

CHAPTER 50: STREETS, SIDEWALKS, AND BIKE PATHS

Section

General Provisions

- 50.01 Definitions
- 50.02 Street naming and renaming
- 50.03 Vacating streets and alleys

Use of Streets and Street Rights-of-Way

- 50.10 Title; purpose
- 50.11 Use of streets by public utilities and private facilities; compliance required
- 50.12 Construction, excavation, repair, and maintenance; permit requirements
- 50.13 Construction, repair, and maintenance standards
- 50.14 Duty to repair or relocate utilities and facilities
- 50.15 Street closings and overhead banners; permit required
- 50.16 Regulated activities

Sidewalks

- 50.25 Purpose
- 50.26 Sidewalks required by zoning and subdivision ordinances
- 50.27 Sidewalks required by Council as public improvements
- 50.28 Construction or repair permit; bond
- 50.29 Construction and maintenance standards
- 50.30 Duty of property owner to maintain and repair; enforcement
- 50.31 Excavation or closing of sidewalks; permit required
- 50.32 Regulated activities

Bike Paths

- 50.45 Purpose
- 50.46 Construction standards
- 50.47 Duty of city to maintain
- 50.48 Excavation or closing of bike path; permit required
- 50.49 Regulated activities
- 50.99 Penalty

Cross-reference:

Public utility - public ways, see Charter § 5.26

GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BIKE PATH. A bituminous surface, usually from eight feet to ten feet wide, in and over a portion of street right-of-way or in and over an easement across private property, which surface is physically separated from the nearest vehicular travel lane of a street by an open and unpaved space usually at least five feet wide, and which is established for the use of pedestrians and persons riding bicycles; sometimes known as a **NON-MOTORIZED PATH**.

BIKE PATH CROSSING. That part of a street at an intersection that is included within the connections of the lateral lines of bike paths on opposite sides of the street measured from the curbs or in the absence of curbs from the edges of the traversable street.

MOTOR VEHICLE. Every vehicle which is self-propelled.

PARKWAY. That portion of the public street right-of-way which is open and unpaved.

PRIVATE FACILITY. Any construction or installation operation which benefits adjacent private property, including a curb cut, driveway, mailbox and post, newspaper box and post, or monitor well, or seismic testing, soil boring and similar items and operations.

PUBLIC UTILITY. A cable television, electric, natural gas, sewer, stormwater, telephone, or water system or any appurtenance thereof.

PUBLIC UTILITY BUSINESS. A cable television, electric, natural gas, sewer, stormwater, telephone or water system business which has received permission to operate in the city and which serves customers in the city.

RIGHT-OF-WAY. Land dedicated to the public for street purposes, consisting of vehicular traffic lanes and open and unpaved parkways either side of vehicular travel lanes.

SIDEWALK. A concrete surface, usually five feet wide, in and over a portion of street right-of-way or in and over an easement across private property, which surface is physically separated from the nearest vehicular travel lane of a street by an open and unpaved space usually at least five feet wide, and which is established for the use of pedestrians and persons riding bicycles.

SIDEWALK CROSSING. That part of a street at an intersection that is included within the connections of the lateral lines of sidewalks on opposite sides of the street measured from the curbs or in the absence of curbs from the edges of the traversable street.

(Ord. 133, passed 11-8-93; Am. Ord. 134, passed 12-6-93; Am. Ord. 135, passed 12-6-93; Am. Ord. 188, passed 3-4-02)

§ 50.02 STREET NAMING AND RENAMING.

(A) All streets and avenues within the city shall be named and numbered by the City Council.

(B) The City Council may change the name of any street or avenue in the city in the event of a conflict of names or if, for any other reason, it is deemed by the City Council to be reasonable and proper to do so. The following procedure shall be followed changing the name of the street, after the Council adopts a resolution proposing the change.

(1) A notice of the proposed name change shall be published in a newspaper of general circulation within the city at least 10 days prior to a hearing on said proposal, which notice shall give the time and place of the public hearing on said proposal before the City Council.

