

## **Chapter 29 SIDEWALKS**

### **29.01.00 Council Resolution**

The Council of the City of Sandusky shall by resolution determine the necessity for the construction, reconstruction and repair of any sidewalk in any street or alley in the City of Sandusky and shall declare by intention of the City to make such improvement.

#### **29.01.01 Notice**

A) The City Clerk shall notify the owners of property adjoining the sidewalk which it is proposed to construct, reconstruct or repair of the intention of the city to make such improvement and assess the cost thereof against the abutting property owner. Said notice shall also state that the owner may cause said work to be done in conformity with the plans and specifications on file in the Office of the City Clerk of the City of Sandusky at his own expense, provided this work is completed within 20 days after the date of such notice.

B) Notice by personal service shall be given if the property owner resides upon the property. If for any reason personal service cannot be secured on the owner of the property, the City Clerk shall serve the property owner such notice by registered mail, the return card requested. If the address or residence of the owner of said property is not known or on record in the Office of the City Clerk, substituted service may be had by publishing the said notice in a newspaper of general circulation in the City of Sandusky for two consecutive publications.

#### **29.01.02 Construction**

##### **A) Plans and Specifications**

All sidewalks shall be constructed in conformity with the plans on file in the Office of the City Clerk, and in accordance with the standard specifications of the City of Sandusky.

##### **B) Materials**

- i) The City Council shall be notified of the contents and quality of all the materials to be used in the construction of any sidewalk.
- ii) All materials used to be of good grade and all gravel used to be free from quicksand and sandstone.
- iii) The mix shall be five (5) to one (1) of regular gravel and cement except the top one-half shall be two (2) to one (1) of mix screened gravel and cement to be troweled smooth, broom finished and marked off in four (4) foot blocks for residential and six (6) foot blocks for commercial.
- iv) The City Council reserves the right to reject and disapprove any and all materials used in the construction of sidewalks at any time by the committee in charge.

**C) Depths of Concrete**

Not less than four (4) inches for sidewalks and not less than six (6) inches for driveways or any place where cars or trucks shall pass over walk.

**D) Grade**

The grade shall be uniform and established subject to the approval of the City Council at all times. In case of patching of said sidewalk, the grade shall not be higher than the adjoining sidewalk.

**29.01.03 Permits**

**A) Requirements**

No sidewalk shall hereafter be constructed in the City of Sandusky without a permit being obtained therefore from the City Clerk. The City Clerk shall be authorized to issue such permits upon payment of a fee to the City Treasurer in the amount to be set annually by the City Council. This permit shall be secured by the owner of the property abutting said sidewalk or his agent, and under the terms of this permit the owner shall agree to construct this sidewalk in conformity with the grade established by the City and according to specifications attached to such permit. The owner of the property abutting the sidewalk, covered by such permit shall be responsible for the condition of said sidewalk. Any replacement or repairs on this sidewalk shall be at the expense of the property owner or his successor in title.

**B) Exception**

No permit shall be required for repair to sidewalks involving less than 50 square feet in area. Such permit shall not be required for sidewalks constructed under City supervision or by the City employees.

**29.01.04 Sidewalk Builder License**

**A) License requirement**

No sidewalk shall be constructed, built or repaired in the City of Sandusky except by a licensed sidewalk builder, except as hereinafter provided.

**B) License application**

Any person, firm or corporation desiring to engage in the business of building, rebuilding or repairing sidewalks shall make written application for a license therefore to the Council, which application shall contain the full name, age and place of residence of such person, and expressing his willingness to be governed in all respects by all rules, regulations and specifications which are now or may hereafter be adopted by the City Council for the building, rebuilding or repairing of sidewalks and shall be signed by two or more reputable citizens vouching for the applicant's qualifications for such license. If such application is approved by the Council upon payment of a license fee (such fee being set annually by the

City Council) and filling a bond as hereinafter specified with the City Clerk, an applicant shall be entitled to receive a sidewalk builder's license.

