

**AN ORDINANCE TO AMEND THE BROWN CITY CODE BY  
ADDING SECTION 93.32 - SNOW REMOVAL, WHICH NEW  
SECTION SHALL BE KNOWN AS SECTION 93.32 OF TITLE IX  
GENERAL REGULATIONS OF SAID CODE.**

**THE CITY OF BROWN CITY ORDAINS:**

**93.32 SNOW REMOVAL.**

**DEFINITIONS.**

(a) Terms Defined. As used in this Ordinance:

- (1) "Council" shall mean the duly elected legislative body of the City of Brown City.
- (2) "Code Enforcement Officer" shall mean the duly appointed and acting Code Enforcement Officer of the City of Brown City.
- (2) "City Manager" shall mean the duly appointed and acting City Manager who shall also serve as the Code Enforcement Officer of the City of Brown City.
- (3) "Cost" shall include the expense of wages and benefits, equipment (charged at the rates published by MDOT), materials, and associated administrative expenses.
- (4) "Lot or parcel of land" shall mean any subdivision, lot or portion thereof as officially platted or any unplatted parcel of land as may be described upon official records.
- (5) "Owner" shall mean the last recorded title holder of any lot or parcel of land or the person whose name is listed last upon the City tax roll as owner of a certain lot or parcel of land.
- (6) "Person" shall include an individual, group, partnership, firm, association, corporation or congregation.
- (7) "Designated Walking Routes" shall mean those sidewalks for which the City Council has given snow removal responsibility to the Brown City Department of Public Works. Snow removal shall be accomplished based on the availability of workers and equipment and shall be secondary to the clearing of Major Streets. Nothing in this Ordinance expands the City's liability or right to waive defense as provided by state law.
- (8) "Unaccepted Roads or Streets" shall mean a street or road for which there is no record of public acceptance by the City of Brown City.
- (9) "Acceptance of Roads" shall mean an official action taken by the City Council in a regular Council meeting which formally accepts a paved street or road that meets or exceeds MDOT construction standards into the Brown City Road System for maintenance. Thereafter, the Department of Public Works may, within the limits of

its authority, perform maintenance on the accepted road without any further Council action.

- (b) Rules of Construction. Singular words shall include the plural, and masculine words shall include the feminine and the neuter.
- (c) The provisions of this section shall not relieve any owner, tenant or occupant of the penalty provided in Section 10.99.

**Section 93.32.1. Enforcement.**

- (a) Any resident of the City, Code Enforcement Officer, City Manager, all members of the Brown City Police Department, and all members of the Department of Public Works are authorized to file complaints for violations of this Ordinance.
- (b) Investigation and enforcement of this article will normally occur after the storm event. Complaints must be issued within seventy-two (72) of the violation.
- (c) A violation of this Ordinance may be enforced by the City Manager or designee and shall be deemed a Municipal Civil Infraction. To the extent allowed by State Law, the City may seek fines and Injunctive Relief through a court of competent jurisdiction.

**Section 93.32.2. Snow Removal from designated walking routes, private developments, and private roads.**

- (a) *Designated walking routes defined.*
  - (1) For purposes of snow and ice removal, the following routes in the Brown City Downtown area shall be deemed and designated walking routes:
    - (i) North and South sides of Downtown Main Street where the street is widens to four lanes.
- (b) *Private developments.* The owner of any apartment development, group home, office building, restaurant or shopping center and the owner of any property within the City to which the public is invited for business purposes shall remove all snow and ice from the driveways, fire lanes, garbage pickup areas, parking areas, walkways, sidewalks that abut the premises, steps and fire hydrants located upon such property within 12 hours of daylight after any snowfall or accumulation of ice occurs. If ice is so thick as to make removal impractical, the owner shall only cause the walkways and steps to be thoroughly covered with sand, ashes, sawdust or rock salt within six hours of daylight after the accumulation or re-accumulation of such ice and shall maintain the driveways, fire lanes,

garbage pickup areas, parking areas, walkways, sidewalks that abut the premises, steps and fire hydrants thereafter in safe condition.

