

REVIEW OF OTHER JURISDICTIONS FOR SNOW REMOVAL ORDINANCES

Search terms within municipal codes: “sidewalk,” “snow,” and “ice.”

New Mexico Jurisdictions:	Outside of New Mexico:
1. Santa Fe, New Mexico (Pop. 69,976) 2. Ruidoso, New Mexico (Pop. 7,965- No Ord.) 3. Farmington, New Mexico (Pop. 45,426 - No Ord.) 4. Taos, New Mexico (Pop. 5,731) 5. Raton, New Mexico (Pop. 6,537) 6. Angel Fire, New Mexico (Pop. 1, 178) 7. Las Vegas, New Mexico (Pop. 13,691)	1. Durango, Colorado (Pop. 6,512) 2. Boulder, Colorado (Pop. 103,166) 3. New Port, Rhode Island (Pop. 24,027) 4. Richland, Washington (Pop. 52,413)

The following are a summary of other in and out of state municipal code provisions related to snow and ice removal from public sidewalks and right-of-ways.

NEW MEXICO JURISDICTIONS

1. Santa Fe, New Mexico (Pop. 69,976)

From: <http://clerkshq.com/default.ashx?clientsite=Santafe-nm> last visited 7/29/2016.

CHAPTER XXIII. STREETS, SIDEWALKS AND PUBLIC PLACES

23-1.8 Removal of Snow and Ice from Sidewalks.

A. The owners, agents or occupants of any property shall keep the sidewalks and gutters in front of and adjoining such property clean of snow and ice and after any fall of snow shall cause snow and ice to be immediately removed from the sidewalks and gutters fronting and adjoining their respective lots or parts of lots; provided that snow and ice not be placed in the street.

B. On the failure of any persons named above to remove snow and ice from the sidewalks and gutters, the proper city officials may cause such snow and ice to be immediately removed by laborers employed by the city; in such event, the costs and charges of removing the snow and ice shall become a lien and charge against the premises, to be paid on demand to the city clerk by the person failing to observe the provisions of paragraph A. of this subsection.

C. In the event of any suit being brought by the city for the enforcement or collection of the lien and charges set out for snow removal, the person failing to observe the provisions of this subsection is liable for an attorney's fee to be paid into court for the benefit of counsel for the city in such action and such attorney's fee is a lien on the property, enforceable in the same manner as the above-mentioned charge.

(Code 1953, §24-11; Ord. #1959-19, §5; Code 1973, §30-10; Ord. #1980-38, §9; SFCC 1981, §4-11-10)

Editor's Note: For state law pertaining to removal of snow and ice, see Sec. 3-49-1 NMSA 1978.

2. Ruidoso, New Mexico (Pop. 7,965-No Ord.)

From: https://www.municode.com/library/nm/ruidoso/codes/code_of_ordinances?nodeId=COORVIRUNEME last visited on 7/29/2016.

Nothing on snow removal. Only a reference on design standards in zoning provisions (See Chapter 54) and in utilities (Chapter 86-32).

3. Farmington, New Mexico (Pop. 45,426 -No Ord.)

From: https://www.municode.com/library/nm/farmington/codes/code_of_ordinances last visited 7/29/2016.

No ordinances found related to snow removal, only weed and similar nuisance abatement.

4. Taos, New Mexico (Pop. 5,731)

From: http://www.sterlingcodifiers.com/codebook/index.php?book_id=602 last visited 7/29/2016.

Chapter 12.12. SNOW REMOVAL

12.12.010: DEFINITIONS:

For the purposes of this chapter, the following words, phrases and terms shall have the meanings respectively ascribed to them by this section:

BUSINESS DAY: Any day not a Sunday or a national holiday.

ROADWAY: That portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder.

SIDEWALK: That portion of a street between the curb lines, or the lateral lines of a roadway where there is no curb, and the adjacent property lines, intended for the use of pedestrians.

STREET OR HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

TOWN: The town of Taos, New Mexico.

