
CHAPTER 1020
Street and Sidewalk Openings and Obstructions

1020.01	Definitions.	1020.08	Maintenance of installations.
1020.02	Damage and obstruction prohibited to streets and sidewalks.	1020.09	Curb cuts and driveways.
1020.03	Permits and bonds.	1020.10	Construction materials and equipment; pedestrian passage.
1020.04	Openings generally.	1020.11	Safety requirements.
1020.05	Emergency openings.	1020.12	Moving of buildings, machinery, etc.
1020.06	Backfilling.	1020.99	Penalty.
1020.07	Utility poles.		

CROSS REFERENCES

Streets and alleys in home rule cities - see M.C.L.A. Secs. 117.4d, 117.4e, 117.4h
Excavations generally - see M.C.L.A. Secs. 554.251 et seq.
Construction, installation, repair and maintenance of sidewalks - see S.U. & P.S.
Ch. 1022
Deposit of rubbish in streets - see S.U. & P.S. 1060.17
Obstruction of fire hydrants - see F.P. 1620.03

1020.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the following definitions shall apply in the interpretation of this chapter:

- (a) "Street" shall mean 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 therefor where the same are not yet constructed.

- (b) "Superintendent" shall mean the Superintendent of Public Works of the City.
(1957 Code, Ch. 4001, §1)

1020.02 DAMAGE AND OBSTRUCTION PROHIBITED TO STREETS AND SIDEWALKS.

No person shall make any excavation in, or cause any damage to, any street or sidewalk in the city, except under the conditions and in the manner permitted in this chapter. No person shall deposit, place, dump, or leave, or cause or permit the dumping, depositing, placing, or leaving of, any grass clippings, yard waste, or other organic materials or debris on any street or sidewalk in the city. 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, nor shall it be deemed to prohibit the lawful parking of vehicles within the part of the street reserved for vehicular traffic. Nothing in this chapter shall prohibit the use of the sidewalk areas in the B-2 General Business District for the temporary placement of tables, chairs, racks, and similar devices as well as products and merchandise to allow for outdoor eating and the advertising and sale of merchandise and products by the merchants whose business abuts that portion of the sidewalk being so used, provided that a five (5) foot wide pedestrian walkway is maintained for use by the general public. The temporary placement of tables, chairs, racks, and similar devices as well as products and merchandise as herein allowed shall not interfere with access to any business and shall be accomplished in a safe and reasonable manner by the owner thereof who shall indemnify and save the city harmless against all damages or actions at law that may arise or be brought, directly or indirectly, by reason of such placements.

(1957 Code, Ch. 4001, §2) (Ord. 2005-03. Passed 7-13-05; Ord. 2018-04. Passed 11-20-18.)

1020.03 PERMITS AND BONDS.

(a) Where permits are authorized in this chapter, they shall be obtained upon application to the Superintendent, upon such forms as he or she shall prescribe, and there shall be a charge of ten dollars (\$10.00) for each such permit. Such permits shall be revocable by the Superintendent for failure to comply with this chapter, rules and regulations adopted pursuant hereto, and the lawful orders of the Superintendent or his or her duly authorized representative, and shall be valid only for the period of time endorsed thereon. 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 therewith, repair all damage done to any street surface and installations on, over or within any 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 therewith.

(b) 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 chapter:

- | | |
|---|------------|
| (1) On account of injury to, or death of,
any person in any one accident | \$ 500,000 |
|---|------------|

- | | |
|--|-------------|
| (2) On account of any one accident resulting in injury to, or death of, more than one person | \$1,000,000 |
| (3) On account of damage to property in any one accident | \$ 500,000 |

A duplicate executed copy or photostatic copy of the original of such insurance policy shall be filed with the City Clerk.

(c) Where cash deposits are required with the application for any permit hereunder, such deposit shall be in the amount of five hundred dollars (\$500.00), 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 the permit or in connection therewith. Three months after completion of the work done under the permit, any balance of such cash deposit that is 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.

