

9625-5a

An Ordinance amending the Revised Ordinances of the City of North Adams Sec. 21-12 Snow and Ice Removal from sidewalks, by replacing existing language with the language provided herein.

IN CITY COUNCIL

January 11, 2022

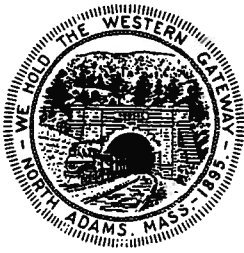
It was VOTED by unanimous yea vote to adopt the Ordinance.

Attest, Lisa M. Blackmer
President

Cathleen M. King
City Clerk

Approved, January 12, 2022
Jennifer A. Macksey
Mayor

A True Copy
Attest, _____
City Clerk



City of North Adams

In City Council

January 11, 2022

BE IT ORDAINED by the City Council of the City of North Adams as follows:

Sec. 21-12 Snow and ice removal from sidewalks

After "within"

delete "12" and add "24"

After "Police Chief"

Add

"or their designee, the Director of Public Works, or their designee, or the Code Enforcement Department,"



City of North Adams

In City Council

November 9, 2021

BE IT ORDAINED by the City Council of the City of North Adams as follows:

Draft Snow Ordinance Language Replace the Existing

Sec. 21-12 Snow and ice removal from sidewalks.

Whenever any snow shall fall or ice shall fall or accumulate or be collected or deposited upon any sidewalk, any tenant or occupant or the owner or person having charge of the land abutting upon such sidewalk, shall cause the same to be removed therefrom within 12 hours.

Whenever any sidewalk shall be encumbered with snow or ice contrary to the provisions of this section, the chief of police shall notify any tenant or the owner or person having the care of the land abutting thereon, to cause such sidewalk to be made safe and convenient for travel by removing the snow, and as far as practicable the ice therefrom, within six hours from the time of receiving such notice.

With the Following

Sec. 21-12 Snow and ice removal from sidewalks

The tenant, occupant, or owner responsible for a building, structure or lot of land bordering on any street, lane, court, square or public place within the City where there is a sidewalk, including any curb ramp/cut, shall, after snow, sleet or ice has ceased to fall thereupon or whenever snow, sleet or ice shall have collected or deposited upon any such sidewalk, within twenty-four (24) hours, remove the same or cause the same to be removed from such sidewalk; and also remove or cause to be removed from such sidewalk, or cover or cause to be covered with sand or some other suitable substrate, within twenty-four (24) hours after it has formed or appeared, any ice with which the same may be encumbered, in such a way as to render such sidewalk safe and convenient for travel, to the full width. If a person is found to be violating the provisions of this section, it shall be the duty of the Chief of Police, or their designee, the Director of Public Works, or their designee, or the Code Enforcement Department, to assess a fine to any such person in accordance with the fine schedule set forth in Chapter 29 Sec 29-2. Each twenty-four-hour period a violation of this section exists shall be considered to constitute a separate offense

Furthermore, whenever any sidewalk shall be encumbered with ice, it shall be the duty of the tenant, occupant, or owner responsible for the building, structure or lot of land bordering any street, land, court, square or public place within the City to cause such sidewalk to be made safe and convenient for travel by removing the ice therefrom or by covering the same with sand or some suitable substance within twenty-four (24) hours after such sidewalk becomes encumbered.

Whenever any sidewalk shall be encumbered with snow or ice contrary to the provisions of this section, the Chief of Police or their designee shall notify any tenant, occupant, owner, or person having the care of the property abutting thereon, to cause such sidewalk to be made safe and

convenient for travel by removing the snow, and as far as practicable, the ice therefrom, within six (6) hours of the time of receiving such notice.

Upon further neglect of or violation of the duties imposed by the provisions in this section, such duties may be performed under the direction of the Commissioner of Public Works or their designee at the expense of the person(s) or entities liable to perform those duties. Assessment of costs under this subsection shall not preclude any party from being fined under Chapter 29 Sec 29-2.

The tenant, occupant, or owner responsible for a building, structure or lot of land bordering on any street, lane, court, square or public place within the City where there is a sidewalk may be considered liable for any injury, harm, damage or other incident caused by a traveler's need to depart the designated sidewalk due to the responsible property tenant, occupant or owner's failure to comply with the provisions of this section.

An exception to the above ordinance may be applied at locations of intentional City snow deposits, whereby City vehicles pile collected or plowed snow and ice in a single location, resulting in an undue burden for path clearing by abutting property tenants, occupants, or owners. These intentional deposits may remain uncleared without enforcement applied. This exception does not apply to locations where snow and ice build-up is impacted by City or State plow spray along the side of a road and is only applicable for locations directly identified by the Commissioner of Public Services, or their designee, as an intentional deposit placement.

