City of Ann Arbor

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Legislation Details (With Text)

File #:	15-0143	**Version:**	3	**Name:**	3/2/15 - Ordinance Amendment - Sections 4:60 and 4:61
Type:	Ordinance			**Status:**	Passed
File created:	3/2/2015			**In control:**	City Council
On agenda:	10/5/2015			**Final action:**	10/5/2015
Enactment date:	9/21/2015			**Enactment #:**	ORD-15-04

Title: 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 (Ordinance No. ORD-15-04)

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD15-04 Ch 49 As Amended and Approved 100515.pdf, 2. 10-05-15 Supplemental Memo - ORD-15-04.pdf, 3. ORD15-04 Ch 49 As Amended 031615.pdf, 4. Pedestrian Safety and Access Task Force Final Recommendations, 5. Ord Amend Chpt 49 Briefed.pdf, 6. Ord Amend Chpt 49.pdf, 7. Communication from Linda Feldt regarding Pedestrian Safety and Access Task Force (2).pdf, 8. Memo from Pedestrian Safety Task Force - Postponement Request, 9. MEMO to Council for 4-20-15 from Disabilities Commission.pdf, 10. Disabilities Commission Draft Resolution for Consideration 4-15.pdf, 11. PSATF Letter to Mayor Council, 12. PSTAF Letter to Mayor and Council - 6-15-15, 13. Memo to Mayor and Council - Proposed Ordinance to Amend Chapter 49 6-25-15, 14. Memo to Mayor and Council - Proposed Ordinance to Amend Chapter 49 - Updated 7-6-15, 15. Memo to Mayor and Council - Proposed Ordinance to Amend Chapter 49 - Updated 7-7-15, 16. Environmental Commission Resolution, 17. PSATF Presentation for 9-14-15

Date	Ver.	Action By	Action	Result
10/5/2015	1	City Council	Held and Closed	
10/5/2015	1	City Council		
10/5/2015	1	City Council	Amended	Fail
10/5/2015	1	City Council	Amended	Pass
10/5/2015	1	City Council	Amended	Fail
10/5/2015	1	City Council	Amended	Pass
10/5/2015	1	City Council	Amended	Fail
10/5/2015	1	City Council	Amended	Fail
10/5/2015	1	City Council	Adopted as Amended on Second Reading	Pass
10/5/2015	1	City Council	Amended	Pass
9/21/2015	1	City Council	Approved on First Reading	Pass
9/14/2015	2	City Council	Held and Continued	
7/6/2015	1	City Council		
7/6/2015	1	City Council	Postponed at First Reading	Pass
6/1/2015	1	City Council		
6/1/2015	1	City Council	Postponed at First Reading	Pass

4/20/2015	1	City Council		
4/20/2015	1	City Council	Postponed at First Reading	Pass
3/16/2015	1	City Council	Held and Closed	
3/16/2015	1	City Council		
3/16/2015	1	City Council		
3/16/2015	1	City Council	Amended	Fail
3/16/2015	1	City Council	Amended	Pass
3/16/2015	1	City Council	Amended	Pass
3/16/2015	1	City Council	Amended	Pass
3/16/2015	1	City Council	Amended	Pass
3/16/2015	1	City Council	Postponed at First Reading	Pass
3/2/2015	1	City Council		
3/2/2015	1	City Council	Amended	Fail
3/2/2015	1	City Council	Approved on First Reading	Pass

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 (Ordinance No. ORD-15-04)
Please see attached 10-5-15 Supplemental Memorandum.

The Pedestrian Safety and Access Task Force recommends Council adopt the attached ordinance to amend the current City Code provisions regarding requirements for removing snow from sidewalks. The ordinance amendment makes changes to, clarifies, and reorganizes, as summarized below.

The sidewalks to which both the current ordinance and the ordinance amendment apply are defined in Section 4:51(a) as “any concrete or bituminous walkway, or walkway of other materials that is designed particularly for pedestrian, bicycle, or other non-motorized travel and that is constructed (a) in a public right-of-way that contains an improved street or in an easement adjacent and parallel to a public right-of-way that contains an improved street.”

Changes
In Section 4:60(2), the ordinance amendment deletes the words “greater than 1 inch” from the current version, which requires snow removal only of accumulations of “greater than 1 inch.”

In Section 4:61(1), the ordinance amendment provides for one 24-hour notice per season to a property owner before Community Standards will issue a citation and have the sidewalk cleared by the City. Section 4:60(7) is added to define “season.” Currently, each time Community Standards receives a complaint that a residential property owner has not removed snow from adjacent sidewalks within 24 hours after the last accumulation of snow, an officer posts a notice that gives the owner an additional 24 hours to clear the snow to avoid receiving a ticket and being charged the costs that the City incurs to remove the snow. In effect, this means each time a residential property owner fails to remove snow from his/her sidewalks within 24 hours after the most recent accumulation, removal by the City can’t occur until at least 48 hours after the accumulation.

Clarifications
In Sections 4:60(1) and (2), the ordinance amendment clarifies that the requirement to remove snow

applies to the sidewalk at bus stops adjacent to a person's property, and that the requirement to clear ramps and walks that lead to crosswalks means both marked and unmarked crosswalks.

In Section 4:60(3), the ordinance amendment clarifies the requirements for sidewalks adjacent to property zoned PL (public land).

In Section 4:60(6), the ordinance amendment clarifies that one cannot remove snow from one's sidewalks by placing it on someone else's sidewalks or in the street.

In Section 4:60 (8), the ordinance amendment clarifies the term "owner."

In Section 4:61(2), the ordinance amendment clarifies that the fine for a citation and the charges for the City to clear the sidewalk are two separate financial consequences for violating these provisions of City Code.

Reorganization
In Section 4:60, the ordinance amendment reformats the three unnumbered paragraphs now in Section 4:60 to become the first three subsections of Section 4:60, and numbers them as subsections (1), (2), and (3).

The provision in Section 4:60(4) of the ordinance amendment is from the second paragraph currently in Section 4:60.

The provision in Section 4:60(5) of the ordinance amendment is from the third paragraph currently in Section 4:60.

The provision in Section 4:60(9) relocates the penalty provision from the current Section 4:63 and simplifies the current language. Section 4:63 is deleted.

In Section 4:62, because Section 4:61 is divided into two subsections, the reference to Section 4:61 is updated to reference Subsection 4:61(2).

Prepared by: Kristen Larcom, Senior Assistant City Attorney
Reviewed by: Pedestrian Safety and Access Task Force
Craig Hupy, Public Services Area Administrator
Approved by: Steven D. Powers, City Administrator

ORDINANCE NO. ORD-15-04

First Reading:	March 2, 2015	Approved:	October 5, 2015
Public Hearing:	March 16, 2015	Published:	October 8, 2015
	October 5, 2015	Published:	November 15, 2015

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 residentiallyresidential 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,greater than 1 inch, the owner or occupant of every residentially zoned property zoned residential shall remove the the accumulation 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 lessmore than $100.00 for the first citation issued in a season, not lessmore 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 notifywill 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.

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.November 15, 2015.

As Amended by City Council at First Reading on March 16, 2015 and Amended and Approved at Second Reading on October 5, 2015.

C E R T I F I C A T I O N

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of October 5, 2015.

Jacqueline Beaudry, City Clerk

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication in the Washtenaw Legal News on October 12, 2015.

Jacqueline Beaudry, City Clerk