

ORDINANCE NO. ORD-15-04

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Public Hearing: March 16, 2015

Approved:
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SIDEWALKS

AN ORDINANCE TO AMEND SECTIONS 4:60, 4:61 and 4:62 AND TO DELETE SECTION 4:63 OF CHAPTER 49 (SIDEWALKS) OF TITLE IV OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Section 4:60 of Chapter 49 of Title IV of the Code of the City of Ann Arbor be amended to read as follows:

4:60. - Removal of Snow-snow and ice from sidewalks, walks, and ramps.

(1) Except for sidewalks defined by section 4:51(1)(b) and (c), All-all snow and ice which has accumulated prior to 6:00 a.m. on a ~~public~~-sidewalk adjacent to property not zoned ~~residentially~~residential shall be removed by the owner or occupant by noon. The owner or occupant of the property shall also remove snow and ice from walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk. Provided that when ice has so formed upon any sidewalk, walk or ramp that it cannot be removed, then the owner or occupant shall keep the same effectively sprinkled with sand, salt or other suitable substance in such manner as to prevent the ice from being dangerous, until such time as it can be removed, and then it shall be promptly removed.

~~Immediately after the accumulation of ice on such sidewalk, walk or ramp, it shall be treated with sand, salt or other substance to prevent it from being slippery and the ice shall be removed within the time limits of this paragraph.~~

(2) Except for sidewalks defined by section 4:51(1)(b) and (c), within 24 hours after the end of each accumulation of snow ~~greater than 1 inch~~, the owner or occupant of every ~~residentially zoned~~ property zoned residential shall remove ~~the any~~ accumulation of snow of greater than 1 inch and any compacted snow of greater than ½ inch from the adjacent ~~public~~-sidewalk and from walks and ramps that are at bus stops or leading that lead to a marked or unmarked crosswalk. ~~The accumulation may be from any source including precipitation and drifting. Immediately after the accumulation of ice on such sidewalk, walk or ramp, it shall be treated with sand, salt or other substance to prevent it from being slippery and the ice shall be removed within 24 hours after accumulation.~~

- (3) All property zoned PL (public land) shall have snow and ice removed as if it held the same zoning classification as the adjacent property. The removal of snow and ice shall mean free of snow and ice for the entire constructed width and length of the sidewalk, including walks and ramps leading to a crosswalk. Except for sidewalks defined by section 4:51(1)(b) and (c), within 18 hours after any ice forms, the owner or occupant of every property zoned residential shall treat the ice on the adjacent sidewalk and on walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk with sand, salt or other substance to prevent it from being slippery.
- (4) Except for sidewalks defined by section 4:51(1)(b) and (c), all snow and ice that has accumulated on a sidewalk adjacent to property zoned PL (public land) shall be removed by the owner or occupant as follows:
- (a) If the property that is zoned PL is adjacent to property not zoned residential, then the owner or occupant of the property zoned PL shall comply with the requirements of subsection (1).
 - (b) If the property that is zoned PL is adjacent to property zoned residential, then the owner or occupant of the property zoned PL shall comply with the requirements of subsection (2).
 - (c) If the property that is zoned PL is adjacent to property zoned residential and to property not zoned residential, then the owner or occupant of the property zoned PL shall comply with the requirements of subsection (1).
- (5) The requirements in this section apply to the accumulation of snow and/or ice from any source, including, but not limited to, precipitation, drifting of snow, and drainage or spilling of water onto the sidewalk, walk or ramp.
- (6) Compliance with this section requires making sidewalks, walks, and ramps free of snow and ice for their entire constructed width and length.
- (7) Snow and/or ice that is removed as required by this section or that is removed from private property shall not be placed on a sidewalk or street.
- (8) "Owner," for purposes of this section and section 4:61, means the owner as shown in the records of the City Assessor.
- (9) "Season," for purposes of this section and section 4:61, means October 1 of each year through May 31 of the following year.
- (10) "Walk," for purposes of this section means any walkway that is paved with sidewalk material and that is contiguous with the sidewalk adjacent to the owner or occupant's property regardless of whether or not it is parallel to the right-of-way.

