

CITY OF ROCKWOOD

ORDINANCE NO. 495

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ROCKWOOD BY AMENDING CHAPTER 217 "STREETS AND SIDEWALKS" TO SET FORTH DEFINITIONS, LIABILITY, PERMITS AND CONSTRUCTIONS CONDITIONS FOR SIDEWALKS AND DRIVEWAYS IN THE CITY OF ROCKWOOD.

Section 1. That Chapter 217: STREETS AND SIDEWALKS, Article II is hereby amended to provide as follows:

"ARTICLE II Sidewalks and Driveways"

Section 2. That Chapter 217: STREETS AND SIDEWALKS, Section 217-12 of the Rockwood City Code is hereby amended to provide as follows:

"Sec. 217-12 Definitions.

As used in this article, the following terms shall have the meanings indicated:

SIDEWALK

A "**sidewalk**" means the portion of the street intended for the use of pedestrians. Unless the street area has been designated as a pedestrian mall, or unless the entire street has been designated primarily for pedestrian use, for the purpose of this Chapter, "sidewalk" is that part of a street on the side there of intended for the use of pedestrians, improved by surfacing.

OWNER

"**Owner**" means the owner of the real property or the contract purchaser of real property of record as shown on the last available assessment roll in the office of the county assessor.

DRIVEWAY

"**Driveway**" means a paved way for vehicular traffic extending from the roadway to the property line across a sidewalk and extending to the garage if one is built, whether or not such sidewalk is improved, for the purpose of providing access to parking or maneuvering space on abutting property.

RESIDENTIAL DRIVEWAY

"**Residential driveway**" means a driveway serving a one or two family residence.

COMMERCIAL DRIVEWAY

"**Commercial driveway**" means a driveway serving any property except a one or two family residence."

Section 3. That Chapter 217: STREETS AND SIDEWALKS, Section 217-13 of the Rockwood

City Code is hereby amended to provide as follows:

“Sec. 217-13 Permit and Conditions Required for Construction and Repair.

- A. No person shall construct, rebuild or repair any sidewalk except in accordance with the line, grade, slope and specifications established for such sidewalk, or without first obtaining a written permit and specifications therefor from the City Clerk
- B. Upon appropriate application and payment or fees, the Building Official may issue a permit to construct a driveway in the street area subject to the following conditions:
 - (1) All driveways shall be constructed according to plans, specifications, and any special conditions fixed by the City Engineer.
 - (2) Location. No portion of a driveway, excluding ramps if required, shall be located closer than 25 feet from the corner of a lot where two streets intersect.
 - (3) Width of driveways. A permit to construct a driveway in the street area is subject to the following width provisions:

(a) Residential driveway:

Private Property Frontage	Minimum Width	Maximum Width
25 ft. or less	9 ft.	12 ft.
26 ft. to 50 ft.	9 ft.	20 ft.
51 ft. to 75 ft.	9 ft.	25 ft.
76 ft. to 100 ft.	9 ft.	30 ft.

More than one driveway may be allowed for frontage up to 100 feet with the approval from the Building Official and the City Traffic Engineer. No less than 5 feet of straight curb must separate service driveways regardless of ownership. Each 100 feet of frontage, or fraction thereof, under single ownership shall, for purposes of this Chapter, be considered a separate frontage.

(b) Commercial driveway:

Private Property Frontage	Minimum Width	Maximum Width
50 ft. or less	10 ft.	20 ft.
51 ft. to 100 ft.	20 ft.*	30 ft.

*A commercial driveway for a residential use that provides access for 10 parking spaces or less can be a minimum width of 10 feet, provided the access is on a local service street and will be designed to allow forward motion of all vehicles. However, the City Engineer may establish conditions regarding width that are deemed necessary to ensure the safe and orderly flow of

pedestrians, bicycles and vehicular traffic. These conditions are based on evaluation of speeds, volumes, sight distance, and any other transportation factors that are relevant.

