

The City of Ypsilanti

Ordinance No. 2013-1203

AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 94 "STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES," ARTICLE V "SNOW REMOVAL," TO REDUCE THE TIME TO CLEAR ICE AND SNOW TO 24 HOURS, TO CHANGE THE NOTICE PROVISIONS TO PUBLICATION ONCE PRIOR TO EACH WINTER, AND TO OTHERWISE CLARIFY AND CLEANUP THE CODE SECTIONS.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks and Certain Other Public Places," Article V "Snow Removal", Section 94-132 "Scope," is hereby amended as follows:

Sec. 94-132. Scope.

This article applies to sidewalks, publicly owned rights-of-way that convey pedestrian traffic exclusively, parking lots, being those areas paved or unpaved that provide other than single-family or occupied two-family vehicular parking.

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks and Certain Other Public Places," Article V "Snow Removal", Section 94-133 "Areas to be cleared," is hereby amended as follows:

Sec. 94-133. Removal of snow.

The occupant, manager, owner, or owner/agent of every lot or parcel of land adjoining any sidewalk or publicly owned rights-of-way that convey pedestrian traffic exclusively and the owner, manager, or owner/agent of any parking lot within the scope of this article must, clear from those surfaces all snow, fallen, drifted, or in any other manner accumulated, within 24 hours from the first accumulation.

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks and Certain Other Public Places," Article V "Snow Removal", Section 94-134 "Removal of ice," is hereby amended as follows:

Sec. 94-134. Removal of ice.

The occupant, manager, owner, or owner/agent of every lot or parcel of land adjoining any sidewalk or publicly owned rights-of-way that convey pedestrian traffic exclusively and the owner, manager, or owner/agent of any parking lot within the scope of this article must, if practicable, immediately remove from those surfaces any ice formed and/or accumulated. When immediate removal of ice is impracticable, sand, salt or other chemicals or materials must immediately be spread upon the ice in such manner and in such quantity as to prevent the surfaces from being slippery and dangerous to pedestrians or motor vehicles, and then must remove such ice as soon thereafter as removal is practicable.

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks and Certain Other Public Places," Article V "Snow Removal", Section 94-135 "Removal of snow from parking lots," is hereby amended as follows:

Sec. 94-135. Notice to remove.

Either of the following forms of notice to remove snow and ice are deemed sufficient notice alone for the city to enforce the provisions of this Article:

- (a) Publication and contents of general notice to remove.

The city manager will give general notice of required snow and ice removal at least once each snow/ice season by public notice. For the purposes of this Article, the snow/ice season begins on October 1 each year and ends on May 31 the following year. Such notice must set forth the requirements of Sections 94-133 and 94-134 of the city code. This notice will become effective for the entire snow/ice season ten (10) days after its publication.

- (b) Other notice.

At any time the notice by publication outlined in subsection 94-135(a) is not effective, notification may be made in person, by telephone, by mail, or by written notice left at the property. Notice under this subsection is effective if the owner or occupant fails to remove snow or ice prior to 12:00 noon of the day after notice is given (provided there has been at least 18 hours since delivery of the notice).

That Chapter 94 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Streets, Sidewalks and Certain Other Public Places," Article V "Snow Removal", Section 94-136

"Failure to clear," is hereby amended as follows:

Sec. 94-136. - Failure to clear.

- (a) *Removal by city.* If snow or ice is not removed or treated as required in sections 94-133 and/or 94-134, the city may cause such snow or ice to be removed. The owner of the adjacent property (as indicated by the records of the assessor) shall then be charged the actual cost of the sidewalk clearance, plus an administrative fee as set by resolution of council. If that charge is not paid within 45 days, it may be assessed against that parcel.
- (b) *Blight violation.* A person who violates any provision of sections 94-133 and/or 94-134 is responsible for a blight violation, subject to payment of a civil fine as set forth in section 71-73. Repeat offenses under this article shall be subject to increased fines as set forth in section 71-73. Each day that the condition of accumulation of ice or snow shall continue after the first day of violation shall constitute a separate offense and shall bear a separate penalty.

Section 2. Severability.

If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, is for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment will not affect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment will be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment has been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

Section 3. Repeal.

All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

Section 4. Savings Clause.

The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or heretofore amended, shall remain in full force and effect. The repeal provided herein will not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior

to the effective date hereof.

Section 5. Copies to be available.

Copies of the ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

Section 6. Publication and Effective Date.

The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the Ypsilanti Courier. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS ____ DAY
OF _____, 2013.

Paul Schreiber, Mayor

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. ____ was published in the Ypsilanti Courier on
the ____ day of _____, 2013.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the ___ day of _____, 2013.

Frances McMullan, City Clerk

Notice Published _____

First Reading _____

Second Reading _____

Published _____

Effective Date _____

RESOLUTION NO. 13-_____

,2013

RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI:

That a ordinance entitled “AN ORDINANCE TO AMEND YPSILANTI CITY CODE CHAPTER 94 "STREETS, SIDEWALKS AND CERTAIN OTHER PUBLIC PLACES," ARTICLE V "SNOW REMOVAL," TO REDUCE THE TIME TO CLEAR ICE AND SNOW TO 24 HOURS, TO CHANGE THE NOTICE PROVISIONS TO PUBLICATION ONCE PRIOR TO EACH WINTER, AND TO OTHERWISE CLARIFY AND CLEANUP THE CODE SECTIONS” be approved on first reading.

OFFERED BY: _____

SUPPORTED BY: _____

YES: NO: ABSENT: VOTE: