

**To:** Troy City Council Members  
**From:** Lawrence F. Raniszkeski, Jack Cushing, et. al  
**Subject:** Snow Removal from Public Walkways  
**Date:** September 4, 2013

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Honorable Council Members:

As a follow up to my letter of January 17, 2013 and in anticipation of the discussion of its content at the September City Council Meeting, Mr. Cushing and I thought it would be beneficial to provide the Council with this memo which highlights the concerns of citizens living in the Troy Estates Subdivision whose property abuts public roads. The points we and our neighbors wish the Council to consider, include, but are not limited to:

1. The Snow Removal Ordinance improperly transfers City Government's responsibility to protect its citizens from the City to the homeowners. The cost and responsibility to keep public sidewalks on Wattles & Coolidge clear is the City's, not the public's.
2. If the Ordinance isn't going to be revoked or substantially modified, residents who have lived in Troy prior to the passage of the Ordinance should be grandfathered from the effect of the Ordinance.
3. Compliance with the Ordinance is impractical, and in many instances, nearly impossible. Some residents would be required to run snow blowers through the back end of their property, thereby destroying valuable lawn and shrubbery and risking personal injury. Others would have to run the snow blower down Caliper or another street to be able to access the Wattles or Coolidge walkway.
4. The Ordinance is so vague that compliance is impossible, which probably makes the Ordinance unconstitutionally vague. The City's own Planning Department Personnel cannot provide guidance as to when the Ordinance applies – after one inch of snow? Two inches? A dusting? If wind blows some snow across the sidewalk? If they don't know, how are the citizens to know? Yet you want to bill them if they don't clear the snow??
5. The ordinance subjects abutting homeowners to potential civil liability. Once a citizen assumes responsibility for clearing under this ordinance, then what? I clear the walkway and then the wind blows snow across it. Am I now liable if someone comes by and falls? Does that mean I have to constantly patrol the walkway to clear it after every gust of wind?
6. The Ordinance would authorize the city to bill a resident who may have been legitimately out of town on business or vacation at the time of the snowfall and thus unable to clear it. Read literally, the Ordinance would require citizens to stay home between the first and last snowfall to avoid being billed by the City.
7. The Ordinance, like many others, is not consistently or fairly enforced. During the winter I've seen numerous instances where the sidewalks abutting main roads were covered with snow but I am unaware of any action taken by the city. The same is true during the warm weather – inconsistent enforcement of the Ordinances requiring walkways to be cleared.
8. The city gives its Citizens 12 – 18 hours to clear the snow but takes days to clear our subdivision streets. Why the double standard?
9. Residents, such as Mr. Cushing, are on fixed incomes and can't afford the additional expense of hiring a contractor for the periodic cleanup of Wattles/Coolidge after a

snowfall.

10. Foot traffic on Wattles abutting Troy Estates is almost nonexistent after a snowfall. The walkway ends at the southeast corner of the Subdivision as there is no sidewalk further east.

We believe these points support the position of the Homeowners that this Ordinance should either be revoked or substantially modified so that the City resumes its role of maintaining public streets and sidewalks. That's why we pay taxes. The City shouldn't transfer that responsibility to its citizens. It's the City's responsibility to protect the public on public walkways, not ours.

To: Troy City Council Members  
From: Residents of Troy Estates subdivision  
Subject: Snow Removal from Public Walkways

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Honorable Council Members:

The undersigned resident(s) of Troy Estates Subdivision are in agreement with the views expressed by fellow resident Lawrence F. Raniszski in his letter to City Council on January 17, 2013 and in the memo to Council dated ~~August 28,~~ <sup>Sept. 4,</sup> 2013:

<u>BEENA KINARJALA</u> <u>BV Kinarjala</u>	<u>1960 Warbler Ct</u>
<u>RANJIT BATRA</u>	<u>1964 Warbler Ct</u>
<u>MATT ERDEY</u>	<u>1928 WARBLER CT</u>
<u>Neeban Verna</u>	<u>1912 Warbler Ct</u>
<u>Blase Keating</u>	<u>1896 Warbler Ct</u>
<u>Fran K Petros</u>	<u>1802 Chatham Dr.</u>
<u>DAN MUKOMBI</u>	<u>1784 CHATHAM DR.</u>
<u>Mike Mamou</u>	<u>1766 Chatham Dr.</u>
<u>Kynthia Shu</u>	<u>1748 Chatham Dr.</u>
<u>PEK MARSHALL</u>	<u>1730 CHATHAM</u>
<u>JOHN KOWALIK</u>	<u>1712 CALIPER DR</u>

