CITY COUNCIL AGENDA ITEM

Date: October 15, 2013

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
Tim Richnak, Public Works Director
Kurt Bovensiep, Superintendent of Parks, Streets & Drains
R. Brent Savidant, Planning Director

Subject: PURE TROY – Snow and Mowing Maintenance

On July 22, 2013 City Council requested a Study Session to discuss right of way maintenance including mowing and sidewalk snow removal for residential properties with rear or side yards along major thoroughfares. City Council discussed these issues at a September 9, 2013 Study Session. This discussion included a PowerPoint presentation by City Staff (see attached).

This memo deals exclusively with the issue of snow removal, for two reasons: (1) The resident complaint that identified this issue focused on snow removal and not grass cutting; (2) City Council discussion focused on snow removal at the September 9 Study Session; and, (3) The winter season is approaching and the snow removal issue should be resolved prior to first snowfall. The issue of right of way mowing can be addressed with City Council at a later date.

The proposed revised language would amend Chapter 34 Sidewalk and Driveway Approaches. Specifically, the revisions would accomplish the following:

1. Residents would have 48 hours following the end of a snow event to clear their sidewalks. Presently, residents must clear their sidewalks within 12 hours following a snow event or by 6:00 PM of the day following if the event ceased during nighttime.
2. Residents would not be required to clear sidewalks of snow until the depth of snow is 3 inches or greater. Presently the requirement is that sidewalks shall be cleared of ice and snow. Residents would still be required to keep the sidewalks clear of ice.
3. Difficult sidewalks would be exempt from the requirements of Section 34. Presently there are no exemptions. Difficult sidewalks are defined as meeting **all** of the following conditions:

    a. The lot or premise is used as a single-family or two-family residence; and,
    b. The lot or premise is addressed on a non-major thoroughfare but has a rear or side yard abutting a major thoroughfare; and,
    c. The sidewalk is located less than thirty-six (36) inches from the edge of pavement of the major thoroughfare.

The attached Difficult Sidewalks Table and Map show the exempted parcels. Cost to the City for clearing the exempted parcels, based on current contractor rates, would be $381.87 for snow events between 3” and 6”, and $524.79 for snow events over 6”.

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_____ _____

City Attorney's Review as to Form and Legality Date

Attachments:

1. Draft Revisions to Chapter 34 Sidewalks and Driveway Approaches
2. Difficult Sidewalks Table
3. Difficult Sidewalks Map

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 34 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 34 of the Code of the City of Troy.

Section 2. Amendment

Chapter 34 of the Code of the City of Troy is amended to read as follows:

34.01 Definitions

(g) "Major Thoroughfare" means the following street rights-of-way within the City of Troy: Adams Road, Big Beaver Road, Coolidge Highway, Crooks Road, Dequindre Road, Fourteen Mile Road, John R Road, Maple Road, Livernois Road, Long Lake Road, Rochester Road, South Boulevard, Square Lake Road, Stephenson Highway, Wattles Road.

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.~~

The occupant or owner of every lot or premise adjoining any street, shall keep all sidewalks clear of ice and shall clear sidewalks of all accumulations of snow when the depth of such snow is three (3) inches or greater. Ice or snow shall be cleared within forty-eight (48) hours following the end of the ice or snow event which led to such accumulation.

34.11.01 Sidewalks Exempt From Requirement to Clear

A lot or premise shall be exempt from the requirements of Section 34.11 if all of the following conditions are met:

(a) The lot or premise is used as a single-family or two-family residence; and,
(b) The lot or premise is addressed on a non-major thoroughfare but has a rear or side yard abutting a major thoroughfare; and,
(c) The sidewalk is located less than thirty-six (36) inches from the edge of pavement of the major thoroughfare.

34.12 Failure to Clear

If any occupant or owner ~~neglects or~~ fails to clear ice or snow from the sidewalks adjoining his/her premises within the allotted time period, or shall otherwise permit ice or snow to accumulate on such sidewalk contrary to this Code, the owner shall be responsible for a violation of this Chapter. The Director ~~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. Written correspondence of such action from the City to said occupant or owner may be provided via first class mail in lieu of notice required by Chapter 1.11 of City Code.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on _____, 2013.

_____
Dane Slater, Mayor

_____
Aileen Bittner, City Clerk

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DIFFICULT SIDEWALKS TABLE

ADDRESS	MAJOR ROAD	LINEAR FOOT
988 Bridgetown	Crooks	193
989 Bridgetown	Crooks	173
6228 Crooks	Crooks	205
983 Wesley	Crooks	144
984 Wesley	Crooks	148
985 Bridge Park	Crooks	145
6836 Woodcrest	partial, 57’ along Crooks	57
6812 Woodcrest	partial, 36’ along Crooks	36
6826 Woodcrest	partial, 105’ along Crooks	105
6584 Hilltop	Crooks	137
6326 Denton	Crooks	126
1103 Falcon	Crooks	117
1117 Falcon	Crooks	149
1131 Falcon	Crooks	190
1145 Falcon	Crooks	107
4973 Carlson Park	W Long Lake	147
6004 Elmoor	W Square Lake	120
4089 Renee	Wattles	117
969 Grand Vista	Rochester	170
970 Grand Vista	Rochester	165
991 Barclay	Rochester	149
992 Barclay	Rochester	140
982 Trinway	Rochester	129

