

**CITY OF KENTWOOD
RIGHT-OF-WAY ORDINANCE
ORDINANCE NO. 7-05**

AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF ORDINANCES, CITY OF KENTWOOD, ENTITLED "STREETS, SIDEWALKS AND OTHER PUBLIC PLACES" TO ADD A NEW ARTICLE 6 ENTITLED "CONTROL, MAINTENANCE AND REGULATION OF THE PUBLIC RIGHT-OF-WAY"

THE CITY OF KENTWOOD ORDAINS:

Section 1. Addition of Article 6, Chapter 54. That Article 6, Chapter 54 of the Code of Ordinances, City of Kentwood, Michigan, is hereby adopted to read in its entirety as follows:

Sec. 54-170. **DESIGNATION OF PUBLIC WORKS DIRECTOR AS ENFORCEMENT OFFICIAL.**

The Director of the Department of Public Works and his designees are hereby authorized to enforce this article.

Sec. 54-171. **DEFINITIONS.**

Unless the context specifically indicates otherwise, the meanings of terms used in this Article shall be as follows:

"DIRECTOR". Shall mean the Director of the Department of Public Works or his designee.

"DRIVEWAY APPROACH". Shall mean that portion of a driveway within the public right-of-way which extends from the applicable designed standard cross-section of the inner edge of the sidewalk to the back of curb, edge of street pavement or edge of a graded roadway.

Sec. 54-172. **DAMAGE AND OBSTRUCTION PROHIBITED**

No person shall make any excavation, cut or otherwise cause any damage to any street or public right-of-way in the City, except under the conditions of and in the manner authorized by this Article. No person shall place any article, thing, or obstruction in any street or public right-of-way, except under the conditions of and in the manner authorized by this Article, but these provisions 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 or public right-of-way reserved for vehicular traffic. The City Commission may authorize the Director, upon the recommendation of the City Traffic Engineer, to grant permits for certain uses in any street within the City which the Commission deems to be for the benefit of the general public. Nothing herein shall be construed or interpreted as lessening the authority of the Chief of Police to issue and enforce traffic control and similar orders to the extent otherwise authorized by law.

Sec. 54-173. **PERMITS, FEES AND BONDS**

Where permits are authorized in the Article, they shall be obtained upon application to the Director, upon such forms as he shall prescribe. Such application shall be

accompanied by such fees as established by resolution of the City Commission. Any permit issued under this Article shall be valid only for the time stated thereon and may be revoked by the Director for failure to comply with this code, any rules and regulations adopted pursuant hereto, or any lawful order of the Director. A condition for issuance of any permit under the provisions of this Article is that the applicant will complete the work permitted, observe all pertinent laws and regulations of the City in connection therewith, repair all damage done to the street surface, or public right-of-way and installations on, over or within such street, or public right-of-way including trees, and protect and indemnify the City, its officers and employees against any claim for damage which may arise or be brought on account of injury to any person or damage to any property resulting from the work done under the permit or in connection therein. Where liability insurance policies are required to be filed in making an application for a permit, they shall provide coverage in an amount not less than the following, except as otherwise specified in this Article: a minimum of five hundred thousand dollars (\$500,000.00) for public liability and two hundred thousand dollars (\$200,000.00) property damage. A duplicate executed copy of the original of such Certificate of Insurance, naming the City of Kentwood, its officers and employees as additional insureds shall be filed with the Director. An original Surety Company Bond in the amount of twenty thousand dollars (\$20,000.00) conditioned upon performance of the conditions of the permit and compliance with all requirements of the law, in a form pre-approved by the City, shall be filed with the City each year by contractors desiring to obtain permits through the year.

