

ORDINANCE #13-2017

ORDINANCE TO AMEND “CHAPTER 58 – STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES” OF THE CITY OF MARLETTE CODE OF ORDINANCES

WHEREAS, the City of Marlette has completed a thorough review of its Code of Ordinances in pursuit of publishing a comprehensive update of the Code of Ordinances book; and

WHEREAS, the following amendments are necessary to complete the update.

THE CITY OF MARLETTE ORDAINS

Section 1. That Section 58-1 of Chapter 58 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

~~*Section 58-1. Throwing objects on certain streets prohibited. Municipal civil infraction*~~

~~(a) *Generally.* No person shall throw any ball, stone or other objects on the following streets: On Main Street from Chard Street to Church Street, and on Marlette Street from Fenner Street to Wilson Street.~~

~~(b) *Municipal civil infraction.* A person who violates any provision of this ~~section~~ chapter is responsible for a Grade C municipal civil infraction, subject to payment of a civil fine as set forth in section 44-38. Repeat offenses under this section shall be subject to increased fines as set forth in section 44-38.~~

Section 2. That Section 58-32 of Chapter 58 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 58-32. Costs; charges; billing; abutting property owners.

When the council shall have by resolution made the determination provided in section 58-31, they may proceed to carry out such works and ~~shall~~ may bill the abutting property owners for the cost thereof. Any charges unpaid 30 days after billing shall be assessed against the abutting property with the taxes of the next annual assessment.

Section 3. That Section 58-33 of Chapter 58 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 58-33. Construction by owners— Specifications generally.

~~No person or entity shall permit any sidewalk which adjoins the owner’s property, or is located in the municipal right of way, to fall into a state of disrepair or to be unsafe.~~ The council may require the owners of property to build, maintain and repair sidewalks in the public streets abutting upon such property and to construct the same upon such lines and grades and of such width and materials and manner of construction, and within such time as the council shall by resolution prescribe, the expense thereof to be paid by such owner.

Section 4. That Section 58-34 of Chapter 58 of the City of Marlette Code of Ordinances is hereby amended in its entirety as follows:

Sec. 58-34. Same— Grade; width and materials specifications.

Nothing in this article shall prevent any property owner or occupant from repairing any abutting sidewalk so long as such repair conforms to general sidewalk grade and width of the existing sidewalk and of such materials and specifications as the city shall first approve for each job through the right-of-way permit application process.

Section 5. That Chapter 58 of the City of Marlette Code of Ordinances is hereby amended by adding a section, to be numbered 58-35, which section reads as follows:

Sec. 58-35. Sidewalk removal.

No person shall remove any sidewalk within the municipal right-of-way without prior written approval from the City Manager and a right-of-way permit.

Section 6. That Chapter 58 of the City of Marlette Code of Ordinances is hereby amended by adding a section, to be numbered 58-36, which section reads as follows:

Sec. 58-36. Driveway approach.

The driveway approach, meaning that portion of the street right-of-way set aside primarily to permit vehicular access to a private driveway lying between the established or presumable curb line and the adjacent private driveway, is hereby declared a public improvement which benefits the lots and parcels of land abutting upon or adjacent to such streets and public places. It is the responsibility of every property owner to maintain said driveway approach.

Section 7. That Chapter 58 of the City of Marlette Code of Ordinances is hereby amended by adding a section, to be numbered 58-61, which section reads as follows:

Sec. 58-61. Street Excavations— Permit required.

(a) It shall be unlawful for any person to do the following without first obtaining a right-of-way permit:

_____ (1) Making, or causing to be made, any excavation or opening in or under the surface or pavement of any street, alley, sidewalk, or other public place;

_____ (2) Placing any obstruction on any part of any street, alley, sidewalk, or other public place;

_____ (3) Occupying any part of any street, alley, sidewalk, or other public place for the purpose of construction, maintenance, or repair of property immediately adjacent thereto; or

_____ (4) Making, or causing to be made, any opening in or through any curb of any street, alley, or public place.

(b) The foregoing subsection shall not be applicable to:

_____ (1) A duly authorized City official or employee, in the course of his or her employment;

_____ (2) A person acting under contract with the City; or

(3) Any emergency requiring immediate action to preserve public or private property or the public safety; provided that an application for right-of-way permit is made in the required manner on or before the close of the next business day.

Section 8.

That Chapter 58 of the City of Marlette Code of Ordinances is hereby amended by adding a section, to be numbered 58-62, which section reads as follows:

Sec. 58-62. Same—Resurfacing requirements and inspection.

(a) All openings and excavations shall be refilled on or before the time fixed in the right-of-way permit, in such manner and with such material as shall be determined by the City Manager or his or her designee.

(b) The surface or pavement removed for each opening or excavation shall be restored to and maintained in as good a condition as the original surface or pavement. If the applicant fails to restore the surface or pavement to its original condition within the time limited in the permit, the City Manager shall cause such work to be done and the cost thereof charged to the permit applicant.

(c) The City Manager or his or her designee shall inspect all openings and excavations made under this article to determine that such opening or excavation is made in compliance with the specifications contained in the permit and the terms of this chapter, and shall make an inspection prior to backfilling and prior to resurfacing or repaving, to determine that such backfilling and resurfacing or repaving comply with the provisions of this chapter.

Section 9.

That Chapter 58 of the City of Marlette Code of Ordinances is hereby amended by adding a section, to be numbered 58-71, which section reads as follows:

Sec. 58-71. Right-of-way permit.

Right-of-way permit applications shall be submitted on forms provided by the City of Marlette at least 24 hours before the time proposed to begin such work. The application shall state the name, address, and contact information of the applicant; the name of the street, alley, sidewalk, or other public place on which the work will be performed; the purpose, size, and location, as near as can be determined, of the work; the time within which the work described will be completed; and other information as needed and determined by the City of Marlette. Each application for a right-of-way permit under this section shall be accompanied by a fee established by resolution of city council.

Section 10.

This Ordinance is declared necessary for the peace, health and safety of the residents of the City of Marlette and shall become effective upon twenty five days after enactment and publication.

Mayor

City Clerk

Approved as to form:

City Attorney

First Reading: _____
Second Reading: _____
Published: _____

The foregoing ordinance was offered by Council Member ____ and supported by Council Member _____:

AYES: _____
NAYS: _____ ABSENT: _____

The Clerk declared the ordinance adopted.

I, Sandra Cargill, the duly qualified and acting Clerk of the City of Marlette, Sanilac County, Michigan do hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the City Council at a regular meeting held on Monday, _____, 2017, the original of which is on file in the City Office.

Sandra Cargill, City Clerk