

THE CITY OF WARWICK
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 70
STREETS AND SIDEWALKS

ARTICLE IV
SNOW AND ICE ON SIDEWALKS

No..... Date.....

Approved.....Mayor

Be it ordained by the City of Warwick:

Section I. Chapter 70 of the Code of Ordinances of the City of Warwick is hereby amended as follows:

Sec. 70-101. - Definitions.

For the purposes of this article, the following terms shall have the meanings respectively ascribed to them in this section:

Sidewalk means any portion of the sidewalk area which has been made smooth by the application of cement, concrete, asphalt, brick, or other substance, or compacted and made smooth, or which is otherwise used for pedestrian traffic.

Sidewalk area means that portion of the land alongside a street or highway ~~between the property line and the curbline of the highway~~ which is set aside, laid out, or used for pedestrian traffic, and shall include any sloped area with a curb cut for handicap access.

Priority sidewalk means any sidewalk described on the list of priority sidewalks published from time to time by the director of the department of public works, provided that no sidewalk shall be a priority sidewalk until 30 days following the date that such sidewalk first appears on such published list.

Cross reference— Definitions generally, § 1-2.

Sec. 70-102. - Removal of snow required.

(a) The owner, ~~owner designated occupant, or any person having the care of any building or lot~~ of land adjoining or including bordering on any street, highway, square or public place where

1 ~~there is a priority sidewalk or sloped area with a curb cut for handicap access shall, within the~~
2 ~~first 24 72 hours after any snow or ice has ceased to fall, and at times other than following~~
3 ~~snowfall or icefall, within the first 72 hours after any snow or ice has encumbered such~~
4 ~~priority sidewalk, cause such priority sidewalk to be made safe and convenient for pedestrian~~
5 ~~traffic by causing the removal of the snow and ice to be removed therefrom the sidewalk and~~
6 ~~/or by covering the same with sand or some other suitable substance and sloped area with a~~
7 ~~curb cut for handicap access adjoining such building or lot of land.~~

8
9 (b) An owner who makes a safe and convenient path for pedestrian traffic along the entire length
10 of a priority sidewalk adjoining or included within any lot of land owned by such owner, for
11 example, within a parking lot located on such land, shall not be in violation of this ordinance,
12 even if such priority sidewalk is not itself cleared or otherwise made safe and convenient for
13 pedestrian traffic.

14
15 (c) The director of the department of public works, or his designee, shall have the authority to
16 determine whether a priority sidewalk or other path is safe and convenient for pedestrian
17 traffic, provided that safe and convenient passage shall include passage to any street corner or
18 other street crossing location leading immediately from or adjacent to any priority sidewalk.

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20
21 ~~(b) The owner, owner designated occupant, or any person having the care of any building or lot~~
22 ~~of land bordering on any street, highway, square or public place, which lies within a school~~
23 ~~zone where there is a sidewalk or sloped area with a curb cut for handicap access shall, if said~~
24 ~~building or lot of land is a commercial property, within the first four hours of daylight of a~~
25 ~~school day, after any snow has ceased to fall, cause the snow to be removed from the~~
26 ~~sidewalk and sloped area with a curb cut for handicap access adjoining such building or lot of~~
27 ~~land. If the building or lot of land is residential, then the snow shall be removed within the~~
28 ~~first 12 hours of daylight of a school day, after any snow has ceased to fall. For any day other~~
29 ~~than a school day, the provisions of subsection (a) shall apply.~~

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32 **Sec. 70-103. - Penalty for failure to remove snow violation of Sec 70-102.**

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34 ~~(b) In case of neglect to act as required by section 70-102(b), the person chargeable with such~~
35 ~~duty shall be punishable as provided in section 1-4, and each and every day after the~~
36 ~~expiration of the applicable time limit imposed by section 70-102(b) that the snow shall~~
37 ~~remain on such sidewalk shall constitute a separate offense.~~

38
39 (a) Violation of this section 70-102 by a person shall result in a warning for the first offense and
40 shall be punishable by a fine of \$100.00 for the first and second offense, and by a fine of \$175.00
41 for the third offense. by a person. The fine may be paid by mail or in person at the city municipal
42 court. Upon the third fourth and each subsequent violation of this section, a person shall be
43 subject to the penalties set forth in section 1-4 of the Code, provided that such person shall also
44 be required to appear in person at a hearing before the city municipal court, and further provided
45 that such violation shall be punishable by a fine of no less than \$250.00. Only one violation may

1 occur in respect of any one snowfall or icefall event or other event resulting in snow or ice
2 encumbering a priority sidewalk, provided however, that a continued violation 24 hours after the
3 issuance of a warning for a first offense shall constitute a second offense.

