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Lake Orion, MI General Ordinances

CHAPTER 92: STREETS AND SIDEWALKS

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GENERAL PROVISIONS

§ 92.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOWNTOWN AREA. The area bounded by the following streets:

- (1) On the west - M24 and Lapeer Street, both sides;
- (2) On the south - Paint Creek;
- (3) On the east - Slater Street, both sides;
- (4) On the north - Jackson Street, south side and Shadbolt, south side

SIDEWALK. The portion of the street right-of-way designed for pedestrian travel.

SUPERINTENDENT. The Superintendent of Public Works of the village.

(Ord. 8.01, passed 10-11-71; Am. Ord. 8.04, passed 2-12-07)

§ 92.02 INSPECTION.

The Village Manager shall have the responsibility of periodic inspections of sidewalks and shall make recommendations to the Council relative thereto.

(Ord. 8.01, passed 10-11-71)

§ 92.03 CONSTRUCTION.

(A) No person shall construct, rebuild, or repair any sidewalk except in accordance with the line, grade, slope and specifications established by the Superintendent nor without first obtaining permission from the Village Council.

(B) Whenever the Village Council shall determine that the public convenience or necessity requires that any sidewalk shall be built or rebuilt within the limits of the village, a resolution shall be passed by the Council directing and requiring that the sidewalk be built or rebuilt as the case may be, and ordering or requiring that the Street Superintendent shall with due diligence build or rebuild the sidewalk in accordance with the resolution.

(C) Within ten days after the passage of the resolution the Superintendent shall file with the Village Clerk an estimate in writing showing the number of square feet of sidewalk required to be built adjacent to each lot or parcel or parcels of land named in the resolution as provided for in division (B) of this section and shall cause a written or printed copy of the resolution, together with a copy of the estimate to be served on the owners of the lot or parcels of land abutting on the sidewalk. The notice and estimate shall be served by delivering a copy thereof to each of the owners of the lots or premises abutting on such sidewalk, and if such owner cannot be found in

the village, the notice and estimate shall be left with the occupants, or family on premises, or with some member of the occupant's family of suitable age and discretion, and if any such lot or premises shall be unoccupied and the owner or owners thereof cannot be found in the village, then the notice and estimate shall be served by posting a copy of same in some conspicuous place on such lot or premises.

(D) The cost of building or rebuilding the sidewalk shall be paid by the property owner whose property is abutting on the sidewalk. The cost of building or rebuilding the sidewalk, or any portion thereof, may be levied on the lot or premises adjacent to land abutting the sidewalk as a special assessment which shall be a lien upon the lot or premises, the same as other special assessments and the Council may order the assessor of the village to spread the amount upon his roll as a special assessment on the lot, lots or premises and the same shall be collected in the same manner as other village taxes; or the village may collect the amount from the owner or occupant of the lot or premises in an action of assumpsit and such owner or occupant shall be liable for same, together with the costs of suit.

(E) In the event an owner of abutting property requests an approach by cutting the curb with or without crossing a sidewalk, same shall be done at the owner's expense in accordance with specifications established by the Village Council.

(Ord. 8.01, passed 10-11-71)

§ 92.04 OBSTRUCTION IN STREETS.

No person shall obstruct or place or permit anything to obstruct the free passage or proper use of any public street, alley, sidewalk or public place, except as may be temporarily permitted by the Village Manager, or while loading or unloading goods, merchandise, materials, or persons.

(Ord. 8.01, passed 10-11-71)

§ 92.05 MERCHANDISE ON SIDEWALKS.

No person, company or corporation shall use any of the sidewalk within the village for the storage, keeping or displaying thereon of any goods, wares, merchandise, produce provisions, vegetables, boxes, barrels or show cases except within the distance of three feet from the wall of the building used or occupied by such person, company or corporation in the business portion of the village.

(Ord. 8.01, passed 10-11-71)

§ 92.06 STREET EXCAVATING.

(A) No person, firm or corporation shall dig or tear up any pavement, sidewalk or crosswalk, or dig any hole, ditch, drain, or sewer in any street, alley, or public property without first obtaining a permit therefor from the Village Manager. This requirement shall apply to all persons, firms or corporations whether or not they may have a right, license or franchise to use the village alleys, streets, or private property.

(B) It shall be the duty of such person, firm or corporation, upon being granted a permit as hereinabove required, to maintain all traffic control devices and to immediately refill and restore, resurface or repave such street, alley or other public property so that the same will be in as good condition as before. It shall further be the duty of such person, firm or corporation to erect and maintain during the progress of the work a good and sufficient barrier around any such cut, trench or excavation in such manner as to prevent accidents and to place and keep upon such barrier suitable and sufficient colored lights during the night.

(C) A separate permit must be obtained for each occasion and such permit shall specify the location of the cut, trench or excavation to be made.

(Ord. 8.01, passed 10-11-71)

§ 92.07 DRAIN OR GUTTER OBSTRUCTIONS.

It shall be the duty of every owner or occupant of any house, building or premises within the village to keep at all times the drain or gutter in front of the same clear and free from any obstructions that may hinder or interfere with the free passage of water in or through any public drain or sewer.

(Ord. 8.01, passed 10-11-71)

§ 92.08 SIGNS, AWNINGS AND CANOPIES.

(A) No person, company or corporation shall put up, erect, keep, use or maintain on or in any sidewalk in the village, any post or fixture for the support of any sign, awning, canopy or advertisement or for any other purpose without first having obtained permission of the Village Manager.

(B) No person, company or corporation shall put up, erect, keep, maintain or use any awning for canopy of or over any sidewalk in the village extending a greater distance than eight feet from the wall or the side of the building to which the same is attached, or coming nearer than seven feet, five inches of the sidewalk underneath it, nor shall any curtain, fringe or other appendage be attached or be maintained, on any awning or canopy so that any part of it shall be within six feet, five inches of the sidewalk underneath it.

(Ord. 8.01, passed 10-11-71)

§ 92.09 SIDEWALK OPENINGS.

No person, company or corporation shall cut, keep or have any opening through any sidewalk over any area, vault or window without having the same safely and securely covered, all covering to be on level with the walks.

(Ord. 8.01, passed 10-11-71)

§ 92.10 BARRICADES.

It shall be unlawful for any person to remove any barricade, fence, railing, barrier or other obstruction erected to protect persons passing along the streets or alleys of the village at or near any crosswalk, pavement, sewer, or other village improvement that has been constructed, or that is in the course of being constructed or repaired or to remove or extinguish any light at or near the place or places where any such improvement is being made, or at or near any obstruction or dangerous place in the streets or alleys of the village.

(Ord. 8.01, passed 10-11-71)

§ 92.11 FAULTY STRUCTURE.

No person shall permit any building, fence or chimney or other structure adjacent to or adjoining any street, alley or public place to be unsafe or dangerous to the right of public travel in any street, alley or public place.

(Ord. 8.01, passed 10-11-71)

§ 92.12 DEFACING AND WRITING.

No person shall deface or place any advertisement, picture, word or symbol upon any street, alley, sidewalk, crosswalk, lamp-post, hydrant, tree, park or other public place.

(Ord. 8.01, passed 10-11-71)

§ 92.13 SNOW AND ICE ON SIDEWALKS.

(A) Owners, occupants and persons in control of any property shall be responsible for keeping all sidewalks adjoining the property clear of snow and ice as provided in this section. Ice shall be cleared by removal or application of sufficient quantities of deicing material or sand.

(B) Failure to remove snow or ice from a sidewalk for a period of 24 consecutive hours is a violation of this chapter.

(C) On sidewalks in the downtown area, accumulations of two or more inches of snow that falls and ice that forms, between the hours of 9:00 a.m. and 9:00 p.m., shall be removed immediately, with any snow that accumulates or ice that forms after 9:00 p.m. to be removed by 9:00 a.m. of the following day, with failure to comply with these requirements being a violation of this chapter.

(D) Upon a violation of a requirement of this section, in addition to and without regard to whether the violation is pursued as provided in § 92.32, the Village Manager may cause all snow and ice to be cleared and removed from the sidewalk, at the expense of all persons responsible, with payment of the village's actual and administrative costs and expenses incurred in doing so to be a joint and several debt to the village by all of the persons responsible, which shall be paid in full within 30 days of the village's billing to those persons, and which shall be secured by a lien on the property adjoining the sidewalk from the time the snow and/or ice is cleared and removed by the village.

(Ord. 8.01, passed 10-11-71; Am. Ord. 8.04, passed 2-12-07)

§ 92.14 STREET NAME CHANGING.

(A) *Who may apply.* The Village Council on its own motion, or the Village Planning Commission by resolution from that body, may change the name of a street, alley or thoroughfare within the corporate limits of the village with the approval of the county.

(B) *Contents of Petition.* The petition shall contain the name of the street, alley or thoroughfare as it is presently entitled and called and the name the petitioner would like the street, alley or thoroughfare renamed; the approximate length of the section of the street, alley or thoroughfare to be renamed and the approximate direction or directions in which it runs; the intersecting cross streets at each end of the section of street, alley or thoroughfare to be renamed together with the names of any intermediate intersecting streets; and the character of the property abutting each side of the section of the street, alley or thoroughfare to be renamed. If a petition is submitted by the Village Planning Commission, it must be in resolution form and certified by the Secretary of the Planning Commission. If a petition is submitted by 25 electors-at-large of the village, it must contain their signatures and residence addresses. If the petition is submitted by an owner of or party in interest of real estate abutting that section of the street, alley, or thoroughfare to be renamed the petition must also contain the description of the petitioner's property abutting such street, alley or thoroughfare together with his signature and residence address.

(Ord. 8.01, passed 10-11-71)

TREE REGULATIONS

§ 92.25 PUBLIC TREE REMOVAL.

