

**TITLE IV
STREETS AND SIDEWALKS**

**Chapter 40
STREETS**

40.100 Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this Chapter shall be as follows:

(1) "Street" shall mean (a) all public rights of way, whether paved or unpaved, and including the curbing, gutters, sidewalks, greenswards and/or lawn areas lying between property lines on either side of any public right of way; (b) alleys; (c) other public places; and, (d) all lands, lawn extensions and sidewalks and the area reserved therefor appurtenant to any public right of way, where the same are not yet constructed.

(2) "Department" shall be deemed to refer to the Department of Public Works of the City.

(3) "City Manager" shall mean the City Manager or his duly authorized representative.

40.101 Damage, Obstruction and Encroachment Prohibited. 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, including snow or ice which has been removed from a private driveway, except under the conditions and in the manner permitted in this Chapter or as may be otherwise permitted by the Zoning Code of the City, but this section shall not be deemed to prohibit the following:

(1) Such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from private premises, as further regulated in Sections 40.103 and 40.104.

(2) The lawful parking of vehicles within the part of a Street reserved for vehicular traffic.

(3) The planting of trees, with the prior approval of the City Manager.

(4) The location of any sign or other material object erected or maintained for public health and safety by the City or other governmental agencies.

(5) Construction and repair work undertaken by, on behalf of or at the direction of, the City of Harbor Springs.

(6) Emergency repairs to other public utilities, such as telephone, natural gas and cable television.

Further, if any building, fence or other structure, or any tree, hedge or shrub shall extend near to or in any manner encroach upon any part of a Street, so as to interfere with the public safety or convenience, the Chief of Police shall serve notice upon the owner or occupant of the premises where such encroachment exists, or if the premises are unoccupied and the owner is a non-resident, then by posting such notice in a conspicuous place upon the premises, specifying the extent and location of such encroachment, and requiring the owner or occupant to remove the same within thirty (30) days. Refusal or failure to comply with said notice shall be deemed to be a violation of this Code.

40.102 Permits, Insurance and Cash Deposits.

(1) Where permits are authorized in this Chapter, they shall be obtained upon application to the City Manager upon such forms as the City Manager shall prescribe, and there shall be a reasonable charge as set from time to time by resolution of the City Council, for each such permit. If the City Manager determines it to be appropriate to issue such a permit, such permit shall be issued only to licensed contractors, and such permit shall be revocable by the City Manager for failure to comply with this Chapter, the rules and regulations adopted pursuant hereto and the lawful orders of the City

judgment of the Planning Commission increase the danger to health, life, or property or increase the flood hazard. Such land within a subdivision shall be set aside for other uses, such as parks or other open space. All City, State and Federal laws and regulations governing flood hazard areas shall apply.

(e) Where parcels of land are subdivided into unusually large lots the parcels may be divided, where feasible, so as to allow for resubdividing into smaller parcels in a logical fashion. Lot arrangements shall allow for the ultimate extension of adjacent streets through the middle of wide blocks.

52.704 Trees and Natural Features. The natural features of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, and similar community assets that will add attractiveness and value to the property if preserved.

(1) Existing trees near street rights-of-way shall be preserved by the subdivider whenever possible.

(2) Street trees shall be provided; at least one per lot or not less than one tree for each 50 feet - place between sidewalk and curb.

(3) The following species of trees shall be permitted:

Under Power Lines:

Hedge Maple

Amur Maple

Bradford Callery Pear

Purple Leaf Plum

Crimson Sentry

With No Power Lines:

Sugar Maple

Norway Maple

Crimson Maple

Red Maple

Little Leaf Linden

Green Spire Linden

Ash Family

Pin Oak

Downtown:

Bradford Callery Pear

Sugar Maple

(4) The following species of trees shall not be permitted:

Birch

Evergreens

Cedars

Mountain Ash

Silver Maple

(5) Other species as may be approved with the consent of the City Manager or Planning Commission.

52.705 Greenbelts. Greenbelts may be required to be placed next to incompatible features such as highways, commercial or industrial uses to screen the view from residential properties. Such screens or greenbelts shall be a minimum of twelve (12) feet wide and shall not be a part of the normal