

Sponsor: Councilman Embert
First Reading: 10/19/15
Second Reading: 11/02/15
Third Reading: 11/16/15
Ord. No.: 017-15

AN ORDINANCE TO AMEND CHAPTER 58 (“STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”), ARTICLE V (“SNOW REMOVAL”) TO REQUIRE THE REMOVAL OF ICE AND TO MAKE VIOLATIONS OF SNOW AND ICE REMOVAL REGULATIONS CIVIL VIOLATIONS AND TO AUTHORIZE THE CODE ENFORCEMENT DEPARTMENT TO ENFORCE THESE REGULATIONS AND TO MAKE OTHER CLARIFICATIONS TO THE ORDINANCE

WHEREAS, section 4.2.8 of the charter of the Town of Smyrna authorizes the Town to “enforce the removal of ice, snow, or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners”;

WHEREAS, the Town Council has previously adopted regulations pertaining to the removal of snow from sidewalks in the Town; and

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, it is necessary to amend these regulations to also regulate the removal of ice and to improve enforcement and clarify the standards of the ordinance.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Chapter 58 (“Streets, sidewalks and other public places”), Article V (“Snow Removal”) by making insertions as shown by underlining and deletions as shown by strike through as follows:

ARTICLE V. - SNOW AND ICE REMOVAL

Sec. 58-106. - Penalty.

Any owner found guilty of violating sections 58-107 or 58-108 of this article shall be guilty of maintaining a public nuisance and of a ~~criminal~~ civil violation and, upon conviction, be subject to ~~criminal~~ civil penalties as provided under section 1-11 of this Code.

Sec. 58-107. - Abutting owners' permitting snow or ice to remain on sidewalks over ~~12~~ 24 hours declared nuisance.

It shall be unlawful for the owner of any premises in the town, in front or by the side of which shall be a sidewalk, pavement or walkway, to permit or allow snow or ice to remain thereon for a longer period than ~~12~~ 24 hours of daylight after it has ceased snowing, and after the snow has ceased to fall or the ice has ceased to form. Every owner shall cause a pathway to be cleared of at least three (3) feet wide or the width of the sidewalk if the sidewalk is less than three feet wide. ~~every~~ Every owner who shall permit or suffer the same to remain on such sidewalks, pavement or walkways, in violation of this section, shall be guilty of maintaining a nuisance and upon conviction thereof before any court of competent jurisdiction shall forfeit and pay a fine as provided in section 1-11 of this Code plus the cost incurred in connection with same. Any private agreement between an owner and a tenant or management company pertaining to the maintenance of sidewalks shall not relieve the owner of responsibility for complying with the terms of this article.

Sec. 58-108. - Abutting owners not to pile snow or ice in street so as to obstruct intersection.

It shall be unlawful for the owner of any premises abutting a street intersection in the town to pile or permit to allow snow or ice to remain piled on the side of any street so as to cause a visual or physical obstruction to traffic at any such street intersection.

Sec. 58-109. - Enforcement.

(a) ~~It shall be the duty of the police department of the town to patrol the streets of the town and to issue warrants or summons.~~ The police department, in conjunction with the assistance of the code enforcement department as needed, may inspect the streets of the town and issue citations in connection with the violation of the provisions of this article. Such summons or citations may be accompanied by or in the form of a voluntary assessment agreement as authorized by section 1-12 under which the person summonsed may admit guilt and pay the civil penalty and court costs by mail.

(b) The town manager may, in cases where there are considered to be violations of sections 58-107 and/or 58-108 of this article, have the snow and/or ice removed immediately and charge the costs in connection with such removal to the owner or owners of the premises. Should the amount not be paid within 30 days of billing, such amount may be collected in an action for debt before any court of competent jurisdiction and/or as provided in the Charter of the town for the collection of taxes on real estate and other charges and costs due to the town.

SYNOPSIS

This ordinance requires the removal of both snow and ice from sidewalks within the Town of Smyrna. A three foot path must be cleared from sidewalks unless the sidewalk is less than three feet in width, in which case the entire sidewalk must be cleared. This ordinance changes violations of this ordinance from criminal to civil and authorizes the Smyrna Code Enforcement Department to assist the Police Department in enforcing this ordinance. Owners have 24 hours after the conclusion of snowfall or the formation of ice to clear the sidewalks, and this ordinance clarifies that owners are responsible for compliance regardless of what private agreements for the clearance of snow and ice may be in place.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2015.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Smyrna/Clayton Sun Times" on _____, 2015 and posted at the Town Hall on _____, 2015.

So Certifies:

Town Clerk