The village shall have the right to plant, trim, spray, preserve and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure safety or to preserve the symmetry and beauty of such public grounds. The Village Manager may remove or cause or order to be removed, any tree or part thereof that is in an unsafe condition or that is a prohibited species, such as poplar, willow, box elder, walnut, mulberry or catalpa, or is affected with any injurious disease, fungus, insect or other pest. Whenever the village shall remove any tree, plant or shrub, solely for the purpose of constructing any public work, the Village Manager shall if practicable, replace the same at public expense, at some nearby location by planting another tree, plant or shrub, not necessarily of the same type.

(Ord. 8.01, passed 10-11-71)

§ 92.26 SPACING OF SHADE TREES.

(A) Future planting of shade and ornamental trees in the streets, parks and public places of the village may be done by the village upon payment of certain fees and charges and in accordance

with such rules and regulations as may be established by the Village Council in so far as such rules and regulations do not conflict with any other provisions of this subchapter.

(B) No future planting of shade and any other ornamental trees or shrubs in the streets, parks and public places by owners or anyone employed by them shall be permitted without the approval of the Village Manager and in compliance with the following rules as to spacing:

- (1) Elm trees shall be spaced not less than 35 feet;
- (2) Oak trees not less than 30 feet; and
- (3) Other shade trees and ornamental trees not less than 25 feet.

(C) However, any owner of a single lot may in order to provide a shade or ornamental tree in front of his lot, secure special permission from the village to plant a shade or ornamental tree within a lesser distance from an existing tree than the spacing mentioned in division (B) of this section, but shall in no case make a special planting within 20 feet of an existing shade or ornamental tree located in the street or other public place.

(D) No tree shall be planted in the parkways, between the curb and sidewalks less than three and one half feet from the curb line, nor less than three feet from the sidewalks; provided however, when the parkways are less than six feet, six inches in width, any trees planted therein shall be located not less than two feet, six inches from the curb and as near midway between the curb and sidewalk as possible. No trees shall be planted nearer to the intersection of any streets than 20 feet from the corner of such intersection.

(Ord. 8.01, passed 10-11-71)

§ 92.27 PUBLIC TREE PROTECTION.

(A) No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set any fire within ten feet of any tree or permit any fire or the heat thereof to injure any portion of any tree.

(B) No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any trees.

(C) No electric wires shall be permitted to come in contact with any tree or shrub in any manner that shall cause damage thereto, and no person shall attach any electric insulation to any tree.

(D) No person shall use any tree as an anchor except by special written permit from the Village Manager; and

(E) No material shall be fastened to or hung on any tree.

(F) All persons having under their care, custody and control, facilities that may interfere with the trimming or removal of any tree, shall after notice thereof by the Village Manager promptly abate such interference in such a manner as shall permit the trimming or removal of such tree by the village.

(Ord. 8.01, passed 10-11-71)

§ 92.28 EXCAVATION NEAR TREES.

Excavation and driveways shall not be placed within five feet of any tree without written permit from the Village Manager. Any person making such excavation or construction shall guard any tree within six feet thereof and all building material or other debris shall be kept at least four feet from any tree.

(Ord. 8.01, passed 10-11-71)

§ 92.29 COVERING SURFACE NEAR TREES.

No person shall place within the street right-of-way, any stone, brick, sand, concrete or other material that will in any way impede the full and free passage of water, air or fertilizer to the roots of any tree, except, a sidewalk of authorized width and location.

(Ord. 8.01, passed 10-11-71)

§ 92.30 PRIVATE TREES CLEARANCE.

Every owner of any tree on private property overhanging any street right-of-way within the village shall trim the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of ten feet above the surface of the street right-of-way. The owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The village shall have the right to trim any tree or shrub on private property when it interferes with the proper spread of light along the street, from a street light, or interferes with visibility of any traffic control device or sign, such trimming to be confined to the area immediately above the right-of-way.

(Ord. 8.01, passed 10-11-71)

§ 92.31 CORNER CLEARANCE.

All shrubs, bushes and signs located on the triangle formed by two right-of-way lines at the intersection of two streets and extending for a distance of 20 feet each way from the intersection of the right-of-way lines on any corner lot within the village, shall not be permitted to grow to a height of more than 30 inches from top of curb at street level, in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed. Trees may be planted and maintained on private property in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of 10 feet above the roadway surface. Any owner or any property failing to trim any trees, shrubs or bushes in conformity with this subchapter shall be notified by the Village Manager to do so and such notice shall require trimming in conformity with this subchapter within ten days after the date of such notice. Upon the expiration of such period, the Manager may cause the trimming to be done and the cost thereof may be collected from the owner of said property as single lot assessment in accordance with the Village Charter.

(Ord. 8.01, passed 10-11-71)

§ 92.32 VIOLATIONS.

Any person, firm or corporation determined to have been in violation of the provisions of this chapter shall be responsible for a municipal civil infraction and subject to the provisions of § 10.99(A)(2).

(Ord. A-3, passed 1-13-97)