

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

ORDINANCE #05-2022

AN ORDINANCE OF THE CITY OF ALLEN PARK CODE OF ORDINANCES; AMENDING CHAPTER 42, “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE I, “IN GENERAL”, BY THE ADDITION OF SECTION 42-8, “IMMUNITY FOR DAMAGES TO RIGHT OF WAY IMPROVEMENTS ”.

The City of Allen Park Ordains:

SECTION 1. Amendment to Code.

Chapter 42, Streets, Sidewalks and Other Public Places, is hereby amended by the addition of Section 42-8, Immunity for Damages to Right of Way Improvements, to Article I, In General, to hereafter read as follows:

Chapter 42, Streets, Sidewalks and Other Public Places
Article I, In General

Sec. 42-8. - Immunity for Damages to Right of Way Improvements.

The City and its officials, officers, employees, agents, representatives and contractors shall not be liable to any person or entity for damages to real or personal property which is located in a City or other municipal right of way or easement. The immunity for damages, includes but is not limited to, damages to landscaping, trees, lighting, irrigation and sprinkler systems. Any improvement within a City or other municipal right of way or easement is made at one’s own peril with the risk of damage or destruction to any such improvement.

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 All ordinances or parts of ordinances in conflict herewith are repealed only to the extent necessary to give this ordinance full force and effect.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or liability incurred, or any cause or causes of action acquiring or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.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 11th day of October, 2022.

GAIL McLEOD, Mayor
City of Allen Park

MICHAEL I. MIZZI, City Clerk
City of Allen Park