

MINUTES

DRAFT

**THOMAS TOWNSHIP PLANNING COMMISSION
THOMAS TOWNSHIP PUBLIC SAFETY BUILDING
8215 SHIELDS DRIVE, SAGINAW, MICHIGAN
WEDNESDAY, JULY 19, 2023, 7:00 P.M.**

Members Present: K. Beam, D. Sommers, R. Iamurri, D. Bird, P. Lynch, and J. Curry
Absent: S. Yockey
Others Present: D. Sika, Community Development Director
A. Bicigo, Code Enforcement Officer/Planning Assistant
4 Interested Parties

Iamurri called the meeting to order at 7:00 p.m.

Approval of Agenda:

Motion by Lynch, supported by Bird to approve the agenda as presented.

VOTE 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED

Approval of Minutes:

Motion by Sommers, supported by Lynch to approve the minutes of the June 21, 2023 meeting.

VOTE 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED

Hearings:

A. Rezoning Request – 170 Adams Rd

A request was made by Derek Nikolai to rezone 170 Adams Rd from B-3 to B-1. Sika explained that the zoning change will allow the existing residence to be rebuilt if it burns down or is damaged. Under the current zoning a single-family dwelling is not a permitted use. The requested zoning allows single-family homes as a use by right, while remaining commercial to align with the future land use map. Questions were asked and answered. There were no objections from anyone notified of the public hearing.

Motion by Sommers, supported by Beam to recommend approval of the rezoning request for 170 Adams from B-3 to B-1 to the Thomas Township Board.

VOTE 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED

B. Rezoning Request – 180 Adams Rd

Sika explained that 180 Adams is adjacent to 170 Adams, and the owner also is asking for a rezoning from B-3 to B-1. This change is also consistent with the future land use map, and is being requested for the same reasons as the request for 170 Adams. There were no objections from anyone notified of the public hearing.

Motion by Bird, supported by Beam to recommend approval of the rezoning request for 180 Adams from B-3 to B-1 to the Thomas Township Board.

VOTE 5 YEAS 0 NAYS 2 ABSENT MOTION CARRIED

A. Text Amendment – Sidewalk Snow Removal Ordinance

Sika explained that, under the current ordinance, a sidewalk can remain uncleared of snow and ice throughout the winter with little to no recourse. Under the proposed text amendment, after proper notification, the Township will be able to hire a contractor to clear the sidewalk if the property owner refuses. This will create a safer environment for pedestrians and reduce liability risks for the Township. Discussion took place regarding sidewalk maintenance, and questions were asked and answered.

**ORDINANCE NO. 23-G-03
THOMAS TOWNSHIP
SAGINAW COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND CHAPTER 1 "SIDEWALK CONSTRUCTION AND MAINTENANCE" OF TITLE 6, "PUBLIC WAYS AND PROPERTY" OF ORDINANCE NO. 22-G-01, CODE OF THE TOWNSHIP OF THOMAS BY REPEALING AND REPLACING SECTION 6-1-5; TO PROVIDE FOR REPAL AND SAVINGS PROVISIONS; AND TO PROVIDE FOR PUBLICATION AND EFFECTIVE DATE.

The Township of Thomas, Saginaw County, Michigan hereby ordains:

Repeal and replacement of Section 6-1-5.

Section 1. That Chapter 1 “Sidewalk Construction and Maintenance” of Title 6 “Public Ways and Property” of Ordinance No. 22-G-01, "Code of the Township of Thomas" is hereby amended to read as follows:

Repeal Section:

6-1-5: - REQUIREMENT TO CLEAR AND MAINTAIN SIDEWALKS:

- A. Removal of Snow, Ice, and Debris: All property owners and occupants of real property fronting upon a sidewalk required by this ordinance shall keep such sidewalk free from all ice, snow, earth, and other substances or debris. Owners and occupants shall have a period of forty-eight (48) hours to remove such ice, snow, earth, and other substances or debris after the deposit thereof.

Replace with Section:

6-1-5: - REQUIREMENT TO CLEAR AND MAINTAIN SIDEWALKS:

A. Purpose.

The purpose of this section is to:

- (1) Promote safe, unrestricted pedestrian and bicycle access, to public and private areas, utilizing sidewalks;
- (2) Promote safe egress and ingress to parking lots adjacent to sidewalks by vehicular traffic;
- (3) Promote safe, unrestricted access by those with disabilities to public and private areas, utilizing sidewalks;
- (4) Improve the safety and general welfare of all citizens.
- (5) Improve the safety and general welfare of those who shop, work, and walk within the business districts, increasing customer traffic.
- (6) Improve the safety and general welfare of children walking and or bicycling to parks, schools, shops, restaurants, sporting events, the library, work, school, and for fun.
- (7) Allow for the removal of snow by the Township from private properties that have not removed snow as required under the ordinance, and the recovery of the costs.