(Ord. 97-51 § 1, 1997: prior code §18-16)

12.12.020: DEPOSITING OF SNOW AND ICE; WHERE PROHIBITED; LIABILITY FOR COST TO REMEDY:

A. No person, partnership, corporation or other entity shall deposit or cause to be deposited any snow and ice on or against a fire hydrant or on any sidewalk, roadway, street or highway, except that snow and ice may be placed upon the public roadway either prior to the time the town road crew plows the same after a storm or by spreading snow and ice on the public roadway to a depth of no more than three inches (3") so as not to create a hazardous condition.

B. In the event any person, partnership, corporation or other entity disposes of snow and ice in violation of subsection A of this section, the town shall, as soon as practicable, cause such work to be done to remedy such violation by spreading or removing such snow and ice.

C. The town shall ascertain and keep a record of the exact cost of all work he causes to be done in accordance with this section on account of each act or omission of any person, partnership, corporation or other entity, and he shall identify such person or entity with particularity in his records.

D. Each person, partnership, corporation or other entity whose act or omission makes it necessary that the town cause work to be done in accordance with this section shall be liable to the town for the cost of such work plus a penalty of ten percent (10%) of such cost.

(Ord. 97-51 § 1, 1997: prior code § 18-18)

12.12.030: PENALTIES FOR VIOLATIONS:

Any person, partnership, corporation or other entity who violates any provision of this chapter shall be deemed guilty of a petty misdemeanor and, upon conviction thereof, shall be fined in an amount not exceeding one hundred dollars (\$100.00). Each day such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 97-51 § 1, 1997: prior code § 18-17)

5. Raton, New Mexico (Pop. 6,537)

From

[http://library.amlegal.com/nxt/gateway.dll/New%20Mexico/raton_nm/ratonnewmexicocodeofordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:raton_nm](http://library.amlegal.com/nxt/gateway.dll/New%20Mexico/raton_nm/ratonnewmexicocodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:raton_nm) last visited 8/4/2016.

Title IX General Regulations.

Chapter 93. Streets and Sidewalks

§ 93.015 OWNER OR OCCUPANT TO KEEP ABUTTING SIDEWALK CLEAR OF SNOW, ICE, AND WEEDS.

(A) The owner or occupant of every property in the city abutting any sidewalk shall remove the snow and ice from the sidewalks within 24 hours after the same has fallen or accumulated, and cause the same to be kept clear of snow and ice.

(B) The owner or occupant shall remove and keep removed all weeds and tree growth that may grow upon or overhang the sidewalks all year. Sidewalks, if present, shall be kept safe and in good repair at all times by the abutting property owner.

(1981 Code, § 24-16) (Am. Ord. 898, passed 2-22-2000) (Penalty, see § 93.999)

6. Angel Fire, New Mexico (Pop. 1, 178)

From http://www.sterlingcodifiers.com/codebook/index.php?book_id=384 last visited 8/4/2016.

Title 7. PUBLIC WAYS AND PROPERTY

Chapter 1. STREET AND DRAINAGE DESIGN STANDARDS

7-1-5-6: SNOW STORAGE AND REMOVAL:

A. General: Adequate space for snow storage shall be provided in the design of all roadways within the village. For planning purposes, one square foot of snow storage space is generally necessary for

each two (2) square feet of area to be cleared. This ratio may be somewhat greater or lesser depending on individual circumstances.

B. Snow Stacking: Snow stacking areas shall be provided for all public rights of way. Maximum stacking height allowed within public rights of way is five feet (5'). Stacking height, however must not obstruct site distance at intersections. Extra snow stack areas at intersections and cul-de-sacs is required.

Snow stacking for driveways shall be provided on the owner's property. Use of the public rights of way for snow storage by private individuals or companies is prohibited.

C. Accumulations Prohibited On Pedestrian ways: No owner, manager, agent or occupant of real property within the village shall allow snow or ice to accumulate on public sidewalks and pedestrian passageways abutting their property, and they shall have joint and equal responsibility for the removal of all such snow and ice.

(Ord. 2007-06, 8-14-2007)

7. Las Vegas, New Mexico (Pop. 13,691)

From <https://law.resource.org/pub/us/code/city/nm/Las%20Vegas.html> last visited 8/4/2016.

