

Chapter 62 STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

ARTICLE I. IN GENERAL

ARTICLE II. RIGHT-OF-WAY ALTERATIONS, DAMAGE, AND OBSTRUCTIONS

ARTICLE III. SIDEWALKS

ARTICLE IV. VIOLATIONS

ARTICLE I. IN GENERAL

Sec. 62-1. Definitions.

Sec. 62-2. Street Names and Building Numbers.

Sec. 62-3. Temporary Street Closures.

Sec. 62-4. Utility Poles.

Sec. 62-5. City Maintenance of Streets and Alleys.

Sec. 62-6. Private Property Maintenance of Streets and Alleys.

Sec. 62-1. Definitions.

The following words, 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:

Alley means a platted lane, passageway, or service road located behind or between lots within a platted block that is reserved for public use and public purposes; including but not limited to installation of utilities, pedestrian thruway, and ingress / egress to adjoining lots.

Street means all of the land lying and between property lines on either side of all streets and boulevards in the city, also known as the right-of-way (ROW), and includes lawn extensions and sidewalks and the area reserved therefor where lawn extensions and sidewalks are not yet constructed.

Improved street / alley means a portion of the right-of-way improved by the installation of asphalt or concrete, including addition of sufficient base layer for vehicular traffic.

Unimproved street / alley means a right-of-way, or portion thereof, that has not been improved sufficiently to allow for vehicular travel by the general public, and includes areas that only have gravel or other durable materials that needs to be graded intermittently to provide for vehicular travel.

Sec. 62-2. Street Names and Building Numbers.

The names of the streets and numbers of home and building sites in the city, as shown on a certain map dated December 4, 1950 (revised in August of 1967) and designated "Street Names and House Numbering Map of the City of Montague, Michigan," prepared by Alfred Hansen, Engineer, now on file in the office of the zoning administrator, shall be used as the official record of street names, and as reference for house numbers of the city. The zoning administrator shall have final authority to make decisions regarding house numbering. The city council shall have final authority on street names; including dedication of new streets. The map may be amended from time to time by resolution of the city council.

Sec. 62-3. Temporary Street Closings.

The city manager, superintendent of public works, or chief of police shall have authority to temporarily close any street, or portion thereof, when deemed such street to be unsafe or temporarily unsuitable for use for any reason. The superintendent 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 the street except as may be necessary incidentally to any authorized activity 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 city manager, superintendent of public works, or chief of police.

Sec. 62-4. Utility Poles.

- (a) For utility poles in existence prior to February 17, 2003, utility poles may be replaced in such streets as the city manager shall prescribe and shall be located thereon in accordance with the directions of the city manager. Such poles shall be removed or relocated as the city manager shall from time to time direct.
- (b) Effective for all wire, cable and pipe installed after February 17, 2003, all telephone, electric, television, gas and similar services, distributed by wire, cable or pipe, shall be placed underground. Such conduits, pipes or cables shall be placed with private easements obtained by such service providers, or within dedicated public right-of-way, provided, however, that overhead lines may be permitted upon written recommendation of the superintendent of public works, planning commission and the approval of the city council where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, civic design and visual character of the community. All such facilities placed in dedicated public right-of-way shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the state public service commission. All drainage and underground utility installations which transverse privately owned property shall be protected by easements granted by the property owner.
- (c) City shall provide streetlighting at the intersection of all improved streets and throughout downtown areas through city ownership or through a contract with the applicable electrical service provider. Streetlights at a curve / corner may be installed for vehicular and / or pedestrian safety per the recommendation of the police department and with approval of the city council. Other streetlights, including mid-block lighting, may be requested by an adjoining property owner with approval of the city council and under an agreement with the property owner to be assessed the costs of installation and ongoing operational costs. New streetlights shall be of the highest efficiency available and have underground wire servicing the light poles unless an existing pole is in the immediate area upon which a streetlight can be mounted. No streetlight shall be installed with a cable over the street and all lights shall be pole mounted (cobra lights).

