

Chapter 45

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

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ARTICLE I. IN GENERAL

Sec. 45-1. Obstructing street, sidewalk or alley prohibited.

No street, sidewalk or alley shall be blocked by any merchandise offered for sale by any person, firm, corporation, transient, merchant, church, club, charitable institution, hawker or peddler. Merchandise shall be securely and adequately placed so that it will not endanger a passerby or fall or extrude into any street or alley. Such sales shall not be operated in any manner which would cause a nuisance, create a fire hazard, or restrict the use of streets, sidewalks or alleys. Merchandise shall not be placed in such a manner so as to hinder or block a motorist from viewing oncoming motor vehicle or pedestrian traffic.
(Ord. No. 88, § 1, 5-7-85)

Sec. 45-2. Dumping leaves, trash; unlawful.

It shall be unlawful to dump leaves, trash or ashes on any street or alley in the Village of Elkton and leave them there.
(Ord. No. 47, § 3, 6-7-57)

Sec. 45-3. Penalties.

Any person, firm or corporation found violating the provisions of this article, shall upon conviction, be punished by a fine of not to exceed one hundred dollars (\$100.00) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment at the discretion of the court. Each day that a violation shall continue is to constitute a separate offense. Provisions of this article may also be enforced by suit for injunction, damages or other appropriate legal action.
(Ord. No. 88, § 2, 5-7-85)

Secs. 45-4–45-30. Reserved.

***Cross references**—Exposure by performers in public, § 5-35; franchises, App. B; burning in streets, alleys, unlawful, § 29-1; services to mobile home park, § 33-34; intoxication in public places, § 37-1(g); crowds and riots, public address, § 37-1(h); loitering, § 37-2; parking vehicles and loitering, § 49-91; restricted operation of snowmobile, § 49-275; off-road vehicles, traffic regulations, § 49-254; access to major thoroughfare or collector street, App. A, § 1001.

ARTICLE II. IMPROVEMENTS**Sec. 45-31. Application of regulations.**

The regulations set forth in section 45-32(b) and section 45-33 of this article shall apply to all street extensions or untraveled established streets and subdivisions within the Village of Elkton.

(Ord. No. 63, § 3, 6-6-72)

Sec. 45-32. Improvements, repairs, replacements; cost sharing and specifications.

When the village council of the Village of Elkton shall determine to make improvements, repairs or replacements to streets or sidewalks within the Village of Elkton, or by petition of the property owners within the village, they shall declare by resolution the nature of improvements, repairs or replacements. The following conditions relative to construction, materials used, specifications and the manner of assessment for benefits shall apply:

- (a) On existing streets which are open to public travel, the entire cost of construction or improvement of the ten (10) feet on either side of the centerline of the street shall be paid from the funds of the village; any extensions, construction, improvement or replacement beyond said ten (10) feet on either side of centerline, the cost or expense of such extension, construction, improvement or replacement shall be paid one-third ($\frac{1}{3}$) from the funds of the village and two-thirds ($\frac{2}{3}$) shall be assessed against the property adjoining the improvement.
- (b) The width of construction of streets and roadbeds within the Village of Elkton shall be no less than the following: Streets less than sixty (60) feet in width, the roadbed shall be no less than twenty-six (26) feet wide; streets sixty (60) feet or more in width, the roadbed shall be no less than thirty (30) feet wide, surfaced to the established grade with no less than (6) inches of compacted depth of approved gravel or other equally suitable material approved by the village council.

(Ord. No. 63, § 1, 6-6-72)

Sec. 45-33. New streets; cost sharing.

Any new streets constructed in existing subdivisions, or new subdivisions, will be constructed according to specifications set up by the village council. Each street must be built its entire length, and all storm and sanitary sewers must be installed when the street is constructed. The village will share in the cost of new street, storm sewer and sanitary sewer construction as follows:

- (a) The subdivider shall pay the full cost of new roadbed construction to be built in accordance with specifications set up by the Village Council.
- (b) The village shall pay for the paving of ten (10) feet on either side of the centerline of the street; if more than ten (10) feet on either side of the centerline is paved, then the

adjoining property owner or subdivider, if it is a new subdivision, shall pay two-thirds ($\frac{2}{3}$) of the additional cost thereof and the village shall pay for one-third ($\frac{1}{3}$) of the additional cost thereof.