Draft New Obstruction Ordinance

Sec. 21-29 Sidewalk Obstruction

No person shall place upon any sidewalk, any coal, trunk, bale, box, crate, cask, barrel, package, article or thing, so as to obstruct the sidewalk of free passage for travelers for more than one (1) hour, or for more than ten (10) minutes after being notified by a police officer to remove it, except as follows:

1. Designated trash and/or recycling containers in place for a designated pick-up day may be left on sidewalks for up to eight (8) hours in a manner that still permits individuals to pass said containers freely without needing to step off of the sidewalk
2. Permitted longer term refuse containers (i.e. dumpsters) and permitted construction equipment associated with an active and valid building permit.

No person shall allow an obstruction to a sidewalk in the form of a tree, bush or other vegetation which protrudes beyond the property line, over said sidewalk or edge. Where the Department of Public Works or its designees deem that an obstruction to a sidewalk, notice shall be provided via registered mail to the owner of the property causing the obstruction, to remove or prune said obstruction within fourteen (14) days so as not to block, obstruct or overhang the sidewalk. If the property owner fails to remove or prune the obstruction within said fourteen (14) days, the Department of Public Works or, in the case of trees, bushes or shrubs, the Tree Warden, shall remove or prune the obstruction at the owner's expense.

No tenant, occupant or owner with property abutting a public sidewalk shall allow the accumulation of debris, refuse, loose gravel, sand, soil, leaves or any other surface covering that may cause obstruction or unsafe travel on said sidewalk. Upon accumulation of any debris, refuse, loose gravel, sand, soil, leaves or any other surface covering or the like, tenant, occupant, or owner responsible for the abutting property shall clear and property dispose of said accumulated material in a manner compliant with City Ordinance.

(Appeal Process)

New ~~Part~~ Sidewalk Vehicle Ordinance Remove Sec. 13-48 (b), edit letters of remaining items under 13-48 Add

Sec. 13-48.1 Parking on Sidewalks

No person shall park a vehicle upon, obstruct, damage or destroy any sidewalk, berm or curbing

No person shall drive, wheel or draw any motor vehicle upon or across any sidewalk, berm or curbing except in accordance with a permit issued by the Department of Public Safety as described in this section, or except as follows:

1. A motor vehicle which is registered or otherwise authorized to be driven on the public streets may be driven across the portion of sidewalk which constitutes the driveway entrance or apron; or
2. As may be required for municipal snow clearance operations

The Department of Public Safety may grant a permit, upon payment of the fee specified in section XXX, to any person, authorizing the crossing or obstruction of a sidewalk, berm or curbing by vehicles where the same may be necessary to the performance of any work on any land, building or structure abutting thereon, or where specific street restrictions may require said variance during times of snow and ice removal where residents' property does not include off-street parking access. All damage to any sidewalk, berm or curbing caused thereby shall be repaired and restored by the Department of Public Works to a condition satisfactory to them at the expense of the holder of such permit.

- a. The fee for a winter parking ban sidewalk crossing permit shall be as follows: Application and inspection fee - \$100 Per Season (November-April).
- b. Within three (3) business days of the Department of Public Safety's receipt of an application for a permit under this section, the Chief of Police or the Chief's designee, and/or the Commissioner of Public Services or their designee shall inspect the site and make a determination whether to grant such a permit.

(Appeal process)

Accountability and Enforcement Process

Reporting Process

- At any time that a violation of Sec 21-12, Sec 21-29, and/or Sec 13.48.1 of the City of North Adams Ordinance is identified by any individual, they are requested to contact the North Adams Dispatch at XXX-XXX-XXXX to report the address of the violation.
- Within 24 hours of the reporting of the violation, the Police Department, Department of Public Works, or their designee, will visit the address reported and determine if they are in violation of the ordinance.
- If the property is in violation of the ordinance, a certified letter to the property owner will be sent and a fine will be charged in accordance with eligible fines.

Support Program for Senior, Disabled and Low-Income Individuals (potential model)

The Snow Angel program is a volunteer snow removal program facilitated through the City of North Adams and the North Adams Council on Aging. This program relies on dedicated volunteers to support the clearing of snow from the sidewalks and front walkways of seniors and individuals with disabilities that meet Community Development Block Grant low-income requirements for support. Volunteers will commit to participating for a full winter in October of each year. In October and November of each given year, residents in the City of North Adams in need of support can submit an application to be paired with a volunteer snow angel. Eligible applicants (60+ years old and/or physically disabled who also meet financial requirements) will be paired with a volunteer on a first-come, first-served basis. Applying for the program does not guarantee a volunteer pairing. Volunteers will be paired to program participants for a single winter season to clear the only the sidewalk of their respective designated property within 24 hours in compliance with Ch. 21 Sec. 12 of the City of North Adams Ordinance. For individuals who apply but are found to be ineligible for a Snow Angel assignment, or those who are not assigned a Snow Angel due to volunteer capacity limits, a comprehensive list of available North Adams contractors, property managers, and snow removal companies will be provided to hopefully help them find the resources they need to remain in compliance with City Ordinance.