

## Chapter 14

### Streets, Sidewalks and Other Public Places\*

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#### Article I. In General

##### **Sec. 14.1. Depositing ashes in public ways, parks.**

It shall be unlawful for any person to place or deposit any ashes in any of the streets, alleys, lanes or parks of the village.

(Ord. No. 10, § 1, 6-19-44)

##### **Sec. 14.2. Storage of ashes.**

No person shall deposit or store any ashes in any building within the corporate limits of the village, unless such ashes are deposited or stored in an iron, metal, plastic or earthen vessel.

(Ord. No. 10, § 2, 6-19-44)

##### **Secs. 14-3-14-20. Reserved.**

#### Article II. Excavations and Obstructions

##### Division 1. Generally

##### **Sec. 14.21. Work to comply with permit requirements; supervision.**

No work covered by this article shall be started until all permits are obtained and effective. All excavations in connection with water supply, plumbing or drainage work, other than that performed by the village, shall be under the direction and responsibility of a licensed master plumber.

(Ord. No. 17, § 5, 6-19-44)

##### **Sec. 14-22. Barricades, lights; expeditious accomplishment of project.**

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\* **Cross references**—Buildings and building regulations, Ch. 4; mobile homes and recreational vehicles, Ch. 8; peddlers and solicitors, Ch. 11; planning, Ch. 11; traffic and motor vehicles, Ch. 15; zoning, Ch. 18.

**State law references**—Streets and sidewalks, MCL 67.7 et seq., MSA 5.1291 et seq.; paving and improvements, MCL 67.17 et seq., MSA 5.1301 et seq.; street regulations, MCL 67.20 et seq., MSA 5.1304 et seq.

All openings, excavations and obstructions shall be properly and substantially barricaded and railed off and at night shall be provided with three (3) or more red warning lights for each such opening, excavation or obstruction. On long trenches or obstructions, warning lights shall be placed crosswise of the flow of traffic not over twenty-five (25) feet apart. The superintendent shall determine what constitutes proper barriers and lighting. The utmost care shall be exercised at all times in protection of life and property in the performance of the work, and the work accomplished with as little as possible interference to traffic and the use of the street, alley or thoroughfare. Sufficient help and equipment shall be provided to expedite the work to the satisfaction of the superintendent.

(Ord. No. 17, § 6, 6-19-44)

**Sec. 14.23. Sheeting, bracing.**

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to the workers and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure adjacent to the work.

(Ord. No. 17, § 7, 6-19-44)

**Sec. 14.24. Backfilling, removal of material upon completion of job.**

After the completion of the work under this article, all trenches and excavations shall be promptly backfilled and thoroughly settled by wetting or damping, and all excess material promptly removed from the job.

(Ord. No. 17, § 8, 6-19-44)

**Sec. 14.25. Restoration of pavement by village; deposit.**

In excavating in paved surfaces, all material of paving and ballasting must be removed to the side of the street with the least possible loss or injury to the same or the surrounding pavement. After the work is completed and proper settlement has occurred, the village will repave the opening and charge and collect the cost of such repaving from the person to whom the permit was granted. The clerk may require a deposit to cover the cost of such repaving before issuing permit for the work.

(Ord. No. 17, § 9, 6-19-44)

**Sec. 14.26. Excavations near subsurface structures, pipes, etc.**

In excavations around or near other subsurface structures, pipes, conduits or other devices, care must be taken to properly safeguard them from injury, and in case of interference or very close proximity to the same the superintendent shall determine how proper installation shall be made.

(Ord. No. 17, § 10, 6-19-44)

**Sec. 14-27. Repair and maintenance after completion.**

Each person opening or excavating any street, alley or thoroughfare shall keep an account of all openings or excavations so made and for one (1) year after such opening or excavation shall keep the same filled and in repair. Should such person fail to do this, the clerk shall give them notice to do so within ten (10) days, and if the person shall still fail to make such repairs the street department shall cause such repairs to be made, and the cost of the same shall be charged against the person to whom the permit was originally issued and may be collected by suit.