Sec. 54-174. **SPECIFICATIONS**

- (a) All construction work in the public right-of-way or any use of the public-of-way that may impede the public right-of-way or vehicular traffic requires a permit unless such work is covered by a City contract.
- (b) Failure to obtain a permit before initiating any construction within the public right-of-way is a violation of this Article.
- (c) If any job or construction covered by this Article is started before a permit is obtained, an amount equivalent to two hundred percent (200%) of the fee shall be paid prior to issuance of the permit.
- (d) No building permit for construction or alteration of any building or structure shall be issued by the Department of Public Works until the property owner has received the proper permits required under this Article.
- (e) When the construction involved is in connection with any sewer or water system, the permit shall be issued contingent on the contractor obtaining the necessary permit(s) from the authorities in control of the system for making the proposed extensions and additions.
- (f) All work shall be performed in such a way as to cause a minimum of inconvenience and restriction to both pedestrian and vehicular traffic, and shall be subject to the review and approval of the City Traffic Engineer. No dirt or other material shall be placed on sidewalks.
- (g) All facilities, both below ground and above ground, shall be located as indicated by the Director. Pipes shall be placed to a depth that will provide not less than four (4) feet of cover between top of roadway surface and the top of the pipe. If at any time the position of the facility interferes with improvements to the street or public right-of-way it shall be

the responsibility of the applicant to move the facility to a location satisfactory to the City. All such moving shall be done at the sole expense of the applicant.

- (h) The Director may suspend or revoke any permit issued pursuant to this Article for failure to comply with the terms of the permit or this code. The Director may suspend or revoke such permit and order any work there under to cease by serving notice of such action and the reason therefore.
- (i) In the event a permit issued under this Article is revoked, a new permit must be obtained and a new fee paid.
- (j) Issuance of a permit does not waive the necessity for other permits that may be required by other local, state or federal agencies.
- (k) All work subject to permit issued in accordance with this Article shall be done in conformance with City of Kentwood, "Specifications and Conditions for Highway Permits" which is hereby adopted and as may be periodically amended by the Director. A current copy of the Specifications and Condition for Highway Permits shall be maintained in the office of the City Engineer.
- (l) The foreman in charge of any work being performed under this Article shall have in his possession at all times a copy of the permit along with any specifications and conditions under which work is to be done.

Sec. 54-175. **TRAFFIC PROTECTION**

- (a) All openings, excavations and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with prescribed warning lights. All traffic control devices shall conform to the Michigan Manual of Uniform Traffic Control Devices.
- (b) All openings and excavations shall, where necessary, be properly and substantially sheeted and braced as a safeguard to workers and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.
- (c) At least five (5) feet of sidewalk space shall be kept clean and clear for the passage of pedestrians. If construction operations are of such a nature and scope that such passage on the public sidewalk is impracticable, a temporary sidewalk with substantial railings or sidewalk shelter shall be installed around such obstruction as approved in writing by the Director.
- (d) Permittees under this Article shall designate a foreman who shall be responsible for overseeing the work and the principal contact person for the City. The permittee must give the foreman authority to carry out all the provisions contained in this Article. If the permittee fails or refuses to carry out these provisions at the time, and in a manner which in the opinion of the Director is necessary to protect and direct traffic, or if the permittee cannot be located and notified to do so, the City shall have the right to perform the work and the permittee shall reimburse the City for all charges incurred in the work within ten (10) business days of being invoiced for the same.
- (e) Excavated material shall be deposited so it will not interfere with moving traffic; and precautions must be taken to prevent excavated material from spilling out onto the

traveled portion of the highway by temporary wooden retaining walls or other means approved by the Director upon the recommendation of the City Traffic Engineer..

Sec. 54-176 **STREET OPENINGS**

No person shall make any excavation or opening in or under any street or public right-of-way without first obtaining a written permit from the Director. No permit shall be granted until the applicant shall post a cash deposit or bond and file a Certificate of Insurance and otherwise comply with this Article.

Sec. 54-177 **EMERGENCY OPENINGS**

The Director may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided that a permit shall be obtained on the following business day and the provisions of this Article are otherwise complied with.

Sec 54-178 **PROHIBITED OPENINGS**

No permit to make any opening or excavation in or under a paved street shall be granted to any person within a period of five (5) years after the completion of any paving thereof; provided, however, that the City Engineer may suspend such prohibition where a street opening is required to protect the public health or safety, and subject to the payment of such fees established by resolution of the City Commission.

Sec. 54-179 **ADDITIONAL REGULATION AUTHORIZED**

The Director may make additional regulations pertaining to openings and excavations in the streets, curb cuts, or street obstructions, which regulations shall be subject to the approval of the City Commission. No person shall fail to comply with any such regulations.

Sec. 54-180 **REMOVAL OF ENCROACHMENT**

Whenever there is an encroachment, obstruction or excavation in the street or public right-of-way which has not been allowed under this Article, the same shall be removed forthwith and any excavation refilled. The expense of such removal or refilling shall be charged to the person responsible for such unlawful encroachment, obstruction or excavation.

