

INCORPORATED COUNTY OF LOS ALAMOS CODE ORDINANCE NO. 02-269

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE I, OF THE LOS ALAMOS COUNTY CODE OF ORDINANCES BY ADDING SECTIONS 34-20 THROUGH 34-23 TO REQUIRE PROPERTY OWNERS AND OCCUPANTS TO REMOVE AND PROPERLY DISPOSE OF ALL SNOW ACCUMULATED ON, ADJACENT, AND ABUTTING SIDEWALKS.

WHEREAS, State statute, NMSA 1978, § 3-49-1, gives the Incorporated County of Los Alamos ("County") the authority to regulate the maintenance and operation of certain public areas including public ways, easements, right-of-ways, avenues, dividers, medians, curbs, gutters, streets, roads, and sidewalks within its jurisdiction; and

WHEREAS, winter storms in the County can impede vehicular, bicycling, and pedestrian traffic causing significant delays and negatively impacting emergency response throughout the community; and

WHEREAS, obstructed, blocked, or impassable sidewalks due to an accumulation of snow deprives access and use of sidewalks; and

WHEREAS, the placement of snow from sidewalks to public places including, but not limited to, streets, highways, alleys, ways, places, sidewalks, plazas, parks, easements, curbs and drainageways creates a public hazard and limits the safe travel of roads, streets, and other public right-of-ways; and

WHEREAS, the County annually adopts a county-wide Snow & Ice Control Plan ("Plan") that prioritizes certain public roads, streets, and highways and sidewalks as important public winter safety access routes; and

WHEREAS, due to limited County staffing, equipment, and resources, and as found in the Plan, owners and occupants of land are responsible for clearing their own sidewalks and driveways; and

WHEREAS, the Council has determined that the removal of snow on sidewalks on, adjacent to, or abutting the owner or occupant of land of within the County is in the best interests of the citizens of the County.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE INCORPORATED COUNTY OF LOS ALAMOS as follows:

Section 1. Chapter 34 of the Los Alamos County Code of Ordinances is amended by adding new sections to be numbered 34-20, 34-21, 34-22 and 34-23, which sections read as follows:

34-20. Removal of Snow from Sidewalks.

No owner or occupant of land shall fail to remove all snow on the sidewalk on, abutting, or adjacent to their property within twenty-four (24) hours after the last snow has fallen or accumulated.

34-21. Depositing of Snow on Public Place Prohibited.

No owner or occupant of land shall deposit or cause to be deposited any snow on or against a public place, as defined in Section 34-31, including on or against a fire hydrant, utility meter, or electrical transformer box.

34-22. Notice.

Any municipal police officer or other County official as may be designated by the County Manager, may, upon observing in plain view any violation of this Article, issue a notice of violation to the owner or occupant of land on which a violation of this Article occurs. The notice of violation shall describe the violation and shall establish a reasonable time limit for its abatement by the owner or occupant, which limit shall be not less than two days or more than 30 days after service of the notice. The notice may be served to the owner, occupant, or left in a visible location at the premises, or may be served by registered mail at the owner's or occupant's address as found with the County's Tax Assessors office. Failure to correct the violation within the allotted time shall cause to be issued a citation for the violation.

34-23. Penalty for Violations.

Any owner or occupant of any land violating the provision of this Article, upon conviction, shall be fined \$25.00 for the first violation, \$50.00 for a second violation, and \$100.00 for the third and each subsequent violation. Nothing contained in this Article shall prevent the County from taking other such lawful action as may be necessary to prevent or remedy any violation or to bring an action to enjoin any violation of this Article.

Section 2. Effective Date. This Ordinance shall become effective thirty (30) days after notice is published following its adoption.

Section 3. Severability. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

Section 4. Repealer. All ordinances or resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

ADOPTED this _____ day of _____, 2016.

**COUNCIL OF THE INCORPORATED
COUNTY OF LOS ALAMOS**

**Rick Reiss
Council Chair**

ATTEST: (SEAL)

Sharon Stover
Los Alamos County Clerk