



AGENDA
Committee on Public Services
City Council Conference Room, 10th Floor, City Hall
Wednesday, September 8, 2010
12:45 p.m.

Councilmember Eric Hewitt, Chair
Councilmember Jessica Yorko, Vice Chair
Councilmember Brian Jeffries, Member

- I. Call To Order**
- II. Roll Call**
- III. Approval of Minutes**
- IV. Public Comment**
- V. Discussion/Action:**
 1. Discussion on the Snow and Ice Removal Ordinance
- VI. Other**
- VII. Adjourn**
- VIII. Pending**

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND
CHAPTER 1020, SECTION 6, OF THE LANSING CODIFIED ORDINANCES BY
PROVIDING FOR REMOVAL OF SNOW AND ICE BY THE CITY IF THE PROPERTY
OWNER FAILS TO DO SO, AND ASSESSMENT OF COSTS AGAINST THE PROPERTY
OWNER.

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 twenty-four 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), THE CITY MAY DO THE FOLLOWING:

(1) NOTIFY ANY PROPERTY OWNER IN VIOLATION OF THESE SECTIONS
BY WRITTEN NOTICE SENT BY FIRST-CLASS MAIL TO THE PROPERTY

1 OWNER AT THE ADDRESS SHOWN ON THE ASSESSOR'S RECORDS AND BY
2 NOTICE POSTED ON THE PROPERTY. THE NOTICE OF VIOLATION SHALL
3 STATE THAT IF THE SNOW OR ICE IS NOT REMOVED WITHIN 24 HOURS OF
4 THE DATE AND TIME NOTICE IS DEEMED RECEIVED BY MAIL, THE CITY
5 MAY REMOVE THE SNOW OR ICE AT THE OWNER'S EXPENSE. NOTICES
6 GIVEN BY MAIL SHALL BE DEEMED RECEIVED AT 5:00 P.M. ON THE DAY
7 FOLLOWING THE DAY THE NOTICE IS DEPOSITED IN THE UNITED STATES
8 MAIL, OR 5:00 P.M. ON THE NEXT MAIL DELIVERY DAY, WHICHEVER IS
9 LATER. THE FAILURE OF ANY PERSON TO RECEIVE THE NOTICE SHALL
10 NOT AFFECT THE VALIDITY OF ANY ACTION TAKEN UNDER THIS SECTION.

11 (2) IF THE PROPERTY OWNER FAILS TO ABATE THE VIOLATION WITHIN
12 24 HOURS AFTER A NOTICE IS DEEMED RECEIVED BY MAIL, THE CITY MAY
13 REMOVE, OR CONTRACT FOR THE REMOVAL, OF THE SNOW OR ICE AND
14 THE PROPERTY OWNER WILL BE ASSESSED THE CITY'S REMOVAL COST,
15 INCLUDING AN ADMINISTRATIVE FEE, AS ESTABLISHED BY THE PUBLIC
16 SERVICE DEPARTMENT.

17 (3) THE CITY ASSESSOR, UPON RECEIPT OF SNOW OR ICE REMOVAL
18 DATA FROM THE PUBLIC SERVICE DEPARTMENT, SHALL MAKE AN
19 ASSESSMENT ROLL FOR THE PROPERTIES AND THE ASSESSMENT ROLL
20 SHALL BE PROCESSED IN ACCORDANCE WITH THE ASSESSMENT
21 PROCEDURE CONTAINED IN SECTION 1026.06(B) AND (C) OF THIS CODE OF
22 ORDINANCE. AFTER CONFIRMATION OF THE ASSESSMENT ROLL, THE
23 ASSESSOR'S OFFICE SHALL PROCESS AND MAIL BY FIRST-CLASS MAIL THE

1 SNOW OR ICE REMOVAL ASSESSMENT TO EACH PROPERTY OWNER. IF THE
2 ASSESSMENT IS NOT PAID WITHIN 30 DAYS, IT SHALL BE PLACED AS A
3 LIEN AGAINST THE PROPERTY AS PERMITTED BY LAW. ANY UNPAID
4 PORTION OF THE SNOW OR ICE REMOVAL ASSESSMENT WILL BE SUBJECT
5 TO A FIVE PERCENT (5%) ADDITIONAL ADMINISTRATIVE FEE IF NOT PAID
6 WITHIN 30 DAYS.