To: Troy City Council Members  
From: Residents of Troy Estates subdivision  
Subject: Snow Removal from Public Walkways

Honorable Council Members:

The undersigned resident(s) of Troy Estates Subdivision are in agreement with the views expressed by fellow resident Lawrence F. Raniszkeski in his letter to City Council on January 17, 2013 and in the memo to Council dated ~~August 28,~~ <sup>Sept. 4,</sup> 2013:

- Hope Chi 1676 Caliper Dr. Troy MI
- Anthony Carlsright 1632 Caliper Troy, MI
- Bao J Wang 1614 CALIPER DR TROY MI
- Bill & Betty Briggs 1596 Caliper Dr. Troy 48064
- Yue Lin Li 1578 Caliper Dr.
- Raymond Xu 1560 Caliper Dr. Troy 48064
- Ronell D. Ly 1818 Chatham
- Judith Rutterford 1880 Warbler Ct.

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(J)

DATE: July 10, 2013

TO: Brian Kischnick, City Manager

FROM: Mark Miller, Director of Economic and Community Development *MM*  
R. Brent Savidant, Planning Director *RS*  
Paul Evans, Zoning and Compliance Specialist *PC*

SUBJECT: Letter to City Council dated January 17, 2013.

Background:

This memo is our response to a January 17, 2013 letter to City Council from resident Lawrence F. Raniszkeski, 1740 Caliper. City Code Chapter 34 Sidewalks and Driveway Approaches requires accumulations of snow and ice on public sidewalks be removed by the adjacent occupant or land owner. The Code specifies removal deadlines, and in the event the occupant or property owner fails to remove accumulations, allows the City to remove the snow or ice and charge the land owner. City Code Chapter 1 Adoption, Contents, and Interpretation requires that if the City abates a violation (removing the snow and ice) and charges the landowner, it must first notify the property owner either by personal service, certified mail, or, if the owner is unknown, by posting a notice on the premises. Code Enforcement uses certified mail because it is the most timely and efficient method.

In January, 2013, Mr. Raniszkeski and some of his neighbors received notices from Code Enforcement advising that they need to clear the sidewalks of snow, and that the City would clear them if they did not.

Community Concerns:

Concerns addressed in his letter included the following: (1) inconvenience of clearing sidewalks on double frontage property; (2) potential costs associated with snow and ice removal; and (3) addressing snow and ice removal when residents are out of town. Based on calls and letters Code Enforcement regularly receives, there are other residents who expect sidewalks to be clear of snow and ice. It is common for residents to call Code Enforcement to report uncleared sidewalks, in some cases one mile sections of major roads. For these reasons, Inspectors actively identify uncleared sidewalks.

Many of the City's development laws and documents, including the Zoning Ordinance and Master Plan, promote and emphasize walkability and safety. Some students in

Troy walk to school. Most of the major mile roads in Troy now have sidewalks on both sides. For these reasons snow removal on sidewalks is important.

Response to Citizen Request:

Mr. Ranieszski requested that one of three things happen, as listed and summarized below:

1. Revoke sections 34.11 and 34.12 of Chapter 34

This would mean that property owners abutting any public rights of way would not be responsible for removing snow and ice from any public sidewalks.

2. Insert a grandfathering provision into the Chapter 34

The effect of this provision would be only persons moving into the City or obtaining property after the grandfathered date would be required to remove snow and ice.

3. Amend Chapter 34 so that the City would be responsible for removing accumulations of snow and ice from sidewalks adjacent to major roads

This would mean that property owners abutting major roads would not be responsible for removing snow and ice from any major road public sidewalks. This responsibility would fall back on the City of Troy.

