



AGENDA
Committee of the Whole
City Council Chambers, 10th Floor, City Hall
Monday, November 1, 2010
8:00 p.m. (or directly after the Council Meeting)

Council President A'Lynne Robinson
Council Vice President Kathie Dunbar

- I. Call To Order
- II. Roll Call
- III. Approval of Minutes: 11-12-09, 5-3-10, 10-18-10
- IV. Public Comment
- V. Discussion/Action:
 1. City of Lansing Snow Clearing Standards
 2. Presentation on Lansing Consolidated Garage
- VI. Adjourn
- VII. Pending



OFFICE OF THE MAYOR

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Virg Bernero, Mayor

TO: City Council President A'Lynne Robinson and Council Members
FROM: Mayor Virg Bernero
DATE: October 21, 2010
RE: New City of Lansing Snow Clearing Standards

The attached correspondence is forwarded for your review and appropriate action.

VB/rh
Attachment

CITY OF LANSING
SNOW CLEARING STANDARDS

Draft
October 20, 2010

We are providing this information to clarify the enforcement procedures for the revisions to City Ordinance 1020.06 regarding the removal of snow and ice from sidewalks.

Background

Who: The City of Lansing Public Service Department, together with the Mayor's Office and the City Council are asking for your help in making public sidewalks safe.

What: A City Ordinance that requires property owners, to not permit any snow or ice to remain on any sidewalk adjacent to their property for more than 24 hours after snow has fallen or ice has formed. It is your responsibility to clear the full width of the sidewalks adjacent to your property.

When: Sidewalks must be kept clear at all times except during a weather event in which snow and ice are continuously accumulating. Property owners will have 24 hours after an event ends to clear their sidewalk.

Where: Public sidewalks in the City of Lansing.

Why: Public sidewalks need to be free of snow and ice to provide a safe route for everyday use by your neighbors, your postal carriers, school children, the physically challenged and others.

Sidewalk Inspection Process:

1st Inspection & Issuance of Violation

A City inspector may issue a violation notice if you fail to remove snow or ice from your sidewalk after 24 hours from the end of a winter weather event. The notice will be posted on the property and mailed to you by 1st class mail. If you receive a violation notice, you will be given an additional 24 hours to clear your sidewalks. The beginning of this 24 hour period is 5:00 p.m. on the next mail delivery day after the day the violation was issued.

2nd Inspection and Clearing of Snow or Ice

If you do not clear the sidewalks as required by the notice, the City may clear the sidewalk for you. If you have cleared your sidewalk before we get there, that will be greatly appreciated and no costs will be charged to you.

If the sidewalk has not been cleared and the crews clear it, the cost will be billed to the property owner for the cost of the work which includes an administrative fee.

Costs

The costs for clearing per the fiscal year 2011 budget passed by the Lansing City Council are as follows:

\$116.33 for the first 20 minutes of snow clearing

\$48.79 for each 20 minute period of additional snow clearing

Assessment Roll/ Appeal

An assessment roll will be created that includes all sidewalk clearing fees. A public hearing will be held by the City Council to consider the assessment roll. You will receive a notice ten days in advance of the hearing. If you feel you have been unfairly assessed, you will be able to express your concerns at the public hearing. City Council will make the final decision on any contested assessments. Once City Council ratifies the assessment roll, you will have 60 days to submit payment or the cost will be added to your property tax bill.

Process Overview: Provisions for Snow Accumulation

Snow event definition:

The ordinance prohibits, "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 For 24 hours after the same has fallen or formed." It does not specify a minimum accumulation depth. This is because any accumulation can be hazardous.

Snow removal should be an ongoing task and property owners should keep a constant vigil for snow or icy conditions and not rely on the City to give them 24 hour notice of impending enforcement activities.

FAQs:

Q: Why did we pass this new ordinance?

A: To enable the City to clear sidewalks that aren't being cleared and charge the associated costs to the property owners. The requirements for property owners to keep sidewalks clear are not new and have been in the ordinance for many years.

Q: The snow stopped at 11:00 this morning. How long do I have to clear my sidewalk?

A: By City Ordinance you have until 11:00 tomorrow morning, 24 hours after the end of a snow event.

Q: Will the ordinance be enforced on weekends or City Holidays?

A: Technically the requirements for keeping your sidewalk clear are continuously in place. However, enforcement activities will generally occur during normal business hours of the City.

Q: What if I don't clear my sidewalk?

A: A City Inspector may issue you a snow violation notice stating non-compliance. 24 hours after you receive the notice, the sidewalk will be rechecked and if it is still not cleared, it may be cleared by the City.