7 ~~(e)~~ (d) ANY PERSON IN VIOLATION OF SUBSECTION (a) OR (b) OF THIS SECTION
8 SHALL ALSO BE RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION AND MAY
9 BE FINED IN ACCORDANCE WITH SECTION 203.06 OF THIS CODE. For purposes of
10 establishing civil fines, all PUBLIC sidewalks and rights-of-way shall be divided into two tiers,
11 as follows:

12 (1) Tier one shall be every PUBLIC sidewalk adjacent to a roadway with a speed limit
13 of 30 mph or more.

14 (2) Tier two shall be all PUBLIC sidewalks which are not tier one.

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

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

20 "I do solemnly swear (to uphold the Constitution of the United States, and) that I will faithfully
21 discharge my duties in enforcing the provisions of Section 1020.06 of the Codified Ordinances
22 of the City of Lansing."

1 (f) THIS ORDINANCE SHALL AUTOMATICALLY EXPIRE JULY 30, 2011 UNLESS
2 REENACTED OR EXTENDED.

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

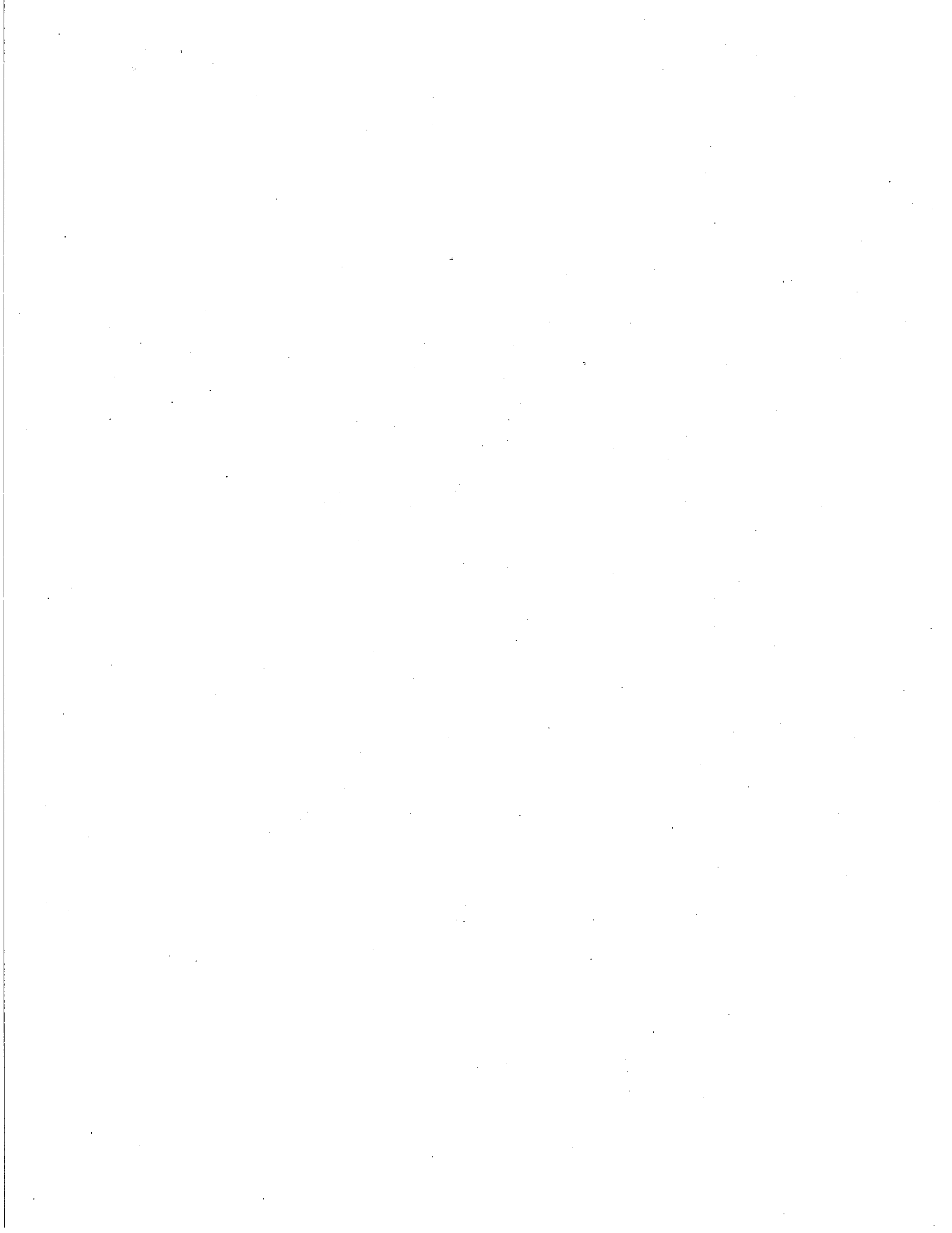
5 Section 3. Should any section, clause or phrase of this ordinance be declared to be
6 invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof
7 other than the part so declared to be invalid.

