

CITY OF HALLOWELL PROPOSED ORDINANCE

Relating to Winter Maintenance of Sidewalks on Water Street

BE IT ORDAINED by the City Council of the City of Hallowell that Chapter 6 Division D Section 6-275 of the Revised Code of Ordinances, City of Hallowell (1997) is enacted to read as follows:

SECTION 6-275 WINTER MAINTENANCE OF SIDEWALKS ON WATER STREET

1. Definitions. For purposes of this subsection the terms below are defined as follows:

- A. Culmination of a Minor Winter Storm Event. The culmination of a minor winter storm event occurs when: (1) it is no longer snowing, raining or sleeting; and (2) the Public Works Foreman, in consultation with the City Manager, has determined that the accumulated amounts do not necessitate the use of mechanical means to remove snow or ice from sidewalk in the Downtown District.
- B. Culmination of a Significant Winter Storm Event. The culmination of a significant winter storm event occurs when: (1) it is no longer snowing, raining or sleeting; (2) State of Maine storm related delays, closings and cancellations are no longer in affect; and (3) the City has determined and removed accumulated snow and ice from the sidewalks in the Downtown District using mechanical means.
- C. Downtown District. Downtown District includes the properties on both sides of Water Street between the railroad right-of-way to the north and to corner of Temple and Water Street to the south.
- D. Maintained for Safe Pedestrian Passage. Maintained for safe pedestrian passage means plowing, pushing, dumping, shoveling, sweeping or otherwise moving snow and ice off of the sidewalk or to the outer edge of the sidewalk toward Water Street. Pursuant to Section 6-273, in no cases shall the snow or ice be placed in the right-of-way.
- E. Winter Storm Event. Winter storm event means a snow, ice, sleet or other winter related storm that causes any accumulation of snow or ice on Water Street sidewalks located in the Downtown District.

2. Responsibilities.

- A. Property Owners. Within 24 hours of the culmination of a minor or significant winter storm event owners of buildings located in the Downtown District must maintain the portion of sidewalk abutting their property on Water Street in a manner that allows for safe pedestrian passage and protects persons from injury.
- B. City Employees. Prior to the culmination of a minor or significant winter storm event and in consultation with the City Manager, the Public Works Foreman must determine whether

mechanical means will be used to clear sidewalks in the Downtown District. That determination must be posted on the City's website as soon as practicable. If mechanical means are to be used, the notice must also provide an estimated day and time the City will clear sidewalks. As soon as practicable after the culmination of a minor or significant winter storm event, the City will collect and dispose of the snow property owners have pushed to the outer edge of the sidewalk as deemed necessary.

C. Salt. The City shall provide, supply and maintain salt buckets for use by Downtown District property owners responsible for maintaining Water Street sidewalks.

3. Violations/Penalty.

If the City's Police Department, or respective designee, determines that an accumulation of snow or ice on a sidewalk poses a risk or impediment to the public, the abutting property owner shall within 48-hours of notice cause such accumulations to be removed in order to make a passage along the sidewalks safe and convenient. Failure to remedy the problem shall result in the assessment \$50 fine for each offense. Failure to pay the fine shall be a civil violation and shall be considered when the City Council, appointed regulatory boards, or employees issue required permits and licenses. Any penalty imposed for a violation of this subsection shall not preclude, and shall be in addition to, any other civil remedies that may be available to the City.

4. Appeal.

Payment of the penalty may be appealed to the Council, which will have the authority to reduce or waive any assessed fees, provided an appeal is filed with the City Clerk within 30 days of the assessment of the penalty.

First Reading: _____

Second Reading: _____

Third Reading: _____

Ordinance No: _____

Effective Date: _____

City Clerk