Sec. 54-181 **NOTICE OF COMMENCEMENT OF WORK**

Any person performing work under a permit granted pursuant to this Article, or as approved by the City, shall notify the Director at least 48 hours before the work is to be started. No street opening shall be started on Saturdays, Sundays, holidays or the day before a Holiday. All permittees must contact MISS-DIG 72 hours prior to excavation.

Sec. 54-182 **TEMPORARY STREET CLOSING**

Subject to the review and with the consent of the Chief of Police, the Director shall have authority to temporarily close any street, or portion thereof, when he deems 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 portion of said street shall be closed for emergency repair work no person other than those responsible for making said repairs shall be permitted to drive a vehicle through said closure. No person shall move or interfere with any sign or barrier erected pursuant under this section without authority from the Director.

Sec. 54-183 **CONSTRUCTION MACHINERY**

All construction machinery shall be equipped with pneumatic tires when any work is done on blacktop or concrete surfaced pavements.

Sec. 54-184 **CURB CUTS**

No opening in or through any curb or any street shall be made without first obtaining a written permit from the Director. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

- (a) No single curb cut shall be less than ten (10) feet in width, nor more than thirty (30) feet in width.
- (b) The minimum distance between any curb cut and a public crosswalk shall be ten (10) feet.
- (c) The minimum distance between curb cuts, except those serving residential property, shall be twenty five (25) feet; provided, however that greater minimums may be required to implement City policies or as otherwise required to protect public safety.
- (d) For any curb cut which terminates less than five (5) feet from a construction joint, the contractor shall remove and replace the joint.
- (e) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the City.
- (f) All construction shall be in accordance with plans and specifications approved in writing by the Director.

Sec. 54-185 **PAVEMENT OPENINGS**

Structures and appurtenances shall be placed under pavement by boring and jacking, or cutting through the pavement and using an open trench, and subject to the following:

- (a) Tunneling will not be permitted.
- (b) Cuts through concrete pavement shall be at right angles to the pavement centerline and shall be made at least six (6) inches wider on each side than the width of the trench with a minimum width of thirty-six (36) inches.
- (c) Removal of all pavements shall be done only with concrete saw and chisels operated by hand or compressed air.
- (d) Pavement crushers of any type are prohibited.

- (e) Openings shall be trimmed in straight lines with right angle corners and vertical edges.
- (f) When openings are five (5) feet or less from an expansion or construction joints, the pavement shall be removed to the joint.
- (g) When a pipe is installed by boring and jacking, the leading edge of the pipe must precede the auger by a distance equal to one-half the diameter of the pipe. The method to be used shall be approved by the Director before work is started.
- (h) In case it is necessary to move any building or structure above or below the ground within the right-of-way of the highway, the right-of-way shall be restored to the satisfaction of the Director. Underground structures damaged by boring shall be repaired or replaced at the cost of the permittee.
- (i) Open trenches shall be not less than two (2) feet wide, plus the diameter of the pipe, at the bottom of the excavation, and the maximum width shall be the diameter of the pipe, plus three (3) feet, or as stated on the permit.
- (j) The slope of the excavated trench shall not be less than one to one (1:1).
- (k) Permanent wearing surface of bituminous material approved by the Director shall be placed in trenches on all blacktop surfaced roads. The thickness shall be equal to the depth of the original blacktop or three (3) inches, whichever is greater. Permanent wearing surface of seven (7) inches of road gravel approved by the Director shall be placed in trenches on all gravel or dirt roads. Permanent wearing surface on concrete surfaced roads shall be new concrete pavement of the same type, thickness and quality as the original pavement. All permanent wearing surfaces shall be placed by the applicant at his own expense.
- (l) When tree roots are removed because of trenching, the top of the trees shall be trimmed sufficiently to balance the loss of roots. This trimming shall be done by the permittee under the direction of the City at the permittee's expense. When tree roots are bored for underground utility installations, the distance shall be one (1) foot for each one (1) inch of trunk diameter.