- (c) *Private roads.* The owner or developer of any residential property within the City which contains any unaccepted streets or roads shall remove any snow and ice from the roadways within 12 hours of the time any snowfall or accumulation of ice occurs. If ice is so thick as to make removal impractical, the owner or developer shall only cause unaccepted roads or streets to be thoroughly covered with sand, ashes or rock salt within 12 hours after the accumulation of such ice.
- (d) *Depositing of Snow.* No owner, manager or occupant shall remove ice or snow from sidewalks, parking lots, driveways and approaches and deposit such snow on public streets, alleys or rights-of-way. This applies to removal by manual or automated methods and especially applies to snow-blowers which should be directed below range of street distance or should be pointed in opposite direction of street. Large accumulations of snow shall be placed so as to avoid vision obstruction for passing vehicles. Residents should keep in mind that snow plows are designed to remove snow from the roadway by pushing snow off to the edge of the road. It is likely that the plow will leave behind a windrow of snow in front of driveways. Residents and business owners are responsible for removing this snow, and are reminded that *State Law prohibits placing snow on any public roadway. Property owners will be responsible for any private plow contractor placing snow in the public right of way.*

### **Section 93.32.3. Removal by City.**

- (a) If snow or ice is not removed or treated as required in Section 93.32.2, the City may notify the owner or occupant of the violation. This notification may be made in person, by telephone, by mail, or by written notice left at the property. The City is required to notify owners or occupants only once, at or near the beginning of each winter season. If the owner or occupant fails to then remove snow or ice, the City may cause such snow or ice to be removed. The owner of the property (as indicated by the records of the assessor) shall then be charged the actual cost of the snow removal, plus an administrative fee of ten percent (10%); however, that the minimum charge for such work on any lot or parcel of land shall be fifty dollars (\$50.00) per event. In the case of an owner, such cost, if not promptly paid, shall be charged against such premises and be added to and be part of the taxes next to be levied and collected, with interest, by the same officers and in the same manner as other taxes.
- (b) If any occupant, owner or manager shall neglect or fail to clear ice or snow from private roads within the time limited and herein required, or shall otherwise permit ice or snow to accumulate on such sidewalks,

parking lots, driveways and approaches, or private roads he shall be responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in Section 10.99. Repeat offenses under this article shall be subject to increased fines as set forth in Section 10.99. Each day that the condition of accumulation of ice or snow shall continue after the first day of violation shall constitute a separate offense and shall bear a separate penalty.

**Section 93.32.4. Mailbox Damage Policy:** The City will repair or replace a mailbox or post (both if both are damaged) if physically hit by the plow equipment. The replacement will be made with a standard steel box and a 4x4 treated post. Mailboxes and posts damaged by the weight of snow coming off the plow equipment will not be repaired by the City, but rather is the responsibility of the property owner to repair.

**Section 93.32.5. Severability:** If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

**Section 93.32.5. Repeal:** All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

**Section 93.32.6. Effective Date Of Ordinance:** This Ordinance shall take effect 30 days after adoption.

INTRODUCTION:

This Ordinance was introduced by Councilmember Julie Miller on February 23, 2009, during a Regular Meeting of the Brown City Council. The Public Hearing thereon was held on March 9, 2009.

MOTION AND VOTE:

Motion by Councilmember Mike Lents, second by Councilmember Ken Brown, to adopt Ordinance 93.32: Snow Removal.

Roll Call vote on this Ordinance, six (6) members being present, was as follows:

Yeas: _____	6	Nays: _____	0
Abstaining: _____	0	Absent: _____	0

CERTIFICATION:

I hereby certify that the foregoing constitutes a true and complete copy of Brown City Code Section 93.32, adopted as an Ordinance by the Brown City Council at a Regular Meeting of the City Council held at the City Hall on March 9, 2009.

I do hereby further certify that the said Brown City Code Section 93.32 was published as required by the Brown City Charter in *The Banner*, a newspaper published and circulated in the City of Brown City, County of Sanilac, Michigan, on the 16<sup>th</sup> of March, 2009.

Witness my official signature this 16<sup>th</sup> day of March, 2009.

---

Kelly J. Pavel  
City Clerk