Section 148-5.D.11, governing “Vacant building maintenance license; maintenance standard for vacant buildings” requires: “Sidewalk openings. Openings in sidewalks are safe for pedestrian travel. Sidewalks are kept free of snow, ice and debris.”

Section § 192-19. Propulsion of missiles, prohibits the: “[p]ropulsion of missiles consists of shooting, slinging or throwing snowballs, stones, rocks, pellets....”

Section 377-29 (“Ice and snow on sidewalks”) of Chapter 377. STREETS, SIDEWALKS, RIGHTS-OF-WAY AND DRIVEWAYS, Article IV. Obstruction of Public Thoroughfares provides that, “[i]t is unlawful for any person, either as tenant or owner of any property, to allow any snow or ice to be or remain upon the sidewalk abutting or adjoining any property or premises owned or occupied by any such person for longer than 24 hours after the said snow shall have fallen or the ice shall have formed.”

OUTSIDE NEW MEXICO JURISDICTIONS

City of Durango, Colorado (Pop. 6,512)

From: https://www.municode.com/library/co/durango/codes/code_of_ordinances?nodeId=COORDUCO last visited 7/29/2016.

Chapter 21 - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE III. - SNOW AND ICE

Sec. 21-36. - Removal—By owner, tenant or occupant of premises.

It shall be the duty of the owner, tenant and occupant of any premises abutting or adjoining any public sidewalk to remove all snow and ice from such sidewalk.

(Code 1962, § 9-4-1)

Sec. 21-37. - Same—By city; assessment of costs.

(a) If the city manager or his duly authorized representative determines that a certain person is in violation of section 21-36, and a hazardous condition exists, the city manager or his duly authorized representative is authorized to accomplish the work required to effectuate compliance with such section. If any work is done, then the property involved shall be assessed the cost thereof plus an additional amount of up to twenty-five dollars (\$25.00) to cover administrative costs; provided, that before so proceeding the city manager or his duly authorized representative shall inform any person responsible for and present at the property or premises of the violation and request that the violation be immediately corrected.

(b) Whenever the city manager or his duly authorized representative accomplishes any snow removal under this section, within thirty (30) days thereafter a notice shall be sent to the owner of the property at his last known address stating that snow removal work under this section has been performed and an assessment for the same shall be made. Such assessment may be certified to the county assessor or other proper county official having charge of the making of the assessment role and such charge shall be placed upon the assessment role and collected in the same manner as other city taxes are collected.

(Code 1962, § 9-4-2)

Sec. 21-38. - Depositing snow in streets.

No person shall deposit or cause to be deposited in any public street, alley or roadway in the city, snow taken or removed from property privately owned or occupied, excluding snow taken or removed from public sidewalks.

(Code 1962, § 9-4-3)

City of Boulder, Colorado (Pop. 103,166)

From:

https://www.municode.com/library/co/boulder/codes/municipal_code?nodeId=TIT8PAOPSPSTPUWA_CH2STSI_8-2-13DUKESICLSN last visited 7/29/2016.

TITLE 8 - PARKS, OPEN SPACES, STREETS, AND PUBLIC WAYS

8-2-13. - Duty to Keep Sidewalks Clear of Snow.

(a) Removal of Snow, Ice, and Sleet from Sidewalks Required. No private owner, agent appointed pursuant to Section 10-3-14, "Local Agent Required," B.R.C. 1981, or manager of any property, lessee leasing the entire premises, or adult occupant of a single-family dwelling, a duplex, a triplex, or a four plex shall fail to keep all public sidewalks and walkways abutting the premises such person owns, leases, or occupies clear of snow, ice, and sleet, as provided in this section. Such persons are jointly and severally liable for such responsibility, criminally and administratively. Such persons shall remove any accumulation after any snowfall or snowdrift as promptly as reasonably possible and no later than twenty-four hours after the snowfall or the formation of the snowdrift. Such persons shall

remove the snow, ice, or sleet from the full width of all sidewalks and walkways, except those with a width exceeding five feet, which must be cleared to a width of at least five feet.

