

Village of Lake Isabella - Codified Ordinances

Article VI – General Nuisance Regulations

Chapter 652 – Right-of-Way Regulations

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Chapter 652.01	Compliance Required
Chapter 652.03	Placement of Wires
Chapter 652.05	Permit Required & Obstructions
Chapter 652.07	Insurance & Bonds
Chapter 652.09	Prohibition after Paving or Resurfacing
Chapter 652.11	Traffic Protection
Chapter 652.13	Removal of Encroachment
Chapter 652.15	Complete Installation
Chapter 652.17	As-Builts
Chapter 652.19	Violations; Cease Work

652.01 COMPLIANCE REQUIRED

No person shall excavate, cut or otherwise work within, cause any damage to, place any article in, or obstruct any street or public right-of-way in the Village, except provided in this chapter.

652.03 PLACEMENT OF WIRES

The placement and maintenance of aerial or aboveground wires, cable, lines, conduit and utility poles in, on or across the streets or public rights-of-way of the Village is prohibited. All wires, cable, lines, conduit and similar transmission materials shall be placed underground pursuant to a permit issued as provided in this chapter.

652.05 PERMIT REQUIRED & OBSTRUCTIONS

- A. Except for work performed under a contract with the Village, no work shall take place in a public right-of-way or street without a permit issued by the Village of Lake Isabella Street Administrator. All work permitted in the public right-of-way or street is subject to the following conditions:
- (1) No zoning permit for construction or alteration of any structure requiring utility lines shall be issued permits required under this chapter for such utility work unless full compliance is adhered to as contained herein.
 - (2) All work shall be performed in such a fashion so as to minimize inconvenience to pedestrian and vehicular traffic and to protect the public health and safety. The Village Street Administrator may limit construction times, may require changes in precautionary measures and may otherwise impose reasonable requirements to

Chapter 652 – Right-of-Way Regulation

enhance public health and safety and to enhance pedestrian and vehicular traffic flow. However, the responsibility for the public health and safety shall lie solely with the person(s) performing the work pursuant to any permit. No dirt or other material shall be placed on sidewalks or roadways.

- (3) All facilities, both below ground and above ground, shall be constructed, installed and located only as permitted by the Street Administrator and in accordance with Village standards and specifications. If at any time the position of the utility lines or other facilities interfere with any work the Village plans to perform or allow to be performed in, on or over the street or public right-of-way, it shall be the responsibility of the owner of the utility lines or other facilities, at that owner's sole expense, to remove or relocate the lines or other facilities to a location satisfactory to the Village.
- (4) Persons performing the work shall obtain and maintain any other permits or approvals that may be required by other local, state or federal agencies and/or utilities.
- (5) When the work is fully completed, the street or public right-of-way shall be restored to the condition it was in prior to that work.
- (6) Anyone doing work in a street or right-of-way pursuant to a permit shall hold the Village (which, for purposes of this requirement, includes its officers and employees) harmless from, indemnify the Village for and defend the Village (with legal counsel reasonably acceptable to the Village) against any pending or threatened claim, cause of action, administrative proceeding, award, judgment or order, for any injuries, deaths or property damage which may arise as a result of the work done under the permit.
- (7) No tree with a trunk equal to or exceeding 6 inches in diameter shall be cut in any public right-of-way unless express written permission is granted by the Village of Lake Isabella Street Administrator prior to the removal of the trees. Any tree with a trunk diameter equal to or greater than 6 inches that is removed in a public right-of-way shall be removed to ground level by the person, firm, agent, or agency removing the tree.
- (8) A driveway permit and/or other means of ingress/egress shall not be approved by the Village of Lake Isabella to any parcel located completely or partially outside of the Village of Lake Isabella unless any development, structures, and uses on such parcel fully conform to the standards and requirements of the Village of Lake Isabella zoning code applicable to the zoning requirements for the nearest parcel located within the Village of Lake Isabella.

Chapter 652 – Right-of-Way Regulation

- (9) The Village of Lake Isabella, its employees, and assigns shall not be held liable or responsible for the placement of any fencing, landscaping, or other item within a public right-of-way or road owned by or within the jurisdiction of the Village of Lake Isabella. No person, firm, agent, or other entity shall place or remove fencing, landscaping, or any other non-vegetative obstruction or item within a public right-of-way or road owned by or within the jurisdiction of the Village of Lake Isabella without first obtaining a permit from the Village. The Village may require that any fence, landscaping, or other item located within a public road right-of-way or road owned by or within the jurisdiction of the Village of Lake Isabella be removed at any time (regardless of whether a permit or approval for such items was given by the Village of Lake Isabella) if the Village of Lake Isabella determines that such item constitutes a traffic hazard, has not been maintained, or is aesthetically offensive.
- B. Permits authorized by this chapter shall be obtained by making application to the Village of Lake Isabella Street Administrator, accompanied by fees established from time-to-time by Village Council resolution.
- C. Leaves, Debris, Snowplowing, and Related Activities.
 - (1) A person, firm, corporation, or any other entity shall not place or deposit, or cause to be placed or deposited, snow, ice, slush, leaves, or debris onto, into, or across any roadway or highway. This prohibition shall include, but not be limited to, snowplowing and snow blowing.
 - (2) A person, firm, corporation, or other entity shall not remove or place, or cause to be removed or placed, snow, ice, slush, leaves, or debris onto, into, or across a roadway or highway or the shoulder of the roadway or highway in a manner which interferes with traffic or obstructs the safety vision of the driver of a motor vehicle other than off-road vehicles. For the purpose of this subsection, “safety vision” is defined as an unobstructed line of sight enabling a driver to travel upon, enter, or exit a roadway or highway in a safe manner.

