

Former ordinance 26-8--Removal of snow& ice from sidewalks: adopted 8/12/91

(a) In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a sidewalk or any person having charge of such property shall cause snow to be removed from the sidewalk and ice on the sidewalk to be removed, sanded or salted to allow for a passageway of at least thirty-six (36) inches in width, the passageway shall encompass the entire width of such sidewalk. Snow shall be removed and ice shall be removed, sanded or salted within twenty-four (24) hours after such snow has ceased to fall or such ice has come to be formed, provided that when such property is owned or occupied by an elderly or handicapped person, the time for compliance shall be forty-eight (48) hours. The preceding provisions shall apply to snow and ice which falls from buildings, other structures, trees or bushes, as well as to that which falls from clouds.

(b) Definitions: For the purposes of this provision, the term “sidewalk” shall mean that portion of the public way, whether the surface be concrete, asphalt, gravel or grass, set aside for pedestrian travel including handicap ramps wherever such exist. The term “elderly” shall mean sixty (60) years of age or older. The term “handicapped” shall be defined in accordance with applicable state and federal guidelines.

© Penalty: The penalty for failure to comply with this provision shall be \$25.00 for each offense. The failure to comply with this section for each incident of snow accumulation shall constitute a separate offense.

(d) Exemption: If compliance with this provision imposes undue hardship upon a person otherwise required to comply, that person may request exemption from this provision from the commissioner of public works.

11/1993 Task force on Snow Removal proposed revision of Ordinance 26-8 Removal of Snow and Ice from Sidewalks after the aldermanic recission of 26-8:

~~deletions~~ additions

(a) Snow Removal Required: In order to allow for safe pedestrian and handicapped ~~wheelchair~~ passage, every owner or occupant of a building or ~~lot~~ parcel of land abutting upon a sidewalk or any person having charge of such property shall cause snow and ice to be ~~removed~~ cleared from the sidewalk ~~and ice on the sidewalk to be removed, sanded or salted to allow for a passageway of at least thirty-six (36) inches in width, the passageway shall encompass the entire width of such sidewalk.~~ Snow and ice shall be ~~removed~~ cleared ~~and ice shall be removed, sanded or salted~~ within twenty-four (24) hours after such snow has ceased to fall or such ice has come to be formed, provided that when such property is owned or occupied by an elderly or handicapped person, the time for compliance shall be forty-eight (48) hours. The preceding provisions shall ~~apply to~~ include snow and ice which falls from buildings, other structures, trees or bushes, as well as to that which falls from clouds.

(Comment: Concern re: salt damage & inability to city &/or resident to sand ice led to change.

Problem: ice is a pedestrian hazard; can education asking people to sand ice work as an effective substitute?)

(b) Emergency Extension of Time for Compliance: Notwithstanding the provisions of the preceding paragraph (a), the time for compliance with paragraph (a) may be extended by order of the Chief of Police due to extreme weather conditions ?(or upon request by the Commissioner of Public Works). Said extension shall be communicated in writing, shall specify the time for compliance and be posted at City Hall ?(and announced on Newton Cable television and local radio). No person otherwise subject to the provisions of paragraph (a) shall be required to comply with the provisions of paragraph (a) until the time for compliance state in said order of extension has expired.

© Hardship Assistance: Elderly and handicapped persons as defined in paragraph (e) of this ordinance may apply to the Director of Human Services for assistance with the terms of paragraph (a) of this ordinance. Such referrals shall be made in accordance with written criteria to be established by the Director of Human Services.

(d) Exemption: The Commissioner of Public Works shall be authorized to issue a written exemption from compliance with provisions of paragraph (a) of this ordinance to all owners or occupants of a building or parcel of land abutting upon a sidewalk on certain eligible streets as further specified herein, upon receipt of a written request signed by such owners and occupants. The Commissioner shall make a determination that exemption from compliance with paragraph (a) will have a negligible impact on pedestrian safety. Eligibility for such exemption shall be limited to owners or occupants of properties abutting streets that are not throughways or are not suitable for pedestrian and handicapped passage based on the following criteria:

(1) the topographical features of the area, i.e., slope, in which the sidewalk is located impair passage:

(2) the existence of other impediments to pedestrian or handicapped access, i.e. insufficient width of street/sidewalk area:

(e) Definitions: For the purposes of this provision, the term “sidewalk” shall mean that portion of the public way, whether the surface be concrete, asphalt, gravel or grass, set aside for pedestrian travel including handicap ramps wherever such exist. The term “elderly” shall mean sixty (60) years of age or older. The term “handicapped” shall be defined in accordance with applicable state and federal guidelines.

~~Penalty: The penalty for failure to comply with this provision shall be \$25.00 for each offense. The failure to comply with this section for each incident of snow accumulation shall constitute a separate offense.~~

Violation of this ordinance shall not be a criminal offense.

(d) Exemption: If compliance with this provision imposes undue hardship upon a person otherwise required to comply, that person may request exemption from this provision from the commissioner of public works.

Current ordinances:

19-9 Putting snow and ice upon streets, sidewalks and bridges.

No person shall place or permit or cause to be placed snow or ice upon any street, sidewalk or bridge, except that snow or ice removed from a sidewalk may be piled in the adjoining gutter. This section shall not apply to municipal snow removal operations

19-14 Obstructing sidewalks generally.

No person shall place or cause or permit to be placed upon any sidewalk any snow or ice, lumber, iron, coal, trunk, bale, box, crate, cask, package, article or thing whatsoever, so as to obstruct free passage for travelers.

19-15 Obstructing free passage on sidewalks.

No person shall willfully or negligently obstruct the free passage of foot travelers upon a sidewalk in any street of the city, or willfully or negligently congregate with others upon a sidewalk or in a street or other public place of the city and obstruct the free passage of foot travelers or vehicles that are rightfully and properly passing thereon.

10-16 Vehicles on sidewalks, etc.

(a) No person shall park upon, obstruct, damage or destroy any sidewalk, berm or curbing, nor shall any person drive, wheel or draw any vehicle, except a child's carriage drawn by hand or except at a permanent driveway, upon or across any sidewalk, berm or curbing unless a permit is first obtained from the street commissioner as provided in subsection (b) hereof.