

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 there is a priority sidewalk or sloped area with a curb cut for handicap access shall, within the

1 first 24 72 hours after any snow or ice has ceased to fall, and at times other than following
2 snowfall or icfall, within the first 72 hours after any snow or ice has encumbered such
3 priority sidewalk, cause such priority sidewalk to be made safe and convenient for pedestrian
4 traffic by causing the removal of the snow and ice to be removed therefrom the sidewalk and
5 /or by covering the same with sand or some other suitable substance and sloped area with a
6 curb cut for handicap access adjoining such building or lot of land.
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8 (b) An owner who makes a safe and convenient path for pedestrian traffic along the entire length
9 of a priority sidewalk adjoining or included within any lot of land owned by such owner, for
10 example, within a parking lot located on such land, shall not be in violation of this ordinance,
11 even if such priority sidewalk is not itself cleared or otherwise made safe and convenient for
12 pedestrian traffic.
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14 (c) The director of the department of public works, or his designee, shall have the authority to
15 determine whether a priority sidewalk or other path is safe and convenient for pedestrian
16 traffic, provided that safe and convenient passage shall include passage to any street corner or
17 other street crossing location leading immediately from or adjacent to any priority sidewalk.
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20 ~~(b) The owner, owner-designated occupant, or any person having the care of any building or lot~~
21 ~~of land bordering on any street, highway, square or public place, which lies within a school~~
22 ~~zone where there is a sidewalk or sloped area with a curb cut for handicap access shall, if said~~
23 ~~building or lot of land is a commercial property, within the first four hours of daylight of a~~
24 ~~school day, after any snow has ceased to fall, cause the snow to be removed from the~~
25 ~~sidewalk and sloped area with a curb cut for handicap access adjoining such building or lot of~~
26 ~~land. If the building or lot of land is residential, then the snow shall be removed within the~~
27 ~~first 12 hours of daylight of a school day, after any snow has ceased to fall. For any day other~~
28 ~~than a school day, the provisions of subsection (a) shall apply.~~
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31 **Sec. 70-103. - Penalty for failure to remove snow violation of Sec 70-102.**
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33 ~~(b) In case of neglect to act as required by section 70-102(b), the person chargeable with such~~
34 ~~duty shall be punishable as provided in section 1-4, and each and every day after the~~
35 ~~expiration of the applicable time limit imposed by section 70-102(b) that the snow shall~~
36 ~~remain on such sidewalk shall constitute a separate offense.~~
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38 (a) Violation of this section 70-102 by a person shall result in a warning for the first offense and
39 shall be punishable by a fine of \$100.00 for the first and second offense, and by a fine of \$175.00
40 for the third offense. by a person. The fine may be paid by mail or in person at the city municipal
41 court. Upon the third fourth and each subsequent violation of this section, a person shall be
42 subject to the penalties set forth in section 1-4 of the Code, provided that such person shall also
43 be required to appear in person at a hearing before the city municipal court, and further provided
44 that such violation shall be punishable by a fine of no less than \$250.00. Only one violation may
45 occur in respect of any one snowfall or icfall event or other event resulting in snow or ice

1 encumbering a priority sidewalk, provided however, that a continued violation 24 hours after the
2 issuance of a warning for a first offense shall constitute a second offense.

3
4 (b) The city may clear, or may cause to be cleared, snow and ice from any priority sidewalk at
5 any time, and if the owner of any lot of land adjoining or including such priority sidewalk is at
6 such time in violation of Sec 70-102, the city may charge such owner for the cost of such
7 clearing, provided that any such charge shall be credited against any fine imposed on such person
8 in respect of any such violation existing at such time, and further provided that this clause (b)
9 shall not relieve any owner for responsibility for compliance with Sec 70-102.

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11 (c) Any owner who has been exempted from penalties under clauses (a) and (b) of this section
12 through a determination of physical and economic hardship by the city, through the applicable
13 procedures of the city for such determination as may be in effect from time to time, shall not be
14 subject to such penalties.