(2) The City Council shall hear any objections to the proposal and shall thereafter pass a resolution, either adopting said name change or rejecting it, provided, however, that inaction within 30 days after the hearing shall constitute rejection of the proposal.

(3) The name of the street shall become changed upon the adoption of a resolution making said change by the City Council.
(Ord. 33, passed 5-23-73)

§ 50.03 VACATING STREETS AND ALLEYS.

(A) Streets and alleys and parts thereof which are under the jurisdiction or owned by the city may be approved for vacation after the following procedure has been completed:

(1) *Public hearing.*

(a) A public hearing is held by the Planning Commission.

(b) Notice is published in a newspaper of general circulation in the city at least ten days before the hearing.

(c) Service of notice of the time and place of the hearing is mailed by first class mail to all owners of property assessed for taxes which adjoins the street or alley.

(2) *Planning Commission recommendation.* A recommendation from the Planning Commission is provided to the City Council recommending approval or disapproval.

(3) *City Council action.* City Council action approves or disapproves vacation.

(B) The City shall inform those requesting the vacation by mail of the decision of the Council.

(C) Should the City Council by a majority vote vacate any street or alley in accordance with this section, a resolution may provide for reservation of an easement for public utility or other

public purposes within the right-of-way of such street, alley or other public land vacated.

(D) Those parties seeking the vacation shall submit the Council approval (if granted) to the Circuit Court for completion of the order of vacation, pursuant to the requirements and proceedings provided for vacation of streets in the Subdivision Control Act, Public Act 288 of 1967, being M.C.L.A. §§ 560.101 - 560.293.

(Ord. 46, passed 6-8-77; Am. Ord. 89, passed 2-22-84)

Statutory reference:

Circuit Court and vacation procedures, see M.C.L.A. §§ 560.221 et seq.

USE OF STREETS AND STREET RIGHTS-OF-WAY

§ 50.10 TITLE; PURPOSE.

This subchapter shall be known and may be cited as the “Streets and Street Rights-of-Way Ordinance.” The city has constructed or caused to be constructed numerous public streets within public street rights-of-way throughout the city. The city has also constructed, caused to be constructed, or permitted to be constructed other public improvements and private facilities within public street rights-of-way throughout the city. The city has determined to regulate all construction, repair, and maintenance operations in, on, under, and over public streets and public street rights-of-way in the city to protect the public health, safety and welfare of city residents and visitors.

(Ord. 135, passed 12-6-93)

§ 50.11 USE OF STREETS BY PUBLIC UTILITIES AND PRIVATE FACILITIES; COMPLIANCE REQUIRED.

The city may permit public utilities to utilize public street rights-of-way to conduct a public utility business in the city for the benefit of city residents, as provided by the City Charter. From time to time, the city may permit a person or persons to utilize public street rights-of-way for private facilities. A public utility or a person desiring to receive or having received a permit to utilize public street rights-of-way shall comply with the provisions of this subchapter.

(Ord. 135, passed 12-6-93)

Cross-reference:

Public utilities, see Charter §§ 5.23 et seq.

§ 50.12 CONSTRUCTION, EXCAVATION, REPAIR, AND MAINTENANCE; PERMIT REQUIREMENTS.

(A) A person, including a public utility authorized to conduct a public utility business in the city by terms of a franchise agreement granted according to provisions of the city Charter, desiring to construct, install, excavate, repair or maintain facilities in public street rights-of-way, including either a paved or unpaved portion of the street right-of-way, shall apply to the city for a permit for same, on forms provided by the city. An applicant shall submit proof of insurance covering the applicant for the proposed operation in the street right-of-way, and naming the city as an additional insured for the proposed operation. The City Manager or his or her designee may

require an applicant to submit a bond or other acceptable security for the prompt repair of any damage that may be caused by the proposed operation. An applicant shall submit to the city plans and specifications regarding the proposed operation in the street rights-of-way, in sufficient detail as determined by the City Manager or his or her designee.