(b) City Manager Authorized to Correct Hazardous Situations on Sidewalks With Snow, Ice, or Sleet. The city manager has the authority to cause any sidewalk to be cleared of snow, ice, and sleet. If the city manager intends to charge any person responsible for keeping public sidewalks and walkways abutting the premises clear of snow, ice, and sleet, the manager will satisfy the requirements of this section.

(c) Findings and Notice. If the city manager finds that any portion of a sidewalk or walkway has not been cleared of snow, ice, and sleet as required by Subsection (a) of this section and that a hazardous condition exists, the manager is authorized to charge the costs of clearing the snow, ice, or sleet to the person responsible under this section.

(1) The city manager will notify the owner, agent appointed pursuant to Section 10-3-14, "Local Agent Required," B.R.C. 1981, or manager of any property, the lessee leasing the entire premises or any adult occupant of a single-family dwelling, a duplex, a triplex, or a fourplex, that such person must remove the snow within the earlier of twenty-four hours or 12 noon of the day following the notice.

(2) Notice under this subsection is sufficient if hand delivered, emailed, or telephoned to such person, or by posting on the premises. The city manager shall provide at least one notice per annual snow season (from October 1 to May 31) to persons responsible for keeping public sidewalks and walkways abutting the premises clear of snow, ice, and sleet. After the first notice has been sent, the city manager may clear the public sidewalks and walkways after the time period described in Subsection 8-2-13(a), B.R.C. 1981.

(3) The notice shall state that the snow, ice, or sleet shall be removed and that if it is not removed within the earlier of twenty-four hours or 12 noon of the day following the notice, the removal may be done by the city and all costs of the snow removal may be imposed.

(d) Charges for Snow, Ice, or Sleet Removal; Hearings. If the person so notified fails to remove the snow as required by the notice prescribed by Subsection (c) of this section, the city manager may cause the snow removal to meet the requirements of this section and charge the costs thereof, plus an additional amount up to \$50 for administrative costs, to the person so notified and the owner, jointly and severally. If the owner or the owner's agent was not previously notified pursuant to Subsection (c) of this section, the manager shall so notify the owner by certified or first class mail of this charge and the circumstances surrounding it at this time, and such an owner shall be entitled to a hearing pursuant to Chapter 1-3, "Quasi-Judicial Hearings," B.R.C. 1981, to contest such charges. The city shall have the burden of proof by a preponderance of the evidence. Lack of previous notice shall not be a defense in such a hearing. Such hearing shall be limited to the issues of whether there was snow, ice, or sleet on the sidewalk or whether the snow, ice, or sleet constituted a hazard.

(e) Collection of Charges and Costs Due. If any person fails or refuses to pay when due any charge imposed under this section, the city manager may, in addition to taking other collection remedies, certify due and unpaid charges to the Boulder County Treasurer for collection as provided by Section 2-2-12, "City Manager May Certify Taxes, Charges, and Assessments to County Treasurer for Collection," B.R.C. 1981.

(f) Both Prosecution and Correction of Condition Permitted. Prosecution under Subsection 8-2-13(a) shall not prevent or bar the city manager from proceeding under Subsections 8-2-13(b) to (e), nor shall proceeding under Subsections 8-2-13(b) to (e) bar prosecution under Subsection 8-2-13(a).

(g) Penalties. The maximum penalty for a first or second conviction within two years, based on date of violation of Subsection 8-2-13(a), B.R.C. 1981, is a fine of \$500 (in addition to any community service the court may deem appropriate). For a third and each subsequent conviction within two years based upon the date of the first violation, the general penalty provisions of Section 5-2-4, "General Penalties," B.R.C. 1981, shall apply.

Ordinance Nos. 5660 (1994); 7761 (2010); 7779 (2011)

New Port, Rhode Island (Pop. 24,027)

From: https://www.municode.com/library/ri/newport/codes/code_of_ordinances?nodeId=COOR_TIT9PU_PEW_9.08.110SNREDI last visited 7/29/2016.