(Ord. No. 17, § 11, 6-19-44)

**Secs. 14-28-14-45. Reserved.**

Division 2. Permit

**Sec. 14-46. Required.**

No person, except the village shall:

- (1) Make any excavation or opening in any part of any street, or public place in the village;
- (2) Place any obstruction on any part of such street, alley or public place in the village;
- (3) Occupy any part of such street for the purpose of construction, maintenance or repair of property immediately adjacent thereto;

without first obtaining a permit for such purpose; provided, that any public utility corporation operating under franchise of the village may, in any emergency requiring immediate action to preserve its property, make such excavation or occupy such portion of the public street, alley or public place without applying for such permit, but shall in all other respects comply with the provisions of this division in doing such work. No pavement shall be broken without a permit being issued and the work done under the direct supervision of the superintendent.

(Ord. No. 17, § 1, 6-19-44)

**Sec. 14-47. Application.**

The applicant for a permit under this division shall furnish to the clerk a statement showing where such opening or excavation is to be made and the purpose and extent thereof, or where such obstruction or repair is to be carried on, and in all cases, the extent to which the street, alley or public place is to be used for the purpose applied for and also the time when such occupancy will commence and the length of time it will continue, and the name of the person who will be in charge of the work to be done there, together with such other information as the clerk shall direct. The statement shall be signed by the applicant and filed with the clerk.

(Ord. No. 17, § 2, 6-19-44)

**Sec. 14-48. Investigation of application; approval, conditions of issuance.**

On receipt of an application for a permit under this division, the clerk shall immediately notify the superintendent of the same and the superintendent shall investigate and, if satisfied that such occupancy is necessary and reasonable, shall endorse the application by signing his approval on the same. If the superintendent determines that the application shall be granted only on certain conditions and for a certain limited time, he shall so state in his endorsement approving such application, and the permit shall be issued only subject to such conditions or limitations. If in the opinion of the superintendent such occupancy will involve such an obstruction of traffic or danger to the public use of the street, alley or public place as will warrant the same, he shall provide in his approval of such application that such permit be issued only on the execution and delivery by the applicant of a bond to the village conditioned as hereinafter stated.

(Ord. No. 17, § 3, 6-19-44)

**Sec. 14-49. Bond.**

A bond, if and when required under the provisions of section 14-48, shall be in the sum of one thousand dollars (\$1,000.00), and conditioned that the applicant will indemnify and save harmless the village from any damage to any person or to the property of any person resulting from the use of the street, alley or public place by the applicant under the permit granted to him for the occupancy and use of such street, alley or public place. The bond to be effective only when filed with the sureties approved by the clerk.

(Ord. No. 17, § 4, 6-19-44)

**Secs. 14-50-14-65. Reserved.**

**Article III. Mailboxes**

**Sec. 14.66. Placement on public right-of-way.**

No mailboxes shall be placed on the right-of-way of any public street or highway within the limits of the village.

(Ord. No. 33, § 2, 6-1-70)

**Sec. 14-67. Approval limited.**

Approval for placement of mailboxes within the village limits shall be given by the village council only for the following persons:

- (1) Elderly persons who would experience unusual difficulty or hardship in receiving their mail by any means other than a mailbox.

- (2) Any persons who by reason of health, physical handicap or other disability would experience unusual difficulty or hardship in receiving their mail by any means other than a mailbox.

(Ord. No. 33, § 3, 6-1-70)

**Sec. 14-68. Maintenance of authorized mailboxes.**

- (a) Any mailbox that is authorized to be placed on the village right-of-way must be maintained by the owner.

- (b) Any mailbox knocked down by any cause shall be set up in accordance with federal postal regulations by the owner.

- (c) Any mailbox must be kept clean from brush and weeds, and be painted as needed.

(Ord. No. 33, § 4, 6-1-70)

**Sec. 14-69. Approval to specify location.**

Any resolution of the village council authorizing the placement of mailboxes within the village limits shall clearly designate the place where the mailbox shall be placed.

(Ord. No. 33, § 5, 6-1-70)