(B) An applicant shall submit with each permit application a fee as determined by the City Council. The City Manager or his or her designee may request additional information from a permit applicant in order to determine whether or not a permit shall be issued. The City Manager or his or her designee shall either issue a permit as applied for, or shall deny the permit as applied for and shall state the reasons for the permit denial. Application for a permit under the provisions of this subchapter shall be deemed an agreement by the applicant to promptly complete the work permitted, to observe all laws and regulations applicable thereto, to promptly repair any and all damage done to a public street or a public street right-of-way, and to protect and save harmless the city from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the operations done under or in connection with the permit. Any permit issued under this subchapter shall be revocable by the City Manager or his or her designee for failure to comply with the terms of the issued permit. No permit shall be required under this subchapter for any operation or work done by an authorized city employee under the supervision of the City Public Works Director.

(C) The permit described in subsections (A) and (B) above shall not be required to be issued in advance in the case of emergency repair operations by a public utility authorized to conduct business in the city. As soon as possible after any such emergency operations, but no later than 5:00 p.m. on the next business day following such emergency operations, a public utility responsible for said operations shall apply for a permit in accordance with subsections (A) and (B) above.

(Ord. 135, passed 12-6-93) Penalty, see § 50.99

Cross-reference:

Public utilities, see Charter §§ 5.23 et seq.

§ 50.13 CONSTRUCTION, REPAIR, AND MAINTENANCE STANDARDS.

Any and all construction, repair and maintenance activities in, on, over or under a public street or a public street right-of-way shall be in accordance with standard industry practices for public utilities and in accordance with requirements as approved by the City Council. Such requirements shall be in writing and shall be available to the public. Such requirements shall include the following regulations:

- (A) Prior notification to the MISS DIG underground reporting system;
- (B) Provision and operation of barricades and traffic control measures when necessary for public safety;
- (C) Notification to adjacent property owners who may be inconvenienced by an activity;
- (D) Provision of a contact person to handle complaints from property owners, when

appropriate;

(E) Notification to the City Public Works Director regarding the status of any activity permitted.

(Ord. 135, passed 12-6-93) Penalty, see § 50.99

§ 50.14 DUTY TO REPAIR OR RELOCATE UTILITIES AND FACILITIES.

(A) Upon notice by the City Manager or his or her designee, a public utility or the owner of a private facility shall repair its utilities or facilities which are located in, on, under, or over a public street or a public street right-of-way in accordance with the requirements of the city.

(B) Upon notice by the City Manager or his or her designee, a public utility or the owner of a private facility shall relocate its utilities or facilities which are located in, on, under, or over a public street or a public street right-of-way in accordance with the requirements of the city.

(Ord. 135, passed 12-6-93) Penalty, see § 50.99

§ 50.15 STREET CLOSINGS AND OVERHEAD BANNERS; PERMIT REQUIRED.

Any person desiring to close a portion of a public street or to display a banner over a public street shall apply to the city for a permit for same, on forms provided by the city. The City Manager or his or her designee shall follow, at his or her sole discretion, as many of the provisions of § 50.12(A)-(B) above as may be appropriate for the activity for which a permit is being sought. The City Manager shall either issue the permit as applied for, or shall deny the permit as applied for and shall state the reasons for the permit denial.

(Ord. 135, passed 12-6-93) Penalty, see § 50.99

§ 50.16 REGULATED ACTIVITIES.

(A) A person shall not trim a tree or shrub located on a public street right-of-way without a permit for same as described in § 50.12(A)-(B).

(B) A person shall not cut a tree or shrub located on a public street right-of-way without a permit for same as described in § 50.12(A)-(B) above.

(C) A person shall not stop, stand, or park a vehicle, including any item trailered or towed by a vehicle, including a delivery vehicle, on any public street right-of-way, except as otherwise provided by law.

