

30.000

**STREET OPENINGS AND OBSTRUCTIONS  
VILLAGE OF MANCELONA, MICHIGAN  
ord. no. 73 eff. July 7, 1987**

THE VILLAGE OF MANCELONA ORDAINS:

30.001 Section 1. **DEFINITIONS**

Unless the context specifically indicates otherwise, the following definitions shall apply in the interpretation of this Chapter:

- (a) **“Street”** shall mean all of the land lying between property lines on either side of all streets, alleys and boulevards in the Village and includes lawn extensions and sidewalks and the area reserved therefore where the same are not yet constructed.
- (b) **“Superintendent”** shall mean the Superintendent of Public Works of the Village.
- (c) **“Council”** shall mean the governing body of the Village of Mancelona.  
(ord. no. 73 eff. July 7, 1987)

30.002 Section 2. **DAMAGE AND OBSTRUCTION PROHIBITED.**

No person shall make any excavation in or cause any damage to any street in the Village except under the conditions and in the manner permitting in this chapter. No person shall place any article, thing or obstruction in any street except under the conditions and in the manner permitted in this Chapter, but this provision shall not be deemed to prohibit such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.

(ord. no. 73 eff. July 7, 1987)

30.003 Section 3. **PERMITS AND BONDS.**

Where permits are authorized in this Chapter, they shall be obtained upon application to the Council. Such permits shall be revocable by Council for failure to comply with this chapter, rules and regulations adopted pursuant hereto and the lawful orders of the Council, and shall be valid only for the period of time thereon. Application for a permit under the provisions of this Chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the Village in connection therewith, repair all damage done to the street surface and installations on, over or within such street, including trees, and protect and save harmless the Village from all damages or actions at law that may arise or may be brought on account of injury to person or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be in not less than the following amounts, except as otherwise specified in this Chapter:

- (a) On account of injury to or death of any person  
in any one accident.....\$10,000.00
- (b) On account of any one accident resulting in injury  
to or death of more than one person.....\$20,000.00
- (c) On account of damage to property in any one  
accident.....\$5,000.00

A duplicate executed copy or photostatic copy of the original of such insurance policy shall be filed with the Village Clerk.

Where cash deposits are required with the application for any permit hereunder, such deposit shall be in the amount of twenty-five (\$25.00) dollars, except as otherwise specified in this chapter and such deposit shall be used to defray all expenses to the Village arising out of the granting of the permit and work done under the permit in connection therewith. Three (3) months after completion of the work done under the permit, any balance of such cash deposit does not cover all costs and expenses of the Village, the deficit shall be paid by the applicant.  
(ord. no. 73 eff. July 7, 1987)

30.004 Section 4. **STREET OPENINGS.**

No person shall make any excavation or opening in or under any street without first obtaining permission from the Council. No permit shall be granted until the applicant shall pose a cash bond and file a liability insurance policy as required by Section 3, being Section 30.003 of the Mancelona Village Code.  
(ord. no. 73 eff. July 7, 1987)

30.005 Section 5. **EMERGENCY OPENINGS.**

The Council may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided permission shall be obtained on the following business day and the provisions of this chapter shall be met.  
(ord. no. 73 eff. July 7, 1987)

30.006 Section 6. **BACKFILLING.**

All trenches in a public street or other public place, except by special permission, shall be backfilled with approved granular material to within twelve (12) inches of the surface. On main thoroughfares, this material shall contain one (1) sack of cement per yard of fill. The remaining portion shall be filled with road gravel as specified by the Council.  
(ord. no. 73 eff. July 7, 1987)

30.007 Section 7. **UTILITY POLES.**

Utility poles may be placed in such streets as the Council shall prescribe and shall be located thereon in accordance with the directions of the Council. Such poles shall be removed or relocated as the Council shall from time to time direct.

(ord. no. 73 eff. July 7, 1987)

30.008 Section 8. **MAINTENANCE OF INSTALLATIONS IN STREETS.**

Every owner of and every person in control of any estate hereafter maintaining a sidewalk vault, coal hole, manhole or any other excavation or any post, pole, sign, awning, wire, pipe, conduit or other structure in, under, over or upon any street which is adjacent to or a part of his estate shall do so only on condition that such maintenance shall be considered as an agreement on his part with the Village to keep the same and the covers thereof and any gas and electric boxes and tubes thereon in good repair and condition at all times during his ownership or control thereof and to indemnify and save harmless the Village against all damages or actions at law that may arise or be brought by reason of such excavation or structure being under, over, in or upon the street or being unfastened, out of repair or defective during such ownership or control.

(ord. no. 73 eff. July 7, 1987)

30.009 Section 9. **CURB CUTS.**

No opening in or through any curb of any street shall be made without first obtaining permission from the Council.

(ord. no. 73 eff. July 7, 1987)

30.010 Section 10. **SIDEWALK OBSTRUCTIONS.**

No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to said street for any other purpose without first obtaining a permit from the Superintendent. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy as required by Section 3, being Section 30.003 of the Mancelona Village Code.

(ord. no. 73 eff. July 7, 1987)

13.011 Section 11. **PEDESTRIAN PASSAGE.**

At least six (6) feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the building operations are such that such free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around such obstruction.

(ord. no. 73 eff. July 7, 1987)

30.012 Section 12. **SAFEGUARDS.**

All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with red warning lights. Warning lights

perpendicular to the flow of traffic shall not be more than three (3) feet apart and parallel to the flow of traffic not over fifteen (15) feet apart.  
(ord. no. 73 eff. July 7, 1987)

30.013 Section 13. **SHORING EXCAVATIONS.**

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.  
(ord. no. 73 eff. July 7, 1987)

30.014 Section 14. **HOUSE MOVING.**

No person shall move, transport or convey any building or other similar bulky or heavy object, including machinery, trucks and trailers, larger in width than fourteen (14) feet into, across or along any street, alley or other public place in the Village without first obtaining a permit from the Council. This permit shall specify the route to be used in such movement and no person shall engage in such movement along a route other than that specified in the permit. No house moving permit shall be granted until the applicant shall post a cash deposit in the amount of fifty dollars (\$50.00) and file a liability insurance policy as required by Section 3, being section 30.003 of the Mancelona Village Code.  
(ord. no. 73 eff. July 7, 1987)

30.015 Section 15. **REMOVAL OF ENCROACHMENT.**

Encroachment and obstruction in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting land owner when made or permitted by him or suffered to remain by him, otherwise than in accordance with the terms and conditions of this Chapter. The procedure for collection of such expenses shall be as prescribed in Sections 19, 20, and 21 of the Chapter VII of the Charter.  
(ord. no. 73 eff. July 7, 1987)

30.016 Section 16. **TEMPORARY STREET CLOSINGS.**

The Superintendent shall have authority to temporarily close any street or portion thereof when he shall deem such street to be unsafe or temporarily unsuitable for use for any reason. He shall cause suitable barriers and signs to be erected on said street indicating that the same is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over said street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the Superintendent.  
(ord. no. 73 eff. July 7, 1987)