

## Chapter 34 - Sidewalks and Driveway Approaches

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### 34.01 Definitions

When used in this Chapter, the words defined in this Section shall have the following meanings:

- (a) "Sidewalk" shall mean the improved portion of the street right-of-way designed for pedestrian travel.
- (b) "Development Standards" shall mean the basis for design of public and private improvements as established by the City Engineer. These Development Standards incorporate the City of Troy Standard Details and Specifications for construction as established by the City Engineer.
- (c) "Director of Building and Zoning" means the City of Troy Director of Building and Zoning, or his/her designee.
- (d) "Driveway Approach" shall mean the improved portion of the street right-of-way designed to provide for vehicular travel from abutting property to a public roadway.
- (e) "Director" shall mean the Public Works Director of the City, or his/her designee.
- (f) "Engineer" shall mean the City Engineer or his/her designee.
- (g) "Superintendent" shall mean the Public Works Superintendent of Streets and Drains for the City of Troy.

(Rev. 07-07-2008)

- (g) "Major Thoroughfare" means the following street rights-of-way within the City of Troy: Adams Road, Beach Road, Big Beaver Road, Coolidge Highway, Crooks Road, Dequindre Road, Fourteen Mile Road, John R Road, Maple Road, Livernois Road, Long Lake Road, Northfield Parkway, Rochester Road, South Boulevard, Square Lake Road, Stephenson Highway, Wattles Road.

(Rev. 09-22-2014; Effective 10-02-2014)

### 34.02 Permits

34.02.01 No person shall construct, rebuild or repair any sidewalk or driveway approach without first obtaining a sidewalk and approach permit from the Director of Building and Zoning, except that sidewalk or driveway approach repairs of less than fifty (50) square feet of sidewalk or driveway approach may be made without a permit.

34.02.02 The sidewalk and approach permit shall be prominently displayed on the construction site.

34.02.03 The fee for the sidewalk and approach permit shall be specified in Chapter 60 of the Code.

(Rev. 07-07-2008)

34.02.04 No sidewalk or driveway approach shall be poured until the site has been inspected and

## Chapter 34 - Sidewalks and Driveway Approaches

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approved by the Director or his designee.

34.02.05 Each time a proposed sidewalk or driveway approach construction is inspected and rejected by the City, a re-inspection fee shall be paid prior to re-inspection. The re-inspection fee shall be specified in Chapter 60 of the Code.

(Rev. 07-07-2008)

34.02.06 In the event that a sidewalk or driveway approach is poured without a required permit, and/or without the required inspection or without a re-inspection, the sidewalk or driveway approach must be removed and replaced at the expense of the owner.

A. As an alternative to removal and replacement, if all visible portions of the sidewalk or driveway approach meet the sidewalk and approach specifications, the contractor may elect to prove that the concrete meets the thickness and strength requirements of the specifications by having cores taken from the sidewalk or driveway approach and having them measured and tested by an approved independent testing laboratory.

B. As a second alternative to removal and replacement, if all visible portions of the sidewalk or driveway approach meet the City's specifications, the contractor may elect to deposit a two (2) year cash bond with the City to cover the cost, as estimated by the Director, for the removal and replacement of the entire sidewalk or driveway in the event that deficiencies develop within a two (2) year time period.

(Rev. 06-17-2002)

### 34.03 Line and Grade Stakes

The Contractor or Property Owner shall furnish line and grade stakes as may be necessary to construct the sidewalk or driveway approach as approved by the City. This shall include establishment of the property line, adjacent to the sidewalk or driveway approach to be constructed. This may require the contractor to either locate existing lot corner irons and monuments; or have a licensed land surveyor establish new lot corner irons and monuments. All lot corner irons and monuments shall bear the license number of the surveyor that performed the work.

(Rev. 06-17-2002)

### 34.04 Sidewalk and Driveway Approach Specifications

All sidewalk or driveway approach construction, rebuild, and/or repair shall conform to the "Development Standards" as established by the Engineer.

