

ORD #26-003

An ordinance to amend Chapter 42, Streets, Sidewalks and Other Public Places, Article I, In General, of the Port Huron Code of Ordinances, to provide requirements for bicycles on sidewalks.

Additions are in yellow

~~Deletions are crossed out in red~~

THE CITY OF PORT HURON ORDAINS:

That Chapter 42, Street, Sidewalks and Other Public Place, Article I, In General, of the Port Huron Code of Ordinances, is hereby amended to provide requirements for bicycles on sidewalks, as follows:

**CHAPTER 42.
STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
ARTICLE I. In General**

Sec. 42-1. Violations as municipal civil infractions.

No change.

Sec. 42-2. Definitions.

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

BICYCLE – A vehicle with two or three wheels, solely human-powered, propelled by operable pedals (or a hand-driven equivalent) affixed to a mechanical propulsion system transmitted to one or more wheels, and has handlebars for steering and a saddle seat. A trike or tricycle is a three-wheeled bicycle.

DEPARTMENT – The Department of Public Works.

DIRECTOR — The Public Works Director.

ELECTRIC BICYCLE – A two- or three-wheeled cycle with a seat or saddle for the rider, fully operable pedals, and an electric motor as defined by MCL 257.13e.

ELECTRIC SCOOTER – A standing scooter with a center column and no seat or operable pedals, propelled by an electric motor.

HUMAN-POWERED – Describes a vehicle that can be propelled without motor assistance and solely by means of human energy input.

MOBILITY SCOOTER – A seated personal transporter that usually has three or four wheels, is propelled by an electric motor, and has a floorboard or foot pegs but no operable pedals. It is designed as a mobility aid for people with impaired mobility. A mobility scooter is not considered an electric scooter for the purposes of this article unless specified.

MOPED – A two- or three-wheeled vehicle which is equipped with a motor that does not exceed 50 cubic centimeters piston displacement, produces 2.0 brake horsepower or less, and cannot propel

the vehicle at a speed greater than 30 miles per hour on a level surface. The power drive system shall not require the operator to shift gears.

OPERABLE PEDALS – A pair of foot-operated levers or hand-driven equivalent affixed to a mechanical propulsion system that enables a vehicle to be propelled by human power.

SCOOTER – A standing scooter with a center column and no seat or operable pedals, propelled by a rider pushing off the ground.

SIDEWALK – That portion of a street between the curblines or edge of the roadway and the right-of-way lines and includes lawn extensions and sidewalks and the area reserved therefor where the lawn extensions and sidewalks are not yet constructed.

STREET – All of the land lying between property lines on either side of all streets, alleys and boulevards in the City and includes lawn extensions and sidewalks and the area reserved therefor where the lawn extensions and sidewalks are not yet constructed.

Sec. 42-3 thru 42-12.

No changes.

~~**Sec. 42-13. Installation of telephone booths in rights-of-ways.**~~

~~Notwithstanding any other section of this Code or other City ordinance to the contrary, the City Council may, by contract, for public convenience and necessity, authorize the installation of outdoor commercial telephone booths on that portion of a street located between the property lot lines and the curb within City-owned rights-of-way.~~

Sec. 42-13⁴. Playing ball, obstructing traffic.

No person shall play any ball game in any public street or sidewalk or otherwise obstruct traffic on any street or sidewalk by collecting in groups thereon, for any purpose.

Sec. 42-14⁵. Moving buildings.

No person move, transport or convey any building or other similar bulky or heavy object upon any street, without first obtaining a permit and filing a bond in such sum as shall be fixed by the Public Works Director, the amount of such bond to be commensurate with the risk of damage or injury involved. Such permit shall designate the route to be followed and the time within which the movement shall be completed, and any necessary repairs to any street or installation upon, in or over any street and trees resulting from the movement done under such permit shall be completed. No permittee shall fail to comply with the conditions specified on the permit nor fail to obey any order of the director given in connection with the movement of any such building. No person shall fail to promptly restore any such damage done by him or her under such permit, to the satisfaction of the Director.

Sec. 42-15⁶. Maintenance of street vaults, manholes, awnings.

Every owner and every person in control of any estate maintaining a sidewalk vault, coalhole, manhole or any other excavation or any post, pole, sign, awning, wire, pipe, conduit or other structure in, under, over or upon any street which is adjacent to or a part of his or her estate shall do so only on condition that such maintenance shall be considered as an agreement on his or her part with the City to keep such and the covers thereof and any gas and electric boxes and tubes thereon in good repair and condition at all times during his or her ownership or control thereof and to indemnify and save harmless the City against all damages or actions at law that may arise from or be brought by reason of such excavation or structure

being under, over, in or upon the street or being unfastened, out of repair or defective during such ownership or control.

Sec. 42-167. Removal of snow and ice from sidewalks.

- (a) The occupant of every lot or premises adjoining any street or the owner of such lot or premises, if the premises are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time required in this section. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within 12 hours after such cessation. When a fall of snow or ice shall have ceased during the nighttime, it shall be cleared from the sidewalks by 6:00 p.m. of the day following.
- (b) If any occupant or owner shall neglect or fail to clear ice or snow from the sidewalk adjoining his or her premises within the time limit or shall otherwise permit ice or snow to accumulate on such sidewalk, he or she shall be guilty of a violation of this section, and in addition the Public Works Director may cause the ice or snow to be cleared. The expense of removal shall become a debt to the City from the occupant or owner of such premises and shall be collected as any other debt to the City.

Sec. 42-178. Street excavations generally.

