

**STATE OF MICHIGAN  
COUNTY OF WAYNE  
CITY OF ALLEN PARK**

**ORDINANCE #05-2021**

**AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 48, “UTILITIES”, BY ADOPTING A NEW ARTICLE VI, “DAMAGE BY UTILITY COMPANIES AND ITS CONTRACTORS,” SECTION 48-654, “DUTIES OF A UTILITY COMPANY AND ITS CONTRACTORS,” SECTION 48-655, “SPECIFICATIONS,” SECTION 48-656, “DAMAGES,” AND SECTION 48-657, “PENALTIES.”**

**The City of Allen Park Ordains:**

**SECTION 1. Amendment to Code.**

Chapter 48, Utilities, is hereby amended and a new Article VI, added to hereafter read as follows:

Chapter 48, Utilities  
Article VI, Damage by Utility Companies and Its Contractors  
Sec. 48-654, Duties of a Utility Company and Its Contractors  
Sec. 48-655, Specifications  
Sec. 48-656, Damages  
Sec. 48-657. Penalties

**Sec. 48-654. – Damage by Utility Company and Its Contractors.**

A utility company and its contractor(s) shall restore the surface of land damaged by the installation, improvement, or repair of any gas, electric or cable utility. The land shall be restored according to the Specifications described below.

**Sec. 48-655. - Specifications.**

All restoration shall be conducted in accordance with the following minimum specifications:

- (a) Seed and Penn mulch shall be planted using no less than four (4) inches of clean, graded, topsoil in areas where the soft surface has been altered. Soft surface shall be graded prior to adding topsoil. Grade of seed and Penn mulch shall be consistent with existing soft surface.
- (b) Concrete shall be replaced in accordance with applicable building codes where a sidewalk, driveway or road has been altered and the replacement concrete shall match the color, surface and grade of the adjacent paved surface(s).

**Sec. 48-656. Damages.**

In the event the utility company fails to restore the land as required above within 30 days of the date the land is damaged, the utility company and its contractor(s) shall be liable to the property owner for the cost of restoration.

**Sec. 48-657. Penalties.**

A utility company's violation of this section shall be a municipal civil infraction with a civil fine as established in section 1-14(b). A utility company's subsequent violations of this section shall be a misdemeanor and subject to the penalties of section 1-14(a).

**SECTION 2. Repeal.** All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.

**SECTION 3. Saving Clause.**

Nothing in this Ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

**SECTION 4. Severability.**

Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such work, sentence, phrase, or any portion of the Ordinance held to be so invalid shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

**SECTION 5. Codification; Scrivener's Errors:**

- (a). Section 1 of this Ordinance shall be codified, and all other sections shall not be codified.
- (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the Code codifier.
- (c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected

with the endorsement of the City Administrator, or designee, without the need for a public hearing.

**SECTION 6. Publication.**

The Clerk for the City of Allen Park shall cause this ordinance to be published in the manner required by law.

**SECTION 7. Adoption.**

This Ordinance is hereby declared to have been adopted by the City Council of the City of Allen Park, County of Wayne, State of Michigan, at a regular meeting, called and held on the **14th** day of **September, 2021**.

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GAIL McLEOD, Mayor  
City of Allen Park

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MICHAEL I. MIZZI, City Clerk  
City of Allen Park