department shall specify.

(Ord. No. 160, § 34.2, 5-13-1996)

Sec. 32-33. Duties of abutting property owners.

It shall, in all cases, be the duty of the owner of every lot or parcel of land in the city to build sidewalks in front of or adjoining his premises when so ordered by the council, and to maintain such walks in good repair and to keep them free from all obstructions.

(Ord. No. 160, § 34.3, 5-13-1996)

Sec. 32-34. Order to build.

If any owner shall fail or neglect to construct any sidewalk adjoining his lot or parcel of

land within such time as the council shall by resolution determine, which time shall not be less than 20 days after the same shall have been ordered by the council, or shall fail to keep the sidewalk in good repair, the council may, without further notice, cause the same to be done, and the cost of such construction or repair may be paid out of the contingent fund of the city and the council may assess such expense as a special assessment against such a lot or parcel of land in the next general assessment roll of the city. Such special assessment shall be collected and enforced in the same manner as general city taxes and special assessments.

(Ord. No. 160, § 34.4, 5-13-1996)

Sec. 32-35. Construction permit.

Whenever the owner of any land in the city shall desire to construct a sidewalk in front of or adjoining his premises, he shall obtain a permit for such construction from the building official, which permit, when granted, shall contain full specifications as to the kind of material, width, and manner of construction of the walk, and it shall be the duty of the superintendent of public works to establish the grade line of such sidewalk.

(Ord. No. 160, § 34.5, 5-13-1996)

Sec. 32-36. Supervision of construction.

It shall be the duty of the superintendent of public works to superintend the construction and repair of all sidewalks in the city and see that they are constructed and repaired with the materials and in the manner specified.

(Ord. No. 160, § 34.6, 5-13-1996)

Sec. 32-37. Snow, ice, obstructions or rubbish.

(1) No person having the care, either as owner or occupant, of any house, building, or lot shall permit any snow, ice, rubbish, including broken bottles and glass, filth, obstruction, or other nuisance to remain upon the sidewalks in front of the house, building, or lot for longer than 24 hours.

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(a) Whereas snow, rubbish, filth, or other nuisance is not cleared within 24 hours following occurrence, a citation or fine shall be issued by the City in manner stipulated in Section 18-32 of the City Code. Seasonally, any first infraction under this section shall incur a \$50 fine; subsequent infractions shall be fined pursuant to general provisions. Each citation or notice shall clearly reference the date and time at which the violation occurred. If the violation has not been resolved at the time of issuance of the citation or notice, the City may cause removal to be of the matter in question and will bill the property owner for the corresponding additional costs.

(b) Snow removed from a sidewalk directly into the path of a road or fire hydrant is strictly prohibited.

(2) When ice is formed on any sidewalk, the owner or occupant of the abutting premises shall, within 12 hours after ice has formed, cause the ice to be removed or cause salt, sawdust, sand, or other abrasive to be strewn thereon.

(a) Whereas ice is not cleared within 12 hours following formation, a citation or fine shall be issued by the City. Seasonally, any first infraction under this section shall incur a \$50 fine; subsequent infractions shall be fined pursuant to general provisions. Each citation or notice shall clearly reference the date and time at which the violation occurred. If the violation has not been resolved at the time of issuing the citation or notice, the City may cause removal of the matter in question and will bill the property owner for additional labor costs.

(b) For enforcement purposes, where ice is formed after sunset, the 12-hour removal period shall not commence until after the following sunrise.

(3) Regarding wintertime nuisances, the City shall, at the beginning of October, publish a reminder of Section 32-37, in no less than two public forms of notification.

(Ord. No. 160, § 34.7, 5-13-1996)

(Ord. No. 2016-243, § 33-37, 1-3-2017)

Sec. 32-38. Sidewalk replacement program.

The city council may, from time to time, authorize the replacement of sidewalks in certain areas of the city, with the cost allocated between the city and the individual property owner as the city council deems just and appropriate. The cost of the individual landowner shall be assessed as provided for in section 32-34.

(Ord. No. 160, § 34.8, 5-13-1996)