

## Chapter 101

### STREETS AND SIDEWALKS

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**[HISTORY: Adopted by the Village Council of the Village of Bellaire 2-5-2003 by Ord. No. 4-2003. Amendments noted where applicable. (Former Chapter 101, Streets and Sidewalks, adopted 11-20-2002 by Ord. No. 7-2002, was repealed 2-5-2003 by Ord. No. 3-2003.) Amended by Ord. No. 1 of 2013 on 3-6-13]**

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#### § 101-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

“Private Property” means any property not directly owned and maintained by the Village of Bellaire.

“Supervisor” means the DPW Supervisor of the Village of Bellaire.

“Sidewalk” means the visible portion of the street right of way designed for pedestrian travel.

“Street” means all public roadways, rights-of-way and easements owned by the Village of Bellaire, including all state highways within the Village limits.

#### § 101-2. Construction and Repair, Specification Compliance.

The Village of Bellaire shall construct or repair sidewalks within its limits as the budget allows. If a private property owner chooses to construct or repair the sidewalk on, or directly adjacent to, the property owner’s property, the Village shall pay for the cost of the concrete. All other costs shall be the responsibility of the owner.

No person shall construct, remove, replace or repair any sidewalk within a Village of Bellaire public street right-of-way except in accordance with the line, grade, slope and other specifications established for such sidewalk, nor without first obtaining permission from the Council or a designated representative of the Council that authorizes the construction, removal, replacement or repair to any sidewalk. Sidewalks shall be constructed to the lines, grades, slopes and widths identified by the Department of Public Works Supervisor.

### **101-3. Construction Specifications.**

All sidewalks constructed within the Village shall be not less than four (4) inches in thickness except sidewalks across driveways which shall be not less than six (6) inches in thickness. All sidewalk joints shall be constructed with relief cuts every five feet. Sidewalk material shall include five-sack dolomite stone.

### **101-4. Stop Order.**

The Supervisor may issue a stop order to any person or business entity for failure to comply with this chapter, or the rules, regulations, plans and specifications established for the construction, rebuilding or repair of any sidewalk. Such stop order shall be effective until the next regular meeting of the Village Council and if confirmed by the Council at its next regular meeting, such stop order shall be permanent.

### **101-5. Ordering Construction.**

The Council may, by resolution, require the owners of lots and premises to build sidewalks in the public streets adjacent to and abutting upon such lots and premises. When such resolution shall be adopted, the Supervisor or other representative of the Village shall give notice to the owner of such lot or premises requiring him to construct or rebuild such sidewalk within twenty (20) days from the date of such notice. Such notice may be made by delivering the notice to the owner personally or by leaving the same at the owner's residence, office or place of business with some person of suitable discretion or by mailing said notice by certified mail to such owner at the owner's last known address or if the owner cannot be found, by posting a notice in a conspicuous place on the premises for five (5) days.

### **101-6. Construction by Village.**

If a person shall fail to abide by notice pursuant to Section 5 of this chapter, the Village may elect to perform the work itself. The expense of any such work may be assessed against the premises as permitted by state law of the Village charter.

### **101-7. Clearance of Snow and Ice.**

The Village shall, at a minimum, provide sidewalk snow plowing on at least on one side of M-88 from the northern village limit to the intersection of E. Cayuga and Division. It shall be the responsibility of the property owner to clear any snow, ice, and build-up on their sidewalks from the village's sidewalk snow plows. On occasion, the Village may be unavailable for snow plowing the sidewalks. If this happens the property or business owner shall be responsible for the snow and ice removal on the sidewalks.

### **101-8. Prohibited removal of snow, ice or slush from private property.**

- A. No person, private or otherwise, shall deposit in, or place upon any street or sidewalk, snow, slush or ice which has accumulated upon private property.
- B. In residential areas, snow removed from private driveways shall be deposited on, or removed to private property. Driveway snow shall at no time be pushed or moved across a Village street except as described in 101-9(A).
- C. Snow, slush or ice removed from a Village street, to the entrance of a private drive or sidewalk, shall at no time be placed back into that street or sidewalk.

**101-9. Exempt activities.**

- A. A person, persons, or entity owning two or more properties may move snow, slush and ice from one property to another across one Village street. All movement of snow, slush and ice will be done such that no material will be left in the street, and that at no time will traffic be hindered or prohibited.
- B. In cases where snow accumulation poses a real and significant threat to public safety, the Village Department of Public Works may remove snow from public property to prevent visibility problems on Village streets.

**101-10. Penalties.**

- A. Any person who violates any provision of this chapter, shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101 - 600.9939 of the Michigan Compiled Laws and shall be punished as follows:
  - (1) For a first offense, the person shall be fined not less than \$50 nor more than \$100, plus the costs of prosecution and other sanctions provided by law.
  - (2) For a second or subsequent offense occurring within two years of the date the person was found responsible for the first or immediately preceding offense, the person shall be fined not less than \$100 nor more than \$200, plus the costs of prosecution and other sanctions provided by law.
- B. Each day this chapter is violated shall be considered a separate violation.
- C. Officers of the Bellaire Police Department and other Village officials designated by resolution of the Village Council are hereby authorized to issue municipal civil infractions under this chapter directing offenders to appear in court.
- D. Civil remedies. In addition to enforcing this chapter through the use of a municipal civil infraction proceeding, the Village may initiate proceedings in the Circuit Court to abate or eliminate any violation of this chapter.