

ORDINANCE NO. ORD-24-12

First Reading: May 20, 2024
Public Hearing: June 3, 2024

Approved: June 3, 2024
Published: June 13, 2024
Effective: June 23, 2024

ORDINANCE TO AMEND SECTIONS 4:60 AND 4:61 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 (Sidewalks) of Title IV of the Code of the City of Ann Arbor be amended as follows:

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

- (1) Except for sidewalks defined by section 4:51(1)(b) and (c), all snow and ice which has accumulated prior to 6:00 a.m. on a sidewalk adjacent to property not zoned **R1 (Single-Family), R2 (Two-Family), or R3 (Townhouse)** residential shall be removed by the owner, **owner's agent**, or occupant by noon. The owner, **owner's agent**, 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, **owner's agent**, 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.
- (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, **owner's agent**, or occupant of every property zoned **R1, R2, or R3** residential shall remove the accumulation from the adjacent sidewalk and from walks and ramps that are at bus stops or that lead to a marked or unmarked crosswalk.
- (3) Except for sidewalks defined by section 4:51(1)(b) and (c), within 18 hours after any ice forms, the owner, **owner's agent**, or occupant of every property zoned **R1, R2, or R3** 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, **owner's agent**, or occupant as follows:
 - (a) If the property that is zoned PL is adjacent to property not zoned **R1, R2, or R3** residential, then the owner, **owner's agent**, 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 R1, R2, or R3 residential, then the owner, owner's agent, 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 R1, R2, or R3 residential and to property not zoned residential, then the owner, owner's agent, 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) "Owner's agent," for purposes of this section and section 4:61, means a person or entity who acts on behalf of an owner, including agents registered with the City under Chapter 97 (Short-Term Rentals) and Chapter 105 (Housing Code).
 - ~~(9)~~ (10) "Season," for purposes of this section and section 4:61, means October 1 of each year through May 31 of the following year.
 - ~~(10)~~ (11) "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)~~ (12) Penalties:
 - (a) For R1, R2, or R3 residential property and adjacent public land: ~~property zoned residential and adjacent PL:~~ An owner, owner's agent, or occupant 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 fine as follows:
 - (i) ~~a civil fine of not more than~~ Not less than \$60.00 and up to \$100 for the first citation issued in a season, plus costs and all other remedies available by statute;
 - (ii) Not less than \$100 and up to ~~not more than~~ \$250.00 for the second citation issued in a season, plus costs and all other remedies available by statute;
 - (iii) Not less than ~~\$200.00 500.00~~ and up to ~~\$400 \$1,000.00~~ for each additional or subsequent citation issued in a season, plus costs and all other remedies available by statute.
 - (b) For property zoned R4 (Multiple-Family), property not zoned residential, and adjacent PL: An owner, owner's agent, or occupant of the property who fails to comply with this section shall be responsible for a civil infraction, punishable by a fine as follows:

(i) Not less than \$250 and up to \$500 for the first citation issued in a season, plus costs and all other remedies available by statute, plus costs and all other remedies available by statute;

(ii) Not less than \$400 and up to \$800 for the second citation issued in a season, plus costs and all other remedies available by statute;

(iii) Not less than \$500 and up to \$1,000 for each additional or subsequent citation issued in a season, plus costs and all other remedies available by statute.

(iv) The fines for a single-family dwelling, two-family dwelling, or townhouse dwelling unit located on a non-residential zoned parcel shall be the same as R1 residential property.

(c) 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 be amended as follows:

4:61. – Issuance of citation and removal by city.

(1) ~~(1)~~—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 will give notice to the owner, **owner's agent**, or occupant. The notice may be made in person, by telephone, by U.S. mail, **electronic communication**, or by written notice left at the property. The notice will **indicate state** that if the owner, **owner's agent**, or occupant fails to remove the snow and/or ice within 24 hours of the notice, a citation **may shall** 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.

(2) The notice shall contain information directing residents with disability or other access needs to contact Community Standards for potential assistance, including from programs that pair residents with volunteers to assist them with snow removal.

(32) 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 waivable or alterable by the court in proceedings on a citation issued under section 4:60.

Section 3. This ordinance shall take effect ten days after publication.

As Amended and Approved at First Reading on May 20, 2024

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of June 3, 2024.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on June 13, 2024.

Jacqueline Beaudry, Ann Arbor City Clerk