Potential City Action

Each of the three requests described above would involve some degree of additional snow removal by the City of Troy. There would be a corresponding cost to the City of Troy associated with each option. City Management would have to consider potential cost and manpower increases associated with each particular action. A copy of this letter will be provided to each City Council member. City Staff will research this matter further if asked by City Council to do so.

Attachment:

Letter addressed to City Council, prepared by Lawrence F. Ranieszski, dated January 17, 2013.

LAWRENCE F. RANISZESKI  
ATTORNEY-AT-LAW

1640 CALIPER  
TROY, MICHIGAN 48084

~~643-7541~~  
(248) 645-9300

January 17, 2013

Troy City Council  
c/o City Manager Brian Kischnick  
5400 W. Big Beaver Road  
Troy, MI 48084

**Re: 1640 Caliper, Troy, Michigan**

Dear City Council Members:

I am writing to voice my concern and objection and the concerns and objections of my neighbors in the Troy Estates Subdivision whose property either backs up to or is adjacent to Wattles Road and/or Coolidge Hwy with regard to letters we received from Housing & Zoning Inspector Mitchell Grusnick (my copy is attached). While I do not represent them, I am expressing the views of twenty one (21) of my neighbors who, like me, were outraged to receive this letter and wish City Council to do something about it. In addition to the outrage over the content of the letter, some of my neighbors are also upset that their copy of the letter was sent to them Certified Mail, Return Receipt Requested. For those who were home at the time, they questioned why, in this time of budgetary constraints, the City was wasting valuable resources by paying for the cost of Certified Mail. For those who were not home, there was additional anger over the fact that they had to waste their time and gas to drive to the Post Office to pick up a letter that should have been sent regular mail, if sent at all.

But I digress as the primary purpose of my letter is to object to Ms. Grusnick's letter and the City's apparent policy as expressed in two sections of an ordinance which were quietly passed 20 and 10 years ago, but to my knowledge have never been enforced in my subdivision. I say that because I've lived in Troy for 35 years and in Troy Estates for almost 30, and I have never before received a letter similar to his. Nor has Jack Cushing of 1976 Warbler Court, who has live in the subdivision for over 30 years.

The letter itself is offensive in its tone with its this is your only notice content and threat that the City, without notice, will bill the residents for removal of snow from areas that should be the City's sole responsibility. And, neither the letter nor the Ordinance provide any guidance or direction as to when the Ordinance applies. Listed below are the most common objections the residents have:

1. Residents, including but not limited to myself and Mr. Cushing, have lived in this subdivision long before these ordinances were passed. As such, anyone in our situation is or should be grandfathered from the effect of the Ordinance. When we moved into the subdivision we were assured by city officials that the city would keep the sidewalks on Wattles and Coolidge cleared. Now, after the fact, the City wants to abandon its responsibility and force homeowners to shoulder the cost of keeping a "public" walkway clear, something that is government's responsibility. Homeowners whose taxes have continued to rise while City services continue to decline. The Ordinance simply should not apply to residents in this category.
2. How are the residents to comply with the Ordinance? Most of the residents who received letters do not have access to the sidewalks in question. They would only have two ways to get to them: (a) Run a snow blower through their back or side yards and in many instances through their shrubbery and trees, inevitably damaging or destroying some of their property in the process; or (b) depending on their location, run a snow blower down Caliper or another street, up Martin and then down Wattles until they finally get to their property – which means they'd have to essentially clear a number of neighbors front and side walkways in order to get to their property in back. Neither of these options is viable, and the fact they are not just demonstrates that the Ordinance in question is ridiculous.
3. "The City is just trying to force us to hire a contractor to clear the sidewalks that are the City's responsibility." This appears to be the City's goal here, given the realities of lack of access to the walkways. However, the fact of the matter is that some of these residents are on fixed/limited incomes and cannot afford to pay to hire a contractor, especially at a time when their taxes keep increasing. More importantly, they shouldn't have to do so as it is Government's responsibility to maintain these "public" roadways so if anyone should hire and pay for a contractor to do so, the City should.
4. "The City's position regarding the Ordinance is unclear so I'm confused." As a lawyer, I have to agree with this sentiment. As suggested by City Police, after the letter was received, Mr. Cushing and I appeared at the Planning Department