- (a) No person shall make any excavation or opening in or under any street without first obtaining a written permit from the Public Works Director and furnishing a bond pursuant to § 42-4. The Public Works Director may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided that a permit shall be obtained on the following business day and the applicable sections of this chapter shall be complied with.
- (b) No permit to make any opening or excavation in or under a paved street shall be granted to any person within a period of three years after the completion of any paving or resurfacing thereof. If a street opening is necessary as a public safety measure, the Public Works Director may suspend the operation of this subsection, as to such street opening.
- (c) All openings and excavations made pursuant to this section shall be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.

Sec. 42-189. Curb cuts and sidewalk driveway crossings.

- (a) No opening in or through any curb of any street shall be made without first obtaining a written permit from the Public Works Director. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:
 - (1) No single residential curb cut shall exceed 26 feet nor be less than 12 feet.
 - (2) No single nonresidential curb cut shall exceed 40 feet nor be less than 12 feet.
 - (3) The minimum distance between any curb cut and a public crosswalk, utility pole or fire hydrant shall be five feet.
 - (4) The minimum distance between curb cuts, except those serving residential property, shall be 25 feet.

- (5) The maximum number of linear feet of sidewalk driveway crossing permitted for any lot, parcel of land, business or enterprise shall be 45% of the total abutting street frontage, up to and including 200 linear feet of street frontage, plus 20% of the linear feet of street frontage in excess of 200 feet.
 - (6) Any necessary authorized adjustments to utility poles, light standards, fire hydrants, catchbasins, street or railway signs or signals, or other public improvements or installations shall be accomplished without cost to the City.
 - (7) All construction shall be in accordance with plans and specifications approved by the Public Works Director.
- (b) Exception to the requirements in Subsection (a) of this section may be granted after field inspection by the Public Works Director and the Director of Public Safety, upon written approval given by both the Public Works Director and Director of Public Safety.

Sec. 42-1920. Barricade and lights required for excavations and obstructions.

All street openings, excavations and obstructions authorized by this chapter shall be properly and substantially barricaded and railed off and at night shall be provided with approved warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three feet apart and parallel to the flow of traffic not over 15 feet apart.

Sec. 42-2021. Removal of obstructions and filling of excavations.

Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting landowner when made or permitted by him or her or suffered to remain by him or her, otherwise than in accordance with the terms and conditions of this chapter. The procedure for collection of such expenses shall be as prescribed in this Code for single lot assessments, upon not less than seven days' notice to such landowner in accordance with § 2-768.

Sec. 42-2122. Temporary street closings.

The Public Works Director shall have authority to temporarily close any street or portion thereof when he or she shall deem such street to be unsafe or temporarily unsuitable for use for any reason. He or she shall cause suitable barriers and signs to be erected on the street indicating that the street is closed to public travel. When any street or portion thereof shall have been closed to public travel, no person shall drive any vehicle upon or over such street or park the vehicle thereon, except as may be necessary incidental to any work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the Public Works Director.

Sec. 42-2223. Portion of Krafft Road closed between 9:00 p.m. and 7:00 a.m.

The Krafft Road public right-of-way lying between the westerly water edge of Lake Huron and a point 292 feet east of the east line of Gratiot Avenue shall be closed to the public from 9:00 p.m. to 7:00 a.m. daily, during which time it shall be unlawful for any person, other than authorized personnel, to be present in such area. Such area and prohibition shall be posted in a conspicuous place.

Sec. 42-2324. Portion of Holland Avenue closed between 10:00 p.m. and 7:00 a.m.

The Holland Avenue public right-of-way lying between the westerly water edge of Lake Huron and the east right-of-way line of Conger Street shall be closed to the public from 10:00 p.m. to 7:00 a.m.

daily, during which time it shall be unlawful for any person, other than authorized personnel, to be present in such area. Such area and prohibition shall be posted in a conspicuous place.

Sec. 42-24~~25~~. Portion of Ballentine Street closed between 9:00 p.m. and 7:00 a.m.

The Ballentine Street public right-of-way lying between the westerly edge of Lake Huron and the east right-of-way line of Conger Street shall be closed to the public from 9:00 p.m. to 7:00 a.m. daily, during which time it shall be unlawful for any person, other than authorized personnel, to be present in such area. Such area and prohibition shall be posted in a conspicuous place.

Sec. 42-25. Prohibited use of sidewalks.

No person shall operate an electric bicycle, electric scooter, moped, or other motor vehicle upon any sidewalk within the City unless it is used in human-powered mode. This section shall not be construed to prohibit the use of sidewalks by persons riding human-powered bicycles, mopeds, or scooters. This section shall also not be construed to prohibit the use of sidewalks by persons using motorized or nonmotorized wheelchairs or other mobility devices.

Sec. 42-26. Right-of-way established – Safety and courtesy.

- (a) A person operating a bicycle shall yield the right-of-way to a pedestrian and shall give an audible signal before overtaking and passing a pedestrian.
- (b) The speed limit for any bicycle on a sidewalk is 15 miles per hour. Users must travel on the right-hand side of the path.
- (c) Path users must remain attentive to their surroundings and not engage in behavior that poses a risk to the health, safety, or well-being of others on the path. Dogs must be kept under control and on a leash that does not obstruct the sidewalk.
- (d) The City may establish courtesy rules and post these along the sidewalk, on the City website, and in other forms of communication. Courtesy rules shall be approved by the City Manager.

§ 42-27~~26~~. through § 42-55. (Reserved)

ADOPTED:

PUBLISHED:

EFFECTIVE: