



CITY of NOVI CITY COUNCIL

Agenda Item E
November 14, 2011

SUBJECT: Approval of Ordinance Text Amendment 11-104.08, as recommended by the Ordinance Review Committee, to amend Chapter 21, Nuisances, of the Novi City Code to increase the time to clear sidewalks and pathways after the end of each accumulation of snow greater than two inches from 24 to 48 hours, and to exempt occupants of single-family premises from having to clear major pathways that are not adjacent to the front of the lot or premises. **SECOND READING**

SUBMITTING DEPARTMENT: Department of Public Services

CITY MANAGER APPROVAL:  R14

BACKGROUND INFORMATION:

Sidewalks and pathways in the City of Novi are important assets that need to be maintained year-round to help advance the objective of making Novi a more walkable community. This agenda item proposes ways in which sidewalks and pathways may be more reasonably and effectively cleared in the winter.

The attached strike-through/red-line version of the Nuisance Ordinance provides a text amendment recommended by staff, the City Attorney's office and the Ordinance Review Committee (comprised of three City Council members). The changes proposed for Chapter 21 include increasing from 24 to 48 hours the time in which sidewalks and pathways must be cleared of snow when an accumulation of more than two inches exists, and exempts occupants of single-family premises from having to clear major pathways that are not adjacent to the front of the lot or premises. Instead, such major pathway segments would be cleared by the City (i.e., either by City crews or by a City contractor), as discussed below. Major pathways are a minimum of six feet wide.

City Council referred this issue to the Ordinance Review Committee to develop policy recommendations following an update on the status of implementing winter maintenance improvement initiatives at the September 12, 2011 City Council meeting. The Ordinance Review Committee met on September 22 and 29, and October 13, 2011 and has recommended this ordinance amendment to the City Council. The revisions to this portion of the ordinance are discussed in detail in the attached memorandum dated September 20, 2011 and summarized below.

Meeting the current ordinance's requirement to clear snow from sidewalks and pathways within 24 hours of the end of each accumulation of snow greater than two inches often presents a practical difficulty for many residents, business owners and City crews, as evidenced by many non-compliant areas throughout the City in winter. The

Ordinance Review Committee recommends that this timeframe be extended to 48 hours to allow for greater compliance, and would apply to all sidewalks and pathways, whether residential or non-residential. In addition, owners of single family residential lots would only be required to clear a major pathway (i.e., a pathway that is at least six feet wide) if it is adjacent to the front of the lot, and not pathways along the side or rear of the lot.

The Ordinance Review Committee further recommends that Administration solicits bid pricing from private contractors to clear snow from major road pathways that are not cleared by City crews or local school districts to further the goal of making Novi a year-round walkable community. Staff will solicit bids from local contractors and bring this item for Council's consideration to a future Council meeting before this winter. The estimated cost to the City of Novi for the proposed contracted work is an additional \$50,000 per year, as discussed in detail in the attached memorandum dated September 26, 2011. If approved, this work would be funded by the Major Street Fund through a budget amendment for winter maintenance.

Attached is a map titled, "City of Novi Sidewalk Snow Clearing Map" that depicts the approximate 12.5 miles of major pathways that would be cleared by a City contractor (shown in brown), the 1.5 miles that front school property that would be cleared by the respective school districts (shown in blue), and the 12.1 miles that would be cleared by City crews that either front City property (shown in yellow) or are on walk-to-school routes (shown in orange). In previous winters, none of this work was contracted-out, the school districts did not clear their frontages, and DPS crews cleared 19.3 miles of sidewalks and pathways. Novi Community Schools, Walled Lake Consolidated Schools and Northville Schools have committed through meetings with City staff to clearing their respective school property frontages beginning this winter.)

Because there are several standalone or discontinuous major pathway segments shown on this map, DPS will include in the invitation to bid a bid alternate for clearing additional sidewalk segments along major roads so that continuous mile-long segments would get cleared (see attached map titled, "City of Novi Existing Pathways & Sidewalks" for major roads with continuous sidewalks that could be cleared instead of discontinuous pathways).