(D) A person shall not place any grass, grass clippings, leaves, brush, or branches on any public street right-of-way, except immediately prior to a scheduled pick up of same by a public or private hauler.

(E) A person shall not place any rubbish or trash or any other material, in or out of

containers, on any public street right-of-way, except immediately prior to a scheduled pick up of same by a public or private hauler.

(F) A person shall not place any fence or sign on any public street right-of-way, except an authorized city employee under the supervision of the City Public Works Director.

(G) A person shall not deposit ice and snow from private property onto any public street or onto any public street right-of-way.

(H) A person shall not place trash containers, yard waste or other items or materials on or intruding into a paved portion of a road right-of-way, including bicycle and pedestrian lanes.

(Ord. 135, passed 12-6-93; Am. Ord. 225, passed 10-3-05) Penalty, see § 50.99

Cross-reference:

Yard wastes, see § 93.01

Solid waste; container requirements, placement, time restrictions, see § 93.17

Parking regulations, see Ch. 72

SIDEWALKS

§ 50.25 PURPOSE.

This subchapter shall be known and may be cited as the “Sidewalk Ordinance.” The city has determined it to be in the public interest to have constructed one or more public sidewalks in public street rights-of-way and in easements on and over private property to provide city residents and visitors opportunities for safe and convenient non-motorized travel through the city. The city has determined to regulate the construction, maintenance, operation and use of public sidewalks to protect the public health, safety and welfare of city residents and visitors.

(Ord. 134, passed 12-6-93)

§ 50.26 SIDEWALKS REQUIRED BY ZONING AND SUBDIVISION ORDINANCES.

Whenever sidewalks are required to be constructed by provisions of the Zoning Ordinance of the city, as amended, or by provisions of the Subdivision Ordinance of the city, as amended, this subchapter shall govern the construction, maintenance, operation and use of said sidewalks.

(Ord. 134, passed 12-6-93)

§ 50.27 SIDEWALKS REQUIRED BY COUNCIL AS PUBLIC IMPROVEMENTS.

The City Council may, by resolution, require the owners of lots and premises to construct sidewalks in the public street right-of-way adjacent to and abutting upon such lots and premises as a public improvement. In determining the construction of a sidewalk to be a public improvement, the City Council shall follow the procedures set forth in the City Charter Ch. VII. This subchapter shall govern the construction, maintenance, operation and use of said sidewalks.

(Ord. 134, passed 12-6-93)

§ 50.28 CONSTRUCTION OR REPAIR PERMIT; BOND.

Before any person engages in the construction or repair of any sidewalk in the city, he or she shall apply to the city for a sidewalk construction or repair permit on forms provided by the city. The application shall be accompanied by a bond or deposit in such amount as determined by the City Manager or his or her designee, conditioned on the faithful observance of all rules, regulations and ordinances imposed by the city relating to sidewalk construction or repair, and shall hold the city free from any loss, injury or damage by reason of the construction or repair of any sidewalk in the city. When used in this subchapter, the term *PERSON* shall apply to individuals, partnerships, joint ventures, associations and corporations.
(Ord. 134, passed 12-6-93) Penalty, see § 50.99

§ 50.29 CONSTRUCTION AND MAINTENANCE STANDARDS.

(A) A sidewalk may be installed along either side of any public street within the city, except along either side of those public streets identified in § 50.46(A).

(B) All public sidewalks constructed in the city shall be constructed in accordance with standard industry practices and in accordance with the specifications as established from time to time by the City Council. Such rules and regulations shall be in writing and shall be available to the public.

(C) All maintenance and repairs to public sidewalks shall conform to standard industry practices and to rules and regulations established from time to time by the City Council. Such rules and regulations shall be in writing and shall be available to the public.
(Ord. 134, passed 12-6-93; Am. Ord. 188, passed 3-4-02) Penalty, see § 50.99

§ 50.30 DUTY OF PROPERTY OWNER TO MAINTAIN AND REPAIR; ENFORCEMENT.

