

ORDINANCE NO. 6-100

AN ORDINANCE TO REGULATE USE, DAMAGE TO, EXCAVATION, AND CONSTRUCTION
ON, IN, UNDER, OR OVER STREETS, ALLEYS AND OTHER PUBLIC PROPERTY, AND
TO REQUIRE A PERMIT FOR EXCAVATION OR CONSTRUCTION

THE CITY OF ISHPEMING ORDAINS:

Section 6-101. No person shall disturb or tear up by digging, excavating, trenching, boring or any similar method, any macadam, pavement, ground, roadway, sidewalk, alley, avenue, street, park, or any other public place in the City of Ishpeming without first having secured a permit therefor from the City Manager.

Section 6-102. The City Manager shall prepare an application form for the issuance of such permits, wherein the applicant shall indicate the type of work or construction proposed to be undertaken, the specific location thereof, including a description of the public property to be affected thereby, and the proposed starting and completion dates of the work.

Section 6-103. The City Manager shall review the proposed excavation or construction work with the Superintendent of Public Works to determine whether the work will unreasonably interfere with or endanger public safety, health or property, and also to determine the cost to the City of completing repairs if the applicant fails to properly complete the work.

If the City Manger determines that the work will not unreasonably interfere with or endanger public health, safety or property, he shall issue a permit for the work; provided, however, that no permit shall be issued until and unless the applicant posts a cash bond with the City, or a bond endorsed by a surety company authorized to do business in Michigan, guaranteeing the completion of repair work to the satisfaction of the City Manager, in such amount as shall be determined by the City Manager; provided, further, however, that such bond shall be in an amount not less than \$100.

Every public utility operating in the City of Ishpeming shall be required to comply with the provisions of this ordinance, except that any public utility may post a blanket bond, in cash or endorsed by a surety company authorized to do business in Michigan, in the amount of \$5,000.

Section 6-104. It shall be the duty of every person disturbing or tearing up any public property as aforesaid to forthwith and as soon as practicable complete the work or repairs and to put such street, alley or public place in as good order and condition as before such work was commenced, to the satisfaction of the City Manager. Such person shall notify the City Manager immediately upon completion of the work.

Section 6-105. If the City Manager is not satisfied with the quality of the repair work in restoring the public property to its previous condition, he shall so advise the permit holder in writing pointing out the defects or conditions to be corrected. If the permit holder fails to make such corrections within five (5) days of receipt of such written notice, the City shall complete the repairs and shall proceed against the permit holder, the cash bond or the surety company, or any combination thereof, to recover for all costs incurred by the City. If a cash bond has been posted, the City may forfeit the bond or so much thereof as is necessary to pay for the repairs.

Section 6-106. If any permit holder fails to make the corrections set forth in

Section 6-105 within the time period specified therein, such person shall not be issued a permit for any future work unless a cash bond is furnished with respect to all future work.

Section 6-107. No permit need be secured by any public utility prior to repairs in the case of emergency repairs. In such event, notice of the emergency repairs shall be given to the City Manager not later than 72 hours after the emergency repairs have been commenced, at which time a permit shall be applied for.

Section 6-108. No person shall encumber, or obstruct, or cause to be encumbered or obstructed, any street, lane, alley or other public place within the City of Ishpeming, by placing therein or thereon any material or any article or thing whatsoever.

Section 6-109. No person shall place, install, plant or erect any pole, post, tent, shading device, or other structure, or hang any banner, sign, rope, cable, wire or string in, under, over or upon any portion of any street, alley or other public place in the City. No person shall penetrate the surface of any street, road, sidewalk, alley, or other public place which has a concrete or macadamized surface. This prohibition includes, but is not limited to, a prohibition against the driving of stakes, poles, fencing, nails, and any other device which penetrates the surface of any concrete or macadamized surface. Notwithstanding the provisions of Section 6-101 herein, the city Manager is not authorized to issue any permit that would authorize anything prohibited under this Section 6-109.

Section 6-110. Any person violating any of the provisions of this ordinance shall be punished by a fine of not more than \$100.00 or imprisonment in the County Jail for a period of not to exceed 90 days, or both.

Section 6-111. This ordinance shall take effect upon publication.

Adopted: August 6, 1975

Amended: September 3, 2014