

ORDINANCE NO. 51

USE OF STREETS AND RIGHT-OF-WAYS

AN ORDINANCE REGULATING THE USE OF STREETS AND

RIGHT-OF-WAYS WITHIN VILLAGE OF GRAND BEACH

THE VILLAGE OF GRAND BEACH ORDAINS.

Section 1. No persons, firm or corporation or public utility or franchise shall for any purpose whatsoever, remove any of the surface material from any of the streets or right-of-ways within the Village of Grand Beach, nor make any opening or excavation in or under any such streets within the right-of-way without first having obtained a permit therefore from the Village Clerk.

Section 2. Application for such permit shall be in writing and directed to the Village Clerk or Deputy Village Clerk, shall be approved by the Village Street Commissioner and shall give the following information.

- a. Location of such proposed work.
- b. Estimated size of such opening or excavation.
- c. Estimated area of right-of-way to be impacted and vegetation effected or street surface material to be removed.
- d. Approximate number of days required for said work.

The Village may require as a condition of approval that the applicant complete a full block or other natural division to reduce multiple excavations or damage to streets and right-of-ways. Further, utility repairs, extensions, improvements or removals shall, when deemed feasible by the Village, be done in conjunction with other utility companies or services.

Section 3. No such permit shall be granted unless and until such applicant

shall deposit with the Village Clerk sufficient cash or acceptable bond to cover the cost of making satisfactory and proper repairs in replacement of all street surface removed or right-of-way restoration to original condition with materials of equal or superior quality. The amount of said deposit shall be determined by the Village Clerk or at the request of the applicant, by the Village Council and said amount shall be stated upon the application and the permit when issued..

Section 4. When the conditions herein contained have been complied with, such permit shall be issued to the applicant. Such permit shall be numbered and dated, shall show the name and address of the applicant, the address of the proposed work and the date upon which such permit expires. Such permit shall not be transferable and shall only be extended upon good cause shown and the approval of the Village Street Commissioner.

Section 5. Said applicant shall notify the Village Street Commissioner and each abutting property which is directed effected by said application as to the date and time it intends to commence said Work and a date for completion of such work by restoring and replacing right-of-way conditions and street surface materials and such work shall be done under the supervision of the Village Street Commissioner.

Section 6. The said Village of Grand Beach may at its option perform the work of making repairs, restoration or replacements of street and right-of-way to complete the work and deduct the cost and charges thereof from the deposit paid by applicant or charge the same to applicant's account. Upon satisfactory completion of the work the balance of said deposit, remaining in the hands of the Village Clerk, shall be returned to said applicant. The intention of said Village of Grand Beach to make or not make repairs and replacements of street and right-of-ways, shall be indicated on the permit granted to applicant, according to the recommendations of the Village Street Commissioner.

Section 7. During the progress of said work the applicant shall at all times keep the said work properly guarded and lighted and use such means as are necessary to safeguard the persons and property of those traveling upon the streets and sidewalks where such work is in progress.

Section 8. No permit shall be granted to any applicant who is indebted to the Village of Grand Beach for making repairs and replacements of street or right-of-way to complete a work under a permit formerly issued pursuant to this ordinance.

Section 9. Any person who shall violate any of the provisions of this ordinance shall, upon conviction thereof be punished by a fine of not to exceed Five Hundred Dollars or by imprisonment, in the county jail not exceeding ninety days or both such fine and imprisonment in the discretion of the court, together with the costs of prosecution, and in default of payment may be imprisoned not to exceed ninety days.

This ordinance shall take effect after the adoption and publication thereof.

ORDINANCE DECLARED ADOPTED.

CAROLE S. NAGY, Village Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the VILLAGE OF GRAND BEACH, County of Berrien, State of Michigan, at a Regular Meeting, held on March 19, 1997, and that said Meeting was conducted and public notice of said meeting was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act.

CAROLE S. NAGY, Village Clerk