Sec. 62-5. City Maintenance of Streets and Alleys.

- (a) The city shall maintain all improved streets and all street appurtenances, cleaning of improved streets, and provide removal of snow. The city may, at its own discretion, conduct maintenance and repair activities on unimproved gravel streets. Such an action of an unimproved street will not constitute an express or implicit decision by the city to accept maintenance responsibility for such a street.
- (b) The city shall maintain all improved alleys and provide removal of snow. The city may, at its own discretion, maintain unimproved gravel alleys, and provide removal of snow. Such an action of an unimproved alley will not constitute an express or implicit decision by the

city to accept maintenance responsibility for such an alley. The owner of a lot or premises, adjoining an unimproved alley, may request the City to improve such alley and be assessed according to the procedure for collection of such expenses as prescribed in Chapter 58.

- (c) The city may, if it does not receive Act 51 funds, and at its own discretion, regardless of improved or unimproved condition of a street or alley determine that the expenditure of funds to maintain, improve, or repair a street or alley, or portion thereof, is not in the interest of the general public if it services a single residence, building, or lot, and as such functions as a private drive.
- (d) The city shall implement green infrastructure components during construction of all improved streets and improved alleys, and as economically feasible for existing improved streets and improved alleys, to appropriately develop storm water management strategies within the city.

Sec. 62-6. Private Property Maintenance of Streets and Alleys.

The owner or occupant of every lot or premises adjoining a street shall:

- (a) Maintain 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 the estate, and shall do so only on condition that such maintenance shall be considered as an agreement on owners part with the city to keep the structure and the covers thereof, and any gas and electric boxes and tubes thereon, in good repair and condition at all times during his ownership or control thereof, and to indemnify and save harmless the city 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.
- (b) Maintain the unimproved right-of-way, or portion thereof (curb strip / lawn extension), in accordance with Chapter 86 – Vegetation. Maintenance by the property owner shall not eliminate the city's authority to change, alter, or use this section of the street for public purposes. Repairs of damage to any improvements, caused by the city for public purposes, shall be the responsibility of the owner.
- (c) Maintain adequate off-street parking for designated use of the property. If adequate off-street is not feasible due to impactable difficulties of the property then overnight street-side parking, whether alongside an improved street or within an unimproved street, may be permitted if in accordance with the zoning code. Landowner shall receive written approval of zoning administrator, with consent and approval of the city manager, and under the condition that the parking area be designated to a specific location, limited in size, and meet requirements of driveway surface material.

Temporary street-side parking, for a duration less than twelve (12) hours, is allowed for visitors and guests of the property under the condition that it does not cause a degradation or damage of the right-of-way, cause degradation of the improved edge of the street, is kept in a neat and orderly condition, and does not impede normal traffic flow.

- (d) Maintain and construct the portion of the right-of-way used for ingress / egress to the property, and all parking areas in the right-of-way, in accordance with the zoning code requirements for driveway surface material (asphalt or concrete). No person shall allow driveway surface materials to be tracked, moved, or migrate onto the improved street. The existence of any deposit in the traveled portion of any street shall be prima facie evidence that the occupant of the abutting property closest thereto placed or deposited the material therein.

ARTICLE II. RIGHT-OF-WAY ALTERATIONS, DAMAGE, AND OBSTRUCTIONS

Sec. 62-31. Street Excavations.

Sec. 62-32. Curb Cuts.

Sec. 62-33. General Obstructions.

Sec. 62-34. Seasonal Obstructions (Ice and Snow).

Sec. 62-35. Obstructions by Marquees and Similar Structures.

Sec. 62-36. Obstructions by Move of Buildings or Large Equipment.

Sec. 62-37. Right-of-Way Permits, Insurance and Bonds.

Sec. 62-38. Removal of Street Encroachments by City; Resolution Permitting Continuance of Existing Encroachment.