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

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19 ~~_____ The provisions of sections 70-102 and 70-103 shall apply to the falling of snow from any~~
20 ~~building.~~

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

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

29
30 ~~(a) Whenever any sidewalk or any part thereof adjoining any building or lot of land on any~~
31 ~~street, highway, square or public place shall be encumbered by ice, it shall be the duty of the~~
32 ~~owner, occupant or any person having the care of such building or lot to cause such sidewalk~~
33 ~~to be made safe and convenient by removing the ice therefrom or by covering the same with~~
34 ~~sand or some other suitable substance. In case such owner, occupant or other person shall~~
35 ~~neglect to do so for 12 hours during the daytime, he/she shall be punishable as provided in~~
36 ~~section 1-4 for each and every day that the same shall continue so encumbered.~~

37
38 ~~(b) Whenever any sidewalk or any part thereof adjoining any building or lot of land on any~~
39 ~~street, highway, square or public place which lies within a school zone shall be encumbered~~
40 ~~by ice, it shall be the duty of the owner, occupant or any person having the care of such~~
41 ~~building or lot to cause such sidewalk to be made safe and convenient by removing the ice~~
42 ~~therefrom or by covering the same with sand or some other suitable substance. In case such~~
43 ~~owner, occupant or other person shall neglect to do so within the first four hours of daylight~~
44 ~~of a school day, if the building or lot of land is a commercial property or within the first 12~~
45 ~~hours of daylight of a school day if the building or lot of land is residential, he/she shall be~~

1 punishable as provided in section 1-4 for each and every day that the same shall continue so
2 enumbered. Violation of this section shall be punishable by a fine of \$100.00 for the first
3 and second offense by a person. The fine may be paid by mail or in person at the city
4 municipal court. Upon the third and each subsequent violation of this section, a person shall
5 be subject to the penalties set forth in section 1-4 of the Code.
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8 **Sec. 70-1064. - Enforcement by the department of public works.**
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10 In addition to duly appointed police officers, the director of the department of public
11 works, or his or her designee shall have authority to enforce the provisions of this article, and to
12 that end shall be authorized to issue summonses of the municipal court to any person who is in
13 violation of the provisions of this article Sec 70-102.
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16 Section II. This Ordinance shall take effect upon passage and publication as prescribed by law.
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35 SPONSORED BY: COUNCILMAN LADOUCEUR

36 COMMITTEE: ORDINANCE
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ARTICLE IV. - SNOW AND ICE ON SIDEWALKS

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.

Sec. 70-102. - Removal of snow and ice from priority sidewalks required within 72 hours.

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

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

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

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

shall be removed within the first 12 hours of daylight of a school day, after any snow has ceased to fall. For any day other than a school day, the provisions of subsection (a) shall apply.

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

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

(a) Violation of this section 70-102 by a person shall result in a warning for the first offense and shall be punishable by a fine of \$100.00 for the ~~second~~ first offense, and by a fine of \$175.00 for the ~~second~~ third offense by a person. The fine may be paid by mail or in person at the city municipal court. Upon the ~~third~~ fourth and each subsequent violation of this section, a person shall be subject to the penalties set forth in section 1-4 of the Code, provided that such person shall also be required to appear in person at a hearing before the city municipal court, and further provided that such violation shall be punishable by a fine of no less than \$250.00. Only one violation may occur in respect of any one snowfall or icefall event or other event resulting in snow or ice encumbering a priority sidewalk, provided, however, that a continued violation 24 hours after the issuance of a warning for a first offense shall constitute a second offense.

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

(c) Any owner who has been exempted from penalties under clauses (a) and (b) of this section through a determination of physical and economic hardship by the city, through the applicable procedures of the city for such determination as may be in effect from time to time, shall not be subject to such penalties.

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

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

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

Sec. 70-105. -- [Reserved] Removal or covering of ice.

~~(a) Whenever any sidewalk or any part thereof adjoining any building or lot of land on any street, highway, square or public place shall be encumbered by ice, it shall be the duty of the owner, occupant or any person having the care of such building or lot to cause such sidewalk to be made safe and convenient by removing the ice therefrom or by covering the same with sand or some other suitable~~

substance. In case such owner, occupant or other person shall neglect to do so for 12 hours during the daytime, he/she shall be punishable as provided in section 1-4 for each and every day that the same shall continue so encumbered.

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

Sec. 70-106. - Enforcement by the department of public works.

In addition to duly appointed police officers, the director of the department of public works, or his or her designee shall have authority to enforce the provisions of this article, and to that end shall be authorized to issue summonses of the municipal court to any person who is in violation of the provisions of this article section 7-102.