RECOMMENDED ACTION: Approval of Ordinance Text Amendment 11-104.08, as recommended by the Ordinance Review Committee, to amend Chapter 21, Nuisances, of the Novi City Code to increase the time to clear sidewalks and pathways after the end of each accumulation of snow greater than two inches from 24 to 48 hours, and to exempt occupants of single-family premises from having to clear major pathways that are not adjacent to the front of the lot or premises. **SECOND READING**

	1	2	Y	N
Mayor Gatt				
Council Member Casey				
Council Member Fischer				
Council Member Margolis				

	1	2	Y	N
Council Member Mutch				
Council Member Staudt				
Council Member Wrobel				

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 11-104.08

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF NOVI, CHAPTER 21, "NUISANCES," ARTICLE II, "RELATED TO PROPERTY," DIVISION 7, "SIDEWALK SNOW REMOVAL," IN ORDER TO INCREASE TIME FRAME FOR REMOVAL TO 48 HOURS AFTER THE END OF THE ACCUMULATION OF SNOW OF 2 INCHES OR MORE AND TO CLARIFY THE PAVED PATHWAY AREAS WHERE A PROPERTY OWNER IS OBLIGATED TO REMOVE THE SNOW.

THE CITY OF NOVI HEREBY ORDAINS

Part I. That Chapter 21, "Nuisances," Article II, "Related to Property," Division 7, "Sidewalk Snow Removal," Section 21-126, "Sidewalks to be cleared," is hereby amended to read as follows

Sec. 21-126. Sidewalks and pathways 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 to the front or side (but not to the rear) within the time required in this section. Within ~~twenty-four~~forty-eight (2448) hours after the end of each accumulation of snow ~~greater than~~of two (2) inches or more, the owner or occupant of every property shall remove the accumulation from the adjacent public sidewalk and walks and ramps leading to a crosswalk. The accumulation may be from any source including precipitation and drifting. Immediately after the accumulation of ice on such sidewalk, it shall be treated with sand, salt or other substance to prevent it from being slippery and the ice shall be removed within ~~twenty-four~~forty-eight (2448) hours after accumulation. The requirements of this section shall also apply to paved pathways adjacent to the front or side of a lot or premises, except that the occupant of a single-family lot or premises adjacent to a major pathway (i.e., a paved pathway six (6) feet wide or wider) shall only be required to clear such pathway adjacent to the front of the lot or premises.

Part II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Part III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

Part IV. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Part V. Effective Date: Publication. The provisions of this Ordinance shall become effective fifteen (15) days after its adoption and shall be published within 15 days of its adoption by publication of a brief notice in a newspaper circulated in the City, stating the date of enactment and the effective date of the ordinance, a brief statement as to the subject matter of this Ordinance and such other facts as the Clerk shall deem pertinent, and that a copy of the Ordinance is available for public use and inspection at the office of the City Clerk.

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Novi City Council, Oakland County, Michigan, at a meeting of the Council duly called and held on the ____ day of _____, 2011.

CITY OF NOVI

By: _____
Maryanne Cornelius, City Clerk

ADOPTED:

EFFECTIVE:

PUBLISHED:

1730631

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 11-104.08

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CITY OF NOVI

By: _____
Maryanne Cornelius, City Clerk

ADOPTED:

EFFECTIVE:

PUBLISHED:

1730631.2



TO: VICTOR CARDENAS, ASSISTANT CITY MANAGER
FROM: ROB HAYES, DIRECTOR OF PUBLIC SERVICES/CITY ENGINEER *RH*
SUBJECT: ORDINANCE REVIEW COMMITTEE MATERIAL - 9/22 MEETING
DATE: SEPTEMBER 20, 2011

This memorandum provides information for the Ordinance Review Committee's use relative to the level of service for winter maintenance operations, and specifically as it relates to clearing the newly designated major residential collector route and sidewalks and pathways. This information is based on questions and comments received from City Council at the September 12, 2011 meeting.

Parking Restrictions on New Major Residential Collector Route

As discussed last Monday and as presented in the attached September 2nd memorandum, a new major route (Route 6) will be added for residential collector streets through selected subdivisions to allow clearing of those subdivisions to occur simultaneously with the City's major roads and sooner than other subdivision streets. Because of on-street parking in the winter, there are two subdivisions with streets on Route 6 that pose safety and operational issues for DPS snow plows:

- Cedar Springs Subdivision: Petros/Buckminster/Christina in Section 22.
- Meadowbrook Glens Subdivision: Cherry Hill/Park Ridge/Kings Pointe in Section 23.