Sec. 62-31. Street Excavations

- (a) No person shall make any excavation or opening in or under any street without first obtaining a written permit from the city manager. The city manager shall consult with the superintendent of public works regarding the impact of any excavation work to a street, and may at city manager's own discretion, deny a permit for any possible negative impact to the integrity of a street. No permit shall be granted until the applicant furnishes a performance bond and meets the insurance requirement in accordance with the city's policy. City shall require the cost of all repairs, including city's cost to repave the excavation area, as a requirement of permitting and the performance bond.
 - (1) All openings, excavations, and associated equipment / obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with approved warning lights. Warning light placement and spacing shall be at the discretion and approval of the superintendent of public works or chief of police.
 - (2) All openings and excavations 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.
 - (3) All trenches in a public street or other public place shall be backfilled according to the specifications required by the superintendent of public works.
- (b) The superintendent of public works 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 chapter shall be complied with.

Sec. 62-32. Curb Cuts.

No person shall create an opening in or through any curb, or any driveway opening, of any street without first obtaining written approval through the applicable zoning ordinance process. The necessary adjustments to utility poles, light standards, fire hydrants, catchbasins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the city. Openings, and adjustments of appurtenance infrastructure, commenced by the City shall be at the City's cost and expense.

Sec. 62-33. General Obstructions.

No person shall place any materials, equipment, machinery, article, thing, or obstruction, in any street or alley, or occupy any street or alley except under the conditions and in the manner permitted in this

chapter. 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 the abutting lot, or to the lawful parking of vehicles within the part of the street right-of-way for vehicular parking.

Sec. 62-34. Seasonal Obstructions (Ice and Snow).

- (a) No person shall shovel or push by means of plow or otherwise cause to be placed or deposited in or upon the improved portion of any street / alley or within any ditch or gutter in public right-of-way any snow or ice removed by them, or under their direction, from any private property or from any public property abutting any private property without first obtaining a permit to do so from the city manager. Permit duration shall not exceed six (6) months and may be revoked at any time, at the discretion of the city manager, if said activities is deemed to be hindering city maintenance activities. The existence of any deposit of snow or ice placed or deposited in or upon the improved portion of any street or within any ditch or gutter in any public right-of-way shall be prima facie evidence that the occupant of the abutting property closest thereto placed or deposited the ice or snow therein, and shall be guilty of violating this article.
- (b) No person shall place a stake(s) closer than four (4) feet from the edge of the improved portion of a street so that the stake(s) hinders the city from maintaining the street for vehicular travel. The superintendent of public works may provide consent for the staking with written approval. Such consent and approval shall not exceed six (6) months and may be revoked at any time, at the discretion of the superintendent, if staking is deemed to be hindering city maintenance activities. City may place stake(s), for public purposes, within the street right-of-way to facilitate city maintenance and safety.

Sec. 62-35. Obstructions by Marquees and Similar Structures.

No person shall erect or maintain any marquee, canopy, banner, awning, clock or other structure or object so it projects over or upon the limits of any street or alley without first obtaining a permit and filing a liability insurance policy in accordance with the city's insurance policy requirements. Every liability insurance policy required by this section shall be maintained by the permittee permanently in force. No such permit shall be granted unless the proposed plans for the structure shall be in conformity with the state construction code. If the structure shall thereafter be found unsafe or is not maintained in a slightly condition, or if the liability insurance policy covering such structure is not maintained, such structure shall be deemed a street encroachment. The city manager shall notify the permittee to remove or repair within ten days or to reinstate the insurance forthwith, and upon failure of the permittee to comply with the notice such encroachment shall be removed as provided in this chapter. No such structure shall be erected or maintained so as to be less than eight (8) feet above the surface of the sidewalk.

Sec. 62-36. Obstructions by Moving of Buildings or Large Equipment.

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 eight (8) feet eight (8) inches or higher than thirteen (13) feet six (6) inches above the surface of the roadway, across or along any street, alley or other public place in the city without first obtaining a permit from the city manager. 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 furnishes a performance bond and meets the insurance requirements in accordance with the city's policy.

