

Inkster, MI Code of Ordinances
CHAPTER 97: STREETS AND SIDEWALKS

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GENERAL PROVISIONS

§ 97.001 DEFINITION.

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

ADJACENT/ABUTTING PROPERTY means any lot or parcel of land adjoining, bordering or touching the street.

ADJACENT SIDEWALK means that portion of the sidewalk located within the street next to an abutting or adjacent property.

COMMUNITY means a county, township, city or village.

DEPARTMENT means the Department of Public Services.

DIRECTOR means the department head of the Department of Public Services.

DRIVEWAY means an area of private property above the sidewalk for the purpose of parking vehicles and gaining access to the property.

DRIVEWAY APPROACH means an area within the right-of-way located between the sidewalk and the edge of the improved roadway, for the purpose of gaining access to the driveway and access to the property.

FLAG means a section of sidewalk the length of which usually equals the width of the sidewalk.

HIGHWAY means every public highway, road and street which is open for public travel, and shall include bridges, sidewalks, crosswalks and culverts on any highway. The term "highway" does not include alleys, trees, utility poles, or private roads and streets.

INSPECTOR means any representative of the department designated to perform sidewalk inspections.

MDOT means the Michigan Department of Transportation.

OWNER means the individuals holding title to the property adjacent to sidewalk along a street.

PRIVATE PROPERTY means any property not belonging to a governmental agency.

PRIVATELY OWNED SIDEWALK means a sidewalk, either asphalt or concrete, located on private property outside of a public right-of-way or easement.

PUBLIC PROPERTY means the dedicated right-of-way or right-of-way easement, which may include public highways, streets and alleys.

REPAIR/REPLACEMENT means the adjustment, removal, realignment, mudjacking, patching or installation of any sidewalk in accordance with adopted department repair/replacement standards.

SIDEWALK means any improved portion of the public right-of-way lying between the edge of the improved roadway and the adjacent property line intended for the use of pedestrians. The sidewalk materials shall consist of concrete with widths generally ranging between three to five feet or asphalt ranging from five to eight feet in width.

SIDEWALK SPACE. The space between the lot line and the curb line of the street or any space outside the lot line and the space under and over any such sidewalk space.

STREET means a dedicated thoroughfare in the city that is designated for public travel and transportation, affording the principal means of access to abutting property. This does not include any privately owned roads, streets or other means of access.

('68 Code, § 7-505) (Ord. 32, passed 7-2-40)

[§ 97.002 through § 97.051 unchanged]

SIDEWALKS AND DRIVEWAYS

§ 97.060 CONFORMANCE WITH PROVISIONS.

All sidewalks and driveways hereafter laid, constructed, maintained and repaired in the city shall conform to the provisions of this subchapter.

('68 Code, § 7-525) (Ord. 146, passed 9-24-57) Penalty, see § 97.999

§ 97.060a PURPOSE.

This subchapter is designed to protect the public health, safety and welfare of the citizens of the city, by the adoption of regulations concerning the construction and maintenance of sidewalks within the city.

§ 97.061 –NOTICE TO BUILD OR REPAIR; COSTS; LIEN ON PROPERTY. VIOLATIONS

(A) Whenever the department shall determine that a sidewalk is in a condition that fails to meet the sidewalk criteria provided for in this subchapter, a notice shall be sent to the owner of the adjacent lot or parcel to repair the sidewalk. The notice shall specify the time period in which the person shall achieve compliance with the provisions of this subchapter. In no case shall the time period specified exceed 90 days, except during inclement or unseasonable weather, in which case the party responsible for the repair shall post a financial guarantee in lieu of the repair. The guarantee must be in the form of cash, a certified check or an irrevocable letter of credit.

(B) The owner of record or tenant of any building, structure, premises, or path thereof and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violations may each be found guilty of a separate offense and suffer the applicable penalties.

(C) The imposition of any fine, or jail sentence, or both, shall not exempt the violator from compliance with the provisions of this subchapter.