As currently recommended by staff, these streets would be designated as "Snow Routes" with appropriate signage, and on-street parking along them would be prohibited when there is a snow accumulation of at least four inches, which is a threshold amount consistent with both DPS's overtime labor and the City's snow emergency "triggers". Vehicle owners would be warned, then ticketed and towed if vehicles are not moved to allow the streets to be plowed. Prohibiting parking would allow DPS to quickly plow these streets curb-to-curb without damaging vehicles.

Currently, the Ordinance only addresses a City-wide snow emergency during which on-street parking on *all* City streets would be prohibited. Staff recommends that the attached changes to the Ordinance be considered to specifically address parking restrictions on snow routes (see redlined Ordinance Sections 33-681 through 33-683, attached). Residents on these streets would receive a phone message via Dialogic (reverse 911 system) from police dispatchers when conditions warrant parked vehicles to be removed from the street, as determined by the DPS director. Unlike the Nixle system, Dialogic can be pre-programmed with all addresses on the designated snow route streets.

This past winter, many communities in southeast Michigan declared snow emergencies and restricted parking on city streets, including the neighboring cities of Livonia and Farmington.

Issues that the Ordinance Review Committee may wish to consider in regard to restricting parking include the following:

1. Should the Route 6 streets listed above be designated as snow routes so that DPS crews can clear them in a safe and expeditious manner?
2. If so, should enforcement of parking restrictions on these streets be handled as they would for a declared City-wide snow emergency?
3. Should a snow accumulation threshold greater than four inches be established?
4. Should the status quo be maintained by not imposing special parking restrictions on snow routes?

Sidewalk/Pathway Clearing

Clearing by Novi Residents and Businesses. The City's Ordinance states that:

Sec. 21-126. - 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 required in this section. Within twenty-four (24) hours after the end of each accumulation of snow greater than two (2) inches, the owner or occupant of every property shall remove the accumulation from the adjacent public sidewalk and walks and ramps leading to a crosswalk. The accumulation may be from any source including precipitation and drifting. Immediately after the accumulation of ice on such sidewalk, it shall be treated with sand, salt or other substance to prevent it from being slippery and the ice shall be removed within twenty-four (24) hours after accumulation.

Many residents and businesses City-wide have a practical difficulty meeting the 24-hour requirement of the Ordinance. This is especially true in cases where an owner has sidewalk/pathway segments abutting more than one property line, or where a pathway's width exceeds the normal width of a sidewalk (i.e., greater than 5-feet wide).

As it pertains to private sidewalk/pathway clearing, the Committee may wish to relax the 24-hour clearing requirement, or alternatively exempt owners from having to clear more than one abutting segment.

Clearing by City Crews. Please refer to the attached August 9th memorandum from Charles Boulard that discusses maintenance of sidewalks and pathways. Items that pertain specifically to winter maintenance are highlighted in yellow.

As discussed in the September 2nd memo, DPS crews frequently cannot meet the requirements of Section 21-126 of the Ordinance by clearing sidewalks abutting City property within 24 hours of the end of the storm, let alone the additional mileage that DPS has historically cleared. The following table summarizes the amount of sidewalks/pathways that DPS currently clears:

City Frontage		5.6 Miles
Walk to School Routes		
	School Frontage	1.5 Miles
	Non-School Frontage	6.5 Miles
Non-Walk to School Routes		5.7 Miles
	Total:	19.3 Miles

Of the total 19.3 miles that DPS clears, 1.5 miles that front school property will be cleared by Novi Community Schools and Walled Lake Consolidated Schools beginning this winter. Staff recommends that the remaining 12.2 miles (5.7 miles that are not on walk to school routes and 6.5 miles that are) be eliminated from the City's responsibility and that the responsible land owners be held accountable for keeping their abutting sidewalks/pathways clear.

Issues that the Ordinance Review Committee may wish to consider in regard to the City's clearing of sidewalks and pathways are:

1. Should the City clear more miles of sidewalks/pathways than it is obligated to do?
2. If so, which additional routes should the City continue to clear?
3. Should the status quo be maintained by continuing to clear all 19.3 miles in the current inventory?