Sec. 62-37. Right-of-Way Permits, Insurance, and Bonds.

- (a) Where permits are authorized in this chapter, they shall be obtained upon application to the city manager, upon such forms as prescribed. The permit fee shall be as provided by the annual fee resolution adopted by the city council. Such permit shall be revocable by the city manager for failure to comply with this chapter, rules and regulations adopted pursuant to this chapter, and the lawful orders of the city manager or duly authorized representative, and shall be valid only for the

period of time endorsed thereon. Application for a permit under the provisions of this chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the city in connection therewith, repair all damage done to the street or alley and installations on, over or within such street, including trees, and protect and save harmless the city 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. Where insurance is required to be filed for a permit, it shall be in accordance with the city's policy.

- (b) Where performance bonds are required with the application for any permit under this chapter, the applicant shall furnish at his own expense a performance bond in an amount equal to the dollar value of the work to be performed or \$5,000.00, whichever is greater, as determined by the city manager. The performance bond shall be for the sole benefit of the city and shall be conditioned upon the faithful performance of the work according to the application, the permit and all pertinent laws and regulations of the city in connection therewith, and shall be further conditioned upon the repair and restoration of the street surface and installations on, over or within such street, including trees.

Sec. 62-38. Removal of Street Encroachments by City; Resolution Permitting Continuance of Existing Encroachment.

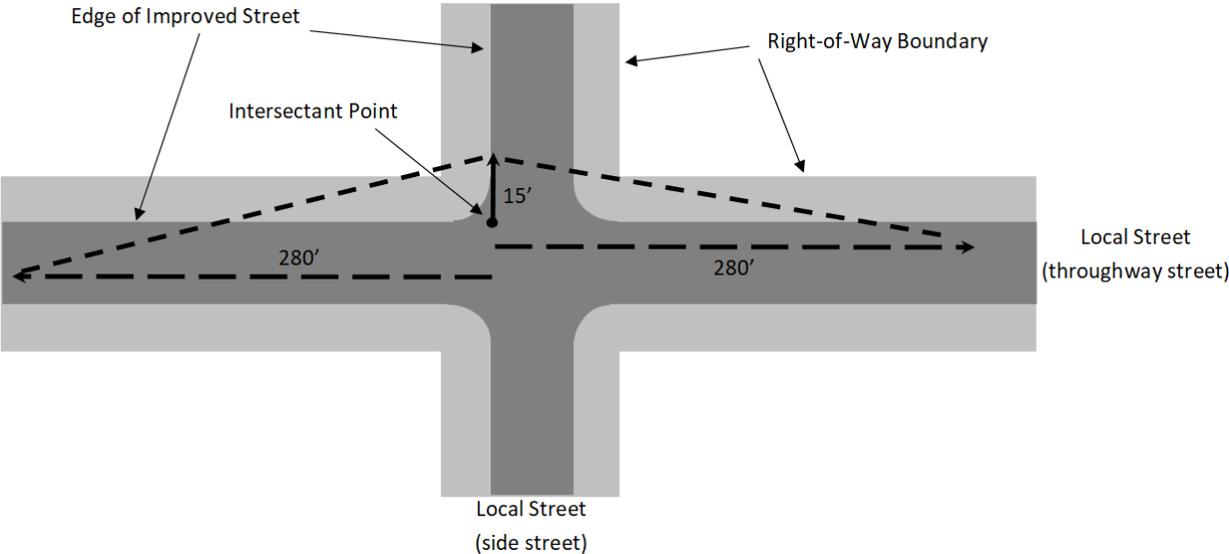
Encroachments and obstructions in the street may be removed and excavations refilled and the expense of such removal or filling charged to the abutting landowner when made or permitted by landowner, or suffered to remain by landowner, in accordance with the terms and conditions of this chapter. The city council may by resolution permit the continuance of an existing encroachment. No such resolution shall vest any permanent rights in the person owning or occupying the structure which encroaches upon the street.

Sec. 62-39. Clear Vision Areas.

