

Proposed Sidewalk Clearing Ordinance

Docket #335-16

Materials for Discussion

PROPOSED SNOW ORDINANCE AMENDMENT (9/29/2016):

- Consolidates sidewalk snow removal requirements into one section Sec. 26-8.
- Commercial: adds mixed use and manufacturing districts to the business district requirements, and reduces the time period for compliance from 24 hours to 12 hours. Changes fine structure from graduated (\$100/\$200/\$300) to \$100 flat for each offense. (Each day violation continues constitutes a separate offense under Sec. 1-6 of the ordinances).
- Commercial: includes properties used for institutional purposes with properties used for commercial purposes in other districts to which business district requirements apply.
- Adds a new category to which business district requirements and fines will apply: multi-family buildings containing 4 or more dwelling units, regardless of district.
- Makes the pilot program for residential districts permanent, and reduces the time for compliance from 30 hours to 24 hours. Adds \$25 fine for any offense. (Each day violation continues constitutes a separate offense under Sec. 1.6 of the Ordinances).
- Deletes current snow clearing assistance provisions for compilation by DPW of lists of persons available to provide snow clearing either for a fee or on a volunteer basis, but authorizes mayor or designee to coordinate volunteer or municipal snow clearing assistance for residential district requirements in cases of hardship.
- Authorizes mayor or designee to grant hardship exemptions due to health and financial duress.
- Authorizes Mayor or designee to delay period for compliance depending on severity of storm or other factors.

SNOW ORDINANCE
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Sec. 26-8. Removal of snow and ice from sidewalks ~~in certain districts.~~

~~Every owner or occupant of a building or lot of land abutting upon a sidewalk which is within a business district, as defined by chapter 30, and every owner or occupant of a building situated in other than a business district as defined by such chapter and which is used for a purpose permitted in districts zoned for business but not permitted in districts zoned for single, private or general residences, whether or not such use is a noneconforming use under the provisions of such chapter, which building abuts upon a sidewalk, or stands upon a lot of land abutting upon a sidewalk, shall cause any snow to be removed from the sidewalk and any ice on the sidewalk to 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. The preceding provision shall apply to snow and ice which falls from buildings, other structures, trees or bushes as well as to that which falls from clouds.~~

~~(a) Business, mixed use, and manufacturing districts. In all business, mixed use and manufacturing districts as defined by chapter 30, and for properties used for commercial or institutional purposes in other districts, the owner, or his/her agent, of any land abutting a paved sidewalk of a street shall cause said sidewalk, including handicap access ramps, to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of such sidewalk within the first twelve (12) hours after such snow or ice has come upon the sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.~~

Comment [m1]: This leaves out public use and open space districts – any reason to include them?

~~(b) Multi-family dwellings. The owner, or his/her agent, of any building designed or occupied as a residence by four or more families or which contains four or more dwelling units shall cause all paved sidewalks of a street, including handicapped access ramps, which abut the land upon which the building is situated to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within the first twelve (12) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.~~

~~(c) Residential districts. In residential districts, as defined by chapter 30, except as set forth in (a) and (b) above, the owner, or his/her agent, of any land abutting a paved sidewalk of a street shall cause said sidewalk, including all handicap access ramps, to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along such sidewalk within the first twenty-four (24) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.~~

~~(d) Hardship. The mayor or his designee is authorized to and may coordinate volunteer or municipal snow clearing assistance and/or to grant an exemption from the provisions of (c) above, renewable annually, for homeowners who upon written petition demonstrate hardship due to health and financial duress.~~

~~(e) Compliance delay. Depending on the severity of a storm or other factors, the Mayor or his designee, in consultation with the Commissioner of Public Works, may delay the period for compliance with this section. Notice of a compliance delay shall be posted on the City's website and other good faith efforts to notify the public shall be made, such as social media outlets, cable access television, e-mail list serves, or emergency telephone notification systems.~~

(Rev. Ords. 1973, § 19-8; Ord. No. T-127, 3-4-91; Ord. No. T-165, 8-12-91; Ord. No. U-3, 2-22-94)
State law references—Removal of snow from sidewalks, G.L. c. 85, § 5; G.L. c. 40, § 21(2), (3), (4)

Sec. 26-98A. Municipal City snow clearing—Clearing of sidewalks used as school routes.

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The commissioner of public works shall clear snow from certain city sidewalks including portions of both school pedestrian routes and specific arterial and collector roadways, subject to appropriation and the availability of city personnel and equipment. The commissioner, after consultation with the superintendent of schools, chief of police and other appropriate city personnel, shall determine the total number of miles of city sidewalks to be cleared for the purposes of this ordinance based on the availability of personnel, vehicles and funding. Each year during the month of November, the commissioner shall publish a list of said sidewalk snow clearing routes. Said list shall include the street names and, where appropriate, the names of intersecting streets up to which the sidewalks will be cleared. The commissioner shall send a copy of said list to the chief of police and the superintendent of schools. (Ord. No. U-23, 7-11-94)

Sec. 26-8B. Same—Snow clearing assistance.

~~—The commissioner shall annually prepare lists of persons available to provide snow clearing assistance either for a fee or on a volunteer basis. The lists shall be prepared in consultation with appropriate school and senior services department personnel, interested neighborhood organizations, houses of worship, parent teacher associations, and other similar groups that indicate a willingness to participate in snow clearing assistance. Said lists shall be made available during the month of November each year. The list of persons available to provide snow clearing assistance for a fee shall be available upon request to any Newton resident. Low income elderly or low income handicapped persons requesting volunteer snow clearing assistance shall be referred to the senior services department to be matched with available volunteers. For the purposes of this section, "elderly" shall be defined as a person sixty (60) years of age or older, "handicapped person" shall be defined as a person with a physical condition which substantially limits the ability to engage in physical snow clearance activities and "low income" shall be defined in accordance with guidelines established by the United States Department of Housing and Urban Development for the Community Development Block Grant Program. (Ord. No. U-23, 7-11-94; Ord. No. 175, 05-26-05)~~

Sec. 26-8C10. Municipal snow removal operations – clearance Same—Snow clearance standards.

The commissioner of public works shall endeavor to minimize the blocking of sidewalks and intersections with plowed snow so as not to hinder pedestrian passage. The commissioner shall remove plowed snow from sidewalks and intersections that block pedestrian access, to the extent that such removal is feasible, as determined by the commissioner, and subject to appropriation. (Ord. No. U-23, 7-11-94)

Sec. 26-8D. Trial program for removal of snow and ice from sidewalks.

~~—In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall use reasonable efforts to remove snow and ice from the sidewalk and handicap access ramps, and shall use reasonable efforts to treat said sidewalk and ramps to allow for a safe passageway of approximately thirty six (36) inches in width, provided that where such sidewalk is less than thirty six (36) inches in width the passageway shall encompass its entire width and handicap access ramps. Snow and ice shall be removed, and sidewalks and ramps shall be treated, within thirty (30) hours after such snow has ceased to fall or such ice has formed. This section shall apply to snow and ice which falls from buildings, other structures, trees or bushes, as well as to that which falls from clouds. This section shall not apply to owners or occupants of a building or lot covered by Section 26-8. The mayor or his designee is authorized to coordinate volunteer snow clearing assistance or to grant an exemption, renewable annually, for citizens who upon written petition demonstrate hardship due to a combination of health and financial duress. The provisions of this section shall take effect on November 1, 2011 and shall expire on November 1, 2015 unless terminated earlier or renewed or modified by the board of aldermen. During this trial period, enforcement shall be limited to issuance of notices of non-compliance for violations of any provision of this section. (Ord. No. Z-83, 3-21-11, Ord. No. A-8, 01-22-13; Ord. No. A-49, 12-01-14)~~

SNOW ORDINANCE
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Sec. 26-119. Putting snow and ice upon streets, sidewalks and bridges.

(a) No person shall block, obstruct or otherwise hinder or impair pedestrian or vehicular traffic on the public ways of the city by placing snow or ice or permitting or causing snow or ice to be placed upon a street, sidewalk or bridge, except that snow or ice removed from a sidewalk may be piled in the adjoining gutter or on the loam border between the sidewalk and the street. This section shall not apply to municipal snow removal operations.

(b) Without limiting the applicability of the foregoing paragraph (a), the owner or occupant of property whose driveway or sidewalk is cleared of snow shall be responsible for promptly removing snow placed on the public way (street, sidewalk and/or bridge) adjoining the owner's property as a result of clearing snow from the driveway or sidewalk of the owner. For purposes of this paragraph, "clearing snow" shall include, but is not limited to, plowing, shoveling, sweeping and any other similar means of removing snow from the driveway or sidewalk. This section shall not apply to municipal snow removal operations. (Rev. Ords. 1973, § 19-9; Ord. No. T-166, 8-12-91; Ord. No. X-97, 07-12-04)

ARTICLE III.
CIVIL FINES/NON-CRIMINAL DISPOSITION

Sec. 20-21. Enforcing persons and revised ordinances subject to civil fine.