1020.04 OPENINGS GENERALLY.

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the Superintendent. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by Section 1020.03. (1957 Code, Ch. 4001, §4)

1020.05 EMERGENCY OPENINGS.

The Superintendent may, if the public safety requires immediate action, 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 chapter shall be complied with. (1957 Code, Ch. 4001, §5)

1020.06 BACKFILLING.

All trenches in a public street or other public place, except by special permission, shall be backfilled with approved granular material to within twelve inches of the surface. On main thoroughfares, this material shall contain one sack of cement per yard of fill. The remaining portion shall be filled with road gravel as specified by the Manager. (1957 Code, Ch. 4001, §6)

1020.07 UTILITY POLES.

Utility poles may be placed in such streets as the Superintendent shall prescribe and shall be located thereon in accordance with the directions of the Superintendent. Such poles shall be removed or relocated as the Superintendent shall from time to time direct. (1957 Code, Ch. 4001, §7)

1020.08 MAINTENANCE OF INSTALLATIONS.

Every owner of, and every person in control of, any estate hereafter maintaining a sidewalk vault, coal hole, manhole or 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 estate, shall do so only on condition that such 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 thereon, in good repair and condition at all times during his or her ownership or control thereof, 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.

(1957 Code, Ch. 4001, §8)

1020.09 CURB CUTS AND DRIVEWAYS.

No opening in or through any curb of any street shall be made nor shall any driveway be installed, constructed, surfaced or resurfaced with concrete or asphalt without first obtaining a written permit therefore from the Superintendent. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

- (a) All residential driveways shall have a minimum width of ten feet and a maximum width of twenty-five feet, measured at a right angle to the centerline of the driveway at the right-of-way line;
- (b) A driveway shall be so located that no undue interference with the free movement of traffic will result;
- (c) A driveway shall be so located to provide the most favorable vision and great conditions possible;
- (d) The minimum distance between any curb cut and a public crosswalk shall be five feet;
- (e) The maximum number of linear feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise, shall be forty-five percent of the total abutting street frontage up to and including 200 linear feet of street frontage, plus twenty percent of the linear feet of street frontage in excess of 200 feet;
- (f) The necessary adjustment to utility poles, light standards, fire hydrants, catch basins, street or railroad signs, signals or other public improvements or installations shall be accomplished without cost to the City;
- (g) All plans, specifications, materials and construction shall be in accordance with all statutes, ordinances and administrative rules and regulations; and
- (h) All construction shall be in accordance with plans and specifications approved by the Superintendent.

(1957 Code, Ch. 4001, §9) (Ord. 2008-07. Passed - -.)

1020.10 CONSTRUCTION MATERIALS AND EQUIPMENT; PEDESTRIAN PASSAGE.

(a) Obstructions. No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to said street, or for any other purpose, without first obtaining a permit therefor from the Superintendent. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by Section 1020.03.

(1957 Code, Ch. 4001, §10)

(b) Pedestrian Passage. At least six 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 shall be provided around such obstruction.

(1957 Code, Ch. 4001, §11)

1020.11 SAFETY REQUIREMENTS.

(a) Safeguards. All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with red or amber warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three feet apart. If parallel to the flow of traffic, they shall not be over fifteen feet apart.

(1957 Code, Ch. 4001, §12)

(b) Shoring Excavations. All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or wash-outs which would tend to injure the thoroughfare or subsurface structure of the street.

(1957 Code, Ch. 4001, §13)

1020.12 MOVING OF BUILDINGS, MACHINERY, ETC.

(a) Permit; Route; Deposit; Insurance. No person shall move, transport or convey any building or other similar bulky or heavy object, including machinery, trucks and trailers, larger in width than fourteen feet, into, across or along any street, alley or other public place in the City without first obtaining a permit therefor from the Superintendent. Such permit shall specify the route to be used in such movement, and no person shall engage in such movement along a route other than that specified in the permit. No housemoving permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by Section 1020.03.

(1957 Code, Ch. 4001, §14)

(b) Removal of Encroachments and Obstructions; Refilling of Excavations. Encroachments and obstructions in the street may be removed, and excavations refilled, and the expense of such removal and refilling charged to the abutting landowner when made or permitted by him or her, or suffered to remain by him or her, otherwise than in accordance with the terms and conditions of this chapter. Such expenses shall be collected as provided by law.

(1957 Code, Ch. 4001, §15)

(c) Temporary Street Closings. The Superintendent shall have authority to temporarily close any street, or portion thereof, when he or she shall deem such street to be unsafe or temporarily unsuitable for use for any reason. He or she shall cause suitable barriers and signs to be erected on said street, indicating that the same is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over said street except as the same may be necessary incidentally 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 Superintendent.

(1957 Code, Ch. 4001, §16)

1020.99 PENALTY.

(EDITOR'S NOTE: See Section 202.99 of the Administration Code for the general Code penalty if no specific penalty is provided.)