Sec. 54-186

BACKFILLING

- (a) Within Traveled Right-of-Way. Backfilling trenches within the traveled portion of the street (between the shoulders or curb line), shall comply with the following: Material may be sand, gravel, or sandy gravel and shall be placed in successive layers not more than six (6) inches in depth, loose measure, and each layer shall be thoroughly compacted by mechanical compaction and all backfill subject to be checked by the Controlled Density Method showing a minimum of ninety-five percent (95%) Proctor. All material excavated from the trench, and not used in the backfill shall be hauled away. Any settlement shall be corrected within eight (8) hours after notification to do so.
- (b) Outside Traveled Right-of-Way. Backfilled trenches outside the traveled portion of the street (between the shoulders or curb and right-of-way lines), shall comply with the following: Material may be sand, gravel, or the material removed from the trench, if not frozen, except across driveways where the materials shall be sand, gravel, or sandy gravel. All backfill shall be placed in successive layers not

more than twelve (12) inches in depth, loose measure, and each layer shall be thoroughly compacted by mechanical compaction and all backfill is subject to be checked by the Controlled Density Method showing a minimum of ninety percent (90%) Proctor. Topsoil and sod shall be replaced in all trenches across lawns. All material excavated from the trench, and not used in backfill, shall be hauled away. Any settlement shall be corrected within eight (8) hours after notification to do so.

Sec. 54-187 **UTILITY POLES**

Utility poles may be placed in streets in locations approved in advance by the Director. As a condition to approval to install any utility or other pole in the public right-of-way, Director shall retain the right to require the removal or relocation of the pole, at no cost to the City where necessary for a public improvement.

Sec. 54-188 **MAINTENANCE OF INSTALLATIONS IN STREET**

Every owner of, and every person in control of, any estate hereafter maintaining a sidewalk vault, coal hole, manhole, monitoring well, 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 or her estate, shall do so only on condition that such maintenance shall be considered as an agreement on his part with the City 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 City, its officers and employees, 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.

Sec. 54-189 **SEWER AND WATER CONNECTIONS INSTALLED PRIOR TO PAVING OR RESURFACING**

Whenever the City Commission shall determine to pave or resurface any street, all necessary sewer and water connections shall be installed in advance of such paving or resurfacing, and the cost shall be charged against the premises adjacent thereto or to be served thereby or as otherwise directed by the Commission. Where such paving or resurfacing is financed, in whole or in part, by special assessment, the cost of such sewer and water connections may be a lien, collected and included as part of the special assessment for the cost of the sewer and water connections so installed, pursuant to Chapter 50 of this Code.

Sec. 54-190 **CLEAR VISION CORNER**

Vision clearance shall be provided on all corner lots bases upon the following:

- (a) No planting or structures shall be established or maintained on any corner lot or along any driveway that will likely result in obstructing the view of a vehicle driver approaching the intersection or entering or exiting the driveway.
- (b) On corner lots, the clear vision area shall mean a triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended.

- (c) The requirements of this Section shall not prohibit the maintaining of shrubbery less than thirty (30) inches in height in this area.
- (d) Tree branches shall be a minimum of ten (10) feet above the adjoining street level within the vision clearance corner.

Sec. 54-191 **MOVING OF OVERSIZED AND OVERWEIGHT OBJECTS**

- (a) **Oversized Objects.** Objects over ten (10) feet in width or sixty five (65) feet in length or 13 feet - five inches in height are oversized for purpose of this Section 54-191. Oversized objects to be moved on City streets, shall require the submission of an application to the Director for approval not less than 48 hours in advance of the move. All moving shall be done on pneumatic-tired trucks trailers, moving dollies or any combination thereof, and the load shall be distributed so that no axle will carry more than the legal load permitted by state or county regulations. Motive power shall be by pneumatic-tired truck or tractor and shall be of sufficient size to handle the load with slipping. No moving shall be permitted on Saturdays, Sundays, holidays or the day before a holiday unless authorized by the City. The contractor shall be responsible for furnishing all necessary means of traffic protection before any move is made in the road right-of-way. All such moves shall be coordinated with the City Police Department.
- (b) **Overweight Objects.** Overweight objects may be moved according to the legal limits permitted by the state or county regulations. The contractor shall submit an application to the Director for approval not less than 48 hours in advance of the move. All moving shall be done on pneumatic-tired trucks, trailers, moving dollies or any combination thereof. All provisions of Subsection 54-191 (a) shall also apply to such moves.

