

VILLAGE OF MARCELLUS  
County of Cass, State of Michigan

**WINTER PARKING AND SNOW AND ICE REMOVAL FROM PUBLIC AND PRIVATE PROPERTY  
ORDINANCE**

An ordinance amending Village of Marcellus Ordinance No. 217 by refining and making more specific the title and purpose thereof and Section 5 thereof and by adding regulations regarding removal of snow and ice from private property and depositing the same on public or other private property within the Village without express permission and consent of the owner(s) and/or occupant(s) of the latter and imposing civil infraction penalties and fees for violation of the latter.

**THE VILLAGE OF MARCELLUS ORDAINS:**

**Section 1 – Name and Purpose**

- A. The name/title of Village of Marcellus Ordinance No. 217 is hereby amended and shall hereafter be known and cited as the Village of Marcellus Winter Parking and Snow and Ice Removal Ordinance.
- B. This Ordinance (Village of Marcellus Ordinance No. 224) shall be known and cited as the Village of Marcellus Winter Parking and Snow and Ice Removal from Public and Private Property Ordinance.
- C. The purpose of this ordinance is to amend Village of Marcellus Ordinance No. 217 by refining and making more specific Section 5 of said Ordinance and by adding regulations regarding removal and deposit of snow and ice from private property and depositing the same on public or other private property within the Village without express permission of the owner(s) and/or occupant(s) of the latter and imposing civil infraction penalties and fees for violation of the latter.

**Section 2. Amendment and Restatement of Section 5 of Village of Marcellus Ordinance No. 217**

Section 5 of Village of Marcellus Ordinance No. 217 is hereby amended to read as follows:

## **Section 5 – Publicly-Owned Parking Area Regulations**

Parking is prohibited in/on any publicly-owned off-street parking area every day from November 1 through December 31 and January 1 through March 15 of each year between the hours of 3:00 A. M. and 7:00 A. M.

## **Section 3 – Removal of Snow and Ice from Private Property and Deposit of the Same on Public or Other Private Property Without the Express Permission and Consent of the Owner(s) and/or Occupant(s) of the Latter is Prohibited**

Village of Marcellus Ordinance No. 217 is hereby amended by adding the following as Section 5A:

### **Section 5A – Removal of Snow and Ice from Private Property and Deposit of the Same on Public or Other Private Property Without the Express Permission and Consent of the Owner(s) and/or Occupant(s) of the latter is Prohibited**

#### **A. Littering and Burdening Public Property**

It is prohibited and is unlawful for the person(s) in control of any private property within the Village of Marcellus and such person(s)' employee(s), agent(s) or contractor(s) to deposit snow and ice from said private property onto the streets, alleys or sidewalks of the Village.

#### **B. Littering and Burdening Private Property**

It is prohibited and is unlawful for any person(s) in control of any private property within the Village of Marcellus and such person(s)' employee(s), agent(s) or contractor(s) to deposit snow and ice from said private property upon any other private property within the Village without first having obtained the express permission and consent of the person(s) in control of the latter private property upon which said snow and ice is being deposited/is proposed to be deposited.

#### **C. Penalties**

Anyone who violates Sections 5A of this Ordinance (Ordinance 224) shall be deemed to have committed a municipal infraction and shall be subject to the payment of a civil infraction penalty and fees as set forth in Village of Marcellus Ordinance No. 220 (Litter Ordinance Section IV), and Section 7 – Penalties of Village of Marcellus Ordinance no. 217 is hereby amended/modified accordingly.

**D. Severability**

Should any portion, sentence, paragraph, clause, phrase or word of this Ordinance be declared unconstitutional, illegal, or of no force or effect by a court of competent jurisdiction, such decision or judgment shall not affect the validity of the remaining portions thereof which shall continue to remain in full force and effect.

**E. Effective Date**

This Ordinance shall become effective on February 23, 2017, at 12:01 A.M.

**F. Publication**

This Ordinance shall be published once, in summary form or in full, in *The Marcellus News*, a newspaper of general circulation within the boundaries of said Village and qualified under State law to publish legal notices, within 30 days of its adoption.

**EFFECTIVE DATE**

The within Ordinance shall take effect on the 30<sup>th</sup> day after its adoption by the Village Council. Adopted at regular meeting of the Marcellus Village Council on the 24th day of January, 2017.


Village of Marcellus

  
Jacqueline A. LaBudie, Village Clerk

  
Ronald Welburn, Village President

**Certification:** I hereby certify that the foregoing is a true and complete copy of Ordinance No. 224, being a "Winter Parking and Snow and Ice Removal From Public and Private Property Ordinance", adopted by the Village Council of the Village of Marcellus, County of Cass, State of Michigan, at a regular meeting held on January 24, 2017. the original of which is on file in my office and available to the public. Public Notice of said meeting was given pursuant to and in compliance with the Open Meetings Act, including, in the case of a special or rescheduled meeting, notice by posting at least 18 hours prior to the time set for said meeting. That ordinance was published in summary form or in full in *The Marcellus News* on February 2, 2017.

Dated: January 24, 2017.

  
Jacqueline A. LaBudie  
Marcellus Village Clerk