



## Memo

**Date:** February 26, 2021  
**To:** Honorable Mayor Armitage; City Council  
**From:** Erin LaPere, City Manager  
**Re:** Ordinance to update Chapter 58 – Streets, Sidewalks, and Other Public Places

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On the agenda for a first reading by Council is an amendment to Chapter 58 Streets, Sidewalks, and Other Public Places. Section 58-116 of the Code was adopted in 2017 as a continuation of the ordinance passed in 2014 which expanded the provisions for sidewalk clearing to apply to most properties in the city. This section is scheduled to sunset on October 1, 2021. I am proposing Council consider this language now to ensure there is not an inadvertent lapse in effect prior to next winter season. Attached please find a draft ordinance to amend Section 58-116 to remove the sunset provision. The language has been reviewed by Attorney Hitch.

Procedurally, ordinances except for those related to Zoning are adopted pursuant to the applicable sections of the Home Rule City Act and the City Charter, and per Council Policy 2021-03. A first reading is held at which time Council may set a public hearing and second reading/adoption. Upon Council adoption, the ordinance or a summary must be published and 20 days elapsed prior to the language taking effect.

Council Policy 2021-03 requires a public hearing notice to be published seven days prior to the hearing date. Therefore, I recommend Council schedule a public hearing and second reading for the March 15<sup>th</sup> meeting.

eel

attachment

Introduced: March 1, 2021

Adopted:

Effective:

**CITY OF CHARLOTTE**  
**ORDINANCE NO. 2021-01**

**AN ORDINANCE TO AMEND CHAPTER 58 – STREETS, SIDEWALKS, AND OTHER  
PUBLIC PLACES – OF THE CODE OF THE CITY OF CHARLOTTE BY AMENDING  
SECTION 58-116 TO REMOVE THE SUNSET PROVISION**

**Councilmember \_\_\_\_\_ moved the following:**

**THE CITY OF CHARLOTTE ORDAINS:**

- 1. Section 58-116 Clearing of Sidewalks, of Chapter 58 – Streets, Sidewalks and Other Public Places – of the Code of the City of Charlotte, is hereby amended to read as follows:**

**§ 58-116 CLEARING OF SIDEWALKS.**

(A) Except as otherwise provided in the establishment of special assessment districts by the City Council for the purpose of snow removal, no person having the care, either as owner or occupant, of any house, building or lot shall permit any snow or ice to remain on any sidewalk in front of any house, building or lot within the City of Charlotte.

(B) (1) Any person who is found to have violated § [58-116](#)(A) shall be deemed responsible for a municipal civil infraction as defined by § 113(1) of the Revised Judicature Act [M.C.L.A. § 600.113(1)] and punished by a civil fine as provided by § [32-6](#) of this Code.

(2) For purposes of this section, a **PRIOR OFFENSE** means a prior or current resident of the property or prior or current owner of the property for which the current violation applies has had a judgment entered against them for a violation of § [58-116](#) for that property within the same snow season.

(3) For purposes of this section, a **SNOW SEASON** shall mean from October 1 to April 30 of the following year.

(4) To charge a violation as a subsequent offense, the issuing officer shall note on the citation that it is a subsequent offense and all dates of the prior offenses and all of the names of all persons or entities to whom the prior citations were issued that make this a subsequent offense.

(5) The Chief of Police is charged with the enforcement of § [58-116](#) and may for such purpose assign enforcement to limited duty parking and property maintenance officers who shall be authorized to issue and serve citations for municipal civil infractions as provided by § 8707 of the Revised Judicature Act.

~~—(C)— This section, as well as §§ [58-117](#) and [58-118](#) shall be null, void and of no force and effect on October 1, 2021, and thereafter.~~

This ordinance shall become effective 20 days after adoption.

Second \_\_\_\_\_. Yea \_\_\_\_ Nay \_\_\_\_

Dated: \_\_\_\_\_

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Michael Armitage, Mayor

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Pearl Tidwell, Clerk