on Monday, January 14th, and met with the author of the letter, Mitchell Grusnick and his apparent superior, Zoning and Planning Specialist, Paul Evans. When pressed on the content of the letter, neither gentleman could offer any guidance or assistance. We asked if the Department construed Section 34.11 to mean each time there was a snowfall, even if only a dusting, residents had to clear the walkways. They said no, they would never enforce the Ordinance in that manner. We asked well when then, when a ½ inch falls, one inch, two inches, more? They could not give us an answer other than a generic statement about the amount of snow impeding someone's ability to walk, which is no answer at all since many people would prefer to walk on crunchy snow which they feel is safer than walking over a dusting. The point I'm trying to make here is that if your Department employees don't know when they would enforce the Ordinance, how are your citizens to know when they are subject to enforcement? If the term "all ice and snow" really doesn't mean "all" in the instances of a dusting, ½ inch, 1 inch, etc., then you have a vagueness issue that you need to fix by either revoking or modifying the Ordinance.

5. "According to the City's position, I'm a prisoner to my home and can't leave for fear of being charged by the City for clearing snow." When Mr. Cushing and I asked Messrs. Grusnick and Evans about how a resident is supposed to comply with the Ordinance if he/she is out of town on business or on vacation the day of a snowfall, they had no answer. They sheepishly acknowledged that since Mr. Grusnick's letter was a resident's "only notice of this season", any resident who was legitimately out of town for business or personal reasons and unaware of the snowfall, could be subject to the costs referenced in the letter. So as interpreted, the City is essentially telling residents to make a choice – go out of town but face possible costs being imposed on you by the City or STAY HOME THE ENTIRE WINTER SEASON. Is that the message this City wants to send to existing and possible future residents? God help us if it is!!!
6. "The City tells us we have 12 hours or so to clear these sidewalks but takes days to clear snow in the subdivision." This is a fair point – why is the City requiring residents to act in 12 hours and not impose the same time constraints upon itself? If residents have to react so fast, the City should too.

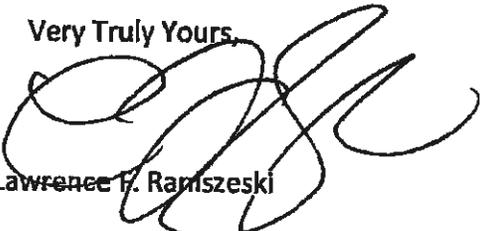
At the end of our meeting, Messrs. Grusnick and Evans acknowledged they could do nothing to help us and suggested we contact City Council c/o the City Manager, which is why I wrote this letter. As a 35 year resident of Troy I am shocked and disappointed not only by the content of the letter we received but of the City's apparent callous disregard for its residents. In our view, one of three things has to happen: (1) The Ordinance in question (34.11 and 34.12) should be revoked immediately; (2) If the City is unwilling to revoke the Ordinance,

Troy City Council  
c/o City Manager Brian Kischnick  
January 17, 2013  
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residents who have lived in the City before the enactment of the Ordinance should be grandfathered and exempted from the operation of the Ordinance; and (3) The City should fulfill its obligations to its residents by assuming responsibility for removing all snow and ice which accumulates on sidewalks abutting Wattles, Coolidge and other major thoroughfares, either using City Employees or hiring its own Contractor. Residents understand that sidewalks in front of their homes are their responsibility – however they should not be responsible for clearing the sidewalks abutting major roads used by the general public.

Although this letter was sent to our subdivision, we understand from speaking to Messrs. Grusnick and Evans that similar letters will be sent to other residents in the City. We believe any other resident who receives one of these letters will share the views expressed herein. We trust the City Council will be proactive and address this unfair and inequitable situation immediately by assuming its responsibility to maintain public walkways and not attempting to transfer that responsibility to its residents.

Very Truly Yours,

  
Lawrence F. Ramszeski

LFR/lfr

Enclosure

cc: Troy Estates Recipients of Letter (w/o enclosure)

**City of Troy  
Planning Department  
500 West Big Beaver, Troy, MI 48084**

01/10/2013

RANISZESKI, LAWRENCE & BARBARA  
1640 CALIPER  
TROY, MI 48084-1407

Subject: 1640 CALIPER

Dear RANISZESKI, LAWRENCE & BARBARA:

On 01/9/2013 I observed the subject site and noted the public sidewalk abutting your property along Wattles has not been cleared of snow and ice. Chapter 34 of the City Code (copy enclosed) requires that snow and ice be removed from the public sidewalk within 12 hours after a snowfall or by 6:00 p.m. the following day when the snowfall stops during the night time.

