**TITLE XV: LAND USAGE**

Chapter

**150.** **DANGEROUS BUILDINGS**

**151. STREETS, SIDEWALKS AND PUBLIC PROPERTY**

**CHAPTER** **150:** **DANGEROUS BUILDINGS**

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**150.01 TITLE.**

This chapter shall be known and cited as the Lake Linden Village Dangerous Buildings Ordinance.

(Prior Code, Ch. 9048, I)

**150.02 DEFINITION.**

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

***DANGEROUS BUILDING.*** Any building or structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

(1) Whenever any door, aisle, passagement, stairway or other means of ingress or egress does not conform to the approved Fire Code of the village, it shall be considered that such building does not meet the requirements of this chapter;

(2) Whenever any portion has been damaged by fire, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause in such a manner that the structural strength or stability is appreciably less than the minimum requirements of the Housing Law of the state, being Public Act 167 of 1917, as amended, being M.C.L.A.  125.401 et seq., or the Building Code of the county, as adopted by the village, for a new building or similar structure, purpose or location;

(3) Whenever any portion or member or appurtenance or part of a building is likely to fall or to become detached or dislodged, or to collapse and thereby injure persons or damage property;

(4) Whenever any portion has settled to such an extent that walls or other structural portions have materially less resistance to wind than is required in the case of new construction by the Housing Law of the state, being Public Act 167 of 1917, as amended, being M.C.L.A.  125.401 et seq., or the Building Code of the county, as adopted by the village;

(5) Whenever the building or structure or any part, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or for other reason, is likely to partially or completely collapse or some portion of the foundation or underpinning is likely to fall or give way; and

(6) Any building that meets the definition of a dangerous building, as defined by M.C.L.A.  125.539. This particular section of the Housing Law of the state is adopted by reference.

(Prior Code, Ch. 9048, II)

**150.03 PROHIBITION OF DANGEROUS BUILDINGS.**

It shall be unlawful for any owner or agent of the building, in whose name the property appears on the last local tax assessment records of the village thereof, to allow to remain any building or part thereof which is a dangerous building, as defined in this chapter.

(Prior Code, Ch. 9048, III) Penalty, see  10.99

**150.04 NOTICE OF DANGEROUS BUILDING; HEARING.**

(A) When the whole or any part of any building or structure is found to be in a dangerous condition and has been alleged to be a dangerous building, the village, through the Village Building Inspector, shall issue a notice of the dangerous condition.

(B) Such notice shall be directed to the owner or agent of the building in whose name the property appears on the last local tax assessment records of the village.

(C) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building, at which time and place the person to whom the notice is directed shall have the opportunity to show cause at the hearing as to why the Hearing Officer should not order the building or structure to be demolished, otherwise made safe or properly maintained.

(D) All such notices required by this chapter shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service, may be mailed by certified mail, return receipt requested, addressed to such owner or agent at the address shown on the tax records, at least 30 days before the date of the hearing described in the notice. If any person to whom a notice is directed is not personally served, in addition to mailing the notice, a copy thereof shall be posted upon a conspicuous part of the building or structure.

(Prior Code, Ch. 9048, IV)

**150.05 ADDITIONAL NOTICE TO MORTGAGE HOLDER OR LIEN HOLDER.**

Notice shall also be served upon any party‑in‑interest, lien holder or mortgage holder of the alleged dangerous building. The purpose of the notice is to allow the above listed parties to participate in the hearing process described in this chapter. It does not impose upon them an affirmative obligation to comply with the Hearing Officer or Village Council decisions or orders unless the lien holder or mortgage holder is also the owner of the building. Notice of each stage of the proceedings shall be given to any party‑in‑interest, lien holder or mortgage holder of the alleged dangerous building.

(Prior Code, Ch. 9048, V)

**150.06 DANGEROUS BUILDING HEARING OFFICER; DUTIES; HEARING ORDER.**

(A) A Hearing Officer shall be appointed by the village to serve at the pleasure of the village. The Hearing Officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector or a member of a community housing organization.

(B) The Village Building Inspector shall file a copy of the notice of the dangerous condition of any building with the Hearing Officer.

(C) At any hearing held, the Hearing Officer shall take testimony of the Building Inspector, the owner of the property and any other interested party. Not more than five days after completion of the hearing, the Hearing Officer shall render a decision either rendering the allegations unfounded, or ordering the building or structure to be demolished, or otherwise made safe, or properly maintained

(D) If the Hearing Officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the Hearing Officer shall enter an order that specifies what action the owner or agent shall take and will set a date by which the owner or agent shall comply with the order. The date for compliance with the order shall be no earlier than 30 days from the date of the order. Extensions for compliance with the order may be granted by the Hearing Officer for good cause. The order may require the owner or agent to maintain the exterior of the grounds owned by the owner of the building including, but not limited to, trees and drainage.

(E) If the owner or agent fails to appear at the hearing or neglects or refuses to comply with the order, the Hearing Officer shall file a report of his or her findings and a copy of his or her order with the Village Council not later than five days after the date set for compliance in the order. The Hearing Officer shall also request that the necessary action be taken to demolish, otherwise make safe or properly maintain the building or structure. A copy of such findings and order of the Hearing Officer shall be served on the owner or agent in the manner prescribed in  150.04(D) of this chapter.

(Prior Code, Ch. 9048, VI)

**150.07 IMPLEMENTATION AND ENFORCEMENT OF REMEDIES.**

Upon receiving the findings and order of the Hearing Officer, the Village Council shall fix a date, within 30 days, for hearing, reviewing the findings and order of the Hearing Officer and shall give notice to the owner or agent in the manner prescribed in  150.04(D) of this chapter of the time and place of the hearing. At the hearing, the owner or agent shall be given the opportunity to show cause why the order should not be enforced. The Village Council shall either approve, disapprove or modify the order. If the order is approved or modified, the owner or agent shall comply with the order within 60 days after the date of the hearing. For an order of demolition, if the Village Council determines that the building or structure has been substantially destroyed by fire, wind, flood, deterioration, neglect, abandonment, vandalism or other cause, and the cost of repair of the building or structure will be greater than the fair market value of the building as determined by a qualified and certified appraiser, the owner or agent shall comply with the order of demolition within 60 days after the date of the hearing under this section.

(Prior Code, Ch. 9048, VII)

**150.08 SANCTION FOR NON-CONFORMANCE WITH ORDER.**

(A) In the event of the failure or refusal of the owner or agent to comply with the decision of the Village Council, the Village Council may, in its discretion, but has no obligation to, contract for the demolition or making safe of the dangerous building. The cost of demolition includes, but is not limited to, fees paid to Hearing Officers, costs of title searches or commitments used to determine the parties in interest, recording fees for notices and liens filed with the County Register of Deeds, demolition and dumping charges, court reporter attendance fees and the costs of the collection of any other charges authorized under the Housing Law of the state, being Public Act 167 of 1917, as amended, being M.C.L.A.  125.401 et seq. The cost of the demolition, of making the building safe or maintaining the exterior of the building or structure or grounds adjoining the building or structure incurred by the village to make the building or structure safe shall be reimbursed to the village by the owner or agent in whose name the property appears.

(B) The owner or agent in whose name the property appears upon the last local tax assessment records shall be notified by the Assessor of the amount of the cost of the demolition, of making the building safe or of maintaining the structure or grounds adjoining the building or structure by certified mail, return receipt requested, at the address shown on the records. If the owner or party in interest fails to pay the cost within 30 days after mailing by the Assessor of the notice of the amount of the cost, the city, village or township shall have a lien for the cost incurred by the city, village or township to bring the property into conformance with this act. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the general property tax act, Public Act 206 of 1893, being M.C.L.A.  211.1 to 211.157.

(C) In addition to the remedies outlines in this chapter, the village may bring an action against the owner of the building or agent for the full cost of the demolition, of making the building safe or of maintaining the building or grounds of the building. The village may also seek costs as outlined in division (A) above, in addition to attorney costs and fees for bringing an action. The village shall have a lien on the property for the amount of a judgment obtained under this section. The lien provided does not take effect until notice of the lien is filed or recorded as provided by law. The lien shall have priority over prior filed or recorded liens and encumbrances.

(Prior Code, Ch. 9048, VIII)

**150.09 APPEAL OF DECISION.**

An owner or party in interest aggrieved by the final decision of the Village Council may appeal the decision or order to the Circuit Court for the county by filing a petition for an order of superintending control within 20 days from the date of such decision.

(Prior Code, Ch. 9048, IX)

**CHAPTER 151: STREETS, SIDEWALKS AND PUBLIC PROPERTY**

Section

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***GENERAL PROVISIONS***

**151.01 DANGEROUS EXCAVATIONS.**

(A) *Excavation or holes.*

(1) The existence within the village limits of any unprotected, unbarricaded, open or dangerous excavation, holes, pits or wells or of any excavations, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety, morals and preservation of natural resources are hereby prohibited and declared a public nuisance; provided, however, that, this section shall not prevent the construction of excavations under a permit of the village, where such excavations are properly protected and warning signs and lights located in an approved manner; and, provided further that, this section shall not apply to drains created or existing by authority of the county, the village or other governmental agency. Where the Council shall determine a nuisance to exist, as herein defined, it shall notify the owner as shown on the latest tax rolls in writing of such finding and require the owner to abate such nuisance within a reasonable time, in no event less than 30 days.

(2) If, at the expiration of any time limit in said notice, the owner has not complied with the requirements thereof, the Council shall carry out the requirements of said notice. The cost of such abatement shall be charged against the premises and the owner thereof in accordance with the provisions of  19, 20 and 21 of Ch. VIII of the Charter.

(B) *Emergency abatement.* The Village President may abate any such public nuisance, if the public safety requires immediate action, without preliminary notice to the owner. Thereafter, the cost of abating such nuisance shall be charged against the premises and the owner thereof in accordance with the provisions of  19, 20 and 21 of Ch. VIII of the Charter.

(Prior Code, Ch. 9049) Penalty, see  151.99

**151.02 PLACING SNOW, ICE OR OTHER MATERIALS IN STREETS.**

(A) No person, firm, corporation or occupant of premises in the village shall take or remove, or cause to be taken or removed, any snow, ice or other material from any property owned, controlled or occupied by him or her and pile or dump same within the lines of any street of the village, except as herein provided.

(B) (1) Any such person, firm, corporation or occupant of premises in the village may take and remove snow and ice from a driveway on such property and pile same in a public street. It may only be piled along, parallel with, or as a part of the bank of snow formed by the village in its snow plowing operations.

(2) Such snow or ice shall be piled on the bank immediately in front of and adjacent to the property so owned or occupied and in no event shall the snow or ice so placed extend more than two feet six inches further into the roadway than the existing bank.

(C) No person, firm, corporation or occupant of premises in the village shall take or remove, or cause to be removed, any ice, snow or other material from any public walk or from the premises owned or under the control of any person, firm, corporation or occupant, or from the banks of snow formed by the village in its plowing operations and pile or dump same within the street right‑of‑way in such a manner as to reduce the width between the banks of snow formed by the village in its plowing operations by more than two feet six inches, without first arranging, at his or her expense, for the removal of such excess snow or ice from the street right‑of‑way.

(D) Snow, ice or other material moved, piled or dumped in violation of this section may be moved by the village and the expense of such removal charged to the party found in violation of this section in accordance with the provisions of  19, 20 and 21 of Ch. VIII of the Charter.

(E) In the event that any citizen of the village shall suffer any undue hardship as a result of the provisions of this section, exception thereto may be obtained with the prior approval of the Village Council.

(Prior Code, Ch. 4010) Penalty, see  151.99

**151.03 OBSTRUCTIONS GENERALLY.**

It shall be unlawful for any person(s) to block or obstruct any street, sidewalk or way of entrance or exit to any public building or public place in the village, so as to impede the free and uninterrupted passage or flow of the public or vehicular traffic.

(Prior Code, Ch. 4020B, I) Penalty, see  151.99

***SIDEWALKS***

**151.15 DEFINITION.**

***SIDEWALK*** shall mean the portion of the street right‑of‑way designed for pedestrian travel.

(Prior Code, Ch. 4050, 1)

**151.16 SPECIFICATIONS AND PERMITS.**

No person shall construct, rebuild or repair any sidewalk, except in accordance with the line, grade, slope and specifications established for such sidewalk, nor without first obtaining approval from the Council; except that, sidewalk repairs of less than 50 square feet of sidewalk may be made without approval.

(Prior Code, Ch. 4050, 2) Penalty, see  151.99

**151.17 LINE AND GRADE STAKES.**

The village shall furnish line and grade stakes as may be necessary for proper control of the work, but this shall not relieve the owner of responsibility for making careful and accurate measurements in constructing the work to the lines furnished by the village.

(Prior Code, Ch. 4050, 3)

**151.18 SIDEWALK SPECIFICATIONS.**

Sidewalks shall not be less than four inches in thickness and expansion paper shall be placed in the joints. All concrete used in sidewalk construction shall, 28 days after placement, be capable of resisting a pressure of 2,500 pounds per square inch without failure.

(Prior Code, Ch. 4050, 4)

**151.19 PERMIT REVOCATION.**

The Council may issue a stop order to any permittee holding a permit issued under the terms of this subchapter for failure to comply with this subchapter, or the rules, regulations, plans and specifications established for the construction, rebuilding or repair of any sidewalk, and the issuance of such stop order shall be deemed a suspension of such permit.

(Prior Code, Ch. 4050, 5)

**151.20 APPROVAL OF SPECIFICATIONS.**

The line, grade, slope and width of sidewalks, and specifications as to materials and manner of construction not in conflict with this subchapter, shall be established by the Council, and where, under the following sections of this subchapter, the Council orders the construction of any sidewalk, then the Council shall also, by resolution, specify the line, grade, slope, width, materials and manner of construction for the sidewalk ordered built.

(Prior Code, Ch. 4050, 6)

**151.21 ORDERING CONSTRUCTION.**

The Village Council may, by resolution, require the owners of lots and premises to build sidewalks in the public streets adjacent to and abutting upon such lots and premises. When such resolution shall be adopted, the Council shall give notice thereof, in accordance with  10.10(B) of this code of ordinances, to the owner of such lot or premises requiring him or her to construct or rebuild such sidewalk within 90 days from the date of such notice.

(Prior Code, Ch. 4050, 7)

**151.22 CONSTRUCTION BY VILLAGE.**

If the owner of any lot or premises shall fail to build any particular sidewalk as described in said notice, and within the time and in the manner required thereby, the Council is hereby authorized and required, immediately after the expiration of the time limited for the construction or rebuilding by the owner, to cause such sidewalk to be constructed and the expense thereof shall be charged to such premises and the owner thereof, and collected as provided in  10 of Ch. VII of the Charter.

(Prior Code, Ch. 4050, 8)

**151.23 SIDEWALK MAINTENANCE.**

No person shall permit any sidewalk within the village which adjoins property owned by him or her to fall into a state of disrepair or to be unsafe or injurious to the users thereof. Such person shall keep said sidewalk free and clear of obstructions, nuisances, and other defects, and he or she shall indemnify and save harmless the village against all damages or actions at law that may arise or be brought by reason of such condition(s).

(Prior Code, Ch. 4050, 9) Penalty, see  151.99

***STREET OPENINGS AND OBSTRUCTIONS***

**151.35 DEFINITION.**

***STREET*** shall mean all of the land lying between property lines on either side of all streets, alleys and boulevards in the village, and includes lawn extensions and sidewalks and the area reserved therefor where the same are not yet constructed.

(Prior Code, Ch. 4000, 1)

**151.36 DAMAGE AND OBSTRUCTION PROHIBITED.**

(A) No person shall make any excavation in, or cause any damage to any street in the village, except under the conditions and in the manner permitted in this subchapter.

(B) No person shall place any article, thing or obstruction in any street, except under the conditions and in the manner permitted in this subchapter, but this provision shall not be deemed to prohibit such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises, nor to the lawful parking of vehicles within the part of the street reserved for vehicular traffic.

(Prior Code, Ch. 4000, 2) Penalty, see  151.99

**151.37 PERMITS AND BONDS.**

(A) (1) Where permits are authorized in this subchapter, they shall be obtained upon application to the Council, upon such forms as may be prescribed. Such permit shall be revocable by the Council for failure to comply with this subchapter, rules and regulations adopted pursuant hereto, and the lawful orders of the Council or its duly authorized representative, and shall be valid only for the period of time endorsed thereon.

(2) Application for a permit under the provisions of this subchapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the village in connection therewith, repair all damage done to the street surface and installations on, over or within such street, including trees, and protect and save harmless the village from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith.

(B) Where liability insurance policies are required to be filed in making application for a permit, they shall be in not less than the following amounts, except as otherwise specified in this subchapter:

(1) On account of injury to, or death of, any person in any one accident: $10,000;

(2) On account of any one accident resulting in injury to, or death of, more than one person: $20,000; and

(3) On account of damage to property in any one accident: $5,000.

(C) A duplicate executed copy or photostatic copy of the original of such insurance policy shall be filed with the Village Clerk.

(D) (1) Where cash deposits are required with the application for any permit hereunder, such deposit shall be in an amount specified by the Council, and such deposit shall be used to defray all expenses to the village arising out of the granting of the permit and work done under the permit or in connection therewith.

(2) Three months after completion of the work done under the permit, any balance of such cash deposit unexpended, shall be refunded.

(3) In any case where the deposit does not cover all costs and expenses of the village, the deficit shall be paid by the applicant.

(Prior Code, Ch. 4000, 3)

**151.38 STREET OPENINGS; EMERGENCY OPENINGS.**

(A) No persons shall make any excavation or opening in or under any street without first obtaining a written permit from the Council. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy, as required by  151.37 of this chapter.

(Prior Code, Ch. 4000, 4)

(B) The Council 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 provisions of this subchapter shall be complied with.

(Prior Code, Ch. 4000, 5)

Penalty, see  151.99

**151.39 BACKFILLING.**

(A) All trenches in a public street or other public place, except by special permission, shall be backfilled. Lake Linden DPW Foreman shall inspect and approve the project prior to completion.

(B) The remaining portion shall be filled with road gravel as specified by the Council.

(Prior Code, Ch. 4000, 6)

**151.40 UTILITY POLES.**

(A) Utility poles may be placed in such streets as the Council shall prescribe and shall be located thereon in accordance with the directions of the Council.

(B) Such poles shall be removed or relocated as the Council shall from time to time direct.

(Prior Code, Ch. 4000, 7)

**151.41 MAINTENANCE OF INSTALLATIONS IN STREETS.**

Every owner of, and every person in control of, any estate hereafter maintaining a sidewalk vault, coal hole, 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 village to keep the same 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 village against all damages or actions at law that may arise 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.

(Prior Code, Ch. 4000, 8) Penalty, see  151.99

**151.42 CURB CUTS.**

(A) No opening in or through any curb of any street shall be made without first obtaining a written permit from the Council.

(B) Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following.

(1) No single curb cut shall exceed 25 feet, nor be less than ten feet.

(2) The minimum distance between any curb cut and a public crosswalk shall be five feet.

(3) The minimum distance between curb cuts, except those serving residential property, shall be 25 feet.

(4) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business or enterprise shall be 45% of the total abutting street frontage up to and including 200 lineal feet of street frontage, plus 20% of the lineal feet of street frontage in excess of 200 feet.

(5) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals or other public improvements or installations shall be accomplished without cost to the village.

(6) All construction shall be in accordance with plans and specifications approved by the Council.

(Prior Code, Ch. 4000, 9) Penalty, see  151.99

**151.43 SIDEWALK OBSTRUCTIONS.**

No person shall occupy any street with any materials or machinery incidental to the construction, demolition or repair of any building adjacent to said street, or for any other purpose, without first obtaining a permit from the Council. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy, as required by  151.37 of this chapter.

(Prior Code, Ch. 4000, 10) Penalty, see  151.99

**151.44 PEDESTRIAN PASSAGE.**

At least six feet of sidewalk space shall be kept clean and clear for the free passage of pedestrians and if the building operations are such that such free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around such obstruction.

(Prior Code, Ch. 4000, 11) Penalty, see  151.99

**151.45 SAFEGUARDS.**

(A) All openings, excavations and obstructions shall be properly and substantially barricaded and railed off and, at night, shall be provided with red warning lights.

(B) 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.

(Prior Code, Ch. 4000, 12) Penalty, see  151.99

**151.46 SHORING EXCAVATIONS.**

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workers and to prevent cave‑ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street.

(Prior Code, Ch. 4000, 13) Penalty, see  151.99

**151.47 HOUSE MOVING.**

No person shall move, transport or convey any building or other similar bulky or heavy object, including machinery, trucks and trailers, larger in width than 14 feet, into, across or along any street, alley or other public place in the village without first obtaining a permit from the Council. Such permit shall specify the route to be used in such movement and no person shall engage in such movement along a route other than that specified in the permit. No house moving permit shall be granted until the applicant shall post a cash deposit in an amount set by the Council and file a liability insurance policy, as required by  151.47 of this chapter.

(Prior Code, Ch. 4000, 14) Penalty, see  151.99

**151.48 REMOVAL OF ENCROACHMENT.**

Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or refilling charged to the abutting land owner 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 subchapter. The procedure for collection of such expenses shall be as prescribed in  19, 20 and 21 of Ch. VIII of the Charter.

(Prior Code, Ch. 4000, 15)

**151.49 TEMPORARY STREET CLOSINGS.**

The Council shall have authority to temporarily close any street, or portion thereof, when it shall deem such street to be unsafe or temporarily unsuitable for use for any reason. It shall cause suitable barriers and signs to be erected on said street, indicating that the same 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 said street, except as the same may be necessary incidentally to any street repair or construction 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 Council.

(Prior Code, Ch. 4000, 16) Penalty, see  151.99

**151.99 PENALTY.**

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

(B) Any person violating any provision of  151.03 of this chapter shall, upon conviction in a court of competent jurisdiction, be fined not less than $10 or more than $50, together with the costs of prosecution.

(Prior Code, Ch. 4020B, II)