(c) The cost of providing additional storm sewers and catch basins shall be divided two-thirds ($\frac{2}{3}$) to the adjoining property owner to be served thereby or subdivider, if it is a new subdivision, and the remaining one-third ($\frac{1}{3}$) shall be paid from the funds of the village.

(d) The cost of providing additional sanitary sewer facilities in new subdivisions shall be divided one-third ($\frac{1}{3}$) to adjoining property owners and the remaining two-thirds ($\frac{2}{3}$) shall be paid from the funds of the village.

(Ord. No. 63, § 2, 6-6-72)

Sec. 45-34. Width of new streets.

All new streets within the Village of Elkton must have a minimum width of not less than fifty (50) feet.

(Ord. No. 63, § 4, 6-6-72)

Secs. 45-35—45-50. Reserved.

ARTICLE III. SIDEWALK CONSTRUCTION AND REPAIR

Sec. 45-51. Construction specifications.

All sidewalks in the Village of Elkton shall be constructed in accordance with the following specifications.

(Ord. No. X-26, 6-26-49)

Sec. 45-52. Materials.

(a) *Cement.* The cement shall be a standard Portland cement, the quality complying with the latest standard specifications of the American Society for Testing Materials.

(b) *Water.* Water taken from the mains of the Elkton water system may be used.

(c) *Fine aggregate.* Fine aggregate shall be a natural sand consisting of particles of durable rock. It shall be clean, free from lumps of clay or other organic material.

(d) *Coarse aggregate.* Coarse aggregate shall consist of washed, clean, hard, durable particles of gravel, pebbles or crushed rock, free from clay or coating of any character.

Grading Requirements of Coarse Aggregate

<i>Sieve</i>	<i>Per Cent Passing</i>
1/2"	35-65
1"	95-100
1 1/2"	100
No. 4	0-8

(Ord. No. X-26, § 1.2, 6-26-49)

Sec. 45-53. Mixture.

Cement concrete sidewalks shall be constructed of a mixture of gravel or crushed stone, (coarse aggregate), sand (fine aggregate) and Portland cement mixed with water as herein provided and in accordance with the grades and thickness and sidewalk width as specified by the village council.

(Ord. No. X-26, § 1.1, 6-26-49)

Sec. 45-54. Method of petitioning and payment for concrete sidewalk.

The village council, if deemed necessary, may by resolution by the majority vote of the council, order the repair and replacement of any existing sidewalk and the construction of any new sidewalk. It shall be the responsibility of the village to pay for any such work deemed necessary by the village council.

Any property owner or his authorized agent may petition the village for the repair, replacement or construction of a new sidewalk. Village council may (but is not required) by resolution and majority vote of the council enter into an agreement with petitioner for one of the following:

- (a) *New sidewalk.* The petitioner pays two-thirds (2/3) of the cost and the village pays one-third (1/3) of the cost.
- (b) *Repair to existing sidewalk.* The cost to repair or replace an existing sidewalk shall be divided equally between the petitioner and the village.

The property owners share of the cost for any sidewalk work done as a result of a petition shall be assessed as a special assessment of the property owner.

(Ord. No. X-26, 6-26-49; Ord. of 8-13-91)

Sec. 45-55. Method of determining cost of sidewalk.

The cost of the sidewalk shall include all costs for the preparation of the subgrade, fills, concrete, placing of concrete, backfilling and all incidental items. The cost shall be determined as the average total cost during one construction season per square foot of concrete.

(Ord. No. X-26, 6-26-49)

Secs. 45-56–45-70. Reserved.

ARTICLE IV. DRAINS, DITCHES, CULVERTS

Sec. 45-71. Digging or opening ditch, drain; permission required.

It shall be unlawful for any person to open or dig any ditch or drain into, or upon any public highway, street, alley, lane or other public place within the corporate limits of the Village of Elkton, without first obtaining the permission of the village council so to do.

(Ord. No. 27, § 1, 9-19-05)

Sec. 45-72. Filling ditch, drain; permission required.

It shall be unlawful for any person to dig up or remove any earth from any part of any public highway, street, alley, lane or other public place in the corporate limits of the Village of Elkton, or to excavate or fill up or cover any ditch or drain along any public highway, street, alley, lane or other public place in the corporate limits of the Village of Elkton, without first obtaining the permission of the village council so to do.