~~(A) Wherever, in the opinion of the City Council, any sidewalk or driveway shall be built, repaired, rebuilt or replaced, the Council shall so declare by resolution and the clerk shall cause to be served upon the owner or occupant of any lot in front of or adjacent to which said sidewalk or driveway is required to be built or repaired, notice that such sidewalk or driveway must be built or repaired within ten days after the service of such notice, or that the work will be done under the direction of the Department of Public Services and the cost thereof, with 10% additional, assessed against the property. Such notice may be served by securely posting upon the premises, if the owner or occupant cannot be found, or if either of them can be found on or about the premises such notice shall be served personally on such owner or occupant of such lot. If such owner or occupant shall fail or neglect to comply with the terms of the notice aforesaid, the Department of Public Services shall cause said sidewalk or driveway to be built and return the cost thereof and the 10% additional to the Council, and the Council may order such cost assessed against such lot.~~

~~(B) Such assessment, when confirmed, shall be a lien upon such lot or premises the same as other special assessments, and the City Council shall order the City Assessor to spread said amount, together with such penalty, on his roll as a special assessment on such lot or premises, and the same shall be collected according to law in the same amount, together with taxes, or the city may collect such amount together with the penalty aforesaid from the owner or occupant of such premises in an action of assumpsit together with the cost of the suit.~~

~~(‘68 Code, § 7-520) (Ord. 145, passed 9-24-57)~~

Cross-reference:

Public improvements, see Ch. 51

§ 97.062 NOTICE TO BUILD OR REPAIR; COSTS; LIEN ON PROPERTY; CONTENTS OF NOTICE.

Notice herein provided for shall contain the name of the owner or occupant of any lot in front of or adjacent to which said sidewalk or driveway is required to be built, repaired, rebuilt or replaced, if known, a description of the particular property in front of or adjacent to which said sidewalk is to be built, repaired, rebuilt or replaced, and shall designate the work required to be done. Such notices shall also recite that the work is required to be done by resolution of the City Council, giving the date of such resolution ~~and such other information as shall enable the owner or occupant notified to fully comply with its terms.~~, requiring such owner or owners to construct, reconstruct or repair in accordance with city specifications such sidewalk as is required by such resolution within 30 days of the date of the notice, unless a different time is specified in the resolution of the City Council. A notice shall also state that if any owner shall fail to comply with such order within the specified time, then the city shall construct, reconstruct or repair such sidewalk and charge the expense thereof to the premises and the owner thereof, together with an administrative charge established by the annual appropriations ordinance to cover administrative, bidding, engineering and collection expenses.

~~(‘68 Code, § 7-521) (Ord. 145, passed 9-24-57) (Amended, Ord. . Passed .)~~

§ 97.063 DUTY OF OWNERS, AGENTS OR OCCUPANTS. RESPONSIBILITY OF ABUTTING PROPERTY OWNER FOR SIDEWALK REPAIR; CONDITIONS REQUIRING REPLACEMENT.

It shall, in all cases, be the responsibility of the owner of every lot or parcel of land in the city to keep the sidewalks adjacent to his lot or parcel in good repair. Sidewalk sections (flags) shall be replaced when the condition of the section is detrimental to the safety of the general public. The following are some examples of conditions requiring replacement:

(1) If the sidewalk has displacement of more than three-quarters inch between any two sections (flags) of sidewalk at the connection joint.

(2) If the sidewalk has more than two cracks of one-quarter inch in width or more in any two linear feet of sidewalk section.

(3) If the sidewalk has a crack more than three-quarters inch in width.

(4) If any section of sidewalk is tilted in excess of one inch per foot from the inside edge toward the outside edge (the outside edge being the edge of the sidewalk nearest the street line).

(5) If any section of sidewalk is tilted from the outside edge toward the inside edge (the outside edge being the edge of the sidewalk nearest the street line).

(6) If, in any five-lineal-foot section (flag) of sidewalk more than 50 percent of the surface has scaled off to a depth of one-quarter inch or greater.