(A) All public sidewalks shall be kept and maintained in a good state of repair by the abutting property owner and occupants of the land abutting the same. It shall be the duty of the abutting property owner and occupants of the land abutting a sidewalk to keep the sidewalk reasonably free of ice and snow.

(B) Whenever any public sidewalk is not repaired or kept in repair as required by this subchapter by the abutting property owner or by the occupants of the property abutting such sidewalk, such fact shall be reported to the City Council by the City Manager. If the City Council by resolution determines that the sidewalk should be repaired, the City Manager or his or her designee shall serve written notice upon the owners or occupants ordering them to repair the sidewalk adjacent to and abutting upon their respective properties. The notice shall be in substantially the following form:

You will please take notice that at a regular meeting of the City Council held on _____, _____, a resolution was adopted requiring you, as the owner/occupant, to repair and pay for the repair of a sidewalk abutting on the _____ side of your property located at _____ in the City of Ferrysburg and legally described as (legal

description).

Said sidewalk shall be repaired in all respects in conformity with the provisions of the Ferrysburg Sidewalk Ordinance, and the repairs shall be completed within forty-five (45) days of receipt of this notice. If you fail to comply with this notice in the manner and time as required, the City will repair the sidewalk and will charge you for the repairs and will collect the charges from you as provided by the Ferrysburg Sidewalk Ordinance.

(C) The notice described in (B) above shall be served by first class mail to the property owner listed on the latest tax roll.

(D) If any lot or premises in front of or adjacent to which any sidewalk is ordered to be repaired is unoccupied by the owner, the occupant thereof cannot be found in the city, or the owner thereof is unknown, then the City Manager or his or her designee shall serve notice by posting same in a conspicuous manner on such lots or premises.

(E) Any person notified to repair a sidewalk shall do so within the time specified in the notice and in the manner specified in the notice. In case any sidewalk is not repaired within the time specified in the notice and in the manner specified, the City Manager or his or her designee shall arrange for repair of same, and shall keep an accurate record of the costs and expenses of repairing the same. The amount of such expenses, properly itemized, shall be sent to the owner or occupant of the property on which or abutting upon which the sidewalk was repaired. If the owner or occupant of any such lot or premises fails to pay the cost of such repair of the sidewalk within 30 days after notice from the city, the costs and expenses plus 10% shall be reported to the City Assessor to be levied by him or her as a special assessment upon the lots and premises adjoining and abutting such sidewalk. Such special assessment shall be subject to review after proper notice is given as in all other cases of special assessments prescribed by the City Charter, and such special assessment when confirmed shall be a lien upon the lots and premises and shall be collected in the same manner as other city taxes, or the city may collect the amount with the penalty aforesaid from the owner or occupants of the premises in an action in assumpsit, together with costs of suit.

(Ord. 134, passed 12-6-93) Penalty, see § 50.99

Cross-reference:

City taxes, see Charter §§ 6.9 et seq.

Special assessments, see Charter Ch. VII

Public improvements; special assessment provisions, see §§ 33.01 et seq.

§ 50.31 EXCAVATION OR CLOSING OF SIDEWALKS; PERMIT REQUIRED.

Any person desiring to make any excavation in, on, under, or within two feet of a public sidewalk, and any person desiring to close temporarily a public sidewalk, shall apply to the city for a permit for same, on forms provided by the city. The City Manager or his or her designee may request additional information from the permit applicant in order to determine whether or not a permit shall be issued. The City Manager or his or her designee may request a permit applicant to submit proof of insurance covering the applicant and the city, and to submit a bond or other acceptable security for the prompt repair of any damage to a public sidewalk that may be

caused by excavating in, on, under, or within two feet of a public sidewalk. The City Manager or his or her designee shall either issue a permit as applied for, or shall deny the permit as applied for and shall state the reasons for the permit denial. Any permit issued under this subchapter shall be revocable by the City Manager or his or her designee for failure to comply with the terms of the issued permit. The intent of this section is to keep at the absolute minimum duration any disruption in the public's use of any public sidewalk.
(Ord. 134, passed 12-6-93) Penalty, see § 50.99

§ 50.32 REGULATED ACTIVITIES.

(A) A person shall not operate a motor vehicle, including a moped, on or across a sidewalk except to enter or to leave adjacent property, and except for authorized maintenance vehicles and authorized emergency vehicles.

(B) A person shall not operate a snowmobile on or across a sidewalk except to cross a sidewalk to enter or to leave a place where a snowmobile is otherwise permitted.

(C) A person shall not stop, stand, or park a vehicle, including any item trailered or towed by a vehicle, and including a delivery vehicle, on a sidewalk or on a sidewalk crossing, except to stop a vehicle preparatory to entering an adjacent street and except for authorized emergency vehicles.

(D) A person using a public sidewalk shall yield to vehicles at sidewalk crossings at street intersections.

(E) The driver of a vehicle shall yield to persons using a public sidewalk crossing the street within a sidewalk crossing when a person is on the half of the street on which the vehicle is traveling or when a person is approaching so closely from the opposite half of the street as to be in danger.

(F) The driver of a vehicle that is emerging from a driveway or parking area shall stop such vehicle immediately before driving onto a public sidewalk which crosses a driveway or parking area and shall yield to persons using a public sidewalk as may be necessary to avoid a collision. The driver of a vehicle entering a driveway or parking area across which is located a public sidewalk shall yield to persons using the sidewalk as may be necessary to avoid a collision.

(G) A bicyclist, skateboarder, or rollerblader using a public sidewalk shall yield to any pedestrian using the sidewalk and shall give an audible signal before overtaking and passing such pedestrian.

(H) A person shall not ride or walk a horse or any other large animal on a public sidewalk. For purposes of this section, a dog shall not be considered a large animal.

(I) A person walking a dog on a public sidewalk shall maintain control of the dog at all times and shall, in the event that the dog deposits any fecal matter on the sidewalk, immediately and completely remove such matter from the sidewalk.

(J) No person shall place any grass, grass clippings, leaves, brush, or branches on any public sidewalk.

(K) No person shall place any rubbish or trash or any other material, in or out of containers, on any public sidewalk.

(L) No person shall deposit any ice or snow on any public sidewalk, except for the incidental placement of ice or snow by city street maintenance personnel in the course of plowing ice and snow from streets adjacent to a public sidewalk.

(M) No person shall make any excavation in, on, under, or within two feet of a public sidewalk, or cause any damage to any public sidewalk, except under the conditions and in the manner permitted in this subchapter.

(N) No person shall cause any public sidewalk to be closed to public use, except under the conditions and in the manner permitted in this subchapter.

(O) No person shall in any way interfere with the public's authorized use of any public sidewalk.

(P) No person shall place or cause to be placed a mailbox and mailbox post or a newspaper box and newspaper box post adjacent to a public sidewalk in such a manner that any portion of the mailbox or newspaper box would overhang the sidewalk or present a danger to anyone using the sidewalk in an authorized way.

(Q) No person shall place or cause to be placed a tree, bush, or shrub adjacent to a public sidewalk in such a manner that any portion of the tree, bush, or shrub would overhang the sidewalk or present a danger to anyone using the sidewalk in an authorized way.

(R) No person shall place or caused to be placed a fence, sign, or any other movable or non-movable object adjacent to a public sidewalk in such a manner that any portion of the fence, sign, or other movable or non-movable object would overhang the sidewalk or present a danger to anyone using the sidewalk in an authorized way.

(S) No person shall water sprinkle a lawn area adjacent to a public sidewalk in such a manner that causes such sprinkling water to fall onto or to flow across a sidewalk at any time.

(T) No person shall willfully or maliciously, or wantonly and without cause, destroy, injure, mutilate, deface, paint on, write on, alter, remove or otherwise damage or carry away any portion of a public sidewalk or any sign relating to a public sidewalk.