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5 (b) The city may clear, or may cause to be cleared, snow and ice from any priority sidewalk at
6 any time, and if the owner of any lot of land adjoining or including such priority sidewalk is at
7 such time in violation of Sec 70-102, the city may charge such owner for the cost of such
8 clearing, provided that any such charge shall be credited against any fine imposed on such person
9 in respect of any such violation existing at such time, and further provided that this clause (b)
10 shall not relieve any owner for responsibility for compliance with Sec 70-102.

11
12 (c) Any owner who is a natural person and who has been exempted from penalties under clauses
13 (a) and (b) of this section through a determination of physical and economic hardship by the city,
14 through the applicable procedures of the city for such determination as may be in effect from
15 time to time, (which procedures may include submission of appropriate Social Security Disability
16 Award documentation and/or for owners age 62 and older, proof of age, to the department of
17 human services), shall not be subject to such penalties. A list of the properties owned exclusively
18 by owners exempted under this clause (c) will be submitted to the Warwick Police Department
19 and the Department of Public Works in order to establish a “do not tag for violation” list. For
20 avoidance of doubt, the city may, but is not required to clear any sidewalk on behalf of any owner
21 exempted under this clause (c), and the city is not required to pay any amount to clear any such
22 sidewalk. An owner of property on a state road with no priority sidewalk is exempt from the
23 penalties under this ordinance.

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26 **Sec. 70-104. -- Removal of snow falling from buildings.**

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28 ~~———— The provisions of sections 70-102 and 70-103 shall apply to the falling of snow from any~~
29 ~~building.~~

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31 ~~———— Violation of this section shall be punishable by a fine of \$50.00 for the first and second~~
32 ~~offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon~~
33 ~~the third and each subsequent violation of this section, a person shall be subject to the penalties~~
34 ~~set forth in section 1-4 of the Code.~~

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37 **Sec. 70-105. -- Removal or covering of ice.**

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39 ~~(a) Whenever any sidewalk or any part thereof adjoining any building or lot of land on any~~
40 ~~street, highway, square or public place shall be encumbered by ice, it shall be the duty of the~~
41 ~~owner, occupant or any person having the care of such building or lot to cause such sidewalk~~
42 ~~to be made safe and convenient by removing the ice therefrom or by covering the same with~~
43 ~~sand or some other suitable substance. In case such owner, occupant or other person shall~~
44 ~~neglect to do so for 12 hours during the daytime, he/she shall be punishable as provided in~~
45 ~~section 1-4 for each and every day that the same shall continue so encumbered.~~

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2 (b) ~~Whenever any sidewalk or any part thereof adjoining any building or lot of land on any~~
3 ~~street, highway, square or public place which lies within a school zone shall be encumbered~~
4 ~~by ice, it shall be the duty of the owner, occupant or any person having the care of such~~
5 ~~building or lot to cause such sidewalk to be made safe and convenient by removing the ice~~
6 ~~therefrom or by covering the same with sand or some other suitable substance. In case such~~
7 ~~owner, occupant or other person shall neglect to do so within the first four hours of daylight~~
8 ~~of a school day, if the building or lot of land is a commercial property or within the first 12~~
9 ~~hours of daylight of a school day if the building or lot of land is residential, he/she shall be~~
10 ~~punishable as provided in section 1-4 for each and every day that the same shall continue so~~
11 ~~encumbered. Violation of this section shall be punishable by a fine of \$100.00 for the first~~
12 ~~and second offense by a person. The fine may be paid by mail or in person at the city~~
13 ~~municipal court. Upon the third and each subsequent violation of this section, a person shall~~
14 ~~be subject to the penalties set forth in section 1-4 of the Code.~~

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17 **Sec. 70-1064. - Enforcement by the department of public works.**

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19 In addition to duly appointed police officers, the director of the department of public
20 works, or his or her designee shall have authority to enforce the provisions of this article, and to
21 that end shall be authorized to issue summonses of the municipal court to any person who is in
22 violation of ~~the provisions of this article~~ Sec 70-102.

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25 Section II. This Ordinance shall take effect upon passage and publication as prescribed by law.
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37 SPONSORED BY: COUNCILMAN LADOUCEUR

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39 COMMITTEE: ORDINANCE