(11) An owner of the property or an occupant who fails to comply with this section shall be responsible for a civil infraction, which shall be punishable by a civil fine of not less than \$100.00 for the first citation issued in a season, not less than \$250.00 and up to \$500.00 for the second citation issued in a season, and not less than \$500.00 and up to \$1,000.00 for each additional or subsequent citation issued in a season, plus costs and all other remedies available by statute. The maximum fine for any offense shall not exceed \$1,000.00. If the penalty is not paid within 45 days, it may be assessed against the parcel under section 1:292 of this Code.

Section 2. That Section 4:61 of Chapter 49 of Title IV of the Code of the City of Ann Arbor be amended to read as follows:

4:61. - Issuance of citation and Removal-removal by city.

(1) ~~If Each season, the first time~~ snow or ice is not removed or treated by the owner or occupant as required in section 4:60, the city ~~may notify~~will give notice to the owner or occupant ~~of the violation of section 4:60. This notification~~ The notice may be made in person, by telephone, by mail or by written notice left at the property. ~~If The notice will indicate that if~~ the owner or occupant fails to remove the snow and/or ice within 24 hours of the ~~notification of violation of section 4:60 notice,~~ a citation may be issued and the city may cause such snow and/or ice to be removed at the owner's expense. For second or subsequent days on which snow or ice is not removed or treated as required in section 4:60, the City may issue a citation and remove the snow and/or ice at the owner's expense without further notice. ~~The owner (as indicated by the records of the assessor) of the adjacent property shall then be charged the actual cost of the sidewalk clearance, plus an administrative fee of \$50.00. If that charge is not paid within 45 days, it may be assessed against the parcel under section 1:292 of this Code.~~

(2) Any time the City has snow and/or ice removed under this section, the actual cost of removal of snow and/or ice that is incurred by the City plus an administrative fee of \$50.00 will be charged to the owner of the property. If the owner fails to pay the charge within 45 days, then it may be assessed against the parcel as provided for in section 1:292 of this Code. The charges under this section are separate from any fine imposed under section 4:60 and are not waiveable or alterable by the Court in proceedings on a citation issued under section 4:60.

(3) The City employee responding to a complaint that Section 4:60 is being violated has the discretion whether or not to give a notice to an owner or occupant or issue a citation to an owner or occupant based on the City employee's evaluation of whether the public is afforded reasonably unimpeded passage on the subject sidewalk.

Section 3. That Section 4:62 of Chapter 49 of Title IV of the Code of the City of Ann Arbor be amended to read as follows:

4:62. - Financial hardship.

Upon proof of financial hardship the Administrator may authorize charges under section 4:61(2) to be paid in installments, to be reduced, or to be cancelled ~~and will be subject to Council approval.~~

Section 4. That Section 4:63 of Chapter 49 of Title IV of the Code of the City of Ann Arbor be deleted as follows:

~~**4:63. - Penalty.**~~

~~The owner (as shown on the assessor's records) of the property with adjacent sidewalks which do not comply with section 4:60, who fails to comply with the notice given in section 4:61, shall be responsible for a civil infraction, which shall be punishable by a civil fine of not less than \$100.00 for the first offense, not less than \$250.00 and up to \$500.00 for the second offense, and not less than \$500.00 and up to \$1,000.00 for each additional or subsequent offense within a 2-year time period, plus costs and all other remedies available by statute.. The maximum fine for any offense shall not exceed \$1,000.00. If the penalty is not paid within 45 days, it may be assessed against the parcel under section 1:292 of this Code.~~

Section 5. This Ordinance shall take on October 1, 2015.

As Amended by City Council at First Reading on March 16, 2015