Please clear your sidewalk of snow and ice **within 24 hours of the date and time of this notice**. Please remember to clear your sidewalk after every snow or ice event. This will be your only notice of this season. Future violation(s) will result in the City contractor removing the snow and ice and billing you all costs. Unpaid costs will become a lien on the property

Please contact me if you wish to discuss this matter or have any questions. I can be reached between 8 am and 9 am and 3:30 pm and 4:30 pm.

Thank you for your attention to this matter.

Sincerely,

Mitchell Grusnick  
Housing & Zoning Inspector  
248-524-3354  
GrusnickME@troymi.gov

## Chapter 34 - Sidewalks and Driveway Approaches

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### 34.01 Definitions

When used in this Chapter, the words defined in this Section shall have the following meanings:

- (a) "Sidewalk" shall mean the improved portion of the street right-of-way designed for pedestrian travel.
- (c) "Development Standards" shall mean the basis for design of public and private improvements as established by the City Engineer. These Development Standards incorporate the City of Troy Standard Details and Specifications for construction as established by the City Engineer.
- (b) "Director of Building and Zoning" means the City of Troy Director of Building and Zoning, or his/her designee.
- (c) "Driveway Approach" shall mean the improved portion of the street right-of-way designed to provide for vehicular travel from abutting property to a public roadway.
- (d) "Director" shall mean the Public Works Director of the City, or his/her designee.
- (e) "Engineer" shall mean the City Engineer or his/her designee.
- (f) "Superintendent" shall mean the Public Works Superintendent of Streets and Drains for the City of Troy.

(Rev. 07-07-2008)

### 34.02 Permits

34.02.01 No person shall construct, rebuild or repair any sidewalk or driveway approach without first obtaining a sidewalk and approach permit from the Director of Building and Zoning, except that sidewalk or driveway approach repairs of less than fifty (50) square feet of sidewalk or driveway approach may be made without a permit.

34.02.02 The sidewalk and approach permit shall be prominently displayed on the construction site.

34.02.03 The fee for the sidewalk and approach permit shall be specified in Chapter 60 of the Code.

(Rev. 07-07-2008)

34.02.04 No sidewalk or driveway approach shall be poured until the site has been inspected and approved by the Director or his designee.

34.02.05 Each time a proposed sidewalk or driveway approach construction is inspected and rejected by the City, a re-inspection fee shall be paid prior to re-inspection. The re-inspection fee shall be specified in Chapter 60 of the Code.

(Rev. 07-07-2008)

## Chapter 34 - Sidewalks and Driveway Approaches

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34.02.06 In the event that a sidewalk or driveway approach is poured without a required permit, and/or without the required inspection or without a re-inspection, the sidewalk or driveway approach must be removed and replaced at the expense of the owner.

- A. As an alternative to removal and replacement, if all visible portions of the sidewalk or driveway approach meet the sidewalk and approach specifications, the contractor may elect to prove that the concrete meets the thickness and strength requirements of the specifications by having cores taken from the sidewalk or driveway approach and having them measured and tested by an approved independent testing laboratory.
- B. As a second alternative to removal and replacement, if all visible portions of the sidewalk or driveway approach meet the City's specifications, the contractor may elect to deposit a two (2) year cash bond with the City to cover the cost, as estimated by the Director, for the removal and replacement of the entire sidewalk or driveway in the event that deficiencies develop within a two (2) year time period.

(Rev. 06-17-2002)

### 34.03 Line and Grade Stakes

The Contractor or Property Owner shall furnish line and grade stakes as may be necessary to construct the sidewalk or driveway approach as approved by the City. This shall include establishment of the property line, adjacent to the sidewalk or driveway approach to be constructed. This may require the contractor to either locate existing lot corner irons and monuments; or have a licensed land surveyor establish new lot corner irons and monuments. All lot corner irons and monuments shall bear the license number of the surveyor that performed the work.

