

ORDINANCE NO. 2093

AN ORDINANCE TO AMEND CHAPTER 33 “STREETS AND OTHER PUBLIC GROUNDS,” ARTICLE I, “IN GENERAL” OF THE KALAMAZOO CITY CODE OF ORDINANCES BY ADDING SECTION 33-18

THE CITY OF KALAMAZOO ORDAINS:

Section 1. Chapter 33, “Streets and Other Public Grounds”, Article I, “In General” is amended, upon repeal of existing Sections 33-18, 33-19, and 33-20, to add a new Section 33-18 to read as follows:

§ 33-18 **Removal of snow or ice.**

A. Removing snow and ice from sidewalks.

The owner of any property within the City shall be responsible for removing any accumulation or deposit of snow and ice from the public sidewalk adjacent, abutting, or adjoining the owner’s property and maintaining the sidewalk in a safe condition.

B. Requirements for removal of snow and ice, and maintenance of sidewalk.

The following requirements apply to the removal of any accumulation or deposit of snow and ice, and the maintenance of public sidewalks by property owners in the City:

1. The removal of any accumulation or deposit of snow and ice from a public sidewalk must occur within 48 hours of its accumulation or deposit.
2. Snow and ice shall be removed from the full width of the public sidewalk to expose the bare pavement of the sidewalk.
3. The public sidewalk shall be maintained in a safe and clear condition and treated to prevent ice build-up and slippery conditions by using sand, salt, or similar material, in addition to the clearing of snow and ice.

C. Depositing snow and ice on public sidewalks, streets, alleys, and crosswalks.

The owner of any property within the City shall not deposit or cause to be deposited snow and ice from roofs of buildings, publicly or privately owned parking lots, driveways, and other off-street areas, upon any public street, alley, sidewalk, or crosswalk adjacent, adjoining or abutting the owner's property.

D. Penalties.

1. Upon failure of a property owner to remove accumulated or deposited snow and ice from a public sidewalk within the time specified, or to treat a public sidewalk to prevent ice build-up and slippery conditions by using sand, salt, or similar material, the City Manager or the designee of the City Manager through City employees or contractors with the City may cause the snow and ice to be removed, and the sidewalk to be treated to prevent ice build-up and slippery conditions by using sand, salt, or similar material.
2. The cost of removal of accumulated or deposited snow and ice from a public sidewalk when done by City employees or contractors with the City, and the cost to treat a public sidewalk to prevent ice build-up and slippery conditions by using sand, salt, or similar material, plus an administrative fee, shall become a debt owed to the City from the owner(s) of the property adjacent to, abutting, or adjoining the public sidewalk and shall be collected as any other debt to the City. If the debt is not paid after billing, the debt shall become a lien in favor of the City against the owner's property and shall be assessed the same as real property taxes are assessed and levied.
3. Depositing or causing to be deposited by any property owner in the City of snow and ice on any public street, alley, or crosswalk adjacent to, abutting, or adjoining their property, shall be a municipal civil infraction subject to a \$100.00 fine and court-imposed costs.

E. Notice.

Notice of the obligation of a property owner to remove snow and ice from public sidewalks, to maintain public sidewalks in a safe condition, and the prohibition against depositing snow and ice on public streets, alleys, sidewalks, and crosswalks as well as the obligation to remove snow and ice so deposited, will be given

annually each fall through a posting in a public newspaper in general circulation in the City of Kalamazoo and on the City's website. The notice at a minimum shall include:

1. The responsibility of the owner of any property in the City to remove the accumulation or deposit of any snow, or ice, from an adjacent, abutting, or adjoining public sidewalk the full width of the sidewalk to expose the bare pavement of the sidewalk within 48 hours of its accumulation on the public sidewalk.
2. The responsibility of the owner of any property adjacent to, abutting, or adjoining a public sidewalk to maintain a safe and clear sidewalk, and to treat the sidewalk to prevent ice build-up and slippery conditions by using sand, salt, or similar material.
3. The failure to remove the accumulation or deposit of snow and ice from a public sidewalk within the time specified, will result in the City removing the accumulation or deposit of snow and ice with the cost of removal plus an administrative fee assessed against the owner(s) of the property.
4. The responsibility of the owner of property in the City not to deposit or cause to be deposited snow and ice on any adjacent, abutting or adjoining public street, alley, sidewalk, or crosswalk adjacent to, abutting, or adjoining their property.

Section 2. Severability. If any section, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity and enforceability of the remaining portions of this ordinance.

Section 3. Saving Clause. The amendment or repeal by this ordinance of any ordinance or ordinance provision shall have no effect upon prosecutions commenced prior to the effective date of this ordinance or prosecutions based upon actions taken by any person prior to the effective date of this ordinance. Those prosecutions shall be conducted under the ordinance provisions in effect prior to the effective date of this ordinance.

Section 4. Conflict. Except as otherwise expressly provided, the provisions of this ordinance shall control in the event of any inconsistency or conflict between this ordinance and any other provision of any other ordinance of the City of Kalamazoo.

Section 5. Other Ordinances. This ordinance shall be of no effect unless and until an ordinance revoking Sections 33-18, 33-19, and 33-20 of the Kalamazoo City Code of Ordinances is adopted by the City Commission on or before August 19, 2024.

Section 6. Effective Date. Subject to Section 5, above, this ordinance shall take effect from and after 10 days from the date of its passage pursuant to Section 13(a) of the City Charter.

CERTIFICATE

The foregoing is a true and complete copy of an ordinance adopted by the City Commission of the City of Kalamazoo at a regular meeting held on August 19, 2024. Public notice was given, and the meeting was conducted in full compliance with the Open Meetings Act, (PA 267, 1976). Minutes of the meeting will be available as required by the Act, and the ordinance was duly recorded, posted, and authenticated by the Mayor and City Clerk as required by the Charter of said City.

David F. Anderson, Mayor

Scott A. Borling, City Clerk