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Passed: December 5, 2011
Signed: December 6, 2011

ORDINANCE NO. 2011-11-134

AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER ELEVEN

(Addition of Division 4, Sidewalk Snow and Ice)

WHEREAS, the City of Urbana, Illinois ("City"), is a home rule municipality pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and, as such, has the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, Chapter Eleven, Article IV, of the Urbana City Code regulates Health and Sanitation, Nuisances; and

WHEREAS, sidewalks which are not cleared of accumulations of snow and ice may endanger pedestrian health, safety, and welfare and, therefore, may be considered a public nuisance; and

WHEREAS, the City of Urbana finds that it is in the best interests of the City and its citizens to protect pedestrian health, safety, and welfare by requiring property owners to remove snow and ice accumulations from public sidewalks adjacent to their properties; and

WHEREAS, the City of Urbana wishes to implement sidewalk snow removal requirements incrementally through the use of targeted districts.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Section 1.

Urbana City Code Chapter 11, "Health and Sanitation," Article IV, "Nuisances," is hereby amended by adding the following division thereto:

Division 4. Sidewalk Snow and Ice

Sect. 11-65. Removing snow from sidewalks and other areas.

- (a) Every owner of a lot within the City's corporate limits, which lot contains, abuts or fronts on a paved public sidewalk,

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2

within the following areas shall remove and clear away, or cause to be removed and cleared away, snow, after at least two (2) inches of snow has accumulated, and also accumulations of ice, sleet, or freezing rain. After initial clearance, the responsible person shall maintain the sidewalk in a reasonably clear condition.

(1) Areas under sidewalk snow removal requirements:

- i. Downtown District, defined as an area bordered on the north by Water Street, on the east by Vine Street, on the south by Illinois Street, and on the west by Race Street. Public sidewalks on both sides of the aforementioned boundary streets are included within the district.
- ii. University District, defined as an area bordered on the north by Springfield Avenue, on the east by Lincoln Avenue, on the south by Florida Avenue, and on the west by Wright Street/Urbana corporate limits. Public sidewalks on both sides of boundary streets Springfield Avenue and Florida Avenue are included within the district. Public sidewalks on both sides of Lincoln Avenue are included within the district, except public sidewalks on the east side of Lincoln Avenue south of Michigan Avenue are excluded. Public sidewalks along Wright Street and Western Avenue are not included within the district.
- iii. South Philo Road District, defined as an area along the east side of Philo Road between Florida Avenue and Windsor Road, and along the west side of Philo Road from Florida Avenue to Silver Street.

(b) When snow, ice, or freezing rain is required to be removed, as per subsection (a)(1) of this section, it shall be removed from the full width of the sidewalk, or at least forty-eight (48) inches in area, whichever is less in width, along the entire length of the public sidewalk which is upon, fronts or abuts the property. For owners of property most closely abutting sidewalk ramps, owners shall clear the ramps in the same fashion as the sidewalk.

(c) Except as provided in subsection (d) of this section, snow, ice, sleet, or freezing rain shall be removed as provided in subsection (a) and (b) of this section within twenty-four (24) hours after the public announcement of the director of public works set forth in subsection (f) of this section.

(d) In the event snow, ice, sleet or freezing rain on a sidewalk has become so hard that it cannot be reasonably removed without damage to the sidewalk, or is otherwise largely impractical to remove, the person responsible for said removal shall cause enough sand or other abrasive material to be put on the

sidewalk to make travel thereon reasonably safe, and shall maintain the sidewalk in such condition until weather permits the owner to comply with subsections (a) and (b) of this section.

- (e) No person shall shovel, plow, blow, or deposit any snow or ice accumulations from private property onto the sidewalks or streets of the city, or from the sidewalks of the city onto the streets of the city.
- (f) Enforcement declaration.
 - (1) The declaration by the director of public works that accumulations of snow have reached two (2) inches, or that there exists accumulations of ice, sleet, or freezing rain shall be determinative of the amount of accumulation or event causing subsections (a) through (c) to be effective.
 - (2) The declaration by the director of public works of the time frame for removal or cleaning of accumulations of snow, ice, sleet or freezing rain shall be determinative of the time for removal set forth in subsection (c). Before making the announcement, the director of public works shall be guided by the following standards:
 - i. The announcement shall be timed to roughly coincide with the substantial cessation of the precipitation event.
 - ii. The announcement shall be made so that the time frame for beginning enforcement takes place Monday after 6:00 a.m. through 5:00 p.m. Friday, and not on recognized federal or state holidays.
 - iii. The announcement shall take into account the progress in snow removal by the City on arterial streets within the areas and be timed to coincide with the substantial completion of such operations in the area affected.
 - (3) The director of public works shall take practical steps to notify the city council, the public, and news media of any such declarations provided for in this subsection. A copy of such declaration or notification shall be filed with the city clerk.

Sect. 11-66. Abatement.

- (a) If the person responsible fails to clear snow, ice, sleet or freezing rain as provided for in this Division, such person consents impliedly to the creation of a contract with the City to perform such snow, ice, sleet or freezing rain removal on behalf of such person, consistent with the terms set forth in this

Division. Situations resulting from failure to comply with this Division shall be considered imminent hazards which allow the City to follow summary abatement procedures as detailed in this Article.

- (b) Notice of Warning. Property owners will receive one notice of warning from the City for failure to comply with the ordinance, whereafter, following a subsequent 24 hour period of non-compliance, penalties will be levied per this ordinance.
- (c) Violations of this Division may result in fines levied according to the Class 1 offense schedule as detailed in this Article.
- (d) After the City or its contractor clears such accumulation, the person responsible for snow removal under subsection (a) of this Division shall pay to the City all the costs incurred by the City or its contractor as the result of such removal including, but not limited to, all costs incurred by the City as administrative costs, as well as applicable fines.
- (e) This section is intended to be penal in nature and is not intended to create a civil duty or right in other parties.

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

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PASSED by the City Council this 5th day of December, 2011.

AYES: Bowersox, Jakobsson, Lewis, Marlin, Roberts, Smyth

NAYS: Stevenson

ABSTAINS:

Phyllis D. Clark
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this 6th day of December, 2011.

Laurel Lyn Prussing
Laurel Lyn Prussing, Mayor