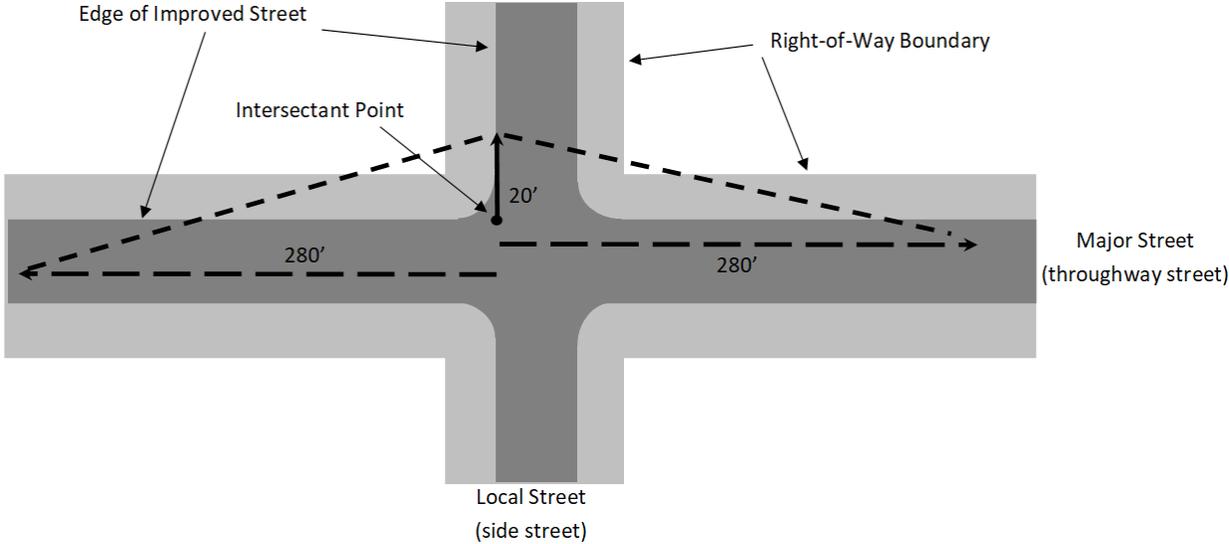
- (a) No person shall place, erect, establish or maintain a fence, wall, screen, sign, vegetation, or other obscuring structure or elements on any corner lot of two improved streets which obstruct the view of a vehicle driver stopped at an intersection. The unobstructed corner / clear vision area shall mean a triangular area formed by measuring a set distance from the intersectant point along the side street and a second measured distance along the throughway street (street with moving / approaching vehicles), and then along a line connecting the two points.

The distance along the side street shall be 15 feet for local streets intersecting with other local streets, and shall be 20 feet for local and major streets intersecting with major streets. The distance shall be 280 feet along the throughway street. The intersectant point shall be determined by utilizing the edge of the improved street along a straight line to the point of meeting.

Local Street – Intersection



Major Street – Intersection



- (b) Clear vision areas shall not prohibit the planting of vegetation which is maintained at a height of 30 inches or less, nor shall obstructions include traffic control signs, utility poles, trees, or other items placed by authorization of the City within the public right-of-way and in such a manner as to provide minimal visual obstruction. Vegetation maintenance within the unimproved right-of-way, or portion thereof (curb strip / lawn extension), shall be in accordance with Chapter 86 – Vegetation.
- (c) In areas with zero lot line setback requirements, the above clear vision requirements shall not apply; however, all development shall be designed, constructed, and maintained to ensure a high level of public safety. If, in the opinion of the city manager or zoning administrator, clear vision requirements are necessary for public safety, said administrator may require the same, consistent with the standards referenced in this section, and the administrator shall consult with the chief of police for a recommendation. The local exclusion shall not override applicable clear vision requirements of the Michigan Department of Transportation for state regulated roadways.
- (d) City shall notify property owner regarding obstructions on private property that are within the clear vision area. City may remove obstructions on private property within the clear vision area, under the direction of the city manager or zoning administrator, and in consultation with the chief of police, if landowner does not remove obstructions consistent with the standards referenced in this section.