More than one driveway may be allowed for frontage up to 100 feet with the approval from the Director of the Bureau of Transportation and the City Engineer. No less than 5 feet of straight curb must separate service driveways regardless of ownership. Each 100 feet of frontage or fraction thereof under single ownership shall for purposes of this Chapter be considered a separate frontage.

- (c) Driveways shall be measured lengthwise with the sidewalk on the property line side, and such measurement shall not include the width of ramps extending to the regular sidewalk grade. Ramps, if required, do not constitute part of required minimum or allowed maximum width. Determination of the need or appropriateness of ramps shall be within the sole discretion of the City Engineer.
 - (d) Any driveway at variance with these width limitations shall not be permitted unless the Director of the Bureau of Transportation specifically approves or requires the same. Any applicant requesting a driveway at variance with these standards shall provide such information as the Building Official and the City Engineer may require in support of the application. The Building Official may establish conditions deemed necessary to insure the safe and orderly flow of pedestrian and vehicular traffic and the decision of the Building Official as to the widths and location of driveways shall be final and conclusive.
 - (e) The Building Official may require joint or shared use of a driveway by two properties in separate ownership. The Building Official may establish conditions regarding the number, configuration, and use of driveways necessary to ensure the safe and orderly flow of pedestrians, bicycles, and vehicular traffic, preserve on-street parking, preserve or establish street trees, maximize opportunities for vegetated stormwater management, reduce conflicts with pedestrians and bicycles and enhance the pedestrian environment.
- (4) The Building Official may refer any driveway permit application to the City Engineer and/or the Michigan Department of Transportation as appropriate, for a review of the location and width. The City Engineer shall recommend such conditions and limitations regarding the location and operation of driveways as are found necessary to insure the safe and orderly flow of pedestrian, bicycles and vehicular traffic and preserve on-street parking.
 - (5) The Building Official may require any applicant for a driveway permit to provide evidence that the proposed driveway will access legal parking and maneuvering space on property as set forth in Title 33, Planning and Zoning regulations. The Building Official may refuse to issue a permit if the applicant cannot show evidence that on

property parking and maneuvering space is in compliance with Title 33, Planning and Zoning regulations.

(6) If the Building Official finds that a property owner is permitting access where a properly constructed driveway does not exist, the Building Official may post notice and require termination of access or construction of a driveway in accordance with the requirements of this Chapter.

(7) Revocability of driveway permits.

(a) The Building Official may revoke any driveway permit or require the modification of any driveway if:

1. The area occupied by the driveway is needed for the public convenience;
2. Continued operation of the driveway interferes with the safe and orderly flow of pedestrians, bicycles or vehicular traffic; or
3. The abutting owner has failed to comply with all specifications and conditions of the permit; or
4. The driveway does not access legal parking and maneuvering space on abutting property.

(b) The Council may revoke any driveway permit if they deem such action will be in the public interest.

(8) Enforcement powers. Within 60 calendar days of written notice from the Building Official to close or modify a driveway, the abutting property owner shall obtain any required permits and make the required corrections. If the abutting owner fails to make the required corrections within 60 calendar days, the City may perform the required work at the expense of the abutting property owner and the cost shall be determined and assessment made as provided in this Chapter.”

Section 4. That Chapter 217: STREETS AND SIDEWALKS, Section 217-14 of the Rockwood City Code is hereby amended to provide as follows:

“Sec. 217-14 Construction Specifications.

A. Sidewalks shall be not less than four inches in thickness and expansion paper shall be placed in the joints. Sidewalks at driveway crossings shall be not less than six inches in thickness. All concrete used in sidewalk construction shall, 28 days after placement, be capable of resisting a pressure of 3,500 pounds per square inch without failure. The Building Official or Director of Public Works may establish additional detailed specifications not inconsistent therewith.

- B.** The Building Official shall determine the distance between the improved sidewalk and the property line, which, in residential areas shall generally be 1 foot unless a different distance is specified. The width of the improved sidewalks, the grade thereof, materials for construction or reconstruction, and the location and size of curbs, shall be designated by the City Engineer. The class and kind of any fill materials and requirement thereof shall be designated by the City Engineer. Based on a finding of necessity, the Building Official may permit installation of a temporary sidewalk for a specified period, and the City Engineer shall designate specifications for the temporary improvement.”