652.07 INSURANCE & BONDS

A permit applicant shall provide proof of general liability insurance that includes the Village (including its officers and employees) as an insured or additional insured. Such insurance shall provide coverage in an amount not less than the following: a minimum of \$1,000,000.00 for public liability and \$1,000,000.00 for property damage. A duplicate executed copy of the original of such certificate of insurance showing the insurance to be in place and the premium fully paid shall be filed with the Village. Such insurance shall provide that coverage may not be terminated or

Chapter 652 – Right-of-Way Regulation

modified without at least 15 days prior written notice to the Village. Upon request of the Village, copies of the policies and all endorsements shall be filed with the Village. In addition, any contractors desiring to obtain permits shall file surety bonds in an amount sufficient to assure completion of the work and restoration of the street or right-of-way as required in this chapter with a minimum amount of \$20,000.00 for a single, small, simple cut or excavation.

652.09 PROHIBITION AFTER PAVING OR RESURFACING

No permit to make any opening or excavation in or under a paved street shall be granted to any person within a period of 2 years after the completion of any paving or resurfacing unless those doing the work provide a seamless re-surfacing of an area determined to be appropriate given the size of the paving or resurfacing project. The Village Council may suspend this prohibition where a street opening is required to protect the public health or safety.

652.11 TRAFFIC PROTECTION

All openings, excavations and obstructions shall be properly barricaded and railed off, and provided with prescribed nighttime warning lights all in a manner so as to provide protection in a manner consistent with general industry practice or as further enhanced by direction of the Village Manager. All traffic control devices shall conform to the Michigan Manual of Uniform Traffic Control Devices.

652.13 REMOVAL OF ENCROACHMENT

Any encroachment, obstruction or excavation in a street or public right-of-way which was not permitted under this chapter shall be removed upon notice by the Village Street Administrator. If, due to a lack of knowledge who is responsible for the encroachment, obstruction, or excavation, due to the exigency of the circumstances, or due to a failure of a notified party to remove it, the Village undertakes its removal, the expense of doing so shall be the responsibility of the persons or parties responsible for the encroachment, obstruction or excavation.

652.15 COMPLETE INSTALLATION

Any installation of wires, cables, lines, conduit or similar transmission materials in the vicinity of the public right-of-way shall be completed such that no such materials are left lying upon or over the street or public right-of-way or placed in or upon trees or other vegetation located in the right-of-way.

652.17 AS-BUILTS

Upon the completion of any work in any street or right-of-way, the person(s) performing such work shall file with the Village detailed, as-built drawings showing what was installed in what location, what materials were used in restoration and such other information as may be required by the Village Manager.

652.19 VIOLATIONS; CEASE WORK

1. Any person, firm, corporation, trust, partnership, or other legal entity which violates or refuses to comply with any provision of this chapter shall be responsible for a municipal civil infraction and shall be subject to fines, costs, and

Chapter 652 – Right-of-Way Regulation

other relief as provided for in Chapter 222 of the codified ordinances of the Village of Lake Isabella.

2. In addition to any other penalties or remedies available, the Village is authorized and empowered to direct the property owner to remove or otherwise abate the nuisance. If such notice is given, it shall be in writing, addressed to the property owner as it appears on the latest ad valorem property tax assessment roll, or current owner if such is different and known to the Village and be mailed via first class or posted at the property in violation, and shall inform the property owner of the following:
 - a. The nature of the violation/nuisance
 - b. The time in which the violation/nuisance must be abated.
3. Upon failure, neglect or refusal of any property owner to comply with the provisions of this chapter, the Village or its authorized contractor, or other designee, is authorized and empowered to enter the property owner's property to abate the nuisance, or to provide and to make payment for the abatement of the nuisance maintained.
4. When the Village abates a nuisance as provided herein, the cost of any abatement, including legal expenses and the authorized administrative fee will be billed to the property owner. The cost and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.
5. The failure to receive the notice as provided for in subsection (2) is not a defense to any action brought by a member of the public for injury or by the Village to collect the costs of abatement or impose penalties or other fees authorized by this article.
6. The Village Manager may suspend or revoke any permit and order any permitted work to cease by serving notice of such action and the reason therefore. The Village Manager may also order the permittee to remove or correct work that threatens the health, welfare or safety. If a permittee fails to remove or correct the work, the Village may remove or correct the same and the permittee shall be responsible for all costs and expenses the Village incurs to do so. This remedy shall be in addition to all remedies available to the Village under this chapter, at law or in equity.