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

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Approved as to form:

Brig Smith, City Attorney
Dated: _____



1 (1) NOTIFY, AS PERSCRIBED IN SECTION (d) OF THE SECTION, ANY
2 PROPERTY OWNER IN VIOLATION OF THESE SECTIONS.

3 (2) REMOVE, OR CONTRACT FOR THE REMOVAL OF, THE SNOW OR ICE
4 IF THE PROPERTY OWNER FAILS TO ABATE THE VIOLATION WITHIN 24
5 HOURS AFTER A NOTICE IS DEEMED RECEIVED,

6 (3) PLACE AN ASSESSMENT AGAINST THE PROPERTY FOR THE CITY'S
7 REMOVAL COST, INCLUDING ANY ADMINISTRATIVE FEES, AS
8 ESTABLISHED BY THE PUBLIC SERVICE DEPARTMENT.

9 (d) NOTICE TO PROPERTY OWNER. WHENEVER THE MANAGER OF PUBLIC
10 SERVICE DETERMINES THAT A VIOLATION OF THIS CODE EXISTS OR
11 REASONABLY BELIEVES THAT A VIOLATION HAS OCCURRED, NOTICE SHALL BE
12 GIVEN TO THE PROPERTY OWNER OF RECORD. NOTICE MAY BE GIVEN TO THE
13 OCCUPANT OF THE PREMISES. AT THE DISCRETION OF THE MANAGER OF PUBLIC
14 SERIVCE, NOTICE SHALL BE GIVEN IN THE MANNER PRESCRIBED IN
15 SUBSECTIONS (e) AND (f).

16 (e) FORM. NOTICE PRESCRIBED IN THIS SECTION SHALL BE IN WRITING AND
17 INCLUDE THE FOLLOWING:

18 (1) A DESCRIPTION OF THE PREMISES SUFFICIENT FOR IDENTIFICATION.

19 (2) A STATEMENT OF THE VIOLATION.

20 (3) A CORRECTION NOTICE STATING THE TIME TO CORRECT THE
21 VIOLATIONS THE MANAGER OF CODE COMPLIANCE SHALL ESTABLISH
22 THE PERIOD OF TIME THAT IS REASONABLE UNDER UNUSUAL
23 CIRCUMSTANCES.



1 (4) THE DATE UPON WHICH THE INSPECTION TOOK PLACE.

2 (5) THE NAME OF THE CITY OFFICIAL MAKING THE INSPECTION.

3 (6) A STATEMENT THAT THE SIDEWALK OR PUBLIC RIGHT OF WAY HAS
4 BEEN FOUND TO BE IN VIOLATION OF THIS CODE.

5 (7) AN ORDER SPECIFYING THE ACTIONS THAT MUST BE TAKEN TO
6 COMPLY WITH THIS CODE.

7 (f) METHOD OF SERVICE. NOTICE SHALL BE DEEMED TO BE PROPERLY MADE BY
8 ANY OF THE FOLLOWING METHODS:

9 (1) PERSONALLY SERVED.