(Rev. 07-07-2008)

For new sidewalk construction, any existing objects or improvements which must be removed or relocated (in the opinion of the Director) to facilitate the construction of a sidewalk or driveway approach, shall be removed or relocated at the owner's expense. Such items to be removed or relocated shall include, but are not limited to: trees, ditches, drainage structures, culverts, fire hydrants, water service valves, utility poles, guy wires, street lights and transformers.

## Chapter 34 - Sidewalks and Driveway Approaches

---

Any existing underground structures which must be adjusted to a new elevation (in the opinion of the Director) to facilitate the construction of a sidewalk or driveway approach, shall be adjusted to the approved grade at the owner's expense. Such items to be adjusted in height shall include, but are not limited to: manholes, catch basins, drainage chambers, gate wells, valve boxes and utility access structures.  
(Rev. 06-17-2002)

### 34.05 Permit Suspension

The Superintendent or Director may suspend any permit issued under the terms of this Chapter for incompetency or failure to comply with the terms of this Chapter, or the rules, regulations, plans and specifications for the construction, reconstruction or repair of any sidewalk or driveway approach, as established by the Superintendent or the Director.

(Rev. 06-17-2002)

### 34.06 Ordering Construction

34.06.01 The City Council may require the construction of sidewalks in locations where they declare such construction to be necessary in order to provide a safe and convenient route for pedestrian and non-motorized vehicular traffic.

(Rev. 06-17-2002)

34.06.02 When construction is determined necessary by City Council, a resolution shall require the owners of lots and premises to build sidewalks or drive approaches in the public streets adjacent to and abutting upon such lots and premises. When the Council resolution is adopted, the City Clerk shall provide notice of the resolution to the owners of such lots or premises in accordance with Chapter 1, Section 1.11 of the Troy City Code. The resolution shall require the owner to construct or rebuild such sidewalks or drive approaches within twenty (20) calendar days of receipt of the resolution.

(Rev. 06-17-2002)

### 34.07 Required Construction

All owners of lots and premises abutting dedicated streets open to the public shall be required to construct sidewalks and driveway approaches at the time of construction of any new buildings or structures, or additions to buildings or structures, or at the time a nonconforming use changes to a permitted use in the Zoning District. No occupancy permit shall be issued until such time as the owners of said property have complied with the requirements of this provision. The Director of Building and Zoning Director may extend the time for completion of the required sidewalk and driveway approaches in accordance with established procedure.

(Rev. 06-17-2002)

#### 34.07.01 Exceptions

The requirement for the construction of sidewalks and driveway approaches, as stated in

## Chapter 34 - Sidewalks and Driveway Approaches

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Section 34.07, shall apply in conjunction with all construction, with the following exceptions:

- A. The Director of Building and Zoning may extend the time for completion of the required sidewalks and driveway approaches upon submission of an adequate cash bond to the City.
- B. Sidewalk and driveway approaches are not required for the construction of an individual one-family or two-family home, on an acreage parcel or lot on those street frontages which are not major thoroughfares frontages. This exception shall only apply to subdivisions platted prior to January 1, 1990, and shall not apply to one-family or two-family residential construction on properties that have been split, combined, and/or replatted resulting in the possibility, capability, or potential ability to construct two or more new buildings or structures on these pre-existing parcels or lots.
- C. Sidewalk and driveway approaches are not required in conjunction with construction on industrial parcels or lots within industrial subdivisions platted prior to January 1, 1980, when those street frontages which are not major thoroughfare frontages, or do not front on Rankin Drive, Chicago Road or Bellingham Drive.
- D. Variances from the requirements of Section 34.07 may be granted by the Traffic Committee, in accordance with the procedure as set forth in Chapter 35.

(Rev. 06-17-2002)

### 34.08 Construction by City

If the installation, rebuild, or repair of a sidewalk or driveway approach violates the provisions of this chapter, the Director shall send a written notice of the violation to the property owner, and shall set forth a deadline for compliance. If the owner of any lot or premises, after receiving said notice, fails to correct the sidewalk or driveway approach deficiencies within the allocated compliance time period, the Director is authorized and required to immediately cause such sidewalk or driveway approach to be constructed or repaired, and the expense thereof shall be charged to the owner of the premises. The expenses shall be collected as provided for by law or Charter, including but not limited to assessing the cost on the next tax roll of the City or filing an action in the circuit court to recover the costs.