**C) Duration of license**

No license shall be granted for more than one year and all such licenses shall expire on the 31<sup>st</sup> day of December of each year.

**29.01.05 Penalty**

It shall be unlawful [A third degree civil infraction] for any person, firm or corporation to build, rebuild, or repair any sidewalk within the City of Sandusky after this chapter takes effect, without having first secured a permit therefore under the provisions hereof.

**29.01.06 Bonds**

All sidewalk builders bonds as provided for by the terms of this ordinance shall be in the penal sum of \$1,000,000 with the surety company or a personal bond with two or more sureties residing within the County of Sanilac to be approved by the Mayor. Said bonds shall be conditioned upon the faithful observance of the provisions of the Code in effect at the date thereof, concerning the building, rebuilding or repair of same shall and will construct all sidewalks of good material and workmanship, and in strict accordance with the specifications and regulations prescribed by the Common Council of the City of Sandusky, and the construction of sidewalks.

**29.01.07 Recovery on Bond**

Such bond may be prosecuted and recovery had thereon by the City of Sandusky, Michigan, or by any person, firm or corporation who shall have suffered any injury or damage, by reason of the inferior quality of materials or improper construction, or poor workmanship of any such sidewalk, or for any injury or damage suffered on account of any such sidewalk, becoming out of repair within the period covered by such bond.

**29.01.08 Identification of Builder**

All sidewalks shall be of cement construction prepared and laid in accordance with plans, regulations and specifications heretofore prescribed by the council of the City of Sandusky, and on file with the City Clerk. Every walk builder shall stamp upon every cement sidewalk by him, once in every 100 lineal feet thereof, his name and year in which the sidewalk was build.

**29.01.09 Permit for Owner to Build**

The City Clerk of the City of Sandusky is hereby authorized to grant a permit to any property owner to construct a sidewalk in front of or adjacent to any real estate owned by him conditioned that such owner is skillful and competent to construct the same in the manner provided herein.

**29.01.10 Revocation of Owner(s)' Permit or Contractor's License**

The City Council or the City Clerk may revoke any permit issued under the terms of this chapter, or any builder's license, for incompetence or failure to comply with the terms of this chapter or the rules, regulations, plans and specifications furnished by the City Council for the construction, reconstruction or repairing of said sidewalks.

**29.01.11 Payment of Costs Assessed as Taxes**

The Council of the City of Sandusky shall be and is hereby authorized to construct, reconstruct or repair any sidewalk or crosswalk in any street or alley of said City and after construction, reconstruction or repair and the confirmation of the charges therefore by the Council, the charges shall be paid by the property owner abutting the said sidewalk forthwith, and if not paid, shall be assessed against the property and become a lien thereon for the payment thereof, which may be enforced by the municipality by the institution of suit for the collection of same in any court of competent jurisdiction, but no attempt to collect unpaid costs of construction, reconstruction or repair shall in any way invalidate or waive the lien upon the premises. All unpaid sidewalk construction, reconstruction or repair cost remaining unpaid on September 1, 1988, and a like date each year thereafter, shall be assessed on the assessment roll of said City against the owner of the abutting property and collected with the city taxes, one third of said costs the first year after construction, reconstruction or repairing and one third the second year, and one third the third year. In case the payment of the construction, reconstruction or repairing of said sidewalk is not paid prior to September 1, in the year after construction, reconstruction or repairing, and the costs thereof is assessed as taxes against the abutting property owner, a three percent (3%) carrying charge will be assessed and collected as taxes.

**29.01.12 Consent to Assess as Taxes**

Any abutting property owner authorizing the construction, reconstruction or repairing of the said sidewalk thereby also consents to the assessing to the costs thereof against the property as taxes.

**29.01.13 Penalty**

Any person, firm or corporation who shall fail to comply with any of the provisions hereof shall, upon conviction thereof, be [liable for a Grade B civil infraction] subject to the provisions of Chapter 1, Section 6.

