

## THE FOURTH CLASS CITY ACT (EXCERPT)

### Act 215 of 1895

#### CHAPTER XXIII

#### SIDEWALKS.

##### **103.1 Sidewalks; control; grading; construction, maintenance.**

Sec. 1. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and crosswalks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3187;—CL 1915, 3101;—CL 1929, 2025;—CL 1948, 103.1.

##### **103.2 Sidewalks; required construction and repair by owners at public expense.**

Sec. 2. The council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials and manner of construction, and within such time as the council shall by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the council may, by a 2/3 vote of all the aldermen elect pay such part of the expense of building or rebuilding such walk as they may deem proper from the general street fund, or from the street district fund of any street district in which such walk may be located.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3188;—CL 1915, 3102;—CL 1929, 2026;—CL 1948, 103.2.

##### **103.3 Sidewalks; removal of snow, ice; repair, removal of obstructions.**

Sec. 3. The council shall also have power, either by ordinance or resolution, to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, encumbrances, filth and other nuisances: Provided, That the council may, by a 2/3 vote of all the aldermen elect, provide by ordinance for the rebuilding, maintaining and keeping in repair of all sidewalks within the city, and for the removing of all ice and snow therefrom, and for keeping the same free from encumbrances, and pay the expense thereof from the general street fund, or from the street district fund of any street district in which the same may be located.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3189;—CL 1915, 3103;—CL 1929, 2027;—CL 1948, 103.3.

##### **103.4 Sidewalks; upkeep, failure of owner; work at owner's expense; assessment; suit.**

Sec. 4. If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk as mentioned and prescribed in the last 2 sections, or shall fail to keep the same in repair, or remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the council or board of public works in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be built, rebuilt or repaired, and the expense, or such part thereof as the council shall have determined, shall be charged to such owner or occupant, and the council may cause the amount of such expenses incurred thereby, for which such owner or occupant shall have become liable, together with a penalty of 10 per cent in addition thereto, to be reported to the board of special assessors, to be levied by them as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given as in all other cases of special assessments provided for by this act, and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessments, and the council shall order the supervisors of the ward in which such lot or premises are situated, to spread said amount, together with such penalty upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other city taxes; or the city may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3190;—CL 1915, 3104;—CL 1929, 2028;—CL 1948, 103.4.

##### **103.5 Sidewalks; use regulated by council.**

Sec. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts,

and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same; and to prohibit and prevent obstructions, encumbrances or other nuisances upon the walks.

**History:** 1895, Act 215, Eff. Aug. 30, 1895;—CL 1897, 3191;—CL 1915, 3105;—CL 1929, 2029;—CL 1948, 103.5.