

# Snow removal ordinance with fines

WHEREAS: Some businesses and residents in (*your municipality*) frequently fail to shovel their sidewalks and abutting curb ramps/cuts and/or fail to clear sidewalks of snow and ice in a manner that ensures that all residents - including wheelchair users, the elderly and others with disabilities - can traverse the sidewalks safely; and

WHEREAS: This failure to adequately remove snow and ice from the City's sidewalks results in a lack of reasonable access and mobility for wheelchair users, the elderly, the disabled and other residents, and causes significant public safety issues; and

WHEREAS: A particular concern is the failure by many residents and business to shovel abutting curb ramps/cuts, a legal obligation under the current law of which many residents and businesses are unaware; and

WHEREAS: The (*your city or municipality*) council believes that a clear snow and ice clearing law with appropriate fines for failing to shovel sidewalks and abutting curb ramps would help alleviate these problems and ensure safe accessibility to City sidewalks for everyone. *NOW THEREFORE,*

## ***Be it resolved that:***

### Section 1.

#### **Snow, Slush, and Ice on Sidewalks**

- (a) *Requirements for snow and/or slush.* No owner, manager, or tenant of a (i) commercial building, estate, or land abutting on a sidewalk, (ii) mixed-use building, estate, or land abutting on a sidewalk, or (iii) residential building, estate, or land abutting on a sidewalk shall place or suffer to remain in place for more than three (3) hours between sunrise and sunset any slush or any loose, granular, or packed snow upon such sidewalk. Removal of any slush or snow should be conducted along the full paved width of such sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalks. Removal of any slush or snow shall be conducted in a manner that clears the full paved path or a minimum of forty-two (42) inches wide. Each day that a violation exists shall be considered a separate and distinct violation.
- (b) *Requirements for ice.* No owner, manager, or tenant of a (i) commercial building, estate, or land abutting on a sidewalk, (ii) mixed-use building, estate, or land abutting on a sidewalk, or (iii) residential building, estate, or land abutting on a sidewalk shall place or suffer to remain in place for more than three (3) hours between sunrise and sunset any ice upon such sidewalk. Removal of any ice shall be in a manner consistent with the requirements of the preceding sub-section, except that any such owner, manager, or tenant shall be deemed to be in compliance with this paragraph if such ice is made level and completely covered with sand, sawdust, or other appropriate material to



prevent slipping. Each day that a violation exists shall be considered a separate and distinct violation.

(c) No person shall remove slush, snow, or ice from privately-owned real property and place it upon any sidewalk or street.

(d) Enforcement/Penalties.

(i) Any violation of subsection (a) or subsection (b) occurring at a sidewalk abutting land zoned solely for residential use or at a sidewalk abutting vacant land shall result in a fine of one hundred dollars and no cents (\$100.00) *(example)* for each such violation.

(ii) Any violation of subsection (a) or subsection (b) occurring at a sidewalk abutting any vacant land or land zoned for any use other than solely residential (commercial or mixed-use buildings) shall result in a fine of one hundred fifty dollars and no cents (\$150.00)*(example)* for each such violation.

(iii) Any violation of subsection (c) shall result in a fine of two hundred fifty dollars and no cents (\$250.00) *(example)*.

### Section 3.

Any person who removes snow or ice from the public sidewalk or street, shall not, as a result of his acts or omissions in such removal, be liable for civil damages.

### Section 4.

The provisions of these sections shall be effective immediately upon passage. *(or upon the earliest date agreed upon by the city council)*



# **Snow and ice removal sample ordinance**

Every owner, lessee, tenant, occupant or other person having charge of any building or lot of ground in the city abutting upon any public way or public place shall remove the snow and ice from the sidewalk in front of such building or lot of ground.

If the sidewalk is of greater width than five feet, it shall not be necessary for such person to remove snow and ice from the same for a space wider than five feet.

In case the snow and ice on the sidewalk shall be frozen so hard that it cannot be removed without injury to the pavement, the person having charge of any building or lot of ground as aforesaid shall, within the time specified, cause the sidewalk abutting on the said premises to be strewn with ashes, sand, sawdust, or some similar suitable material, and shall, as soon thereafter as the weather shall permit, thoroughly clean said sidewalk.

The snow which falls or accumulates during the day before four p.m. shall be removed within three hours after the same has fallen or accumulated. The snow which falls or accumulates after four p.m. and during the night on other days shall be removed before ten a.m.

## **Liability for civil damages.**

Any person who removes snow or ice from the public sidewalk or street, shall not, as a result of his acts or omissions in such removal, be liable for civil damages. This section does not apply to acts or omissions amounting to willful or wanton misconduct in such snow or ice removal.