

**CITY OF THE VILLAGE OF DOUGLAS
ALLEGAN COUNTY, MICHIGAN
ORDINANCE NO. 03-2011**

**AN ORDINANCE TO AMEND CHAPTER 93 OF THE DOUGLAS CODE
OF ORDINANCES - STREETS**

An Ordinance to amend the City of the Village of Douglas Code of Ordinances, Chapter 93, to provide additional standards related to the regulation of Streets and Sidewalks.

THE CITY OF THE VILLAGE OF DOUGLAS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Amendment to Section 93.20 – 93.34. Section 93.20 through 93.34 of Chapter 93 is hereby amended to add the following language:

STREETS

93.20 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- (A) *Zoning administrator* shall mean the city zoning administrator.
- (B) *Sidewalk* shall mean the portion of the street right-of-way designed for pedestrian travel.
- (C) *Street* shall mean all of the land lying between property lines on either side of all streets, alleys and boulevards in the city, and includes lawn extensions and sidewalks and the area reserved therefore where the same are not yet constructed.

93.21 Damage and obstruction prohibited.

- (A) 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.
- (B) No person shall place any article, thing or obstruction in any street, except under the conditions and in the manner permitted in this chapter.
- (C) This section shall not be deemed to prohibit such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises, nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.
- (D) A person who violates this section is responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in Chapter 34. Repeat offenses shall be subject to increased fines as set forth in Chapter 34.

93.22. Private installations.

Every owner of, and every person in control of any premises hereafter maintaining any excavation, post, pole, sign, awning, wire, pipe, conduit or other structure in, under, over

or upon any street which is adjacent to or a part of his premises shall do so only on condition that such maintenance shall be considered as an agreement on his part with the city to keep the same and the covers thereof, and any gas and electric boxes and tubes thereon, in good repair and condition at all times during his ownership or control thereof and to indemnify and save harmless the city against all damages or actions at law that may arise or be brought by reason of the excavation or structure being under, over, in or upon the street, or being unfastened, out of repair or defective during such ownership or control.

93.23. Temporary street closings.

(A) The city manager or the director of public works shall have authority to temporarily close any street, or portion thereof, when he shall deem the street to be unsafe or temporarily unsuitable for use for any reason.

(B) The city manager or director of public works shall cause suitable barriers and signs to be erected on any street, which is closed to public travel.

(C) When any street or portion thereof has been closed to public travel, no person shall drive any vehicle upon or over the street except when necessary to any street repair or construction work being done in the area closed to public travel.

(D) No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the building inspector.

93.24. Permits; exception.

(A) Where permits are required by this chapter, they shall be obtained upon application to the city clerk upon such forms as she shall prescribe, and there shall be a charge for each such permit as established by resolution of the City Council.

(B) The permit shall be revocable by the zoning administrator for failure to comply with this chapter, rules and regulations adopted pursuant hereto, and the lawful orders of the building inspector or his duly authorized representative, and shall be valid only for the period of time endorsed thereon.

(C) Application for a permit under the provisions of this chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the city in connection therewith, repair all damage done to the street or sidewalk surface and installations on, over or within such street or sidewalk, including trees, and protect and save harmless the city from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith.

(D) No permit shall be required under the provisions of this chapter for any operations or work done by a city employee under the supervision of the city superintendent or by any contractor operating by virtue of a contract with the city.

93.25. Liability insurance.

(A) Where liability insurance policies are required to be filed in making an application for any permit required by this chapter, they shall be as determined by the city council, but shall in no event be less than the following amounts, except as otherwise specified in this chapter:

(1) On account of injury to, or death of, any person in any one (1) accident, the sum of twenty thousand dollars (\$20,000.00).

(2) On account of any one (1) accident resulting in injury to, or death of, more than one (1) person, the sum of forty thousand dollars (\$40,000.00).

(3) On account of damage to property in any one (1) accident, the sum of ten thousand dollars (\$10,000.00).

(B) Every liability insurance policy required by this section shall be maintained by the permittee permanently in force. Every such insurance policy shall contain a clause obligating the insurer to give the city clerk, by registered or certified mail, at least ten (10) days' written notice before the cancellation, expiration, lapse or other termination of the insurance and the liability policy shall name the city as an additional named insured.

(C) A duplicate executed copy or photostatic copy of the original of any insurance policy required by this section shall be filed with the city clerk.

93.26. Deposits for permit; refund; additional payment.

(A) Where cash deposits are required with the application for any permit required by this chapter, the minimum amount to be deposited shall be established by the Director of Public Works, but in no case shall an escrow deposit be an amount less than five hundred dollars (\$500), except as otherwise specified in this chapter. Such deposit shall be kept by the city treasurer in an escrow account and used to defray all expenses to the city arising out of the granting of the permit and work done under the permit or in connection therewith.

(B) Three (3) months after completion of the work done under the permit, any balance of such cash deposit unexpended shall be refunded. In any case where the deposit does not cover all costs and expenses of the city, the deficit shall be paid by the applicant.

93.27. Permit required for obstructions caused by construction.

No person shall occupy any street or sidewalk with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to said street, or for any other purpose, without first obtaining a permit from the city clerk. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by this chapter.

93.28 Permit required for street openings; prerequisites.

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the city clerk. No permit shall be granted until the applicant shall post the cash deposit and file the liability insurance policy required by this chapter.

93.29 Emergency openings; prerequisites.

The building inspector may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided that a permit shall be obtained on the following business day and the other provisions of this chapter shall be complied with.

93.30 Openings to be barricaded and lighted.

All openings, excavations and obstructions shall be barricaded, railed and provided with warning lights in accordance with the regulations of the state highway department.

93.31 Shoring excavations.

All openings and excavations shall be sheeted and braced in accordance with the regulations of the state highway department.

93.32 Backfilling required; standards.

All trenches in a public street or other public place shall be backfilled in accordance with the regulations of the state highway department.

93.33 Curb cuts: Permit required; standards.

(A) No opening in or through any curb of any street shall be made without first obtaining a written permit from the director of public works.

(B) Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the regulations of the City of Douglas Zoning Ordinance and shall meet the following requirements:

- (1) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals or other public improvements or installations shall be accomplished without cost to the city.
- (2) All construction shall be in accordance with plans and specifications approved by the zoning administrator and director of public works.

93.34 Obstructions.

No permanent building shall be erected so as to block or cut off the use of an easement, and no trees shall be planted nor permanently installed fences of the steel or hurricane variety shall be erected in such a manner as to hinder or obstruct the passage of city equipment or vehicles used to properly maintain the utilities thereon.

Section 2. Severability; Paragraph Headings. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance. The paragraph headings in this Ordinance are furnished for convenience of reference only and shall not be considered to be part of this Ordinance.

Section 3. Repealer. All other ordinances or portions of ordinances inconsistent with this Ordinance are hereby repealed.

Section 4. Publication. Within fifteen (15) days of its adoption, this Ordinance or a notice of adoption summarizing this Ordinance, as required by law, shall be published by the City Clerk in a newspaper of general circulation in the City.

Section 5. Effective Date. This Ordinance shall become effective twenty (20) days after the date of publication.