

CHAPTER 1022

Construction, Installation, Repair and Maintenance of Sidewalks

1022.01	Definitions.	1022.09	Sidewalk specifications.
1022.02	Permit required; exception.	1022.10	Variances.
1022.03	Permit application; contents.	1022.11	Construction by owner.
1022.04	Permit approval or disapproval.	1022.12	Construction by City.
1022.05	Permit issuance.	1022.13	Levy of assessments.
1022.06	Permit suspension or revocation; stop work orders.	1022.14	Emergency repairs.
1022.07	Liability insurance.	1022.15	Sidewalk repayment program.
1022.08	Timely and proper performance required.	1022.16	Maintenance of sidewalks.
		1022.17	Clearing of sidewalks.
		1022.99	Penalty.

CROSS REFERENCES

Sidewalks generally - see M.C.L.A. Secs. 691.1401 et seq.
 Sidewalk openings and obstructions - see S.U. & P.S. Ch. 1020
 Sidewalks in subdivisions - see P. & Z. 1246.30, 1248.14

1022.01 DEFINITIONS.

When used in this chapter, the words defined in this section shall have the following meanings:

- (a) "Sidewalk" means the portion of the right of way designed for pedestrian travel, except in driveways;
- (b) "Superintendent" means the Superintendent of Public Works.
(Ord. 96-1. Passed 5-13-96.)

1022.02 PERMIT REQUIRED; EXCEPTION.

(a) No person shall cut, dig, excavate or remove any material from any sidewalk in the City of Litchfield, nor shall any person construct, rebuild or repair any such sidewalk, without first obtaining a permit to do so.

(b) No permit will be required for work by City departments when such work is limited to the routine inspection, maintenance and repair of City facilities and equipment or when such work is necessary to provide, repair or restore services.
(Ord. 96-1. Passed 5-13-96.)

1022.03 PERMIT APPLICATION; CONTENTS.

Applications for permits to perform or otherwise undertake any excavation, construction, repair or rebuilding of any sidewalk shall be made to the Superintendent not less than seventy-two hours prior to the planned commencement thereof.

The application shall state:

- (a) The location of the intended excavation, construction, repair or rebuilding;
- (b) A specific and complete description of all materials to be installed, whether temporarily or permanently;
- (c) The purpose therefor;
- (d) The person, firm or corporation for whom the excavation, construction, repair or rebuilding is being performed or undertaken;
- (e) The date when the same shall be started;
- (f) The time required for completion thereof; and
- (g) Such further information as the Superintendent may reasonably require.

(Ord. 96-1. Passed 5-13-96.)

1022.04 PERMIT APPROVAL OR DISAPPROVAL.

The Superintendent shall have the authority to approve or disapprove an application as made, in whole or in part, or to approve the same subject to the relocation or placement of the planned activity subject to the use of specified materials, equipment and methods of performance.

(Ord. 96-1. Passed 5-13-96.)

1022.05 PERMIT ISSUANCE.

A permit shall be issued to any person complying with the provisions of this chapter, and the provisions of any applicable State and county law and regulation, subject to such terms and upon such conditions as are imposed by the Superintendent. The permit shall be executed in duplicate and the permit shall describe the purpose for which it has been granted, the name of the person to whom it has been issued, the location of the contemplated activity, the time within which the contemplated activity shall be commenced and completed and such further information as the Superintendent shall require. The activity for which the permit has been granted shall be started within one week following the date specified in the permit as the commencement date and shall be completed within the time specified therein and, in default thereof, shall be considered null and void.

(Ord. 96-1. Passed 5-13-96.)

1022.06 PERMIT SUSPENSION OR REVOCATION; STOP WORK ORDERS.

The Superintendent may suspend any permit issued under the terms of this chapter for incompetence or failure to comply with the terms of this chapter, or the rules, regulations, plans and specifications established under the provisions of this chapter or otherwise for the construction, reconstruction or repair of any sidewalk. The Superintendent may cause work to be stopped under any permit granted for the construction, reconstruction or repair of any sidewalk for any of the causes enumerated in this section, which stop work order shall be effective until the next regular meeting of the City Council, and, if confirmed by the Council at its next regular meeting, the stop work order shall be permanent and shall constitute a revocation of the permit.

(Ord. 96-1. Passed 5-13-96.)

1022.07 LIABILITY INSURANCE.

Each person applying for a permit, or on whose behalf a permit is applied for, pursuant to the provisions of this chapter, shall file and maintain during the term of any permit issued, as a prerequisite to the issuance thereof, a public liability insurance policy issued by an insurance carrier acceptable to the City of Litchfield, naming the City of Litchfield as one of the named insureds and protecting against any and all claims for damages of whatever kind or nature arising from the permitted activity, in such amounts as are acceptable to the City of Litchfield. The required liability insurance shall be maintained throughout the performance of the permitted excavation, construction, rebuilding or repair.

(Ord. 96-1. Passed 5-13-96.)

1022.08 TIMELY AND PROPER PERFORMANCE REQUIRED.

(a) Any person to whom a permit has been issued under this chapter shall promptly complete the work and excavate, construct, rebuild or repair the sidewalk in a good workmanlike manner in accordance with the line, grade, slope and specifications established by the Superintendent.

(b) Any and all work permitted under this chapter shall be subject to the approval of the Superintendent and shall be performed in accordance with all applicable statutes, ordinances, codes, rules, regulations and orders.

(c) Unless a more stringent standard is required by an applicable statute, ordinance, code, rule, regulation or order, any person to whom a permit has been issued under this chapter shall provide for the erection and maintenance of strong and substantial barriers around any work site. Such barricades shall be protected by accessory signal lights conforming to the Michigan Manual of Uniform Traffic Control Devices, which signal lights

shall be in operation from one-half hour before sunset until one-half hour after sunset and during such other times as may be necessary to protect the public. Such barricades shall be maintained from the time the permitted work is started until it is entirely completed, approved by the Superintendent and made safe for public use.

(Ord. 96-1. Passed 5-13-96.)

1022.09 SIDEWALK SPECIFICATIONS.

Sidewalks shall not be less than four feet wide, and shall not be less than four inches in thickness and shall not be less than six inches in thickness at driveway crossings. A minimum expansion joint shall be located within every 100 feet of sidewalk and the sidewalk shall be grooved or sawed every four feet. All sidewalks shall have a one-half inch radius edge and the service shall have a broom finish or equivalent. A sealer shall be used on all finished sidewalks. The aggregate shall be limestone. All sidewalks shall, not more than twenty-eight days after placement, be capable of resisting a pressure of 3,500 pounds per square inch without failure.

(Ord. 96-1. Passed 5-13-96.)

1022.10 VARIANCES.

The Superintendent may authorize variances from standard sidewalk specifications where no curb exists or where unusual topographical conditions, the nature of existing construction, or similar factors would make adherence to the standard provisions unreasonable.

(Ord. 96-1. Passed 5-13-96.)

1022.11 CONSTRUCTION BY OWNER.

The City Manager and the Superintendent shall consult not less than once in each year for the purpose of determining which new sidewalks shall be constructed during each year, and which existing sidewalks shall be rebuilt or repaired and shall report their findings to the City Council. Upon order by the City Council, it shall be the duty of the Superintendent to give the owner or occupant of the premises in front of or adjoining the street in which the sidewalk is to be constructed, rebuilt or repaired, written notice to construct, rebuild or repair the same within sixty days after service of the notice.

(Ord. 96-1. Passed 5-13-96.)

1022.12 CONSTRUCTION BY CITY.

If the sidewalk shall not be constructed, rebuilt, or repaired within the time fixed by the notice required by the preceding section, it shall be the duty of the City Manager to make a written report to the Council of the neglect or refusal of the owner or occupant to comply with the notice to construct, rebuild or repair such sidewalk. The Council may then, upon recommendation of the City Manager that a reasonable grouping of a number of individual sidewalk projects may be established to permit the taking of bids for their construction under

a single contract, establish a special assessment district for the purpose of the construction, rebuilding or repair of said sidewalks. In the event that any such sidewalks are not suitable for grouping with other sidewalks in a special assessment district, the Council may then order the Superintendent to cause such sidewalks to be constructed, rebuilt or repaired, as the case may be, and make a report to the City Council of his or her actions. He or she shall at the same time prepare an account of the expense for labor, material and services incurred thereby and report the same, together with a correct description of the premises, in front of, adjoining to or about which such work shall have been done and the name of the owner thereof, to the Council.

(Ord. 96-1. Passed 5-13-96.)

1022.13 LEVY OF ASSESSMENTS.

In any case where the Council orders the Superintendent to cause any sidewalk to be constructed, rebuilt, or repaired and receives the report from the Superintendent, the Council shall levy a special assessment upon the property sufficient to pay the expense for that labor, material and services used in construction, rebuilding or repairing the sidewalk, and the abutting owner shall be liable therefor.