(d) POLICE DEPARTMENT: City police officers shall be authorized to issue written notice of the following violations:

.....PENALTY
() Warning \$0.00

Sec. 26-8 (a). Removal of snow and ice from sidewalks, ~~business, mixed use, manufacturing in certain~~ districts.

() ~~First Any offense in calendar year~~ \$100.00

Sec. 26-8 (b). Removal of snow and ice from sidewalks, multi-family (4 or more dwelling units).

~~(-) Second offense in calendar year \$200.00~~

~~(-) Third and subsequent offenses in calendar year \$300.00~~

~~() Any offense \$100.00~~

Sec. 26-8 (c). Removal of snow and ice from sidewalks, residential (1-3 family dwellings).

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~~()~~ Any offense \$25.00

Sec. 26-~~9~~11. Putting snow and ice upon streets, sidewalks and bridges

~~(a)~~ (a) Placing snow or ice on a public way (street, sidewalk or bridge)

() First offense in calendar year \$100.00

() Second offense in calendar year \$200.00

() Third offense and subsequent offenses in calendar year \$300.00

~~(b)~~ (b) Causing or permitting snow or ice to be placed upon a public way (street, sidewalk or bridge)

() First offense in calendar year \$100.00

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(b) *Multi-family dwellings.* The owner, or his/her agent, of any building designed or occupied as a residence by four or more families or which contains four or more dwelling units shall cause all paved sidewalks of a street, including handicapped access ramps, which abut the land upon which the building is situated to be maintained in a non-slippery condition suitable for pedestrian travel by clearing all snow and ice from a pathway at least thirty-six (36) inches in width along the length of said sidewalk within the first twelve (12) hours after such snow or ice has come upon such sidewalk, and shall maintain the sidewalk in a non-slippery condition by application(s) of sand and/or melting agents as may be necessary for this purpose.

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(Rev. Ords. 1973, § 19-8; Ord. No. T-127, 3-4-91; Ord. No. T-165, 8-12-91; Ord. No. U-3, 2-22-94)

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Sec. 26-9. Municipal snow clearing—Clearing of sidewalks used as school routes.

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list to the chief of police and the superintendent of schools. (Ord. No. U-23, 7-11-94)

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The commissioner of public works shall endeavor to minimize the blocking of sidewalks and intersections with plowed snow so as not to hinder pedestrian passage. The commissioner shall remove plowed snow from sidewalks and intersections that block pedestrian access, to the extent that such removal is feasible, as determined by the commissioner, and subject to appropriation. (Ord. No. U-23, 7-11-94)

Sec. 26-11. Putting snow and ice upon streets, sidewalks and bridges.

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() Any offense.....	\$100.00
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() Any offense \$25.00

Sec. 26-11. Putting snow and ice upon streets, sidewalks and bridges

(a) Placing snow or ice on a public way (street, sidewalk or bridge)

() First offense in calendar year \$100.00

() Second offense in calendar year \$200.00

() Third offense and subsequent offenses in calendar year \$300.00

(b) Causing or permitting snow or ice to be placed upon a public way (street, sidewalk or bridge)

() First offense in calendar year \$100.00

() Second offense in calendar year \$200.00

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Residential Sidewalk Snow Ordinances in the Boston Region

Municipality	Time allotted to clear	Fine*
Arlington	8 hours	\$25-50/day
Belmont	By 8pm	\$0/50/100 to \$350 max
Boston	3 hours	\$50-100
Brookline	30 hours	\$25
Cambridge	12 hours snow/6 hours ice	\$50
Chelsea	24 hours	\$0/50/150/300
Everett	12 hours	\$0/0/25/50
Lynn	10 hours	\$50
Malden	24 hours	Cost of removal of violation and a fine up to \$200
Medford	6 hours	\$25/50
Salem	6 hours	\$25/75/100
Somerville	By 10 am or 10 pm	\$50/100/200
Winthrop	6 hours	\$25/50/100
Newton	30 hours	none

- Slashes mean per instance—so \$0/25/50 means—warning first instance, \$25 second instance \$50 third and subsequent instance.

Source:

<http://massgis.maps.arcgis.com/apps/MapSeries/index.html?appid=3c4b4d684b6a4d35894efe8d04a145a7>