Sec. 54-192 **TREES**

The City retains the right to trim or remove any tree or shrubbery within a public right-of-way if, in the opinion of the Director or City Traffic Engineer, it is necessary to preserve public safety or protect public property.

- (a) **Trees obstruction.** The owner of any tree or shrub on private property overhanging the right-of-way shall trim the branches to that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a space of ten (10) feet above the surface of the right-of-way. The City shall have the right to trim any tree or shrub on private property when it interferes with: (1) pedestrian or vehicular traffic, (2) with proper spread of light along the street from a street light, or (3) visibility of any traffic-control device or sign, such trimming is to be confined to the area immediately above the right-of-way.
- (b) **Planting trees.** An application shall be submitted to the Director for approval to plant trees or shrubs in the public right-of-way. It is understood that should permitted trees be necessary for removal to facilitate right-of-way improvements they shall be done so without reimbursement to the property owner for loss of trees.

Sec. 54-193 **SIDEWALK AND DRIVEWAY APPROACHES**

- (a) Permits. No person, including the owner of the property abutting thereupon, shall construct, reconstruct or repair any public sidewalk, driveway approach, or curb in the City without first obtaining a permit therefore from the Director. The Director is hereby authorized to issue such permit upon written application therefore and upon payment of the fee as established by resolution of the city Commission. The City must also have on file an Annual Highway Bond and Certificate of Insurance.
- (b) Line and Grade Stakes. After a permit is issued, the Director shall, upon request from the contractor, furnish line and grade stakes as may be necessary for proper control of the work, this does not relieve the contractor of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the Director. Where it is necessary to replace engineer's stakes disturbed or destroyed without fault on the part of the City or its employees, a restaking charge shall be paid.
- (c) Valve Boxes and Cleanouts. When valve boxes, sewer cleanouts, hand-hole covers, gas valves, hydrants or other utility installations occur in sidewalks or driveway approaches, proper allowances must be made for these structures. Metal castings or frames shall be adjusted to the finished grade of the sidewalk surface. Concrete shall be kept far enough away from the covers so that they can easily be removed and replaced after the concrete has set. When a box is not perpendicular to the slab surface, the major portion of the box cover shall be set below the surface. When larger openings exist leading to underground chambers, the covers for these shall be set about one-half (1/2) inch higher than the average for drainage. In case of frames larger than six (6) inches across standard sidewalk expansion joint material shall be placed on two (2) adjacent sides of square or rectangular frames and completely around circular frames. This material may be one-quarter (1/4) inch thick, but not over one-half (1/2) inch thick.
- (d) Driveway Approach. It shall be unlawful for anyone to construct any driveway approach over, in or through any gutter or road ditch or to install or construct a driveway culvert through any road, street or public right-of-way without first having obtained a permit from the Director. A driveway approach shall be six (6) inches in thickness and a maximum of twenty (20) feet in width. Material and construction shall comply with the requirements of the Michigan Department of Transportation current specifications for construction.
- (e) Sidewalk Specifications. Sidewalk shall be five (5) feet wide and shall be not less than four (4) inches in thickness or less than six (6) inches in thickness at driveway crossings. Material and construction shall comply with the requirements of the Michigan Department of Transportation current specifications for construction.
- (f) Obstructing Drain. It shall be unlawful for anyone to obstruct the flow of storm water in or through any driveway culvert, gutter or road ditch in or through any road, street or public right-of-way.

Sec. 54-194 **BLOCK PARTIES**

- (a) Permit. Any person desiring to use any public street within the City for any block party or other social gathering shall first file an application with the City Clerk.

A permit shall only be issued by the Clerk upon the recommendation of the City Engineer, Police Department and Fire Department.

- (b) Application Contents. The application shall identify the day and time the party is to be held. The location of the street closing also needs to be stated on the application. The applicant shall indemnify and hold harmless the City, if officers and employees from any and all claims arising out of the issuance of the permit or activities of the applicant.
- (c) Streets Where Allowed. Only local streets with light vehicular traffic are permitted to be used as determined by the Director.
- (d) Barricades. Street barricades shall be obtained through the Department of Public Works Department, upon payment of twenty-five dollar (\$25.00) deposit. The Applicant will be responsible for the placement prior to and the removal of the barricades after the party.
- (e) Damage and Cleanup. The applicant shall be responsible for the cost of repairing or replacing any barricade damaged or destroyed. The applicant shall further be responsible for the clean up of the street and neighboring yards after the party. The deposit for the barricades may be returned to the applicant following inspection by City personnel.