Please feel free to contact me at any time if you have any questions, concerns or comments in regard to this information prior to the September 22nd Ordinance Review Committee meeting.

cc: Matt Wiktorowski, Field Operations Senior Manager
Tom Lindberg, Deputy Police Chief
Tia Gronlund-Fox, Human Resources Director
Charles Boulard, Director of Community Development



TO: VICTOR CARDENAS, ASSISTANT CITY MANAGER
FROM: ROB HAYES, DIRECTOR OF PUBLIC SERVICES/CITY ENGINEER *RH*
SUBJECT: ORDINANCE REVIEW COMMITTEE MATERIAL - 9/29 MEETING
DATE: SEPTEMBER 26, 2011

This memorandum provides additional information requested at the September 22nd Ordinance Review Committee as it relates to clearing sidewalks and pathways, and to clearing the newly designated major residential collector route.

Cost for a City Contractor to Clear Bike Pathways

Keeping bike paths cleared for public use during the winter would help to further the objective of making Novi a year-round bikeable/walkable community. Accordingly, the ORC requested the cost for a City contractor to clear bike paths that do not front City or school property and are not on walk-to-school routes (because it is contemplated that the City would continue to clear bike paths on City frontage and walk-to-school routes, while the schools would clear bike paths on school frontage). The contractor would provide this service when there is a snow accumulation greater than two inches as required in the Ordinance.

There are 12.5 miles of bike paths along major roads that do not front City or school property and are not on walk-to-school routes. Of this amount, 5.7 miles have historically been cleared by DPS crews (shown in light blue on the attached 2011-2011 Sidewalk Snow Clearing map). Each winter, Novi experiences an average of 20 winter storms that produce a snow accumulation between two and six inches of snow, and 10 storms that result in snow accumulations that measure six inches and above. DPS received quotations from local firms that specialize in clearing snow from sidewalks/pathways, and based on bike path mileage and the type and frequency of winter storms, the estimated costs are:

- Cost to clear all 12.5 miles of bike paths that do not front City or school property and are not on walk-to-school routes: \$50,000/year.
- Cost to clear 5.7 miles of bike paths (of the 12.5 miles total) historically cleared by DPS that do not front City or school property and are not on walk-to-school routes: \$23,000/year.

Clarification of Walk-to-School Routes

ORC members asked whether all walk-to-school routes are shown on the map. While each school district requires students to walk to school if they live within 1-1.5 miles of school, many of the sidewalk/pathways along major roads show little or no evidence of

foot traffic when snow covered. A good example is the stretch of Novi Road between Thirteen Mile Road and Hickory Woods Elementary School: although there are subdivisions along this route, children who live there do not tend to walk to school in the winter. The same is true for the subdivisions around Thornton Creek Elementary: despite the nearby subdivisions off of Nine Mile Road, our experience has been that the children who use Nine Mile to walk to school generally live south of Nine Mile, cross at Galway to the north side of Nine Mile and walk along the school's frontage. Conversely, the stretch of Thirteen Mile between Novi and Meadowbrook Roads is the most heavily trafficked segment in the City because many children from Hometown Novi MHP walk to Meadowbrook Elementary.

Parking Restrictions on New Major Residential Collector Route

The City Attorney has reviewed the proposed changes to Ordinance Section 33-681 as it pertains to restricting on-street parking on streets designated as snow routes. His suggested revisions are shown in red in the attached document.

Please feel free to contact me at any time if you have any questions, concerns or comments in regard to this information in advance of the September 29th Ordinance Review Committee meeting.

