

## **TITLE XV: LAND USAGE**

### Chapter

- 150. BUILDING REGULATIONS; CONSTRUCTION**
- 151. STREETS, ALLEYS AND RIGHTS-OF-WAY;  
SIDEWALKS**
- 152. FLOODPLAIN MANAGEMENT**
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## **Port Sanilac – Land Usage**

## CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

### Section

#### *Address Numbering*

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#### ***ADDRESS NUMBERING***

##### **§ 150.01 TITLE.**

The name of this subchapter shall be the “Address Numbers Ordinance”.  
(1989 Code, § 1A.00.00) (Ord. 02-1, passed 5-14-2002)

##### **§ 150.02 JURISDICTION.**

The geographic location affected by this subchapter shall be all properties within the jurisdictional boundaries of the village.  
(1989 Code, § 1A.01.00) (Ord. 02-1, passed 5-14-2002)

##### **§ 150.03 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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**ASSIGNED ADDRESS NUMBER.** An address which has been designated for a site by the utility company prior to this subchapter or the affected utility company after the effective date of this subchapter.

**PRINCIPAL BUILDING.** The main building located on a parcel or lot. Garages, pole barns and other buildings which are normally accessory to other structures shall not be deemed to be the **PRINCIPAL BUILDINGS** unless they are provided with a separate electrical meter.  
(1989 Code, § 1A.02.00) (Ord. 02-1, passed 5-14-2002)

### § 150.04 APPLICATION.

(A) All applicants for building permits for construction of a dwelling or other principal building shall also apply for an address number for the structure.

(B) (1) The number shall also apply for an address number for the structure.

(2) The number shall be issued by the utility company as soon as all required information is provided by the village.  
(1989 Code, § 1A.03.00) (Ord. 02-1, passed 5-14-2002)

### § 150.05 POSTING.

Each dwelling or other principal building on a parcel of land within the village shall post the assigned address number. The number must be visible from the road. Whenever a dwelling or principal building is located more than 100 feet from the center of a public or private road, or otherwise difficult to see from the road, the owner shall post the address number at the point at which the driveway enters the public or private road.  
(1989 Code, § 1A.04.00) (Ord. 02-1, passed 5-14-2002) Penalty, see § 150.99

### § 150.06 NUMERALS.

Each posted address number shall consist of numerals at least three inches in height and be of a contrasting color to the attached house.  
(1989 Code, § 1A.05.00) (Ord. 02-1, passed 5-14-2002) Penalty, see § 150.99

### § 150.07 NEW CONSTRUCTION.

Whenever a new dwelling or other principal building is constructed, the address number shall be posted in compliance with this subchapter at the time construction is commenced. However, if the address number has not been issued prior to commencement of construction, the address number shall be posted within 24 hours after being issued. New numbers will be issued by the utility company.  
(1989 Code, § 1A.06.00) (Ord. 02-1, passed 5-14-2002) Penalty, see § 150.99

## **§ 150.08 MULTIPLE ADDRESS NUMBERS.**

Developments which need individual numbers for location within the site shall comply as follows.

(A) *Mobile home parks.* The mobile home park shall be assigned a single address number for the public road on which the park is located. Individual home sites within the park shall be designated by that address number plus the lot number of the site. Lots shall be consecutively numbered. Each internal street shall have continuously maintained signs indicating the range of lot numbers on that street.

(B) *Multiple-family dwellings.* Each individual building shall receive an address number. Each unit within that building shall receive a number which includes the building address number, plus a number indicating the floor and unit.

(C) *Multiple unit buildings.* All other principal buildings containing more than one unit shall receive an address number. The individual unit number shall be determined by the enforcement agency

based upon the layout and location of the structure.

(1989 Code, § 1A.07.00) (Ord. 02-1, passed 5-14-2002) Penalty, see § 150.99

## **§ 150.09 PRIVATE ROADS.**

In the event that the dwelling or principal building is located on a private road, there shall also be erected a road sign identifying the name of the private road, in conformity with village road signage requirements, where the private road enters the public road. The name of the private road shall be reviewed and approved by the designated agency for registry of private road names in the village.

(1989 Code, § 1A.08.00) (Ord. 02-1, passed 5-14-2002)

## **§ 150.10 ENFORCEMENT AGENCY.**

The Village Council shall designate a specific entity or official to serve as the agency to administer and enforce this subchapter.

(1989 Code, § 1A.09.00) (Ord. 02-1, passed 5-14-2002)

## **§ 150.99 PENALTY.**

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(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99(A) of this code of ordinances.