(Ord. 134, passed 12-6-93) Penalty, see § 50.99

Cross-reference:

Animals; excrement control, see § 90.01

Dog control, see §§ 90.10 et seq.

Yard wastes, see § 93.01

Solid waste; container requirements, placement, time restrictions, see § 93.17

BIKE PATHS

§ 50.45 PURPOSE.

This subchapter shall be known and may be cited as the “Bike Path Ordinance.” The city has determined it to be in the public interest to construct one or more public bike paths in public rights-of-way and in easements on and over private property to provide city residents and visitors opportunities for safe and convenient non-motorized travel through the city. The city has determined to regulate the construction, maintenance, operation and use of public bike paths to protect the public health, safety and welfare of city residents and visitors. (Ord. 133, passed 11-8-93)

§ 50.46 CONSTRUCTION STANDARDS.

(A) A bike path may be installed only along either side of the following public streets within the city:

- (1) West Spring Lake Road: Lakeview Avenue to north city limits.
- (2) Third Street: Oak Street to 174th Avenue.
- (3) 174th Avenue: Third Street to Dogwood Drive.
- (4) 174th Avenue: Dogwood Drive to VanWagoner Road.
- (5) Dogwood Drive: Mohawk Drive to north city limits.
- (6) VanWagoner Road: 174th Avenue to 168th Avenue.
- (7) North Shore Road: 174th Avenue to North Shore Estates Road.
- (8) North Shore Drive: North Shore Estates Road to south city limits.

(B) A bike path may not be installed along either side of any public street within the city which is not described in subsection (A) above.

(C) Except for sidewalks already installed on the effective date of this section, a sidewalk may not be installed along either side of the public streets within the city described in subsection (A) above.

(D) All public bike paths constructed in the city shall be constructed in accordance with the specifications for the construction of public bike paths as approved by the City Council. Such specifications may include federal, state, and local design criteria, or any combination thereof, at the sole discretion of the City Council. Such specifications shall be in writing and shall be

available to the public.

(Ord. 133, passed 11-8-93; Am. Ord. 188, passed 3-4-02) Penalty, see § 50.99

§ 50.47 DUTY OF CITY TO MAINTAIN.

Public bike paths constructed in the city shall be maintained by the city in a reasonably safe condition for authorized use by the public. The city shall take such reasonable actions as it deems necessary and prudent to keep public bike paths open and accessible to public use, but the city does not warrant that all bike paths will be open and accessible for public use at all times. Within the constraints of the city's annual operating budget, the city shall keep bike path surfaces free of debris and deleterious material; keep areas over and adjacent to bike paths free of obstructions and overhanging impediments; and replace and restore directional, informational, and regulatory bike path signage.

(Ord. 133, passed 11-8-93)

§ 50.48 EXCAVATION OR CLOSING OF BIKE PATH; PERMIT REQUIRED.

Any person desiring to make any excavation in, on, under, or within two feet of a public bike path, and any person desiring to close temporarily a public bike path, shall apply to the city for a permit for same, on forms provided by the city. The City Manager or his or her designee may request additional information from the permit applicant in order to determine whether or not a permit shall be issued. The City Manager or his or her designee may request a permit applicant to submit proof of insurance covering the applicant and the city, and to submit a bond or other acceptable security for the prompt repair of any damage to a public bike path that may be caused by excavating in, on, under, or within two feet of a public bike path. The City Manager or his or her designee shall either issue a permit as applied for, or shall deny the permit as applied for and shall state the reasons for the permit denial. Any permit issued under this subchapter shall be revocable by the City Manager or his or her designee for failure to comply with the terms of the issued permit. The intent of this section is to keep at the absolute minimum duration any disruption in the public's use of any public bike path.

(Ord. 133, passed 11-8-93) Penalty, see § 50.99

§ 50.49 REGULATED ACTIVITIES.