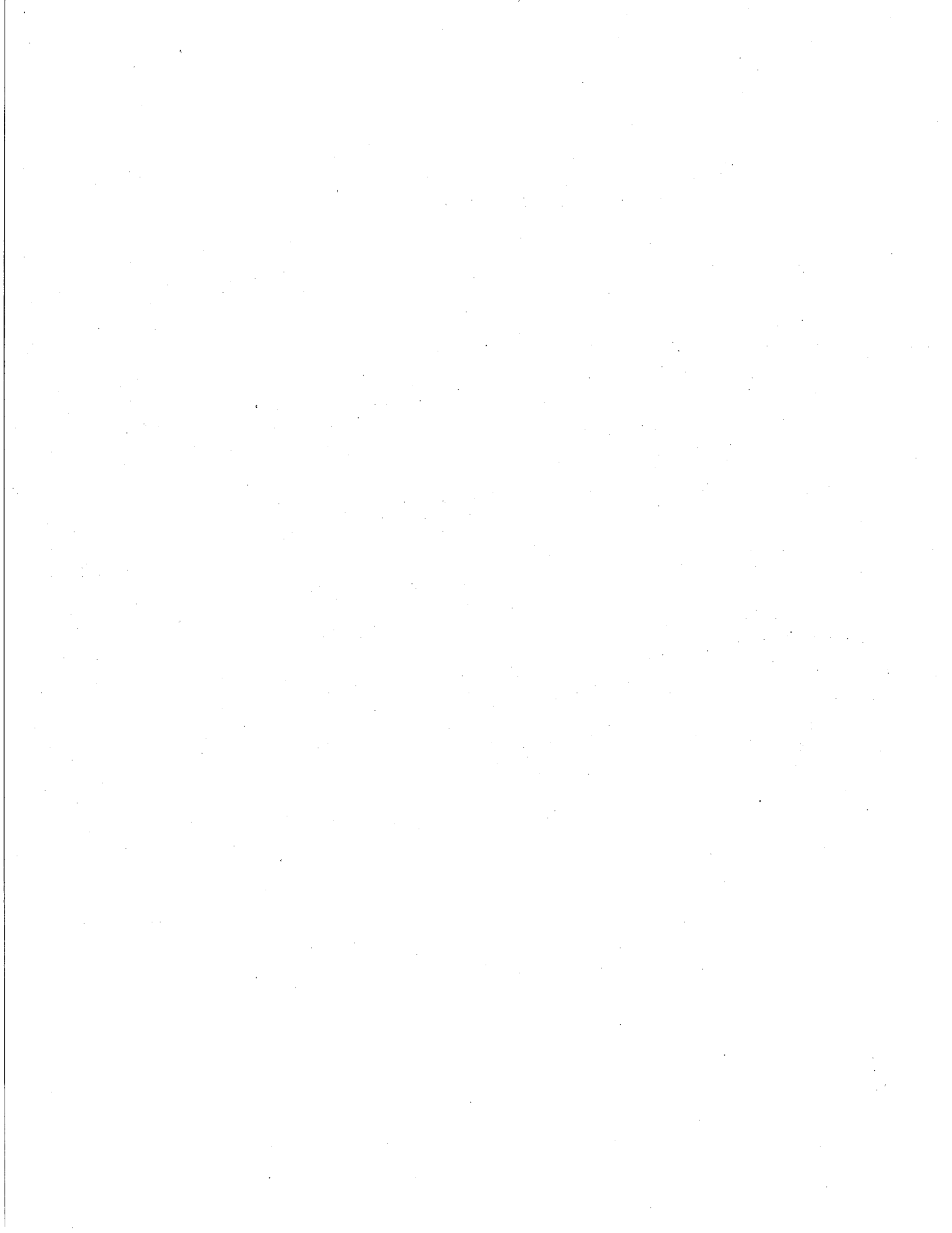
10 (2) POSTED ON THE PREMISES.

11 (3) FIRST-CLASS MAIL AND SHALL BE CONSIDERED RECEIVED THREE
12 DAYS AFTER MAILING.

13 (4) ANY OTHER METHOD PERMITTED BY LAW.

14 (g) FAILURE TO RECEIVE NOTICE. THE FAILURE OF ANY PROPERTY OWNER TO
15 RECEIVE NOTICE SHALL NOT AFFECT THE VALIDITY OF ANY PROCEEDINGS
16 TAKEN UNDER THIS CODE.