(Rev. 06-17-2002)

### 34.09 Sidewalk Maintenance

No person shall permit any sidewalk or driveway approach which adjoins property owned by him or her to fall into a state of disrepair or to be unsafe, or to be blocked or obstructed with bushes, trees, fixtures, or any other thing so that pedestrians or travelers on that sidewalk or vehicles traveling on the driveway approach do not have full use of the sidewalk or driveway approach.

(Rev. 06-17-2002)

### 34.10 Sidewalk Repair and Maintenance

## Chapter 34 - Sidewalks and Driveway Approaches

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It is the duty of the owner to place said sidewalk or driveway approach in a safe condition. Whenever the Director shall determine that a sidewalk or driveway approach is in a state of disrepair, unsafe or blocked for use, notice shall be sent to the owner of the lot or premises adjoining to or abutting said sidewalk or driveway approach of such determination, which notice shall be given in accordance with Chapter 1, Section 1.11 of this Code. Such notice shall specify a reasonable time, not less than seven (7) calendar days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair, make the sidewalk safe or remove obstruction(s) from said sidewalk or driveway approach within the allotted time frame, the Director shall have said sidewalk or driveway approach repaired, made safe or remove the obstruction. If the Director determines that the condition of said sidewalk or driveway approach is such that immediate repair or maintenance is necessary to protect the public, then notice is not required prior to the commencement of the emergency repairs and/or replacement. The cost of repairs hereunder shall be charged to the owner of the premises that adjoins the identified sidewalk or driveway. The expenses shall be collected as provided for by law or the Charter, including but not limited to assessing the cost on the next tax roll of the City or filing an action in circuit court to recover the costs.

(Rev. 06-17-2002)

### 34.11 Sidewalks to be Cleared

The occupant or owner of every lot or premise adjoining any street, shall keep all sidewalks clear of ice and shall clear sidewalks of all accumulations of snow when the depth of such snow is two (2) inches or greater. Ice or snow shall be cleared within twenty-four (24) hours following the end of the ice or snow event which led to such accumulation.

(11-25-2013)

#### 34.11.01 Sidewalks Exempt From Requirement to Clear

For sidewalks adjacent to rear and side yards, a lot or premise shall be exempt from the requirements of Section 34.11 if all of the following conditions are met:

- (a) The lot or premise is used as a single-family or two-family residence; and, the lot or premise is addressed on a non-major thoroughfare but has a rear or side yard adjacent to a major thoroughfare;

(11-11-2013)

### 34.12 Failure to Clear

If any occupant or owner fails to clear ice or snow from the sidewalks adjoining his/her premises within the allotted time period, or shall otherwise permit ice or snow to accumulate on such sidewalk contrary to this Code, the owner shall be responsible for a violation of this Chapter. The Director may then cause the same to be cleared and the expense of such 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. Written correspondence of such action from the City to said occupant or owner may be provided via first class mail in lieu of notice required by Chapter 1.11 of City Code.

## Chapter 34 - Sidewalks and Driveway Approaches

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(11-11-2013)

### 34.13 Costs Paid from General Fund/CDBG Funds

34.13.01 Individual property owners meeting the income guidelines as established annually by the United States Department of Housing and Urban Development for the Community Development Block Grant program shall be eligible for 100% coverage of the costs of sidewalk construction, replacement or repair that is required by this Chapter. Such costs shall be paid from the General Fund.

34.13.02 The duties, requirements, obligations and/or exceptions provided by this Chapter shall not preclude the City of Troy from utilizing Community Development Block Grant funding to construct, replace or repair sidewalks within the City of Troy.

(08-23-2004)

### 34.14 Penalties for Violation

Except as otherwise provided in this Chapter, a violation of any section of Chapter 34 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 34 shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(03-01-2006)