

Sec. 94-142. Repair of damage by developer.

Sidewalks provided by a developer that are damaged prior to occupancy shall be repaired by the developer prior to the date of final occupancy, or if repairs cannot be made, a cash escrow in an amount equal to 150 percent of the projected cost for such repairs shall be posted with the city.

(Code 1976, § 7-17.05.02)

Sec. 94-143. Repair or reconstruction by property owner.

(a) *Written notice.* Upon determination by the department of public service that any sidewalk or portion thereof is in need of repair or elimination from encroachment, the department shall serve a written notice upon the adjoining property owner to the portion of such sidewalk requiring repair or elimination of encroachment by first class mail to the last known address of such owner in accordance with the following:

- (1) *Determination of property owners.* Adjoining property owners shall be determined from the current city tax roll.
- (2) *Proration of cost among adjoining owners.* When a sidewalk requiring repair or reconstruction is contiguous to more than one lot or parcel, costs of such repair or reconstruction shall be prorated between adjoining property owners on the basis of front footage repaired.
 - a. The failure of one adjoining property owner to undertake such repair where such sidewalk abuts more than a single parcel shall not excuse the remaining adjoining property owner from the duties established in this section.
 - b. Such notice shall require that the adjoining property owner shall perform such repairs or elimination of encroachments within 120 days of the date of such notice.

(b) *Failure to comply.* Failure to comply shall subject the owner to the following:

- (1) *Correction by city; owner billed cost.* If the adjoining property owner fails to repair the sidewalk or remove the encroachment

within 120 days of such notice, the city may perform the repair or remove the encroachment and bill such adjoining property owner the total cost thereof, together with an additional fee of 15 percent for engineering supervision and general administration expense.

- (2) *Lien against property.* If payment is not received by the city within 60 days after such billing, such amount shall become a lien on the property and shall be assessed and collected in the same manner as other taxes and assessments under the Michigan General Property Tax Laws, Public Act No. 206 of 1893 (MCL 211.1 et seq., MSA 7.1 et seq.).

(Code 1976, § 7-17.05.03)

Secs. 94-144—94-170. Reserved.

ARTICLE IV. VACATING STREETS, ALLEYS OR PUBLIC GROUNDS

Sec. 94-171. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a minor thoroughfare, under the jurisdiction and control of the city, open to public use, for the purpose of ingress and egress to service adjacent buildings or property.

Public ground means any real property or interest therein owned or possessed by the city, other than an alley or a street.

Public utility means any person, municipal department, board or commission duly authorized to furnish and furnishing to the public, under federal, state or municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

Street means the entire width between boundary lines of every way, other than an alley, that is publicly maintained and under the jurisdiction