

**CITY OF LOWELL
KENT COUNTY, MICHIGAN**

ORDINANCE NO. 10- 04

**AN ORDINANCE TO ADD ARTICLE III, "SNOW PLOWING," TO
CHAPTER 19, "STREETS, SIDEWALKS AND OTHER PUBLIC
PLACES," OF THE CODE OF ORDINANCES OF THE CITY OF
LOWELL**

Councilmember LaPonsie , supported by Councilmember Ellison , moved the adoption of the following ordinance:

THE CITY OF LOWELL ORDAINS:

Section 1. Addition of Article III to Chapter 19. Chapter 19, "Streets, Sidewalks and Other Public Places," of the Code of Ordinances of the City of Lowell is amended by the addition of Article III, "Snow Plowing," as follows:

ARTICLE III. SNOW PLOWING

Sec. 19-60. Finding of necessity.

It is hereby determined necessary for the protection of the health, safety and welfare of persons and property in the City (i) to regulate the removal of snow and ice from private property and (ii) to require licensing of snow plow operators in the City.

Sec. 19-61. Definitions.

For purposes of this article, the following words and phrases, even if otherwise defined in this Code, shall have the meanings respectively ascribed to them by this section:

City Manager shall mean the City Manager of the City or his or her designee.

Motor Vehicle shall mean any self-propelled vehicle of any size which carries or is capable of carrying its operator.

Public Way shall mean any street, alley, sidewalk, driveway, parking lot, park or any other place which is open to or frequented by the public or to which the public has access.

Sec. 19.62. Removal from Private Property Onto Public Way Prohibited.

No person shall remove snow or ice from private property and deposit or leave it on any public street or sidewalk or other Public Way.

Sec. 19.63. Removal Onto Property of Another Prohibited.

No person shall remove snow or ice from private property and deposit or leave it upon the private property of another person without the permission of the other person.

Sec. 19.64. Removal so as to Block Public Way or Access to Property of Another Prohibited.

No person shall deposit or leave snow or ice in a place or manner which blocks or interferes with the use of a Public Way or which blocks or interferes with access to or the use of property of another person.

Sec. 19.65. License Required.

(1) No person, i.e., snow plow operator, shall engage in the business of plowing, removing or depositing snow or ice within the City and no motor vehicle shall be used for such purposes unless properly licensed by the City.

(2) Such license shall be issued by the City for such period as the City may specify.

(3) It shall be an express condition of each license that the snow plow operator shall comply with all provisions of this article.

(4) An application for a license shall be filed by a snow plow operator with the City Clerk in the form prescribed by the City Manager.

(5) A separate license shall be required by each motor vehicle to be used in the plowing, removal or deposit of snow or ice.

(6) As a part of its application, a snow plow operator shall furnish the City Clerk evidence of ownership or a leasehold interest in each Motor Vehicle it seeks to license.

(7) As a part of its application, a snow plow operator shall furnish the City Clerk evidence of workmen's compensation, contractor's public liability and contractor's motor vehicle bodily injury and property damage insurance in such coverage amounts as shall be established from time to time by the City Manager. All insurance coverage shall provide that the City Clerk shall receive thirty (30) days' advance notice of cancellation or non-renewal.

(8) A snow plow operator shall display conspicuously on each Motor Vehicle required to be licensed such tag or sticker as is furnished by the City for such purpose.

Sec. 19.66. License Term and Fee.

The period of a license and the license fee shall be as established from time to time by resolution of the City Council.

Sec. 19.67. No Transfer of License.

No snow plow operator shall transfer or attempt to transfer its license without approval of the City Manager.

Sec. 19.68. Revocation of License.

The City, after notice and the opportunity for a hearing before the City Manager, may revoke the license of a snow plow operator who fails to comply with the requirements of this article or applicable State or federal laws, rules and regulations. The license of such snow plow operator shall not thereafter be granted or renewed until such time as the snow plow operator has remedied all violations and has demonstrated compliance with the requirements of this article and applicable State and federal laws, rules and regulations.

Sec. 19.69. Inspection.

The City shall have the right to inspect all Motor Vehicles and related equipment for which a license must be obtained both prior to the issuance of the license or at any time during the period the license is in effect to determine compliance with this article and applicable State and federal laws, rules and regulations.

Sec. 19.70. Compliance with Laws, Rules and Regulations.

Snow plow operators shall comply with the requirements of this article and rules and regulations promulgated pursuant hereto as well as all applicable State and federal laws, rules and regulations.

Sec. 19.71. Lights Required.

In addition to any equipment required by applicable State and federal laws, rules and regulations, each Motor Vehicle for which a license is issued shall be equipped with lights mounted in such position as to be clearly visible to any approaching or following traffic or pedestrians, but not such as to blind or confuse such traffic or pedestrians. Such lights shall be turned on and be operating at all times during any time such Motor Vehicle is being used for plowing, removing or depositing snow or ice.

Sec. 19.72. Operating Over Public Sidewalk

A licensed snow plow operator may operate a Motor Vehicle over any public sidewalk for purposes of plowing, removing and depositing snow or ice or reaching a segment of the public sidewalk for which a private person has requested the plowing and removal of snow or ice.

Sec. 19.73. Damage to Property.

Any person licensed pursuant to this article shall be responsible for repairing any damage to a Public Way as the result of plowing, removal and depositing of snow and ice. If such person shall fail to make repairs sufficient to place the property in the same condition as it existed prior to the damage, the City may repair the damage and the costs thereof shall be a debt to the City from such person and shall be collected in the same manner as any other debt of the City.

Sec. 19.74. Enforcement of Article; Adoption of Rules and Regulations.

The enforcement of this article shall be the duty of the City Manager, who is hereby authorized to adopt reasonable rules and regulations subject to the approval of the City Council to carry out the intent of this article.

Section 2. Publication. After its adoption, the City Clerk shall publish this ordinance, or a summary thereof, as permitted by law, along with the date of its adoption in the *Lowell Ledger*, a newspaper of general circulation in the City, at least ten (10) days before its effective date.

Section 3. Effective Date. This ordinance shall take effect ten (10) days after it or a summary thereof, as permitted by law, along with the date of its adoption, is published as provided in Section 2 above.

YEAS: Councilmembers Altoft, LaPonsie, Schrauben, Mayor Pro Tem Ellison and Mayor Hodges.

NAYS: Councilmembers none.

ABSTAIN: Councilmembers none.

ABSENT: Councilmembers none.

ORDINANCE DECLARED ADOPTED.

Dated: September 7, 2010

Betty R. Morlock
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Lowell, Michigan, certify that the above ordinance is a true and complete copy of an ordinance adopted at a regular meeting of the Lowell City Council held September 7, 2010, pursuant to notice given in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended, and notice of its adoption, including a summary of its contents, was published in the *Lowell Ledger* on September 15, 2010. I further certify that the above ordinance was entered into the Ordinance Book of the City on September 7, 2010, and was effective September 25, 2010, ten (10) days after publication.

Dated: September 7, 2010

Betty R. Morlock
City Clerk