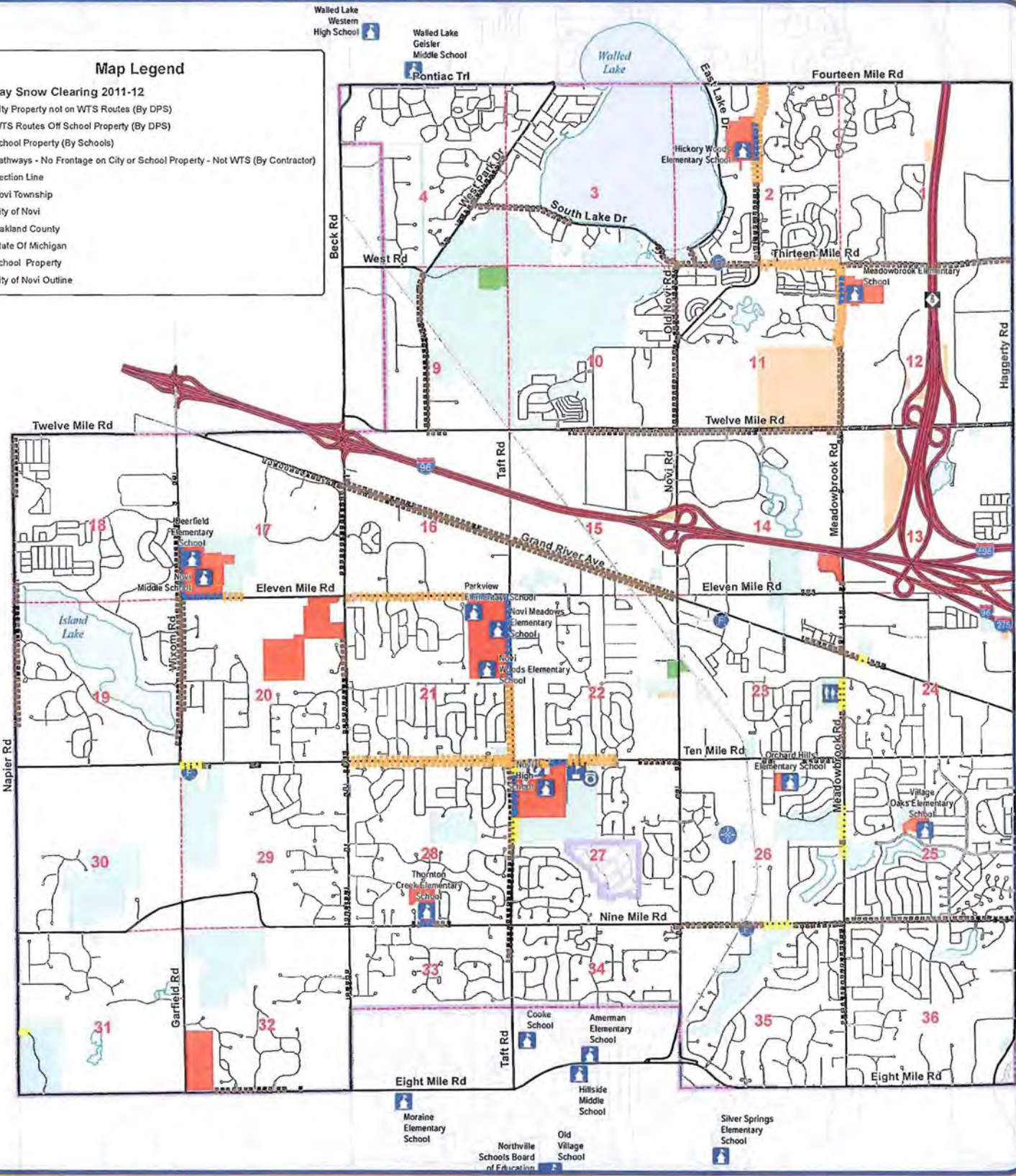
cc: Matt Wiktorowski, Field Operations Senior Manager
Tom Lindberg, Deputy Police Chief
Tia Gronlund-Fox, Human Resources Director
Charles Boulard, Director of Community Development

2011-2012 City of Novi Sidewalk Snow Clearing Map Including Walk to School Routes for School Service Areas

Map Legend

Walkway Snow Clearing 2011-12

- City Property not on WTS Routes (By DPS)
- WTS Routes Off School Property (By DPS)
- School Property (By Schools)
- Pathways - No Frontage on City or School Property - Not WTS (By Contractor)
- Section Line
- Novi Township
- City of Novi
- Oakland County
- State Of Michigan
- School Property
- City of Novi Outline



MAP INTERPRETATION NOTICE

Map information depicted is not intended to replace or substitute for any official or primary source. This map was intended to meet National Map Accuracy Standards and use the most recent, accurate sources available to the people of the City of Novi. Boundary measurements and area calculations are approximate and should not be construed as survey measurements performed by a licensed Michigan Surveyor as defined in Michigan Public Act 132 of 1970, as amended. Please contact the City GIS Manager to confirm source and accuracy information related to this map.



