

CITY OF FLAT ROCK

WAYNE COUNTY, MICHIGAN

Ordinance No. 413

AN ORDINANCE TO AMEND CHAPTER 78 OF THE CODE OF THE CITY OF FLAT ROCK BY ADDING ARTICLE V ENTITLED "SIDEWALK SNOW REMOVAL," REQUIRING THE REMOVAL OF ACCUMULATED SNOW, ICE, AND RUBBISH UPON SIDEWALKS.

THE CITY OF FLAT ROCK ORDAINS:

SECTION I. Chapter 78 of the Code of the City of Flat Rock is hereby amended by adding Article V, Chapter 78 of the Code, entitled "Sidewalk Snow Removal," which shall read as follows:

Sec. 78-200. Definitions.

The following definition will apply in the interpretation and enforcement of this article:

Coordinator shall mean the person designated by the Mayor with the approval of the City Council.

Sec. 78-201. Accumulation of snow, ice, rubbish, etc., prohibited.

Purpose. During the winter months, residents of the City of Flat Rock (including children walking to school and the physically challenged) need to be able to safely use the public sidewalks and walkways. This means that all snow and ice should be removed from the entire constructed width enabling people of all ages and physical conditions to have access to clean pedestrian walkways. This ordinance is intended to provide for the safe passage and to protect the general health, safety and welfare of the residents of the City of Flat Rock and those using the public sidewalks and walkways.

(1) *Obligations and prohibitions.*

- (a) Each owner or occupant of any premises abutting a sidewalk or walkway shall remove all snow and ice from said sidewalk or walkway and keep the same free from obstructions, encroachments, encumbrances, filth, rubbish, and/or other substances which may cause injury to any person.
 - (b) No person shall deposit or place snow from private property onto any public sidewalk, public walkway, street or right-of-way; nor shall any person deposit or place snow from any public sidewalk or walkway onto any public street or right-of-way.
 - (c) No person shall deposit, place, shovel or plow snow in such a manner so as to block passage of pedestrian traffic on public sidewalks, public walkways, streets or rights-of-way.
 - (d) No person shall deposit, place, shovel or plow snow in such a manner so as to hinder or interfere with the ability to see pedestrian or vehicular traffic. Snow shall not be deposited, placed, shoveled or plowed in such a manner causing said snow to exceed four (4) feet in height on any property.
- (2) *Violation declared to be a public nuisance.* It is hereby determined that a violation of this ordinance will create an immediate health and safety hazard to those using the public sidewalks and walkways located in the City of Flat Rock. As such, a violation of this ordinance is hereby declared to be a public nuisance.
- (3) *Abatement of public nuisance.* A violation of this ordinance having been declared to be a public nuisance may be abated by the City of Flat Rock through its employees and/or contractors. Such abatement may include, but is not limited to, the clearing of said sidewalks and walkways of snow, ice, obstructions, encroachments, encumbrances, filth, rubbish and other substances or materials creating the possibility of injury to any person. The City shall take abatement action with respect to the accumulation of snow

and/or ice only when such has reached an accumulation depth of two (2) inches or greater (snow event).

Prior to the City or its contractor abating the nuisance with respect to snow/ice, the following provisions shall apply:

- (a) Each owner or occupant of any premises abutting the sidewalk or walkway shall remove the snow and ice from said sidewalk or walkway within 48 hours of the City declaring a snow event. A snow event shall be declared whenever snow or ice has reached an accumulation depth of two (2) inches or greater. Only the Coordinator may declare a snow event.
- (b) The City shall use its best efforts to inform its residents of the declaration of a snow event, however, the obligation to remove snow and/or ice from the sidewalk or walkway is not dependent upon the owner or occupant receiving actual notice of the snow event declaration.
- (c) Forty-eight hours after the declaration of the snow event, the City or its contractor will leave written notice at any property in violation stating that if the sidewalk or walkway is not cleared of snow/ice within twenty-four (24) hours, the City or its contractor will do so and assess the cost and administrative fee to the property owner and/or occupant. Written notice may be in the form of a sticker to be placed on or near the front door, or other written notice affixed to the property on or near the front door. Notices to commercial businesses shall be placed in an envelope placed on or near the front door.
- (d) In the event the owner or occupant has not removed the snow/ice from the sidewalk or walkway within twenty-four (24) hours after the notice detailed in sub-paragraph (c) above, the City or its contractor may remove the snow/ice, and assess the cost and administrative fee to the owner/occupant. Upon the City or its contractor abating the

nuisance, it shall provide notice to the owner or occupant in the same manner detailed in sub-paragraph (c) above, that the City has abated the nuisance and that the cost and assessment for said abatement will be billed to the owner/occupant.

