ORDINANCE NO. 6-400

PROHIBITED PLOWING OF SNOW

THE CITY OF ISHPEMING ORDAINS:

Section 1.

No private property owner, or any other person, shall take any snow or ice from any private property and deposit or place the same upon any fire hydrant, street, alley, or sidewalk within the City of Ishpeming where such fire hydrant, street, alley, or sidewalk is usually plowed or cleared for travel or use. No private property owner shall throw, push, place or cause to be thrown, pushed or placed any ice or snow onto any private property not owned by such person.

Section 2.

No person shall plow any city-maintained roadway or alley without approval from the City Manager or DPW Supervisor.

Section 3.

No property owner or lessee shall be exempt from the provisions of this ordinance because another person has taken snow or ice from the owner's or lessee's private property and deposited or placed the same upon any fire hydrant, street, alley, or sidewalk which is usually plowed or cleared for travel and use.

Section 4.

Violation of any of the provisions of this ordinance shall constitute a municipal civil infraction and shall be considered to be a nuisance. A person, firm or corporation determined to be responsible or responsible "with explanation" for a municipal civil infraction shall be subject to a civil fine of not more than One Hundred ($100.00) Dollars plus costs, and if applicable, damages and expenses as provided by law. A municipal civil infraction action brought for any violation of this ordinance shall follow the procedures set forth in Act No. 12, P.A. 1994, as amended, and a Defendant charged with a municipal civil infraction violation shall have all of the rights, duties, responsibilities and obligations set forth therein.

Section 5.

In addition to the fines and other enforcement measures set forth above, every person who shall take any snow or ice from any private property and deposit or place the same upon any fire hydrant, street, alley or sidewalk within the City of Ishpeming, where such fire hydrant, street, alley or sidewalk is usually plowed or cleared for travel or use, shall reimburse the City for the cost of removal of such snow and ice from the public right-of-way in accordance with the schedule of charges set forth in the City Fee Schedule.

Section 6.

The City shall invoice a property owner from whose property snow and ice was moved onto City owned or maintained property. Each person having an ownership interest in the private property shall be liable for and shall be required to reimburse the City for all such costs and charges so invoiced. The charges shall be considered delinquent if not paid within 30 days after the date of the invoice and may subject such owner(s) to a civil suit by the City to collect such charges in addition to any civil fines and costs that may be imposed.

Section 7.

In addition to any other remedy the City may have, the City shall have a lien upon the private property from which the snow and ice was removed, for all charges invoiced, which may be enforced in the manner prescribed by the general laws of the State of Michigan for the enforcement of tax liens. All delinquent charges under this ordinance shall be added to the delinquent tax rolls with respect to the real property from which the snow and ice was removed for the year when the charges were incurred. Once the resolution of lien enforcement is adopted by the City Council, the collection of the delinquent charges shall proceed the same as if said delinquent charges were originally assessed as real property taxes.

Section 8.

The provisions of any ordinances of the City of Ishpeming in conflict with the above are hereby repealed.

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