(B) Those who do not comply with the requirements of §§ 150.01 through 150.10 of this chapter will be guilty of offense Grade 1 infraction.  
(1989 Code, § 1A.10.00) (Ord. 02-1, passed 5-14-2002; Ord. 13-06, passed 10-1-2013)

## CHAPTER 151: STREETS, ALLEYS AND RIGHTS-OF-WAY; SIDEWALKS

### Section

#### *Street Vacations*

- 151.01 Charter provisions
- 151.02 Initiation
- 151.03 Notice of hearing
- 151.04 Objections
- 151.05 Ordinance of abandonment

#### *Sidewalks; Construction, Maintenance and Use*

- 151.20 Council resolution
- 151.21 Notice of sidewalk improvements
- 151.22 Plans and specifications
- 151.23 Sidewalk construction permit
- 151.24 Revocation of permit
- 151.25 Responsibility for sidewalk condition
- 151.26 Payment of the costs assessed as taxes
- 151.27 Consent to assess as taxes
- 151.28 Riding, parking or driving on sidewalks

#### *Snow Removal*

- 151.40 Duty of snow removal
- 151.41 Snow removal by village

#### ***Cross-reference:***

*Address numbering, see §§ 150.01 through 150.10*

*Health and Sanitation; Nuisances, see Ch. 92*

*Street Vacations, see TSO Table II*

*Subdivisions and Zoning, see Ch. 153*

### **STREET VACATIONS**

#### **§ 151.01 CHARTER PROVISIONS.**

## **Port Sanilac – Land Usage**

Pursuant to the charter provisions of Public Act 3 of 1895, the General Law for Villages, vacation of streets, alleys, rights-of-way and the like shall be in accordance with Ch. VII, § 13, of said Act, being M.C.L. § 67.13, which, in its current form, prescribes the following sections in this subchapter.

(1989 Code, § 26.100)

### **§ 151.02 INITIATION.**

Upon receipt of a petition from adjacent property owners, or on its own motion, the Village Council may declare its intent to vacate, discontinue or abolish a highway, street, lane, alley or public ground by resolution, which shall set a date, time and place for public hearing and meeting not less than four weeks after the date of the resolution.

(1989 Code, § 26.110)

### **§ 151.03 NOTICE OF HEARING.**

A copy of the resolution declaring intent shall be:

(A) Posted at the Village Hall and in at least two other conspicuous public places in the village within seven days of the initiating meeting. Proof of such posting shall be filed with the resolution by the date of hearing; and

(B) Mailed to owners of contiguous property by certified mail. Proof of such mailing shall be filed with the resolution by the date of hearing.

(1989 Code, § 26.120)

### **§ 151.04 OBJECTIONS.**

(A) Written objections to the vacating or discontinuance of use must be filed with the Village Clerk prior to the hearing.

(B) In event that an objection is filed, the highway, alley, street, lane, public ground or part hereof shall not be vacated or discontinued, except by a vote of two-thirds of the members of the Council.

(1989 Code, § 26.130)

### **§ 151.05 ORDINANCE OF ABANDONMENT.**

(A) If a sufficient number of the Village Council support the vacating, then the Council shall, by amendment to this subchapter, declare the abandonment of the highway, alley, street, lane, public ground or part thereof.

(B) A true copy of the action shall be filed with the Register of Deeds.

(1989 Code, § 26.140)



## ***SIDEWALKS; CONSTRUCTION, MAINTENANCE AND USE***

### **§ 151.20 COUNCIL RESOLUTION.**

The Council of the village shall, by resolution, determine the necessity for the construction, reconstruction and repair of any sidewalk in any street or alley in the village and shall declare, by intention of the village (i.e., declaration of intent), to make such improvement.  
(1989 Code, § 23.100)

### **§ 151.21 NOTICE OF SIDEWALK IMPROVEMENTS.**

(A) Immediately after the passage of the declaration of intent, the Village Clerk shall notify the owners of property adjoining the sidewalk (which is proposed for construction, reconstruction or repair) of the intention of the village to make such improvement and assess the cost thereof against the abutting property owner.

(B) Said notice shall also state that the owner may cause said work to be done by a licensed contractor in conformance with the plans and specifications on file in the office of the Village Clerk at his or her own expense; provided, this work is completed within 30 days after the date of such notice.

(C) Said notice shall be given by personal service if the property owner resides upon the property. If, for any reason, personal service cannot be secured on the owner of the property, the Village Clerk shall serve the property owner of such notice by registered mail, a return card requested.

(D) If the address or residence of the owner of said property is not known or of record in the office of the Village Clerk, substituted service may be had by posting in three of the most conspicuous places in the village, and publishing said notice in a newspaper of general circulation in the village for two consecutive publications.  
(1989 Code, § 23.110)

### **§ 151.22 PLANS AND SPECIFICATIONS.**

(A) All sidewalks shall be constructed in conformity with the plans on file in the office of the Village Clerk, and in accordance with the standard specifications of the village, which shall, at all times hereafter, be subject to change by the village and notice published of such change.

(B) (1) *Residential sidewalks.*

(a) All sidewalks shall be constructed with a four-inch sand base under concrete, four feet wide, four inches deep, six inches deep at apron for driveway to backside of sidewalk.

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(b) All walks shall be built to grade or at a grade approved by the Village Council or DPW Supervisor.

(c) All sidewalks are to be constructed of concrete, including those crossing driveways; sidewalks must not be covered by asphalt.

(d) All walks shall be constructed of a minimum six sack, limestone mix cement, unless approved by the DPW Supervisor.

(e) All sidewalks shall be constructed clear of any and all tree roots and/or other obstructions as specified by the DPW Supervisor.

(f) Sidewalks shall conform with all other construction plans, regulations and specifications prescribed by the Village Council and on file with the Village Clerk, or specified by the DPW Supervisor.

### (2) *Commercial sidewalks.*

(a) Same specifications as residential, except apron approach is to be eight inches minimum or depending on expected load may require increase in depth and reinforcement.

(b) All walks shall be four feet wide and at least four inches in depth.

(c) All walks shall be built to grade or at a grade approved by the DPW Supervisor.

(d) All walks shall be constructed of a minimum six sack, limestone mix cement, unless approved by the DPW Supervisor.

(e) All sidewalks shall be constructed clear of any and all tree roots and/or other obstructions as specified by the DPW Supervisor.

(f) Sidewalks shall conform with all other construction plans, regulations and specifications prescribed by the Council of the village and on file with the Village Clerk, or specified by the Village DPW Supervisor.

(C) The Supervisor (or other agent designated by the Village Council) shall be responsible for inspection of any walk during the construction.

(D) In case of violation, the inspector is directed to stop the work and immediately notify the Village President.

(E) Every public sidewalk shall be stamped with the permit number and year once in every 100 lineal feet thereof.

(1989 Code, § 23.120) Penalty, see § 10.99

## § 151.23 SIDEWALK CONSTRUCTION PERMIT.

(A) No sidewalk shall hereafter be constructed in the village without a permit being obtained therefor from the Village Clerk.

(B) The Village Clerk shall be authorized to issue such permits upon payment of a fee to the Village Treasurer in the amount to be set annually by the Village Council.

(C) This permit shall be secured by the owner of the property abutting said sidewalk or his or her agent and, under the terms of this permit, the owner shall agree to construct this sidewalk in conformity with the grade established by the village and according to specifications attached to such permit.

(D) The Village Clerk is hereby authorized to grant a permit to any property owner to construct a sidewalk in front of or adjacent to any real estate owned by him or her to meet the construction standards recited.

(1989 Code, § 23.130) Penalty, see § 10.99

#### **§ 151.24 REVOCATION OF PERMIT.**

The Village Council may revoke any permit issued under the terms of this subchapter for incompetency or failure to comply with the terms of this subchapter or the rules, regulations, plans and specifications furnished by the village ordinance for the construction, reconstruction or repairing of any sidewalks.

(1989 Code, § 23.140)

#### **§ 151.25 RESPONSIBILITY FOR SIDEWALK CONDITION.**

(A) The owner of the property abutting the sidewalk, covered by such permit, shall be responsible for the condition of said sidewalk.

(B) Any replacement or repairs on this sidewalk shall be at the expense of the property owner or his or her successor in title.

(1989 Code, § 23.150)

#### **§ 151.26 PAYMENT OF THE COSTS ASSESSED AS TAXES.**

(A) The Council of the village shall be and is hereby authorized to construct, reconstruct or repair any sidewalk or crosswalk in any street or alley of said village.

(B) After construction, reconstruction or repair and the confirmation of the charges therefor by the Council, the charges shall be paid by the property owner abutting the said sidewalk forthwith and, if not paid, shall be assessed against the property and become a lien thereon for the payment thereof.

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(C) This lien may be enforced by the municipality by the institution of suit for the collection of same in any court of competent jurisdiction, but no attempt to collect unpaid costs of construction, reconstruction or repair shall in any way invalidate or waive the lien upon the premises.

(D) In case the payment of the construction, reconstruction or repairing of said sidewalk is not paid prior to July 1, in the year after construction, reconstruction or repairing, and the costs therein are assessed as taxes against the abutting property owner, a 3% carrying charge will be assessed and collected as taxes or preferred installments shall bear interest at the rate as the Council may prescribe.

(1989 Code, § 23.160)

### **§ 151.27 CONSENT TO ASSESS AS TAXES.**

Any abutting property owner authorizing the construction, reconstruction or repairing of the said sidewalk thereby also consents to the assessing of the costs thereof against the property as taxes. In the event that sidewalk construction, reconstruction or repairs are financed by creation of a special assessment district, authorization or consent of abutting owners shall not required for collection.

(1989 Code, § 23.170)

### **§ 151.28 RIDING, PARKING OR DRIVING ON SIDEWALKS.**

(A) *Prohibition.* It shall be unlawful for any person to ride, park or drive upon any of the sidewalks within the corporate limits of said village in or on any automobile, truck, motorcycle, wagon, buggy, cart or other motorized vehicles other than single passenger chairs, carts or buggies designed for and operated by handicapped persons.

(B) *Exception.* Handicapped persons in motorized chairs are excepted from this prohibition.

(1989 Code, § 23.300) Penalty, see § 10.99

### ***SNOW REMOVAL***

### **§ 151.40 DUTY OF SNOW REMOVAL.**

The occupant of every lot or premises adjoining any street, or the owners of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such commercial, residential lot or premises within 12 hours after cessation of a two-inch or greater snowfall and businesses within four hours after cessation of a snowfall.

(1989 Code, § 23.200) Penalty, see § 10.99

### **§ 151.41 SNOW REMOVAL BY VILLAGE.**

If any occupant or owner shall 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 in violation of this subchapter, and the DPW Supervisor may cause the same to be cleared and the expense of removal shall become a debt to the village from the occupant or owner of such premises, and shall be collected as any other debt to the village.  
(1989 Code, § 23.210)

## Port Sanilac – Land Usage

### CHAPTER 152: FLOODPLAIN MANAGEMENT

#### Section

- 152.01 Agency designated
- 152.02 Code appendix enforced
- 152.03 Designation of regulated flood-prone hazard area

#### **§ 152.01 AGENCY DESIGNATED.**

Pursuant to the provisions of the State Construction Code, in accordance with Public Act 230 of 1972, § 8b (6), being M.C.L. §§ 125.1501 through 125.1531, as amended, the Building Official of the county is hereby designated as the enforcing agency to discharge the responsibility of the village under Public Act 230 of 1972, being M.C.L. §§ 125.1501 through 125.1531, as amended. The county assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this chapter.  
(1989 Code, § 12A.00.00) (Ord. 11-6, passed 12-6-2011)

#### **§ 152.02 CODE APPENDIX ENFORCED.**

Pursuant to the provisions of the State Construction Code, in accordance with Public Act 230 of 1972, § 8b (6), being M.C.L. §§ 125.1501 through 125.1531, as amended, Appendix G of the State Building Code shall be enforced by the enforcing agency within the village.  
(1989 Code, § 12A.01.00) (Ord. 11-6, passed 12-6-2011)

#### **§ 152.03 DESIGNATION OF REGULATED FLOOD-PRONE HAZARD AREA.**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled “Sanilac County, Michigan (All Jurisdictions)” and dated 1-6-2012 and the Flood Insurance Rate Maps (FIRMS) panel number(s) of 0358B and 0366B dated 1-6-2012 are adopted by reference for the purposed of administration of the State Construction Code, and declared to be a part of § 1612.3 of the State Building Code, and to provide the contents of the “Flood Hazards” section of Table

R301.2(1) of the State Residential Code.

(1989 Code, § 12A.02.00) (Ord. 11-6, passed 12-6-2011) (Ord. 2021-01, passed 08-17-2021)

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**CHAPTER 153: SUBDIVISIONS AND ZONING**

Section

153.01 Regulations adopted by reference

**§ 153.01 REGULATIONS ADOPTED BY REFERENCE.**

The village's subdivision and zoning regulations, and any and all amendments thereto, are hereby adopted by reference and incorporated herein as if set out in full.  
(Ord. 08-01, passed 3-18-2008; Ord. 08-02, passed 3-18-2008; Ord. 08-03, passed 3-18-2008; Ord. 11-03, passed 5-3-2011; Ord. 11-05, passed 7-19-2011)