ARTICLE III. SIDEWALKS

Sec. 62-61. Reports of Sidewalk Condition.

Sec. 62-62. City Maintenance of Sidewalks.

Sec. 62-63. Obstruction of Sidewalks.

Sec. 62-64. General Sidewalk Standards.

Sec. 62-65. Sidewalk Damage.

Sec. 62-66. Pedestrian and Bicycle Traffic.

Sec. 62-61. Reports of Sidewalk Condition.

The city manager shall notify the city council in writing of all sidewalks needing repairs and of all the places where new sidewalks should be constructed, and shall keep the city council informed at all times as to the condition of the sidewalks within the city.

Sec. 62-62. City Maintenance of Sidewalks.

The City may, at its own cost and expense, re-build and repair sidewalks due to normal deterioration (cracking, crumbling, heaving, etc.) and to construct new sections of sidewalk. The City may also by resolution authorize sidewalk improvements, construction, or repairs, and the cost and expense thereof a lien upon the lot or premises in front of or contiguous to which such work, and shall be collected as prescribed in Chapter 58.

Sec. 62-63. Obstruction of Sidewalks.

- (a) No person shall obstruct any sidewalk by parking upon or over the sidewalk with a vehicle, equipment, or other materials. Obstructions incidental to construction work shall provide appropriate space clean and clear for the free passage of pedestrians, and, if the operations are such that such free passageway is impracticable, a safe temporary plank sidewalk shall be provided around such obstruction.
- (b) No person shall allow vegetation to grow into the travel corridor of a sidewalk.
- (c) The owner or occupant of every lot or premises, adjoining a sidewalk, shall make a good faith effort to remove snow and ice from the sidewalk. The city may, at its own discretion, clear snow from a sidewalk, and such action will not constitute an express or implicit decision by the city to accept ongoing snow removal responsibility for the sidewalk.

Sec. 62-64. General Sidewalk Standards.

All sidewalks constructed shall conform to the general guidance in this article, and in accordance with the specifications required by the superintendent of public works; including, but not limited to:

- (a) Constructed with a minimum width of five (5) feet.
- (b) Constructed 4" thick for pedestrian travel, and 6" thick at all sections with vehicle crossings; with appropriate sack concrete mix.

- (c) Located with a minimum safety buffer of three (3) feet from street / curb edge, unless impracticable because of specific site conditions.
- (d) Constructed with curb ramps and accessibility markings at all pedestrian crossings.
- (e) Maintained free of cracks and trip hazards.

Sec. 62-65. Sidewalk Damage.

No person shall purposefully, or knowingly allow others to damage, any sidewalk of any lot or description of land in front of, or contiguous to a parcel which they own, are an agent of, or occupant of.

Sec. 62-66. Pedestrian and Bicycle Traffic.

Pedestrians shall have priority use of sidewalks. Bicycles may utilize streets throughout the city. Bicycles, scooters, and skateboards may also utilize the sidewalk for travel throughout the city, with the exception of using sidewalks and alleys within the downtown. Bicyclists, scooters, and skateboards shall not travel on sidewalks and alleys within the two block downtown area starting at the northwest corner of Ferry Street and Spring Street, then easterly along Spring Street to the northwest corner of Spring Street and Water Street, then southerly along Water Street to the southwest corner of Water street and Church Street, then westerly along Church Street to the southwest corner of Church Street and Ferry Street, then northerly along Ferry Street to the point of beginning.

When a bicyclist is passing a pedestrian on a sidewalk, other than within the downtown, whether overtaking and traveling in the same direction or passing in the opposite direction, the bicyclist shall yield to pedestrians.

