

**CITY OF ST. CLAIR SHORES
AMENDMENT TO ORDINANCE 30.012**

30.012 Accumulation of snow, ice, rubbish, etc., prohibited.

Sec. 33-2

(a) Each owner or occupant of any premises abutting a sidewalk shall remove all snow and ice from said sidewalk and keep the same free from obstructions, encroachments, encumbrances, filth, rubbish and other substances likely to cause injury to any person.

(b) No person shall deposit or place snow from private property on any public sidewalk, street or right-of-way; nor shall any person deposit or place snow from public sidewalks onto public streets or rights-of-way.

(c) No person shall deposit, place, shovel or plow snow in such a manner as to block passage of pedestrian traffic on public sidewalks, streets or rights-of-way.

(d) No person shall deposit, place, shovel or plow snow in such a manner as to hinder or interfere with the ability to see pedestrians or vehicular traffic. In this regard, snow shall not be deposited, placed, shoveled or plowed to exceed 4 feet on any property.

(Chap. 33 eff. Dec. 3, 1968; amend. Eff. Oct. 8, 1996)

Shall be amended as follows:

30.012 Accumulation of snow, ice, rubbish, etc., prohibited.

Purpose.

During the winter months, St. Clair Shores residents (including children walking to school and the physically challenged) need to be able to safely use the public sidewalks and walkways. This means that all snow and ice should be removed from the entire constructed width enabling people of all ages and physical conditions to have access to clean pedestrian walkways. This ordinance is intended to provide for such safe passage and to protect the general health, safety and welfare of the St. Clair Shores residents and those using the public sidewalks and walkways.

1. Obligations and prohibitions.

(a) Each owner or occupant of any premises abutting a sidewalk or walkway shall remove all snow and ice from said sidewalk or walkway and keep the same free from obstructions, encroachments, encumbrances, filth, rubbish, and/or other substances which may cause injury to any person.

(b) No person shall deposit or place snow from private property onto any public sidewalk, public walkway, street or right of way; nor shall any person deposit or place snow from any public sidewalk or walkway onto any public street or right-of way.

(c) No person shall deposit, place, shovel or plow snow in such a manner so as to block passage of pedestrian traffic on public sidewalks, public walkways, streets or rights-of-way.

(d) No person shall deposit, place, shovel or plow snow in such a manner so as to hinder or interfere with the ability to see pedestrian or vehicular traffic. Snow shall not be deposited, placed, shoveled or plowed in such a manner causing said snow to exceed four (4) feet in height on any property.

2. Violation declared to be a public nuisance.

It is hereby determined that a violation of this ordinance will create an immediate health and safety hazard to those using the public sidewalks and walkways within the City of St. Clair Shores. As such, a violation of this ordinance is hereby declared to be a public nuisance.

3. Abatement of public nuisance.

A violation of this ordinance having been declared to be a public nuisance may be abated by the City

of St. Clair Shores through its' employees and/or contractors. Such abatement may include, but is not limited to, the clearing of said sidewalks and walkways of snow, ice, obstructions, encroachments, encumbrances, filth, rubbish and other substances or materials creating the possibility of injury to any person. The City shall take abatement action with respect to the accumulation of snow and/or ice only when such has reached an accumulation depth of two (2) inches or greater (snow event).

Prior to the City or its contractor abating the nuisance with respect to snow/ice, the following provisions shall apply:

1. Each owner or occupant of any premises abutting the sidewalk or walkway shall remove the snow and ice from said sidewalk or walkway within 48 hours of the City declaring a snow event. A snow event shall be declared whenever snow or ice has reached an accumulation depth of two (2) inches or greater. Only the City Manager or the Mayor may declare a snow event.
 2. The City shall use its best efforts to inform its residents of the declaration of a snow event, however, the obligation to remove snow and/or ice from the sidewalk or walkway is not dependent upon the owner or occupant receiving actual notice of the snow event declaration.
 3. Forty-eight hours after the declaration of the snow event, the City or its contractor will leave written notice at any property in violation stating that if the sidewalk or walkway is not cleared of snow/ice within twenty-four (24) hours, the City or its contractor will do so and assess the cost and administrative fee to the property owner and/or occupant. Written notice may be in the form of a sticker to be placed on or near the front door, or other written notice affixed to the property on or near the front door. Notices to commercial businesses shall be placed in an envelope placed on or near the front door.
 4. In the event the owner or occupant has not removed the snow/ice from the sidewalk or walkway within twenty-four (24) hours after the notice detailed in paragraph 3, the City or its contractor may remove the snow/ice, and assess the cost and administrative fee to the owner/occupant. Upon the City or its contractor abating the nuisance, it shall provide notice to the owner or occupant in the same manner detailed in paragraph 3 above, that the City has abated the nuisance and that the cost and assessment for said abatement will be billed to the owner/occupant.
4. Assessment against property owner and/or occupant.

