

## **ORDINANCE NO. 1193**

An Ordinance of The City of Lansing, Michigan, to amend Chapter 1020, Section 6, of the Lansing Codified Ordinances by requiring that The City of Lansing perform a general notification by publication to all residents before the first snowfall of the year that snow and ice must be removed from their sidewalks or they will be subject to cost of removal.

The City of Lansing ordains:

Section 1. That Chapter 1020, Section 6, of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended to read as follows:

1020.06. Snow and ice.

(a) No person shall permit any snow or ice to remain on any public sidewalk adjacent to any house, building or lot owned or occupied by that person, or on the public sidewalk adjacent to any multifamily dwelling or unoccupied house, building or lot owned by that person, for more than 24 hours after the same has fallen or formed. The property owner, as used in this section, shall be the owner of record whose name appears on the City's property assessment records.

(b) No person shall place or cause to be placed ice or snow upon a right-of-way so as to impair vehicular or pedestrian traffic.

(c) If a property owner fails to remove snow or ice from a public sidewalk as required in subsection (a), or places or causes to be placed ice or snow upon a right-of-way as prohibited in subsection (b), pursuant to standards to be promulgated by the Public Service Department prior to enforcement under this section, including provisions for notice and snow accumulation, for review by City Council, the City may ~~do the following~~:

(1) Remove the snow or ice and the property owner will be assessed by the City's removal cost, including an administrative fee, as established by resolution from time to time.

(2) The City Assessor, upon receipt of snow or ice removal date from the Public Service Department, shall make an assessment roll for the properties and the assessment roll shall be processed in accordance with the assessment procedure contained in section 1026.06(B) and (C) of this code of ordinances. After confirmation of the assessment roll, the Assessor's office shall process and mail by first-class mail the snow or ice removal assessment to each property owner. If the assessment to each property is not paid within 60 days, it shall be placed as a lien against the property as permitted by law. Any unpaid portion of the snow or ice removal assessment will be subject to a five (5%) percent additional administrative fee if not paid within 60 days.

(d) It shall be the duty of the Public Service Department to give general notice to every owner, processor or occupier of land and every person having charge of any land within the City by publication at least once in a newspaper of general circulation in the City of the requirements that (1) property owners must remove snow or ice from a public sidewalk as stated in subsection (A); (2) causing ice or snow to be placed upon a right-of-way so as to impair vehicular or pedestrian traffic is prohibited as stated in subsection (B); and (3) the City may remove or cause to be removed the snow or ice and the property owner will be assessed the City's removal cost, including an administrative fee, as established by resolution from time to time as stated in subsection (C). In addition to this published notice, the Public Service Department shall give notice to every owner, possessor or occupier of land, and to every person having charge of any land within the City by placing a posting on the property at least twenty-four (24) hours after snow or ice has fallen or formed. Said posting shall include at minimum the following provisions:

- (1) Property owners must remove snow or ice from a public sidewalk as stated in subsection (A);
- (2) Causing ice or snow to be placed upon a right-of-way so as to impair vehicular or pedestrian traffic is prohibited as stated in subsection (B);
- (3) That twenty-four (24) hours after posting, the City may remove or cause to be removed the snow or ice and the property owner will be assessed the City's removal cost, including an administrative fee, as established by resolution from time to time as stated in subsection (C); and
- (4) The date and time the posting was placed on the property.

The failure of any person to receive the notice shall not affect the validity of an action taken under this section.

Any person in violation of subsection (a) or (b) of this section shall also be responsible for a municipal civil infraction and may be fined in accordance with Section 203.06 of this Code. For purposes of establishing civil fines, all public sidewalks and rights-of-way shall be divided into two tiers, as follows:

- (1) Tier one shall be every public sidewalk adjacent to a roadway with a speed limit of 30 mph or more.
- (2) Tier two shall be all public sidewalks which are not tier one.

(e) A police officer or duly authorized agent of the City shall issue a snow violation citation to the occupant or owner of any property in violation of this section.

The director of Public Service shall designate personnel to be authorized to enforce this section. After such authorization, each designated person shall subscribe to an oath and place the same on file with the City Clerk. The oath shall be in substantially the following form:

“I do solemnly swear (to uphold the Constitution of the United States, and) that I will faithfully discharge my duties in enforcing the provision of Section 1020.06 of the Codified Ordinances of The City of Lansing.”

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.