1022.14 EMERGENCY REPAIRS.

No person shall permit any sidewalk which adjoins property owned by him or her to fall into a state of disrepair or to be unsafe. Whenever the Superintendent determines that a sidewalk is unsafe for use, notice may be given to the owner of the lot or premises adjacent to and abutting upon the sidewalk of such determination. Thereafter, it shall be the duty of the owner to place the sidewalk in a safe condition. Such notice shall specify a reasonable time, not less than seven days, within which such work shall be commenced and shall, further, provide that the work shall be completed with due diligence. If the owner of such lot or premises refuses or neglects to repair the sidewalk within the time limited therefor, or in a manner otherwise than in accordance with this chapter, the Superintendent shall have the sidewalk repaired. If the Superintendent determines that the condition of the sidewalk is such that immediate repair is necessary to protect the public, he or she may dispense with the notice. The cost of repairs under the provisions of this chapter shall be as established in a policy set up by the City Manager with the concurrence of the City Council, and those charges shall be charged against the premises which the sidewalk adjoins and the owner of the premises, and the same shall be billed to the owner upon completion of the repairs. If any such charges are not paid within thirty days after billing, they shall be collected as provided for single lot assessments in the Charter.

(Ord. 96-1. Passed 5-13-96.)

1022.15 SIDEWALK REPAYMENT PROGRAM.

The City of Litchfield will work in partnership with property owners in an attempt to install new sidewalks or repair or replace existing sidewalks by sharing those costs on projects approved by the Department of Public Works. Such projects will be completed either by City staff or approved subcontractors. The City will pay 100 percent of the cost of the installation, replacement or repair and the property owner will reimburse the City in accordance with the following schedule:

- (a) If a replacement or repair of an existing sidewalk has become necessary because of the City's installation or repair of utility services, light poles, or other Municipal fixtures or equipment or because of any damage done to the sidewalk by the City, its employees, or agents, then the property owner will not be obligated to reimburse the City for any portion of the sidewalk repair or replacement, provided, however, that the City and the property owner shall agree upon the fact that the property owner shall have no reimbursement obligation prior to the sidewalk being repaired or replaced and, if no such agreement is reached, then the property owner shall reimburse the City as otherwise provided in this schedule.
- (b) Upon completion of the work, the property owner will be presented with an invoice for fifty percent of the total cost of the installation, repair or replacement. If payment is received within forty-five days from the date of the invoice, the property owner's reimbursement obligation will be deemed satisfied.
- (c) If payment is not received within forty-five days from the date of the original invoice, the owner will be rebilled an increasing portion of the cost to be borne by the property owner as follows:
 - (1) The second invoice will be for seventy-five percent of the total sidewalk installation, replacement or repair cost and will be due from the property owner within thirty days from the date of the invoice;
 - (2) If the second invoice is not paid within thirty days from its date, a third invoice will be sent to the property owner for 100 percent of the total sidewalk installation, repair or replacement cost, which will be fully due and payable not later than thirty days from the date of the invoice; and
 - (3) If the third invoice is not paid by the property owner by its due date, the City will then add the total amount of the cost of the sidewalk installation, repair or replacement to the property tax bill as a lien against the property owner's property.

- (d) A property owner who is unable to pay his or her proportionate share of the cost of the installation, repair and/or replacement of the sidewalk may make a special request to the City Manager for the establishment of a monthly payment plan. After appropriate review by the City Manager and recommendation to the City Council, City Council may enter into a monthly payment plan which will allow, within thirty days after billing, such costs to be collected as provided for single lot assessments in the Charter.
(Ord. 96-1. Passed 5-13-96.)

1022.16 MAINTENANCE OF SIDEWALKS.

No person shall permit any sidewalk within the City which adjoins property owned by him or her to fall into a state of disrepair or to be unsafe.
(1957 Code, Ch. 4024, §9)

1022.17 CLEARING OF SIDEWALKS.

(a) Responsibility of Occupants and Owners. The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When any snow shall fall or drift upon any sidewalk during the nighttime, such snow shall be cleared from the sidewalks by 12:00 noon. Snow falling or accumulating during the day shall be cleared from the sidewalks by 12:00 noon of the day following.
(1957 Code, Ch. 4024, §11)

(b) Failure to Clear. If any occupant or owner shall neglect or fail to clear ice or snow from the sidewalk adjoining his or her premises within the time limited, or shall otherwise permit ice or snow to accumulate on such sidewalk, he or she shall be guilty of a violation of this chapter and, in addition, the Superintendent of Public Works may cause the same to be cleared and the expense of removal shall be collected as provided by law.
(1957 Code, Ch. 4024, §12)

1022.99 PENALTY.

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