Map Author:
Christopher Blough,
City GIS Manager
Version 2.2
Date: October 17, 2011



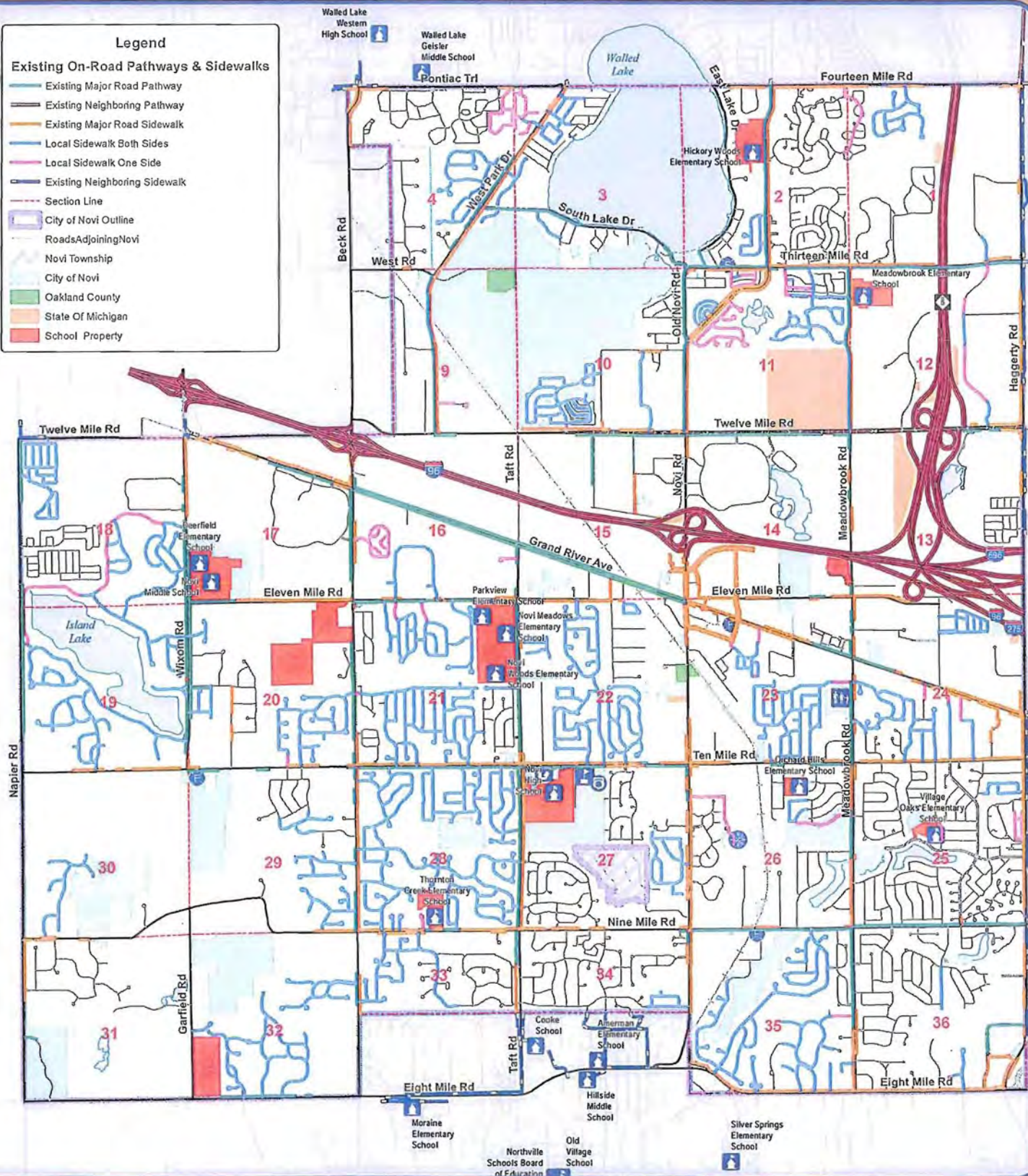
City of Novi
Geographic Information Services
Dept. of Information Technology
45175 W Ten Mile Rd
Novi, MI 48375
cityofnovi.org

2011-2012 City of Novi Existing Pathways & Sidewalks Comparison for Sidewalk Snow Clearing Map

Legend

Existing On-Road Pathways & Sidewalks

- Existing Major Road Pathway
- Existing Neighboring Pathway
- Existing Major Road Sidewalk
- Local Sidewalk Both Sides
- Local Sidewalk One Side
- Existing Neighboring Sidewalk
- Section Line
- City of Novi Outline
- Roads Adjoining Novi
- Novi Township
- City of Novi
- Oakland County
- State Of Michigan
- School Property



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