The City of St. Clair Shores shall have the right to assess all costs of said nuisance abatement against the property owner and/or occupant of the property immediately abutting the sidewalk or walkway upon which the nuisance exists. Said assessment shall include, but not be limited to, the costs of clearing the sidewalk or walkway and an administrative fee of Sixty Five and 00/100 (\$65.00) Dollars, which may be changed from time to time by resolution of City Council. In the event the property owner or occupant fails to pay the costs of nuisance abatement and the administrative fee, said costs and fees shall be assessed against the property and placed upon the tax rolls of the City of St. Clair Shores.

5. General Notice.

General Notice to property owners and occupants of this ordinance shall be given by the following:

- (1) Publication of the ordinance in full in the City's newsletter at least once in the fall and winter of each year.
- (2) Publication of the ordinance in full at least one time per year in a newspaper of general circulation within the City.
- (3) Notice of the obligations contained in this ordinance to be included with each water and tax bill during the fall and winter months.
- (4) Publication of the obligations contained in this ordinance on the City's website.

6. Appeal.

Any person aggrieved by any provision of this ordinance may appeal any cost or assessment occasioned by the City's abatement of nuisance to the City Manager. Said appeal must be filed in writing with the City of St. Clair Shores no later than twenty-one (21) days after the mailing of the costs and assessment to the property owner or occupant by the City of St. Clair Shores. The appeal must include a full explanation why the costs and/or assessment should not have been levied. The City Manager shall have authority to determine all matters related to the appeal.

Any person aggrieved by the decision of the City Manager may appeal to the Property Maintenance Board of Appeals Arbitration Board. Said appeal must be filed in writing with the City of St. Clair Shores no later than twenty-one (21) days after the decision of the Property Maintenance Board of Appeals has been provided to the appellant. The decision of the Property Maintenance Board of Appeals Arbitration Board shall be final.

7. Penalty.

A second violation of this ordinance is a civil infraction. The penalty for a violation of this ordinance shall be tiered as follows:

1. For the first offense resulting in the City or its contractor abating the nuisance, the property owner and/or occupant shall pay the cost of the abatement and the administrative fee.
2. For the second offense, the property owner and/or occupant shall pay the cost of the abatement, the administrative fee, and may be cited with a civil infraction ticket with a maximum fee of Fifty and 00/100 (\$50.00) Dollars plus court costs.
3. For the third and subsequent offense, the property owner and/or occupant shall pay the cost of the abatement, the administrative fee, and may be cited with a ticket with a maximum fee of One Hundred and 00/100 (\$100.00) Dollars plus court costs.

Any ordinance or parts of any ordinance in conflict with any provisions of this ordinance are hereby repealed.

This ordinance shall become effective upon publication by the City Clerk.

This ordinance shall be published by posting the same in three (3) public places within the City of St. Clair Shores and the Clerk is hereby ordered to post the same upon the bulletin board in the Police Station, 27665 Jefferson Avenue; the Fire Hall, 26700 Harper Avenue and the City Hall, 27600 Jefferson Avenue.

STATE OF MICHIGAN)
) ss
 COUNTY OF MACOMB)

We hereby certify that the foregoing ordinance is a true copy of an ordinance as enacted by the St. Clair Shores City Council on the 18th day of January 2010, and that the necessary Charter provisions have been observed.

ROBERT A. HISON, MAYOR

MARY A. KOTOWSKI, CITY CLERK

I, Mary A. Kotowski, City Clerk of the City of St. Clair Shores, hereby certify that the foregoing ordinance was published by posting true copies of the same in each of the following places: Police Station, 27665 Jefferson Avenue, Fire Hall, 26700 Harper Avenue, and City Hall, 27600 Jefferson Circle Drive on the 20th day of January 2010.

MARY A. KOTOWSKI, CITY CLERK

(ord. amendment eff. *January 20, 2010*)