

# Cumberland Town Council

## Ordinance 2018 – 25

### Snow and Ice Removal Policy

**Whereas**, snow and ice accumulates and falls on sidewalks and walkways located in the Town; and

**Whereas**, the presence of snow and ice can create a danger to citizens and pedestrians utilizing the sidewalks; and

**Whereas**, it is of the utmost importance of the Town to ensure, when practical, all roads, streets, and sidewalks are kept in a safe and usable manner during winter conditions; and

**Whereas**, to ensure that all sidewalks and walkways are kept reasonably clear of snow and ice, the owners of a premises with a sidewalk located in front of or adjacent to their premise must take all reasonable and practical effort to ensure a five foot path is cleared of snow and ice; and

**Whereas**, the Town encourages owners who may be unable to reasonably clear a sidewalk or walkway from snow and ice, whether due to disability, injury, or general health impediments, to consider hiring a contractor, asking a neighbor or seek other assistance to clear the snow and ice;

**Whereas**, in order to facilitate the safe use of pedestrian sidewalks and walkways, the Town Council finds that is in the best interest of the Town, and its citizens, to adopt a Snow and Ice Removal Policy.

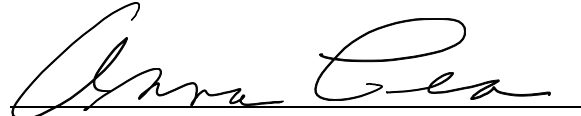
**Therefore it is ordained** that a new section, § 00-09-101 is hereby added to the Town of Cumberland Code of Ordinance to adopt a Snow and Ice Removal Policy and this section shall read as written in Exhibit A.

**It is further ordained that** any provision of the Town of Cumberland Code of Ordinances which is not specifically amended by this ordinance shall remain in full force and effect.

**It is further ordained that** this ordinance shall become effective upon adoption.

Ordained Nov. 7th, 2018.

Cumberland Town Council:



Anna Pea, President



Joe Siefker, Vice President

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Nicole Bell, Member



Aaron Cutshaw, Member



Brian Gritter, Member

Attest: 

Erica Salmon, Clerk-Treasurer

## Exhibit A

### “§ 00-09-101 Snow and Ice Removal Policy

#### Definitions.

- Owner – any person, owner, owner’s designee, lessee, or occupant occupying the first floor of any building or structure for business, residence, or other purpose. If the first floor of a building or structure is unoccupied, the owner, for purposes of this section, will be the owner or lessee of the entire premises.
- Premises - any building or structure for business, residence or other purpose with a sidewalk or walk way in front of or adjacent to the premises.

Policy. In order to facilitate pedestrian use of sidewalk and walkways, the owner of any premises must use all practical and reasonable efforts to clear, or cause to be cleared, all sidewalks and walkways in front of or adjacent to the owner’s premises from snow and ice from 8:00 a.m. to 7:00 p.m. Owners must, at a minimum, clear a five (5) foot path along the sidewalk or walkway.

The Town of Cumberland shall be responsible for the clearing and removal of snow and ice for property owned by the Town, including the Town Hall, Police Department, and all trials of the Town.

Violations. If any person or owner violates any of the provisions of this section, the Town of Cumberland may remove the snow and ice and the owner will be fined \$75.00 for each offense. Each day the owner does not reasonably keep all sidewalks and walkways in front of or adjacent to the premises clear from snow and ice constitutes as a separate offense.

Payment of Fines. All fines must be paid to the Clerk-Treasurer within 30 days of the notice. If the violator appeals the notice, as provided below, this 30-day period will be stayed until the resolution of the appeal. If the violator fails to timely pay the fine, the Clerk-Treasurer may authorize the Town Attorney to file an action for the collection of the fine in Town Court. If the Town initiates a case for the collection of a fine, the Town may recover the amount of the fine, reasonable attorney’s fees and court costs incurred in the collection case. Nothing in this Section will be construed as a punishment or criminal penalty. Penalties provided for in this section are civil in nature.

Right of Appeal. If a violation occurs, the Town will issue a notice of violation. The violator named in the notice may appeal the notice of violation by filing a written appeal with the Clerk-Treasurer within 15 days of receipt of the notice. Within 30 days of receipt of the appeal, the Town Council will conduct a hearing on the appeal. The Town Council will provide notice of the hearing to the appealing party

at least 10 days prior to the hearing. After the hearing, the Town Council will make written findings of fact and conclusions and mail the findings and conclusions to the appealing party. The appealing party may appeal the decision to a court of competent jurisdiction by filing a written appeal within 30 days of the date of the findings and conclusions.”