Title 9. Public Peace and Welfare

Chapter 9.08. Offenses Against Property

9.08.110. - Snow removal and disposal.

A. No owner, occupant, or other person having the care of any building or lot or land bordering on any street, square or public place in the city where there is a sidewalk, shall fail, within five hours of daylight, after the ceasing to fall of any snow, to cause the same to be removed from the sidewalk adjoining such building or lot, and in all streets where there is no curbstone set, a pathway at least three feet wide, shall be made on and along the sidewalk aforesaid for the convenience of pedestrians.

B. No person shall dispose of any snow by throwing or plowing it onto the travel lane portion of any public roadway; not shall any snow that is shoveled, plowed or collected be deposited directly into any waterway, including, but not limited to, all fresh water ponds and the waters of Newport Harbor.

(Ord. No. 2011-003, § 1, 2-23-2011)

9.08.120. - Ice removal.

Whenever any sidewalk, or any part thereof, adjoining any building or lot of land on any street is encumbered with ice, no owner, occupant or other person having the care of such building or lot shall fail to cause such sidewalks to be made safe and convenient, by removing the ice therefrom or by covering the same with sand or ashes within four hours during the daytime.

(Prior code § 678.13)

Note that Chapter 1.12.010 here has general code penalty provision similar to ours.

City of Richland, WA (Pop. 52,413)

From: <http://www.codepublishing.com/WA/Richland/#!/Richland12/Richland1216.html#12.16>

Chapter 12.16. CLEANING AND MAINTENANCE OF SIDEWALKS AND PROPERTY WITHIN PUBLIC RIGHTS-OF-WAY

12.16.010 Keeping sidewalks and rights-of-way clean and maintained.

It shall be the duty of every person or entity having charge or control of any premises within the city to keep the public sidewalks or sidewalks along such property in the street or streets adjacent thereto cleaned and maintained in a reasonable and safe condition. Maintenance of the sidewalk shall include correction of any unsafe condition that impairs the use of the sidewalks by pedestrians, up to and including removal and replacement of the sidewalk. It shall also be the duty of every person or entity having charge or control of property in the city to maintain the planting strip or public right-of-way fronting or adjoining their property, including alleys. No person or entity having charge or control of any property in the city may allow a public sidewalk, planting strip, or public right-of-way fronting or adjoining their property to fall into disrepair or become weed-infested, dangerous, or noncompliant with city nuisance code. The area of responsibility shall be between the existing curb lines, edge of maintained asphalt pavement, or edge of city-maintained gravel shoulder, whichever is applicable, and a given property line. Exception shall exist only where a city-maintained and irrigated landscape strip exists, or where an agreement between the city and the property owner indicates the maintenance of the property frontage is the responsibility of the city. For purposes of this section, "planting strip" shall be defined as provided in RMC 22.14.020.

[Ord. 157; Ord. 10-86 § 1.09; Ord. 13-14 § 1.01].

12.16.020 Snow and ice removal.

It shall be the duty of every person or entity having charge or control of any premises located within the city to remove or cause to be removed from the public sidewalk or sidewalks along said property in the street or streets adjacent thereto all snow or ice which has been deposited or formed thereon within a reasonable time after the snow or ice have been deposited or formed.

[Ord. 157 § 1.02; Ord. 10-86 § 1.09; Ord. 13-14 § 1.01].

12.16.030 Violations – Penalties.

Any person or entity in violation of any provision of this chapter shall have committed a civil infraction subject to a civil penalty as set forth in RMC 10.02.050(E).

Provided, if the same violator has been found to have committed an infraction violation for the same or similar conduct two separate times, with the violations occurring at the same location and involving the same or similar sections of the Richland Municipal Code or other similar codes, the third or subsequent violation shall constitute a misdemeanor, punishable as provided in RMC 1.30.010 for criminal offenses.

Each day's violation of any provision of this chapter shall constitute a separate offense and shall subject the offender to the above penalties for each offense.

[Ord. 157 § 1.03; Ord. 17-84; Ord. 06-10 § 1.25; Ord. 13-14 § 1.01].

-END-