

CHAPTER 1022

Sidewalks

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CROSS REFERENCES

Authority of City re public property - see CHTR. Ch. XIII

Failure of property owner to keep sidewalks free of obstruction - MCL Sec. 103.4

Liability of City - see M.C.L.A. Secs. 691.1401 et seq.

Special assessments for sidewalks - see ADM. 232.06

Streets - see S.U. & P.S. Ch. 1020

Sidewalks in subdivisions - see P. & Z. 1246.01, 1248.11

1022.01. CONSTRUCTION AND REPAIR OF SIDEWALKS, CURBS AND GUTTERS; PERMIT REQUIRED.

- a) **Structures in Right of Way.** No person shall construct, reconstruct, repair or remove any sidewalk or any structure of any nature lying within the limits of any street or alley right of way or any curb, gutter or structure for regulating, governing or facilitating the flow of water, except in accordance with the line, grade and specifications established by the City Engineer, or without a permit.
- b) **Sidewalk Requirements for New Development.** On curbed streets, public concrete sidewalks built or repaired to the City Engineer's specifications and requirements shall be constructed in public rights of way for all new development, including substantial additions or improvements (of a construction cost of twenty thousand dollars (\$20,000) or more within a twelve-month period), with no cost of the sidewalk construction to be borne by the City. Single and two-family development, exterior cosmetic alterations which do not increase the usable area, capacity or exterior limits (footprint) of the building, interior alteration work, or change in use projects that do not require a site plan, shall be exempt from this requirement. The City Engineer may waive the requirement for a new sidewalk if, in his or her opinion, unfavorable physical conditions exist. Responsibility for this requirement is limited to twenty percent of the project cost.

(Ord. 295. Passed 4-1-91. Ord. 365. Passed 7-6-93.)

1022.02. WIDTHS.

- a) **Elmwood Avenue.** All sidewalks on the west side of Elmwood Avenue from Bay Street south to the corporate limits shall be laid in such a manner as to leave a space of nine feet between the inner line of the walk and the boundary line of the abutting property on the west side of Elmwood Avenue.
- b) **Residential Areas.** In all residential sections of the City the sidewalk shall be not less than five feet wide and the inside line shall be placed eighteen inches distant from the abutting property line unless the City Manager determines that this requirement is

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impractical by reason of physical conditions.
(1976 Code Sec. 9.13)

1022.03. REPAIRS OF UNSAFE SIDEWALKS

- a) **Required.** No person shall permit any sidewalk adjoining property owned by him or her to fall into a state of disrepair or to be unsafe.
- b) **Notice to Repair.** Whenever the City Manager determines that a sidewalk is unsafe for use, notice to repair such sidewalk shall be given to the adjoining property owner.
- c) **Time Limit.** The owner shall repair the sidewalk within sixty days after delivery or posting of the notice.
- d) **Repairs by City.** If the sidewalk remains out of repair for longer than five days after the notice has been given, the City Manager may cause the same to be repaired and the cost of the repairs may be collected from the owner in an action at law.

(1976 Code Sec. 9.14)

1022.04. OPENINGS.

No person shall open or use any opening in a sidewalk unless such opening is provided with suitable protection and a guard approved by the Police Chief.

(1976 Code Sec. 9.15)

1022.05. MERCHANDISE DISPLAYS IN C-4 DISTRICTS.

- a) **Prohibitions.** No person shall exhibit, display or offer for sale any goods, merchandise, food, drink or services on any public sidewalk in a C-4 Zoning District except in accordance with this section.
- b) **Permit Required.** The City Manager may issue a permit to allow the temporary exhibition, display or offering of goods, merchandise, food, drink or services upon written application, to which application is attached a petition subscribed to by the owners or occupiers of at least sixty percent of the entire footage fronting on the public sidewalk on both sides of any street which extends between two other streets intersecting that street. Permits shall be issued only in conformity with Section 802.02 of the Business Regulation and Taxation Code, except as modified by this section.
- c) **Conditions for Issuance of Permits.** No permit shall be issued unless the City Manager determines that accommodation has been made for pedestrian traffic and safety, that the public health, welfare and safety will not be disserved and that a majority of those businesses, or others dependent upon the public sidewalk, will not be injured by the issuance of the permit.
- d) **Contents of Permits.** A separate permit may be issued to each applicant complying with this section or a block permit may be issued to a civic, charitable or public service group, based in the metropolitan area, complying with this section. Permits shall be issued for not more than seven days. Such restrictions may be placed in the permit as will best protect the public and neighboring businesses as described in subsection (c) hereof. The permit shall indicate who may conduct exhibitions, displays or sales and the location thereof.
- e) **Insurance.** Insurance in the amounts and form as required by the City Clerk shall be provided.
- f) **Exemptions.** The following are exempt from this section:

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- i. Persons or organizations engaged in public solicitation in possession of a valid permit and in compliance with City ordinances. The sale of goods, merchandise, food, drink or services in connection with a valid public solicitation permit is not prohibited unless there is a fixed base for such activity on the public sidewalk, in which case a permit under subsection (b) hereof must be obtained
- ii. Coin-operated newsstands.
- g) Transfers of Permits. Permits may not be transferred or assigned.
(1976 Code Sec. 9.08; Ord. 25. Passed 7-11-77. Ord. 961. Passed 5-6-13)

1022.99 PENALTY.

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