**29.02.00 Occupant/Owner Responsibility**

The occupant of every lot or premises adjoining any street, or the owners of such lot or premises, if the same is not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required.

**29.02.01 Time for Snow Removal**

Snow and/or ice shall be cleared from sidewalks in commercial and residential districts within 24 hours after the snow ceases to fall (Adopted 12-21-09)

### **29.02.02 Removal by the City**

If any occupant or owner shall fail to clear ice or snow from the sidewalk adjoining his/her premises within the time limit, or shall otherwise permit ice or snow to accumulate on such sidewalk, he/she shall be in violation of this section, and the director of public works may cause the same to be cleared and the expense of removal shall become a debt to the City from the occupant or owner of such premises, and shall be collected as any other debt to the city.

### **29.03.00 Rules and Regulation for Sidewalk Construction**

#### **1. Permit**

No concrete sidewalk shall be constructed within the City of Sandusky without first obtaining a sidewalk permit from the City Clerk's office.

#### **2. Width**

- a) Business Districts: All public sidewalks in the business districts shall be not less than six (6) feet in width.
- b) Residential Districts: All public sidewalks in the residential districts shall be not less than 4 feet in width.

#### **3. Thickness**

All public sidewalks shall have a standard thickness of four (4) inches which shall be increased to six (6) inches wherever crossed by vehicular traffic.

#### **4. Concrete Specifications**

The concrete used in sidewalk construction shall be air-entrained concrete 5-1/2% plus 1-1/2%, shall contain six bags per cubic yard and have a compressive strength of 3500 pounds per square inch. The coarse aggregate shall be in accordance with the current Michigan State Highway Standard Specification. The fine aggregate shall be 2NS sand in accordance with the same specifications.

#### **5. Water**

The water used in the concrete shall be clean enough to drink.

#### **6. Expansion Joints**

Expansion joints shall consist of fibrous pre-molded joint filler and shall be placed at intervals of not more than twenty (20) feet of sidewalk, shall be laid at right angles, shall be at least 3/8" in thickness, and shall extend completely through the walk.

#### **7. Grades**

All sidewalks shall be built to a grade as established by the Director of Building and Engineering and said grade shall be reduced from the property line toward the street at one quarter (1/4) inch per foot of width. No sidewalk will be approved which has uneven surface depressions or on which any water stands.

#### **8. Excavation and Fill**

The necessary excavation or fill-in shall be provided in a workmanlike manner. In the case of excavation all soil shall be disposed of and the premises left in a clean and proper manner. In case of fill-ins, the fill shall be of yellow sand compacted in accordance with current MSHD specifications. All fill shall be at least one (1) foot wider than the sidewalk to be built.

**9. Mixing of Concrete**

No hand mixing will be allowed. When concrete is to be mixed by a mixer at the site, all materials must be stored as to cause no interference with traffic movement. After completion of the sidewalk construction, all materials not used shall be removed and the ground left broom clean. Transit mixed concrete is preferred.

**10. Old Sidewalk Removal**

An existing old sidewalk must be removed unless same can be covered below grade with at least four (4) inches of material. Where new work abuts existing sidewalk a straight line shall be established by saw cutting.

**11. Final Inspection**

The sidewalk will be approved only when all debris, including forms and broken concrete are removed from the site of all finished construction. The sidewalk shall be backfilled with earth equal to the surrounding soil and graded between the sidewalk and the curb. When no curb exists, the grading is to match existing ground.

**12. Protection of Work**

Protecting concrete against damage shall be responsibility of the contractor.

**13. Curing**

All sidewalks shall be cured for at least 24 hours by spraying with approved curing compound, covering completely with burlap, felt plastic or other approved material.

**14. Safety**

Barricades and lights shall be provided for all work which is left open overnight.

**15. Expansion Joints**

No sidewalk area shall be constructed larger than 30 square feet without contraction or expansion joint cuts.

**NOTE: THE ABOVE REGULATIONS MAY BE VARIED ONLY BY THE EXPRESS PERMISSION OF THE CITY COUNCIL**