17 (h) TRANSFER OF OWNERSHIP. THE OWNER OF ANY PREMISES INCLUDING ANY
18 STRUCTURE THEREON, WHO HAS RECEIVED A CORRECTION NOTICE OR UPON
19 WHOM A NOTICE OF VIOLATION HAS BEEN SERVED SHALL NOT SELL, TRANSFER,
20 MORTGAGE OR OTHERWISE DISPOSE OF THE PREMISES TO WHICH THE NOTICE
21 APPLIES TO ANOTHER UNTIL THE VIOLATION HAS BEEN CORRECTED AND
22 INSPECTED AND APPROVED BY THE PUBLIC SERVICE DEPARTMENT OR THE
23 OWNER SHALL GIVE THE GRANTEE, TRANSFEREE OR MORTGAGEE A COPY OF



1 THE VIOLATION AND SHALL FURNISH THE MANAGER OF PUBLIC SERVICE A
2 SIGNED AND NOTARIZED STATEMENT FROM THE GRANTEE, TRANSFEREE, OR
3 MORTGAGEE ACKNOWLEDGING THE RECEIPT OF THE VIOLATION NOTICE.

4 (i) NOTICE OF ASSESSMENT. WITHIN 5 DAYS OF REMOVING THE SOWN OR ICE,
5 THE CITY WILL NOTIFY THE PROPERTY OWNER IN WRITING SENT BY FIRST-
6 CLASS MAIL OF THE AMOUNT ASSESSED FOR THE REMOVAL OF THE SNOW OR
7 ICE.

8 (j) APPEAL. ANY PROPERTY OWNER RECEIVING NOTICE OF AN ASSESSMENT
9 FOR THE REMOVAL OF SNOW OR ICE MAY APPEAL THE ASSESSMENT.

10 (1) A PROPERTY OWNER MAY REQUEST A CLAIMS APPEAL FORM FROM
11 THE PUBLIC SERVICE DEPARTMENT AND RETURN THE CLAIMS APPEAL
12 FORM WITHIN 20 DAYS TO THE CITY ATTORNEY'S OFFICE.

13 (2) THE CLAIMS REVIEW COMMITTEE WILL REVIEW THE CLAIMS
14 APPEAL WITHIN 30 DAYS OF RECEIVING THE APPEAL.

15 (3) WITHIN 14 DAYS OF NOTIFICATION FROM THE CLAIMS REVIEW
16 COMMITTEE, THE PROPERTY OWNER MAY SUBMIT A DISPUTE OF THE
17 CLAIMS REVIEW COMMITTEE'S FINDINGS, TO THE LANSING CITY COUNCIL
18 TO BE REVIEWED BY THE GENERAL SERVICES COMMITTEE.

19 (k) THE CITY ASSESSOR, UPON RECEIPT OF SNOW OR ICE REMOVAL DATA
20 FROM THE PUBLIC SERVICE DEPARTMENT, SHALL MAKE AN ASSESSMENT
21 ROLL FOR THE PROPERTIES. AFTER CONFIRMATION OF THE ASSESSMENT
22 ROLL, THE ASSESSOR'S OFFICE SHALL PROCESS AND MAIL BY FIRST-
23 CLASS MAIL THE SNOW OR ICE REMOVAL ASSESSMENT TO EACH

1 PROPERTY OWNER. IF THE ASSESSMENT IS NOT PAID WITHIN 30 DAYS, IT
2 SHALL BE PLACED AS A LIEN AGAINST THE PROPERTY AS PERMITTED BY
3 LAW. ANY UNPAID PORTION OF THE SNOW OR ICE REMOVAL
4 ASSESSMENT WILL BE SUBJECT TO A FIVE PERCENT (5%) ADDITIONAL
5 ADMINISTRATIVE FEE OR \$250, WHICHEVER IS GREATER, IF NOT PAID
6 WITHIN 30 DAYS.

7 (e) (l) ANY PROPERTY OWNER IN VIOLATION OF SUBSECTION (a) OR (b) OF THIS
8 SECTION SHALL ALSO BE RESPONSIBLE FOR A MUNICIPAL CIVIL INFRACTION
9 AND MAY BE FINED IN ACCORDANCE WITH SECTION 203.06 OF THIS CODE. For
10 purposes of establishing civil fines, all PUBLIC sidewalks and rights-of-way shall be divided
11 into two tiers, as follows:

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13 of 30 mph or more.

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

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

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21 discharge my duties in enforcing the provisions of Section 1020.06 of the Codified Ordinances
22 of the City of Lansing."
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1 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
2 inconsistent with the provisions hereof are hereby repealed.

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

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