Section 2. Effective Date.

This Ordinance shall take effect ten (10) days after its publication.

The foregoing Ordinance was offered by Commissioner Cummings, supported by Commissioner Coughlin, the vote being as follows:

YEAS: Commissioners: Clanton, Coughlin, Cummings and Mayor Root.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioners: Brinks, Brown and McGookey

Dan Kasunic
City Clerk

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Kentwood City Commission held on April 5, 2005.

Dan Kasunic
City Clerk

**CITY OF KENTWOOD
KENT COUNTY
ORDINANCE NO. 3-07**

AN ORDINANCE TO AMEND SECTIONS 54-184, 54-193 AND 54-195 OF THE CODE OF ORDINANCES, CITY OF KENTWOOD IN REGARD TO WORK PERFORMED WITHIN THE PUBLIC RIGHT-OF-WAY

THE CITY OF KENTWOOD ORDAINS:

Section 1. Amendment of Section 54-184. Section 54-184 of the Code of Ordinances, City of Kentwood, Michigan (the "Code") is hereby amended to read in its entirety as follows:

Sec. 54-184 **CURB CUTS**

No opening in or through any curb or any street shall be made without first obtaining a written permit from the Director. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

- (a) No single curb cut shall be less than ten (10) feet in width, nor more than thirty (30) feet in width, unless otherwise authorized by the Director.
- (b) The minimum distance between any curb cut and a public crosswalk shall be ten (10) feet.
- (c) The minimum distance between curb cuts, except those serving residential property, shall be twenty five (25) feet; provided, however that greater minimums may be required to implement City policies or as otherwise required to protect public safety.
- (d) For any curb cut which terminates less than five (5) feet from a construction joint, the contractor shall remove and replace the existing curb to the next joint.
- (e) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the City.
- (f) All construction shall be in accordance with plans and specifications approved in writing by the Director.
- (g) Curb cuts for private streets and private driveways shall include a minimum twenty-four (24) inch wide concrete valley gutter and Michigan Department of Transportation "F-4" modified concrete curb and gutter, or other as approved by the Director, throughout the public right-of-way. The requirements of this subsection (g) are in addition to those set forth in Chapter 18 of the Zoning Ordinance entitled "Private Street Regulations."
- (h) All curb cuts, except for single family residential driveways, shall also be required to have a reinforced concrete apron no less than six (6) inches in thickness.

- (i) Curb cuts along arterial roads shall comply with Sections 17.10 and 17.11 of the Zoning Ordinance.

Section 2. Amendment of Section 54-193. Section 54-193 of the Code is hereby amended to read in its entirety as follows:

Sec. 54-193 **SIDEWALK AND DRIVEWAY APPROACHES**

- (a) **Permits.** No person, including the owner of the property abutting thereupon, shall construct, reconstruct or repair any public sidewalk, driveway approach, or curb in the City without first obtaining a permit therefore from the Director. The Director is hereby authorized to issue such permit upon written application therefore and upon payment of the fee as established by resolution of the city Commission. The City must also have on file an Annual Highway Bond and Certificate of Insurance.
- (b) **Line and Grade Stakes.** After a permit is issued, the Director shall, upon request from the contractor, furnish line and grade stakes as may be necessary for proper control of the work. The furnishing of line and grade stakes does not relieve the contractor of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the Director. Where it is necessary to replace engineer's stakes disturbed or destroyed without fault on the part of the City or its employees, a restaking charge shall be paid.
- (c) **Valve Boxes and Cleanouts.** When valve boxes, sewer cleanouts, hand-hole covers, gas valves, hydrants or other utility installations occur in sidewalks or driveway approaches, proper allowances must be made for these structures. Metal castings or frames shall be adjusted to the finished grade of the sidewalk surface. Concrete shall be kept far enough away from the covers so that they can easily be removed and replaced after the concrete has set. When a box is not perpendicular to the slab surface, the major portion of the box cover shall be set below the surface. When larger openings exist leading to underground chambers, the covers for these shall be set about one-half (1/2) inch higher than the average for drainage. In case of frames larger than six (6) inches across standard sidewalk expansion joint material shall be placed on two (2) adjacent sides of square or rectangular frames and completely around circular frames. This material may be one-quarter (1/4) inch thick, but not over one-half (1/2) inch thick.
- (d) **Single Family Residential Driveway Approach.** It shall be unlawful for anyone to construct a single-family residential driveway approach over, in or through any gutter or road ditch or to install or construct a single-family residential driveway culvert through any road, street or public right-of-way without first having obtained a permit from the Director. A driveway approach shall be six (6) inches in thickness if concrete is used in lieu of asphalt and a maximum of twenty (20) feet in width at the right-of-way line. Material and construction shall comply with the requirements of the Michigan Department of Transportation current specifications for construction.
- (e) **Sidewalk Specifications.** Sidewalk installation shall be required as depicted in the attached **Table "A"**. Sidewalk shall be five (5) feet wide and shall be not less than four (4) inches in thickness or less than six (6) inches in thickness at