Q: What will that cost me?

A: Currently the rate is set at \$116.33 for the first 20 minutes of work and \$48.79 for every additional 20 minute period. The City will clear the sidewalks as quickly as possible. These fees reimburse the City for the costs to perform the work and administrate the program.

Q: The City snowplows went through and plowed snow onto my cleared sidewalk. Am I responsible for clearing that?

A: Yes. We ask our drivers to be as careful as possible but some things are un-avoidable and the streets have to get plowed. The snowplows must maintain reasonable speeds to effectively get the snow off the streets. We advise residents with sidewalks close to the street to plan appropriately when/if the snowplows throw additional snow on the sidewalk.

Q: I live on a corner property. Am I responsible for clearing both sides of my property including the ramps down to the street?

A: Yes. The ordinance states "any public sidewalk adjacent to" the property shall be cleared by that owner. This includes any ramps leading down to the street.

Q: I am out of town, away from home, for days or weeks occasionally. What should I do about my snow removal during those times?

A: If you are away from home for any extended period of time you should make arrangements with a friend, relative, neighbor or professional snow removal service to monitor the public sidewalk adjacent to your property for snow and ice removal.

Q: I live on a neighborhood street. Sometimes the City does not plow my street. Why do I have to clear the snow on my sidewalk?

A: The City has a defined policy which uses limited funds for clearing snow from streets to enable safe travel for vehicles. Sidewalks are used by all types of people during all hours of the day. Keep in mind that children, the elderly, postal workers, and physically challenged people all rely on safe passage routes on sidewalks. If safe passage is not maintained, this creates a hardship for people and worse yet, causes some to use the street as an alternative.

Definitions

Your Sidewalk- any sidewalk that is adjacent to your property including any ramps leading down to the street whether at corners or mid-block.

Clearing Sidewalk- shoveling and/or salting the adjacent sidewalks the full width of the sidewalk.

Violation Notice - a notice issued by the City notifying property owners that they are in violation of the snow clearing ordinance and that they have 24 hours to clear their sidewalk. This notice is posted at the property and mailed to the property owner.

Weather Event – a winter weather event that causes snow or ice to continuously accumulate.

ORDINANCE #1161

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), PURSUANT TO STANDARDS TO BE PROMULGATED BY THE PUBLIC SERVICE DEPARTMENT PRIOR TO ENFORCEMENT UNDER THIS ORDINANCE, INCLUDING PROVISIONS FOR NOTICE AND SNOW ACCUMULATION, FOR REVIEW BY CITY COUNCIL, 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 OWNER AT THE ADDRESS SHOWN ON THE ASSESSOR'S RECORDS AND BY NOTICE POSTED ON THE PROPERTY. THE NOTICE OF VIOLATION SHALL STATE THAT IF THE SNOW OR ICE IS NOT REMOVED WITHIN 24 HOURS OF THE DATE AND TIME NOTICE IS DEEMED RECEIVED BY MAIL, THE CITY MAY REMOVE THE SNOW OR ICE AT THE OWNER'S EXPENSE. NOTICES GIVEN BY MAIL SHALL BE DEEMED RECEIVED AT 5:00 P.M. TWO ONE DAYS FOLLOWING THE DAY THE NOTICE IS DEPOSITED IN THE UNITED STATES MAIL, OR 5:00 P.M. ON THE NEXT MAIL DELIVERY DAY, WHICHEVER IS LATER. THE FAILURE OF ANY PERSON TO RECEIVE THE NOTICE SHALL NOT AFFECT THE VALIDITY OF ANY ACTION TAKEN UNDER THIS SECTION.

(2) IF THE PROPERTY OWNER FAILS TO ABATE THE VIOLATION WITHIN 24 HOURS AFTER A NOTICE IS DEEMED RECEIVED BY MAIL, THE CITY MAY REMOVE 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.

(3) THE CITY ASSESSOR, UPON RECEIPT OF SNOW OR ICE REMOVAL DATA 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 ORDINANCE. 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 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 PERCENT (5%) ADDITIONAL ADMINISTRATIVE FEE IF NOT PAID WITHIN 60 DAYS.

(d) 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 by Council 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 provisions of Section 1020.06 of the Codified Ordinances of the City of Lansing."

(f) THE SEPTEMBER 27, 2010 AMENDMENTS TO THIS ORDINANCE SHALL AUTOMATICALLY EXPIRE JULY 30, 2012 UNLESS REENACTED OR EXTENDED

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.