(Ord. No. 27, § 2, 9-19-05)

Sec. 45-73. Work to be supervised by street commissioner.

The construction of all drains, ditches, culverts, excavations, and covering of all ditches and drains contemplated in this article shall be done under the supervision and direction of the street commissioner of the Village of Elkton; but no highway or street ditch shall be so filled up as not to leave a proper gutter for the passage of surface water from the roadbed of such highway, street, alley or lane.

(Ord. No. 27, § 4, 9-19-05)

Sec. 45-74. Unfinished or unapproved work.

If any person shall commence to construct any ditch, drain, culvert, excavation or filling mentioned in this article and shall fail, refuse or neglect to complete the same in reasonable and proper time to the entire satisfaction and approval of the street commissioner, the said street commissioner shall cause such unfinished or unapproved work to be done. And the costs and expense thereof charged to, and collected from, the person or persons commencing such work, and the payment or collection of such costs and expenses shall be no bar to the prosecution for a violation of any of the provisions of this article, nor of any fine or penalty imposed therefor.

(Ord. No. 27, § 5, 9-19-05)

Sec. 45-75. Costs for work benefitting private property.

The cost and expense of the construction of any ditch, drain, culvert excavation, filling and covering of such ditch or drain, or the excavation or filling of any part of any public highway, street, alley, lane or other public place for the benefit of any private property, or the owner or occupant thereof shall be borne and paid by such owner or occupant thereof.
(Ord. No. 27, § 3, 9-19-05)

Sec. 45-76. Penalties for violation.

Every person convicted of any violation of any of the provisions of sections 45-71 and 45-72 of this article shall be punished by a fine of not exceeding fifty dollars (\$50.00) and the costs of prosecution, or by imprisonment in the village jail or county jail of Huron County for a term not exceeding fifty (50) days, or by both such fine and imprisonment, in the discretion of the court before whom such conviction may be had. And in case of the nonpayment of any fine or costs imposed, such person so convicted may be imprisoned in the village or county jail until such fine and cost be paid, not exceeding fifty (50) days.
(Ord. No. 27, § 6, 9-19-05)

Secs. 45-77–45-90. Reserved.**ARTICLE V. SNOW REMOVAL****Sec. 45-91. Title.**

This article shall be known and may be designated as the Village of Elkton "Snow Removal Ordinance".
(Ord. No. 75, § 1, 3-2-82)

Sec. 45-92. Purpose.

The purpose of this article shall be to require all owners or occupants of any lot or premise located within any commercial or industrial district within the village, as such districts are defined by the zoning ordinance of the Village of Elkton, Michigan, to remove all snow and ice from the sidewalks in front of, or adjacent to, their respective lots or premises and to keep same free from obstructions, encroachments, encumbrances, filth and other nuisances.
(Ord. No. 75, § 2, 3-2-82)

Cross reference—Zoning, App. A.

Sec. 45-93. Requirement to remove snow, other obstructions.

Hereafter, all owners or occupants of any lot or premises located within any commercial or industrial district within the village, as such districts are prescribed by the zoning ordinance of the Village of Elkton, Michigan, or as such may be prescribed by any amendment or

substitution of such ordinance, shall be required to remove all snow and ice from the sidewalks in front of, or adjacent to, their respective lots or premises, and shall keep the same free from obstructions, encroachments, encumbrances, filth and other nuisances.

(Ord. No. 75, § 3, 3-2-82)

Cross reference—Zoning, App. A.

Sec. 45-94. Nuisance.

The presence of snow, ice, obstructions, encroachments, encumbrances, filth, trash, papers, rubbish or other foreign articles upon any such sidewalks as stated in section 45-93 hereof is declared to be a nuisance.

(Ord. No. 75, § 4, 3-2-82)

Cross reference—Environment, Ch. 25, Art. III.

Sec. 45-95. Penalty.

Any owner or occupant of any lot or premises who shall violate this article shall be guilty of a misdemeanor punishable by a fine of not more than one hundred dollars (\$100.00) and costs of prosecution, and shall in addition thereto be liable to the village for any sums expended by the village, as determined by its council, in the removal of snow, ice or other matters included in this article.

(Ord. No. 75, § 5, 3-2-82)

Chapters 46–48

RESERVED

