

CODIFIED ORDINANCES OF CASEVILLE

PART TEN - STREETS, UTILITIES AND PUBLIC SERVICES CODE

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TITLE TWO - Street and Sidewalk Areas  
 Chap. 1020. Sidewalks, Curbs and Gutters.  
 Chap. 1022. Streets.

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CHAPTER 1020  
 Sidewalks, Curbs and Gutters

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CROSS REFERENCES

Governmental liability for negligence - see M.C.L.A. Secs. 691.1401 et seq.  
 Motorized scooter use on sidewalks - see TRAF. Ch. 431  
 Riding horses on sidewalks - see GEN. OFF. 606.07  
 Peddling from vehicles on sidewalks - see B.R. & T. 856.08  
 Sales from sidewalks - see B.R. & T. 856.10

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**1020.01 CONSTRUCTION SPECIFICATIONS; PERMIT.**

All sidewalks, curbs and gutters hereafter to be constructed, rebuilt, repaired and maintained in the City shall be constructed of cement or so-called artificial stone and shall be not less than five feet in width in business and residential districts. The slab shall be not less than four inches in thickness, increased to not less than six inches for driveways.

All public walks in the City shall be constructed in accordance with plans and specifications furnished by Council. All such sidewalks, curbs, gutters and driveway approaches shall be constructed under the direct supervision of the Street

Administrator or by an approved private contractor, upon obtaining a permit from the City Office before starting construction. The fee for such permit shall be established by Council. Such construction shall be pursuant to specifications set forth by the City Engineer or Council and shall be subject to the approval of the Street Administrator. (Ord. Unno. Passed 3-16-98.)

#### **1020.02 COSTS OF CONSTRUCTION; ASSESSMENTS.**

(a) All cement sidewalks, curbs and gutters constructed, relaid or repaired under the direction of Council shall be paid for out of funds set aside for such purpose by Council.

The property owners whose property abut such sidewalks, curbs and gutters shall be assessed not less than fifty percent of the cost of such construction, relaying or repairing according to the discretion of Council. In any case where a sidewalk is damaged through acts of negligence of the abutting property owner, the full cost of construction or repair shall be levied against such abutting property owner, after due notice has been served upon such property owner as provided for in this chapter, clearly indicating his or her responsibility as to the cost of such repair. (Ord. 90-3. Passed 9-10-90.)

(b) In instances where a grant is available from Federal, State and/or local units of government or other funding for the construction of sidewalks, curbs and/or gutters, the Council may determine that abutting property owners will not be assessed the minimum fifty percent assessment as set forth in subsection (a) hereof. In no instance, however, shall the City be required to apply for grants for the construction of sidewalks, curbs and/or gutters. Such determination shall be within the sole discretion of the Council. (Res. 93-113. Passed 12-20-93; Ord. 2011-01. Passed 5-9-11.)

#### **1020.03 CURB CUTS.**

(a) No person shall make any opening in or through any curb of any street without first obtaining a permit therefor as provided for in Section 1020.01.

(b) All cuts shall be of a size and location as set forth in accordance with plans and specifications approved by Council.

#### **1020.04 RESOLUTION AND NOTICE TO CONSTRUCT, REPAIR OR RELAY.**

(a) Whenever Council deems that the construction, repair or relaying of sidewalks, curbs and gutters is necessary, it shall so declare by resolution that such sidewalks, curbs and gutters be constructed, relaid or repaired and shall describe the lots or premises abutting upon the sidewalks, curbs and gutters so required to be constructed, relaid or repaired. The City Clerk or the Street Administrator, according to the discretion of Council, shall serve a copy of such resolution upon the owners of such lots or premises by personal service. If such personal service cannot be

made, then service shall be made by regular United States mail addressed to the taxpayer's last known address according to the tax roll, together with a twenty-day notice certified by the Village Clerk that such sidewalks, curbs and gutters will be constructed, relaid or repaired with an assessment levied upon the abutting property of not less than fifty percent of the cost of such construction, all in accordance with this chapter and specifications that may be adopted by Council, unless a grant for the construction of the project has been obtained and a resolution passed by Council exempting the abutting property owners from the minimum fifty percent assessment, as set forth in Section 1020.02(b). Such service may be made on the occupants of such premises described. If there is no occupancy and the owners are unknown, then service may be made by posting a copy of such resolution and notice upon the lots or premises. The twenty-day notice shall date from the time of such posting, mailing or personal service.

(b) The Village Clerk or the Street Administrator, as designated by Council, shall make and cause to be filed in the office of the Village Clerk a detailed return showing how, in what manner and on whom he or she has served copies of the resolution and notice, including the day and date when such resolution and notice was served. A copy of such return shall be posted in a conspicuous place in the office of the Village Clerk. Such return shall be made as soon thereafter as is reasonably possible, but not later than ten days after such service of notice was completed.  
(Ord. 90-3. Passed 9-10-90; Res. 93-113. Passed 12-20-93.)

#### **1020.05 SPECIAL ASSESSMENTS.**

(a) Such special assessment roll shall be endorsed by the Village Clerk showing the date of confirmation, and after the adoption of the resolution, it shall be final and conclusive and shall constitute, be and remain a lien upon the respective lots and premises so described until paid. Such special assessment shall be a debt and a personal charge against the owner of such premises until paid, including interest and penalties, in the same manner as provided in the statutes of the State for the collection of special improvement taxes.

(b) The Village Clerk shall have the warrant attached to the assessment roll directed to the Village Treasurer, and shall have the roll delivered to him or her. Such proceedings shall be had for the enforcement and collection of such special assessment as may be had in the collection of taxes levied for general purposes in the Village as provided by the statutes of the State.

#### **1020.06 SNOW REMOVAL FROM SIDEWALKS.**

The owner or occupant of any lot or parcel shall be responsible for the removal of snow and ice from any sidewalk located adjacent and in front of such lot or parcel.  
(Ord. 2008-05. Passed 7-14-08.)

**1020.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)