

## REMOVAL OF SNOW AND ICE FROM PUBLIC SIDEWALKS

### § 92.15 SNOW REMOVAL REQUIRED.

The occupant of any premises in the village, which includes any house, store, building, or lot, upon which there is located a public sidewalk, shall remove or cause to be removed from the sidewalk ice and snow subject to the following requirements.

(A) All snow and ice shall be removed within 24 hours after it has ceased if the accumulation is less than four inches.

(B) All the snow and ice shall be removed within 48 hours after it has ceased if the accumulation is more than four inches.

(Ord. 155, passed 12-6-1999) Penalty, see § 92.99

### § 92.16 NEGLECT TO REMOVE SNOW; PROCEDURE.

Should any owner or occupant of any premises subject to this subchapter neglect or refuse to remove the snow and ice from the public sidewalk as provided in § 92.15, the Village President or designee shall remove, or cause to be removed, all the snow and ice at the owner's expense, which charge shall constitute a special assessment and payable as provided in § 92.17.

(Ord. 155, passed 12-6-1999)

### § 92.17 FAILURE TO PAY; SPECIAL ASSESSMENT; LIEN.

Should the owner or occupant of any premises subject to this Act fail or refuse to pay the charges incurred by the village for the removal of the snow or ice from the public sidewalk, within 30 days from the date of invoicing, the amount due, together with a penalty of 10%, shall constitute and be levied as a special assessment on the benefitted premises and collected by the Village Treasurer in the same manner as other property taxes and assessments are collected in the village.

(Ord. 155, passed 12-6-1999)

### § 92.18 COSTS FOR REMOVAL OF SNOW AND ICE.

The Village Council shall establish the charge for cost of removal of snow or ice from premises subject to this subchapter by resolution, which rate shall be used to formulate the charges subject to an assessment under § 92.17.

(Ord. 155, passed 12-6-1999)

### § 92.19 HARDSHIP CLAUSE.

A property owner of any premises subject to this subchapter, unable to remove snow or ice due to a disability, physical illness, or age, may avoid the assessment under § 92.17 by submitting to the Village Clerk evidence that a contract for the removal of snow or ice has been obtained and is in place. Under these circumstances, any contractor providing the service automatically consents to the payment of any charges subject to the assessment under § 92.17 in the event the contractor fails to remove the snow or ice.

(Ord. 155, passed 12-6-1999)

### § 92.20 MUNICIPAL CIVIL INFRACTION.

Any person failing to remove any snow or ice as provided in § 92.15, including any contractor assuming the responsibility under § 92.19, shall also be responsible for a municipal civil infraction which shall be issued, processed, and subject to the same penalties as other municipal civil infractions in the village.

(Ord. 155, passed 12-6-1999)

### § 92.99 PENALTY.

(A) *Generally.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *Section 92.01.*

(1) The words **MUNICIPAL CIVIL INFRACTION** mean an act or omission that is prohibited by § 92.01 or any other ordinance of the village, but which is not a crime under § 92.01 or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses, and costs, may be ordered, as authorized by Public Act 236 of 1961, Ch. 87, being M.C.L.A. §§ 600.8701 *et seq.*, as amended. A municipal civil infraction is not a lesser included offense of a violation of § 92.01 that is a criminal offense.

(2) Unless a violation of § 92.01 is specifically designated a misdemeanor, then the violation shall be a municipal civil infraction.

(3) The sanction for a municipal civil infraction violation shall be a civil fine in the amount as provided by § 92.01, plus costs, damages, expenses, equitable relief, and other sanctions, as authorized under Public Act 236 of 1961, Ch. 87, being M.C.L.A. §§ 600.8701 *et seq.*, as amended, and other applicable law.

(a) Unless otherwise specifically provided for in § 92.01: the fees and/or penalties charged in connection with this section shall be set by a resolution of the Village Council on an annual basis.

(b) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of § 92.01. As used

in this section, **REPEAT OFFENSE** means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision:

1. Committed by a person within a six-month period (unless some other period is specifically provided by this section); and
2. For which the person admits responsibility or is determined to be responsible.

(c) Unless otherwise specifically provided by this section for a particular municipal civil infraction violation, the increase fine for a repeat offense shall be as follows.

1. The fine for any offense which is a first repeat offense: the fees and/or penalties charged in connection with this section shall be set by a resolution of the Village Council on an annual basis.

2. The fines for any offense which is a second repeat offense: the fees and/or penalties charged in connection with this section shall be set by a resolution of the Village Council on an annual basis.

(4) The person who shall receive the municipal civil infraction by the Building Official is the owner of the subject property and/or the builder performing the work in violation of § 92.01.

(5) A **VIOLATION** includes any act which is prohibited or made or declared to be unlawful or an offense by § 92.01, including any omission or failure to act where the act is required by § 92.01.

(6) In addition to any remedy available at law, the village may bring an action for an injunction or other process against a person to restrain, prevent, or abate any violation of § 92.01.

(7) The Village Building Official shall have the authority to issue municipal civil infraction tickets pursuant to § 92.01, after an investigation and authorization by the Village Attorney, pursuant to M.C.L.A. § 600.8707(2).

(C) *Section 92.02.* Any person violating § 92.02 shall, upon conviction thereof, be punished by a fine: the fees and/or penalties charged in connection with this section shall be set by a resolution of the Village Council on an annual basis.

(Ord. 91, passed 9-13-1982; Ord. 94, passed 7-2-1984; Ord. 145, passed 8-4-1997)