B. Scope.

This ordinance applies to sidewalks, public and private rights-of-way, easements, and other areas that convey pedestrian and bicycle traffic, being those areas paved or concrete that provides an area for pedestrian and bicycle traffic.

C. Removal of snow.

The occupant, manager, owner, or owner/agent of every lot or parcel of land adjoining any sidewalk on publicly or privately owned rights-of-way, easement, and other areas that convey pedestrian and bicycle traffic, must clear from those surfaces all snow, fallen, drifted, or in any other manner accumulated, within 24 hours from the first accumulation of one inch or more as measured at the parcel.

D. Removal of ice.

The occupant, manager, owner, or owner/agent of every lot or parcel of land adjoining any sidewalk or publicly or privately owned rights-of-way, easement, and other areas that convey pedestrian and bicycle traffic, and the owner, manager, or owner/agent must immediately remove from those surfaces any ice formed and/or

accumulated. When immediate removal of ice is impracticable, sand, salt, or other chemicals or materials must immediately be spread upon the ice in such manner and such quantity as to prevent the surfaces from being slippery and dangerous to pedestrians and bicycle riders, and then must remove such ice as soon thereafter as removal is practicable.

E. Removal of other materials.

The occupant, manager, owner, or owner/agent of every lot or parcel of land adjoining any sidewalk or publicly or privately owned right-of-way, easement, and other areas that convey pedestrian and bicycle traffic, shall have a period of forty-eight (48) hours to remove such earth, dirt, rocks, branches, or other substance, material, or debris after notice to remove is given. It will be considered a violation of Title 1 Chapter 3 Municipal Civil Infraction if not removed as ordered.

F. Notice to remove.

Either of the following forms of notice to remove snow and ice are deemed sufficient notice alone for Thomas Township to enforce the provisions of this ordinance:

- (a) Publication and contents of the general notice to remove. The Township will give general notice of required snow and ice removal at least once each snow/ice season by public notice. For the purposes of this ordinance, the snow/ice season begins on November 1 each year and ends on May 1 the following year. Such notice must set forth the requirements of sections (6-1-5(C) Removal of Snow) and (6-1-5(D) Removal of Ice) of the code. This notice will become effective for the entire snow/ice season ten days after its publication.
- (b) Other notice. At any time, the notice by publication outlined in subsection (E) is not effective, notification may be made in person, by telephone, by mail, or by written notice left at the property. Notice under this subsection is effective if the owner or occupant fails to remove snow or ice before noon of the day after the notice is given.

G. Failure to clear.

- (a) Removal by Thomas Township. If snow or ice is not removed or treated as required in sections (6-1-5(C) Removal of Snow) and/or (6-1-5(D) Removal of Ice), the Township may cause such snow or ice to be removed. The owner of the adjacent property to the sidewalk (as indicated by the records of the Township Assessor) shall then be charged the actual cost of the sidewalk clearance. If those charges are not paid within 30 days after mailing the invoice for said charges, Thomas Township may proceed in law or equity to collect said charges and may use any remedy available to recover charges including the use of Municipal Civil Infraction, Court Order, or Thomas Township may choose to place the charges on the property tax bill.
- (b) Municipal Civil Infraction. Any person or other entity who violates any of the provisions in this ordinance is responsible for a municipal civil infraction violation. A person or other entity who violates any provision of section (6-1-5) is responsible for a municipal civil infraction, subject to payment of a civil fine and costs as specified in Section 1-3-9 (Sanctions for Violation). Repeat offenses under this ordinance shall be subject to increased fines as outlined in section (1-3-9). Each day that the condition continues without correction, after the first day of the violation, shall constitute a separate offense and shall bear a separate penalty.

REPEAL AND SAVINGS PROVISIONS

Section 2. That all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed; provided, however, any administrative or judicial proceeding commenced under any provision hereby repealed shall continue to a final decision as if such provision had not been repealed.

PUBLICATION AND EFFECTIVE DATE.

Section 3. That this ordinance shall become effective thirty days after publication thereof.

Motion by Curry, supported by Sommers, to approve the text amendment as presented.

VOTE 5 YEAS 1 NAYS 1 ABSENT MOTION CARRIED

Adjournment:

Motion by Yockey, supported by Lynch to adjourn the meeting at 7:27 p.m. Motion carried.