(A) A person shall not operate a motor vehicle, including a moped, on or across a bike path except to enter or to leave adjacent property, and except for authorized maintenance vehicles and authorized emergency vehicles.

(B) A person shall not operate a snowmobile on or across a bike path except to cross a bike path to enter or to leave a place where a snowmobile is otherwise permitted.

(C) A person shall not stop, stand, or park a vehicle, including any item trailered or towed by a vehicle, and including a delivery vehicle, on a bike path or on a bike path crossing, except to stop a vehicle preparatory to entering an adjacent street and except for authorized emergency vehicles.

(D) A person using a public bike path shall observe posted bike path stop signs and shall yield to vehicles at bike path crossings at street intersections.

(E) The driver of a vehicle shall yield to persons using a public bike path crossing the street within a bike path crossing when a person is on the half of the street on which the vehicle is traveling or when a person is approaching so closely from the opposite half of the street as to be in danger.

(F) The driver of a vehicle that is emerging from a driveway or parking area shall stop such vehicle immediately before driving onto a public bike path which crosses a driveway or parking area and shall yield to persons using a public bike path as may be necessary to avoid a collision. The driver of a vehicle entering a driveway or parking area across which is located a public bike path shall yield to persons using the public bike path as may be necessary to avoid a collision.

(G) A bicyclist, skateboarder, or rollerblader using a public bike path shall yield to any pedestrian using the public bike path and shall give an audible signal before overtaking and passing such pedestrian.

(H) A person shall not ride or walk a horse or any other large animal on a public bike path. For purposes of this section, a dog shall not be considered a large animal.

(I) A person walking a dog on a public bike path shall maintain control of the dog at all times and shall, in the event that the dog deposits any fecal matter on a public bike path, immediately and completely remove such matter from the public bike path.

(J) No person shall place any grass, grass clippings, leaves, brush, or branches on any public bike path.

(K) No person shall place any rubbish or trash or any other material, in or out of containers, on any public bike path.

(L) No person shall deposit any ice or snow on any public bike path, except for the incidental placement of ice or snow by city street maintenance personnel in the course of plowing ice and snow from streets adjacent to a public bike path.

(M) No person shall make any excavation in, on, under, or within two feet of a public bike path, or cause any damage to any public bike path, except under the conditions and in the manner permitted in this subchapter.

(N) No person shall cause any public bike path to be closed to public use, except under the conditions and in the manner permitted in this subchapter.

(O) No person shall in any way interfere with the public's authorized use of any public bike path.

(P) No person shall place or cause to be placed a mailbox and mailbox post or a newspaper

box and newspaper box post closer than two feet to the lateral edge of any public bike path.

(Q) No person shall place or cause to be placed a tree, bush, or shrub closer than two feet to the lateral edge of any public bike path.

(R) No person shall place or cause to be placed a fence, sign, or any other movable or non-movable object closer than two feet to the lateral edge of any public bike path.

(S) No person shall water sprinkle a lawn area adjacent to a public bike path in such a manner that causes such sprinkling water to fall onto or to flow across a public bike path at any time.

(T) No person shall willfully or maliciously, or wantonly and without cause, destroy, injure, mutilate, deface, paint on, write on, alter, remove or otherwise damage or carry away any portion of a public bike path or any sign relating to a public bike path.

(Ord. 133, passed 11-8-93) Penalty, see § 50.99

Cross-reference:

Animals; excrement control, see § 90.01

Dog control, see §§ 90.10 et seq.

Yard wastes, see § 93.01

Solid waste; container requirements, placement, time restrictions, see § 93.17

§ 50.99 PENALTY.

Any person violating the provisions of this chapter, or the requirements of a permit issued pursuant to this chapter, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in § 10.99. The city may also seek such injunctive relief as may be appropriate. Any activity in violation of this chapter shall constitute a nuisance per se.

(Ord. 133, passed 11-8-93; Am. Ord. 134, passed 12-6-93; Am. Ord. 135, passed 12-6-93; Am. Ord. 184, passed 8-20-01)