- (a) Yielding to pedestrians shall include either stopping the bicycle to allow for passage of pedestrians, slowing and moving to the opposite side of the sidewalk while safely passing, or exiting the sidewalk while stopping or slowing down to allow for safe passage. When a bicyclist is overtaking a pedestrian from behind while traveling in the same direction, the cyclist shall verbally or audibly warn to the pedestrian that cyclist is approaching.
- (b) All electric motorized bicycles, electric motorized scooters, skateboards, or similar electrical / motorized modes of transportation operating on a sidewalk shall completely stop and halt travel to allow pedestrians to pass, and shall not overtake a pedestrian on the sidewalk from behind while traveling in the same direction.

For visual reference only – two block downtown area.



Sec. 62-66. Pedestrian and Bicycle Traffic.

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Sec. 62-67. Pedestrian Crossings US-31 Business Route.

This section shall apply only to that portion of US-31 Business Route located within the City.

When traffic-control signals are not in place or are not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when pedestrian is on the half of the roadway on which the vehicle is traveling or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but a pedestrian shall not suddenly leave a curb or other place of safety and walk or run into a path of a vehicle that is so close that it is impossible for the driver to yield (in conformity with R 28.1702, Rule 702 of the Uniform Traffic Code).

Sec. 62-68. Pedestrian Crossings City Streets.

For purposes of this section, pedestrian and bicycle crossings shall be considered a "crosswalk" if designated with pavement markings that consist of two parallel lines placed transverse to the flow of vehicle traffic.

- a) When traffic-control signals are in place and in operation, or signals are not in place or are not in operation, the driver of a vehicle shall stop before entering a marked crosswalk and yield the right-of-way to any pedestrian or bicyclist stopped and waiting at the curb, waiting at the curb line or ramp leading to a crosswalk, and to every pedestrian or bicyclist within a crosswalk when the pedestrian or bicyclist is on the half of the roadway on which the vehicle is traveling or when the pedestrian or bicyclist is approaching so closely from the opposite half of the roadway as to be in danger.
- b) When traffic-control signals are in place and in operation, any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal. Whenever flashing red or yellow signals are used, the signal shall require obedience by vehicular traffic as follows:
 - 1) *Flashing red (stop signal)*. When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk(s) and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.
 - 2) *Flashing yellow (yield signal)*. When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles shall slow and may proceed through the nearest crosswalk(s) or past such signal only with caution and only if no pedestrian or bicyclist is present. If a pedestrian or bicyclist is present, drivers of vehicles shall stop before entering the nearest crosswalk(s) and the right to proceed shall be subject to the rules applicable as if making a stop at a stop sign.
- c) When any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

- d) A pedestrian or bicyclist shall not suddenly leave a curb or other place of safety and enter into the marked crosswalk or run into a path of a vehicle that is so close that it is impossible for the driver to yield.
- e) Every pedestrian or bicyclist crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.
- f) Every bicyclist, whether dismounted and walking adjacent to the bike, or mounted and riding, shall stop prior to entering a marked crosswalk when vehicles are on the street so that approaching vehicles may appropriately yield and / or stop.

Sec. 62-69. Protection of Blind Pedestrians.

- a) It shall be unlawful for any person, except persons wholly or partially blind, to carry or use upon the streets, sidewalks, and other public places any canes or walking sticks which are white in color with a red end or bottom: provided, that such canes or walking sticks may be used upon the streets, sidewalks, and other public places of the city by persons wholly or partially blind as a means of protecting them and for the purpose of identifying them to drivers of vehicles and other pedestrians with whom they come in contact.
- b) Any driver of a vehicle or pedestrian who approaches or comes in contact with a person who is wholly or partially blind and is (i) carrying a cane or walking stick white in color with a red end or bottom; (ii) using a dog guide; or (iii) using a walker, shall immediately come to a full stop and take such precautions before proceeding as may be necessary to avoid accident or injury to the person so carrying a cane or walking stick.

ARTICLE IV. VIOLATIONS

Sec. 62-91. Violations.

- (a) Any violation of this chapter shall be deemed municipal civil infractions and violations shall be subject to fines, costs, and other relief pursuant to Section 2-404.