(Rev. 06-17-2002)

### 34.04 Sidewalk and Driveway Approach Specifications

All sidewalk or driveway approach construction, rebuild, and/or repair shall conform to the "Development Standards" as established by the Engineer.

(Rev. 07-07-2008)

For new sidewalk construction, any existing objects or improvements which must be removed or relocated (in the opinion of the Director) to facilitate the construction of a sidewalk or driveway approach, shall be removed or relocated at the owner's expense. Such items to be removed or relocated shall include, but are not limited to: trees, ditches, drainage structures, culverts, fire hydrants, water service valves, utility poles, guy wires, street lights and transformers.

Any existing underground structures which must be adjusted to a new elevation (in the opinion of the Director) to facilitate the construction of a sidewalk or driveway approach, shall be adjusted to the approved grade at the owner's expense. Such items to be adjusted in height shall include, but are not limited to: manholes, catch basins, drainage chambers, gate wells, valve boxes and utility access structures.

## Chapter 34 - Sidewalks and Driveway Approaches

(Rev. 06-17-2002)

### 34.05 Permit Suspension

The Superintendent or Director may suspend any permit issued under the terms of this Chapter for incompetency or failure to comply with the terms of this Chapter, or the rules, regulations, plans and specifications for the construction, reconstruction or repair of any sidewalk or driveway approach, as established by the Superintendent or the Director.

(Rev. 06-17-2002)

### 34.06 Ordering Construction

34.06.01 The City Council may require the construction of sidewalks in locations where they declare such construction to be necessary in order to provide a safe and convenient route for pedestrian and non-motorized vehicular traffic.

(Rev. 06-17-2002)

34.06.02 When construction is determined necessary by City Council, a resolution shall require the owners of lots and premises to build sidewalks or drive approaches in the public streets adjacent to and abutting upon such lots and premises. When the Council resolution is adopted, the City Clerk shall provide notice of the resolution to the owners of such lots or premises in accordance with Chapter 1, Section 1.11 of the Troy City Code. The resolution shall require the owner to construct or rebuild such sidewalks or drive approaches within twenty (20) calendar days of receipt of the resolution.

(Rev. 06-17-2002)

### 34.07 Required Construction

All owners of lots and premises abutting dedicated streets open to the public shall be required to construct sidewalks and driveway approaches at the time of construction of any new buildings or structures, or additions to buildings or structures, or at the time a nonconforming use changes to a permitted use in the Zoning District. No occupancy permit shall be issued until such time as the owners of said property have complied with the requirements of this provision. The Director of Building and Zoning Director may extend the time for completion of the required sidewalk and driveway approaches in accordance with established procedure.

(Rev. 06-17-2002)

### 34.07.01 Exceptions

The requirement for the construction of sidewalks and driveway approaches, as stated in Section 34.07, shall apply in conjunction with all construction, with the following exceptions:

- A. The Director of Building and Zoning may extend the time for completion of the required sidewalks and driveway approaches upon submission of an adequate cash bond to the City.

## Chapter 34 - Sidewalks and Driveway Approaches

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- B. Sidewalk and driveway approaches are not required for the construction of an individual one-family or two-family home, on an acreage parcel or lot on those street frontages which are not major thoroughfares frontages. This exception shall only apply to subdivisions platted prior to January 1, 1990, and shall not apply to one-family or two-family residential construction on properties that have been split, combined, and/or replatted resulting in the possibility, capability, or potential ability to construct two or more new buildings or structures on these pre-existing parcels or lots.
- C. Sidewalk and driveway approaches are not required in conjunction with construction on industrial parcels or lots within industrial subdivisions platted prior to January 1, 1980, when those street frontages which are not major thoroughfare frontages, or do not front on Rankin Drive, Chicago Road or Bellingham Drive.
- D. Variances from the requirements of Section 34.07 may be granted by the Traffic Committee, in accordance with the procedure as set forth in Chapter 35.