driveway crossings. Material and construction shall comply with the requirements of the Michigan Department of Transportation current specifications for construction. Six (6) inch concrete forms shall be required for driveway approaches and public sidewalks adjacent to driveway approaches.

- (f) Obstructing Drain. It shall be unlawful for anyone to obstruct the flow of storm water in or through any driveway culvert, gutter or road ditch in or through any road, street or public right-of-way.

Section 3. Amendment of Section 54-195. Section 54-195 of the Code is hereby amended to read in its entirety as follows:

Sec. 54-195 **VIOLATIONS; PENALTIES, CIVIL REMEDIES**

- (a) Any person, firm, or corporation who violates any provision of this article is responsible for a municipal civil infraction and shall be fined not more than \$2,500.00 for each violation. Any person, firm, or corporation who is found to be responsible for a subsequent violation of this article within a two-year period shall be fined double the amount assessed for the immediate preceding violation.
- (b) A person, firm, or corporation found to be responsible for a violation shall pay costs and fees incurred by the City for correcting and abating the violation. If such costs and fees are not fully paid within 30 days of written notice thereof, the costs and fees may be assessed as a single lot assessment per Chapter 10 of the City Charter and added to, and made part of, the tax roll for the subject property and may be collected in the same manner as provided by state law for the collection of taxes on real estate. The remedies of this subsection (b) are in addition to any other remedies at law or in equity.
- (c) The City may also proceed against any person for a violation of this article by seeking injunctive relief and/or damages.
- (d) Each day a violation exists or continues shall be deemed a separate offense.

Section 4. Repeal. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

Section 5. Effective Date. This Ordinance shall take effect ten (10) days after its publication.

The foregoing Ordinance was offered by Commissioner Brinks, supported by Commissioner Brown, the vote being as follows:

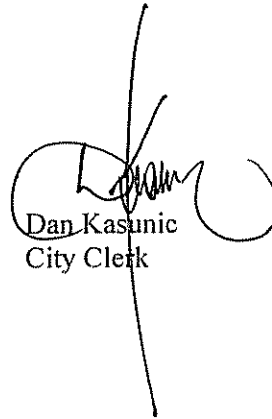
YEAS: Commissioners: Brinks, Brown, Clanton, Cummings, Raha and Mayor Root.

NAYS: None.

ABSTAIN: None.

ABSENT: Commissioner Coughlin.

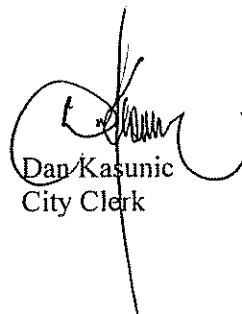
ORDINANCE NO. 3-07 ADOPTED.



Dan Kasunic
City Clerk

CERTIFICATION

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Kentwood City Commission held on October 2, 2007.



Dan Kasunic
City Clerk

Table "A"

**CITY OF KENTWOOD
REQUIREMENTS**

for

**CONCRETE CURB, GUTTER AND SIDEWALKS
ACROSS STREET OPENINGS**

	Carry Concrete Gutter Pan Across Opening	Carry Concrete Sidewalk Across Opening	Carry Concrete Curb and Gutter Around Radii	Concrete Approach Required
Residential Driveway	X	X	X	-
Industrial or Commercial Driveway	X	X	X	X
Private Street	X	-	X	n/a
Public Street	-	-	X	n/a