TOTAL: 3,169 Linear Feet of Difficult Sidewalks

Note: ”Difficult Sidewalks ” meet all of the following criteria:

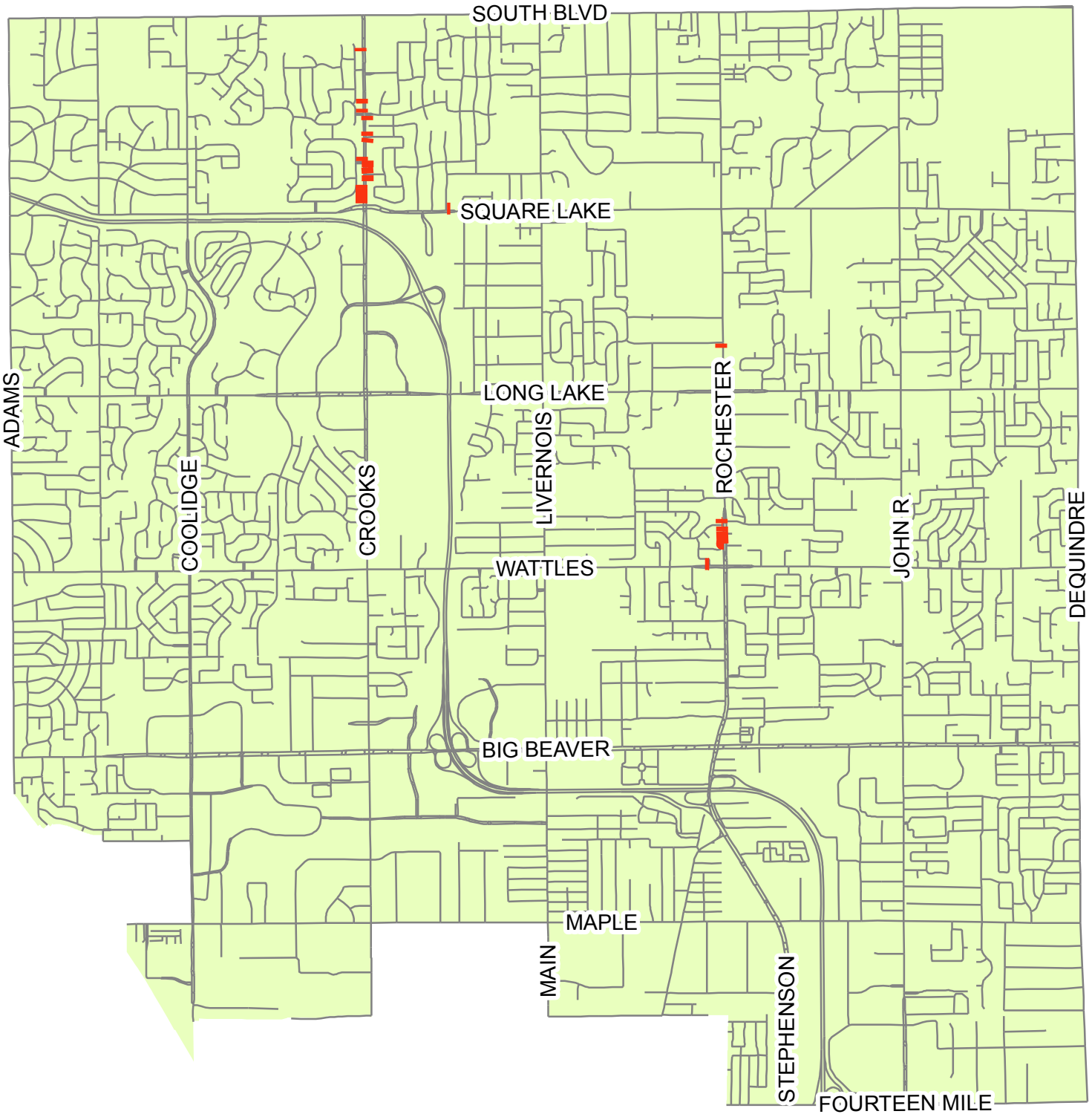
1. The lot or premise is used as a single-family or two-family residence; and,
2. The lot or premise is addressed on a non-major thoroughfare but has a rear or side yard abutting a major thoroughfare; and,
3. The sidewalk is located less than thirty-six (36) inches from the surface of the major thoroughfare.

Current Contract Pricing/Costs

- For snow events of between 3”- 6”: $0.1205 per linear foot ($381.87 per snow event)
- For snow events over 6”: $0.1656 per linear foot ($524.79 per snow event)

In Winter 2012-2013, Troy had four (4) snow events when we received 3” or more. Out of these four (4) snow events, one (1) was over 6”. Two (2) additional snow events were within tenths of an inch of the 3” mark

Difficult Sidewalks Map



Rear yard / Sidewalk less than 3' from Road

10/10/2013