(Rev. 06-17-2002)

34.08

### Construction by City

If the installation, rebuild, or repair of a sidewalk or driveway approach violates the provisions of this chapter, the Director shall send a written notice of the violation to the property owner, and shall set forth a deadline for compliance. If the owner of any lot or premises, after receiving said notice, fails to correct the sidewalk or driveway approach deficiencies within the allocated compliance time period, the Director is authorized and required to immediately cause such sidewalk or driveway approach to be constructed or repaired, and the expense thereof shall be charged to the owner of the premises. The expenses shall be collected as provided for by law or Charter, including but not limited to assessing the cost on the next tax roll of the City or filing an action in the circuit court to recover the costs.

(Rev. 06-17-2002)

34.09

### Sidewalk Maintenance

No person shall permit any sidewalk or driveway approach which adjoins property owned by him or her to fall into a state of disrepair or to be unsafe, or to be blocked or obstructed with bushes, trees, fixtures, or any other thing so that pedestrians or travelers on that sidewalk or vehicles traveling on the driveway approach do not have full use of the sidewalk or driveway approach.

(Rev. 06-17-2002)

34.10

### Sidewalk Repair and Maintenance

It is the duty of the owner to place said sidewalk or driveway approach in a safe condition. Whenever the Director shall determine that a sidewalk or driveway approach is in a state of disrepair, unsafe or blocked for use, notice shall be sent to the owner of the lot or premises adjoining to or abutting said sidewalk or driveway approach of such determination, which notice shall be given in accordance with Chapter 1, Section 1.11 of this Code. Such notice shall specify a reasonable time, not less than seven (7) calendar

## Chapter 34 - Sidewalks and Driveway Approaches

days, within which such work shall be commenced, and shall further provide that the work shall be completed with due diligence. If the owner of such lot or premises shall refuse or neglect to repair, make the sidewalk safe or remove obstruction(s) from said sidewalk or driveway approach within the allotted time frame, the Director shall have said sidewalk or driveway approach repaired, made safe or remove the obstruction. If the Director determines that the condition of said sidewalk or driveway approach is such that immediate repair or maintenance is necessary to protect the public, then notice is not required prior to the commencement of the emergency repairs and/or replacement. The cost of repairs hereunder shall be charged to the owner of the premises that adjoins the identified sidewalk or driveway. The expenses shall be collected as provided for by law or the Charter, including but not limited to assessing the cost on the next tax roll of the City or filing an action in circuit court to recover the costs.

(Rev. 06-17-2002)

### 34.11 Sidewalks to be Cleared

The occupant of every lot or premises adjoining any street, or the owner of such lot or premises, if the same are not occupied, shall clear all ice and snow from sidewalks adjoining such lot or premises within the time herein required. When any snow or ice shall cease to fall during the daylight hours, such snow or ice shall be cleared from the sidewalks within twelve (12) hours after such cessation. When a fall of snow or ice shall have ceased during the nighttime, it shall be cleared from the sidewalks by 6:00 P.M. of the day following.

(Rev. 10-05-1992)

### 34.12 Failure to Clear

If any occupant or owner neglects or fails to clear ice or snow from the sidewalk adjoining his premises within the allotted time period, or shall otherwise permit ice or snow to accumulate on such sidewalk, the owner shall be guilty of a violation of this Chapter. The Superintendent may then cause the same to be cleared and the expense of removal shall become a debt to the City from the occupant or owner of such premises, and shall be collected as any other debt to the City.

(Rev. 06-17-2002)

### 34.13 Costs Paid from General Fund/CDBG Funds

34.13.01 Individual property owners meeting the income guidelines as established annually by the United States Department of Housing and Urban Development for the Community Development Block Grant program shall be eligible for 100% coverage of the costs of sidewalk construction, replacement or repair that is required by this Chapter. Such costs shall be paid from the General Fund.

34.13.02 The duties, requirements, obligations and/or exceptions provided by this Chapter shall not preclude the City of Troy from utilizing Community Development Block Grant funding to construct, replace or repair sidewalks within the City of Troy.

(08-23-2004)

## **Chapter 34 - Sidewalks and Driveway Approaches**

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### **34.14 Penalties for Violation**

Except as otherwise provided in this Chapter, a violation of any section of Chapter 34 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Each day that a violation continues is a separate Municipal Civil Infraction violation. Sanctions for each violation of Chapter 34 shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(03-01-2006)