(7) If the concrete has settled, allowing water to pond to a depth of three-quarters inch or more. It shall be the duty of every owner, agent or occupant of any lot or premises notified according to the foregoing provisions of this subchapter to promptly comply with notice and construct or repair the sidewalk or driveway as ordered. In case any owner, agent or occupant shall neglect to build or repair any sidewalk within the time prescribed in the notice provided in this subchapter, and the city by any suit or other proceeding is compelled to pay damages for injuries to any person on account of such neglect, such owner, agent or occupant shall be liable to the city for the amount in a suit in assumpsit in the proper court.

(‘68 Code, § 7-522) (Ord. 145, passed 9-24-57)

§ 97.064 DUTY TO MAINTAIN SIDEWALKS IN GOOD REPAIR; INSPECTIONS; FINDING OF NECESSITY; ASSESSMENT AGAINST PROPERTY OWNERS.

(A) The city council may, by resolution, require the owners of lots or parcels to replace or repair sidewalks where the condition of the sidewalks necessitates replacement or repair for public health, safety and welfare. Prior to the adoption of a resolution requiring replacement or repair of sidewalks, notice shall be given to affected property owners and a public hearing shall be conducted.

(B) The department shall inspect all sidewalks installed or maintained under the terms of this subchapter. Any complaints regarding construction or maintenance of the sidewalks shall be inspected by the department within a reasonable time.

(C) At the time of the inspection the inspector shall conspicuously mark the flags needing replacement or repair and the department shall provide notice to the property owner of the necessity of the replacement or repair and the date of the hearing before the city council. During this time period the property owner may replace or repair the sidewalks, but such replacement or repair shall be according to the construction standards established by this subchapter and department policy.

(D) The resolution by the city council finding the necessity of the replacement or repair shall provide:

(1) A finding that the responsible property owners have been given notice of the public hearing;

(2) A description of the flags or portions of sidewalk to be replaced or repaired;

(3) A finding of the necessity of the replacement or repair of the sidewalk for public safety reasons;

(4) An order directing the city to replace or repair the portions of sidewalk upon the property owner's failure or neglect to replace or repair the sidewalk; and

(5) An order directing the treasurer to assess the city's costs for replacement or repair of the sidewalk against the property involved, payable over a five-year period.

(E) All sidewalks shall be replaced or repaired according to the construction standards established in the sidewalk replacement and repair policy.

(F) The cost of repair/replacement of sidewalks shall be invoiced to the adjacent property owner with the following exceptions:

(1) Sidewalk ramps will not be assessed to the adjacent property owner.

(2) A sidewalk that is damaged as a result of a city utility, or other utility repair, will not be assessed to the adjacent property owner. All sidewalks within the city shall be kept in good repair by the owner, agent or occupant of the house, lot or premises adjacent to or in front of which said sidewalk lies. Whenever any sidewalk within the limits of the city shall require repairing it shall be the duty of said owner, agent or occupant of the house, lot or premises adjacent to immediately

~~make such repairs, failing to do so, it shall be the duty of the Department of Public Services or the person or persons appointed thereby whenever directed by the City Council to notify by written notice the owner, agent or occupant of such house, lot or premises to repair the same within 48 hours, and if the person thus notified shall refuse or neglect to comply with the requirements of said notice then the Department of Public Services or the person appointed for that purpose shall cause said repair to be made forthwith under the procedure provided for in § 97.061; however, none of the provisions of this section shall be construed to relieve such owner, agent or occupant of any lot or premises from his liability under the provisions of § 97.063.~~

~~(‘68 Code, § 7-523) (Ord. 145, passed 9-24-57)~~

§97.064a - Complaints regarding defects; notification of alleged injury.

(A) An individual who alleges injury as a consequence of an alleged defect in a sidewalk shall notify the city's risk manager within 30 days of the incident. The risk manager shall be designated as the administrative services department director.

(B) The department shall be responsible for inquiries about the condition of sidewalks. The department shall keep a record of complaints and any action taken.

(C) It shall be the responsibility of the department to supervise all sidewalk construction and maintenance, including inspection, and the enforcement of provisions of this subchapter. It shall also be the responsibility of the director to establish a policy for construction, replacement, repair, inspection, handling of complaints, and handling of injury claims, and for assessment/invoicing of sidewalks (sidewalk replacement and repair policy).

[Balance of ordinance unchanged]