- (4) *Assessment against property owner and/or occupant.* The City of Flat Rock shall have the right to assess all costs of said nuisance abatement against the property owner and/or occupant of the property immediately abutting the sidewalk or walkway upon which the nuisance exists. Said assessment shall include, but not be limited to, the costs of clearing the sidewalk or walkway and an administrative fee of One Hundred Twenty-five and 00/100 Dollars (\$125.00), which may be changed from time to time by resolution of the City Council. In the event the property owner or occupant fails to pay the costs of nuisance abatement and the administrative fee, said costs and fees shall be assessed against the property and placed upon the tax rolls of the City of Flat Rock.
- (5) *General notice.* General notice to property owners and occupants of this ordinance shall be given by the following:
 - (a) Publication of a summary of the ordinance, including the obligations contained in the ordinance, in the City's newsletter at least once each year.
 - (b) Publication of a summary of the ordinance, including the obligations contained in the ordinance, at least one time per year in a newspaper of general circulation within the City.
 - (c) Notice of a summary of the ordinance and the obligations contained in the ordinance to be included with each water and tax bill during the fall and winter months.
 - (d) Publication of the ordinance in full on the City's website.
- (6) *Appeal.* Any person aggrieved by any provision of this ordinance may appeal any cost or assessment occasioned by the City's abatement of nuisance to the

Coordinator. Said appeal must be filed in writing with the City of Flat Rock no later than twenty-one (21) days after the mailing of the costs and assessment to the property owner or occupant by the City of Flat Rock. The appeal must include a full explanation why the costs and/or assessment should not have been levied. The Coordinator shall have authority to determine all matters related to the appeal.

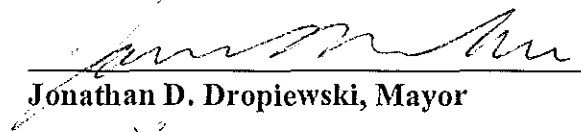
Any person aggrieved by the decision of the Coordinator may appeal to the City Council. Said appeal must be filed in writing with the City of Flat Rock no later than twenty-one (21) days after the decision of the Coordinator has been provided to the appellant. The decision of the City Council shall be final.

(7) *Penalty.* A second violation of this ordinance shall constitute a municipal civil infraction. The penalty for a violation of this ordinance shall be tiered as follows:

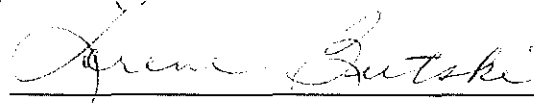
- (a) For the first offense resulting in the City or its contractor abating the nuisance, the property owner and/or occupant shall pay the cost of the abatement and the administrative fee.
- (b) For the second offense, the property owner and/or occupant shall pay the cost of the abatement, the administrative fee, and may be cited with a civil infraction ticket with a maximum fee of One Hundred and 00/100 Dollars (\$100.00) plus court costs.
- (c) For the third and subsequent offense, the property owner and/or occupant shall pay the cost of the abatement, the administrative fee, and may be cited with a ticket with a maximum fee of One Hundred Fifty and 00/100 Dollars (\$150.00) plus court costs.

SECTION II. That all ordinances or parts of ordinances, Code of the City of Flat Rock, or parts of the Code of the City of Flat Rock, not consistent herewith are hereby repealed.

SECTION III. This ordinance shall be published in the News Herald newspaper as required by Charter on the 2nd day of March, 2011, but in no event shall be effective earlier than ten (10) days after enactment.

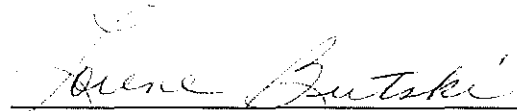


Jonathan D. Dropiewski, Mayor



Lorene Butski, City Clerk

I hereby certify that the foregoing is a true copy of the ordinance adopted by the Council of the City of Flat Rock at a meeting thereof on February 22, 2011, the original of which proceedings is on file in my office.



Lorene Butski, City Clerk