Section 5. That Chapter 217: STREETS AND SIDEWALKS, Section 217-16 of the Rockwood City Code is hereby amended to provide as follows:

“Sec. 217-16 Construction of Sidewalks and Driveway; Notice.

- A.** The owner of any lot or premises in a residential, commercial or industrial district shall, if a sidewalk does not already exist, upon the construction or reconstruction of a building thereon, construct a sidewalk within the street right-of-way or as otherwise instructed by the City, unless this requirement is otherwise waived by City Council.
- B.** Council may, by resolution, require the owners of lots and premises to build sidewalks in the public streets adjacent to and abutting upon such lots and premises. When such resolution is adopted, the City Clerk shall give notice thereof, in accordance with § 1-2 of Chapter 1, General Provisions, of the Code of the City of Rockwood, to the owner of such lot or premises requiring him or her to construct or rebuild such sidewalk within 20 days from the date of such notice.
- C.** If no petition for local improvement is filed, and if the owner, agent or occupant of property posted with notice to construct sidewalk or driveway, or both, shall fail, neglect or refuse to begin the construction of the sidewalk or driveway within 30 days after posting of notice, or within 10 days after order by the City in the event of a remonstrance, the City shall construct the same as soon thereafter as such work can be conveniently scheduled. The expense thereof shall be charged to such premises and the owner thereof and shall be collected as provided for single lot assessments in § C-11.13 of the City Charter.”

Section 6. That Chapter 217: STREETS AND SIDEWALKS, Section 217-22 of the Rockwood City Code is hereby amended to provide as follows:

“Sec. 217-22 Liability

The owner(s) of land abutting any street in the City shall be responsible for constructing, reconstructing, maintaining and repairing the sidewalks, curbs, driveways and parking strips abutting or immediately adjacent to said land. Said property owner(s) shall be liable for any and all damages to any person who is injured or otherwise suffers damage resulting from the defective

condition of any sidewalk, curb, driveway or parking strip adjacent to said land, or by reason of the property owner's failure to keep such sidewalk, curb, driveway or parking strip in safe condition and good repair. Said property owner(s) shall be liable to the City of Rockwood for any amounts which may be paid or incurred by the City by reason of all claims, judgment or settlement, and for all reasonable costs of defense, including investigation costs and Attorney fees, by reason of said property owners' failure to satisfy the obligations imposed by the Charter and Code of the City of Rockwood to maintain, construct, and repair such sidewalks, curbs, driveways and/or parking strips."

Section 7. That Chapter 217: STREETS AND SIDEWALKS, is hereby amended to add Section 217-23 of the Rockwood City Code to provide as follows:

"Sec. 217-23 Penalty.

A violation of any provision of this article shall be a municipal civil infraction, punishable as provided in Chapter 1, General Provisions, Article II."

Section 8. **Saving Clause.** Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 9. **Severability.** Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 10. **Conflicting Ordinances.** All prior existing ordinances adopted by the City of Rockwood inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed only to the extent necessary to give this ordinance full force and effect.

Section 11. **Codification; Scrivener's Errors:**

- (a). Section 1 of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator, or designee, without the need for a public hearing.

Section 12. Publication.

The Clerk for the City of Rockwood shall cause this ordinance to be published in the manner required by law.

This ordinance has been approved by the City of Rockwood City Council in a regular meeting held on November 11, 2019, at City Hall at a properly noticed meeting.

AYES Mayor Guzzi and Council members Bennett, Farmer, Scafidi, Smith, Wasner and Yanca-Laura

NAYS _____

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

I, the undersigned, the duly qualified Clerk of the City of Rockwood, Wayne County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution and Ordinance adopted by the Rockwood City Council on the 11th day of November, 2019, the original of which is in my office, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of PA 1976, as amended and that the minutes of said meeting will be or have been made available as required by said Act.


Colleen E. Oney, City Clerk

Dated November 11, 2019