

Defeated
7/9/85

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 85-29

THE ORDINANCE OF THE CITY OF HOMER CREATING
CHAPTER 11.19 OF THE HOMER CITY CODE DESIGNATING
RESPONSIBILITY FOR REMOVAL OF SNOW AND ICE FROM
PUBLIC SIDEWALKS AND ESTABLISHING PENALTIES FOR
VIOLATIONS.

WHEREAS, the seasonal accumulation of snow and ice on public
sidewalks creates a danger to the health, safety and welfare of those
using such sidewalks, and

WHEREAS, the responsibility for removal of snow and ice from
sidewalks located within the City should be designated.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Chapter 11.19, Sidewalk Maintenance, shall be created and added
to the Homer City Code as follows:

CHAPTER 11.19

SIDEWALK MAINTENANCE

Sections:

- 11.19.010 Definitions
- 11.19.020 Public sidewalks - Accumulation of ice and snow - Duty
of occupant of adjacent land
- 11.19.030 Removal by City - Costs charged to occupant
- 11.19.040 Penalties

11.19.010. Definitions. In this chapter, unless otherwise provided,
or the context otherwise requires, the following words and phrases
shall have the meanings set forth below:

- a. "Occupant" means the person or persons presently entitled to
possession or control of land adjacent to a public sidewalk,
including but not limited to an owner, tenant, lessee, sublessee
or subtenant. For purposes of this subsection, the owner of real
property shall be presumed to be the owner of record as shown on
the Borough Assessor's records. A person entitled to possession
or control of land shall be deemed an occupant for purposes of
this subsection regardless of whether any business or residence
of such person is physically located on the land.
- b. "Person" includes but is not limited to a natural person,
corporation, partnership, association or governmental agency.

- c. "Public sidewalk" means any improved walkway intended for use by the public on or adjacent to a parcel of real property located within the City of Homer.
- d. "Remove" means the elimination by any means of substantially all snow or ice from all surfaces of a public sidewalk. Any accumulation of two inches of snow, or one inch of ice or any combination thereof to a depth of two inches or more remaining at any point on a public sidewalk shall create a rebuttable presumption that said snow or ice has not been removed for purposes of Section 11.19.20 of this chapter.
- e. "Treat" means the placement of salt, sand, sawdust, cinders or similar material designed to reduce or eliminate hazards to pedestrian traffic from accumulations of ice on public sidewalks. Treatment of ice shall be deemed accomplished only if such treatment is sufficient to allow a reasonably prudent pedestrian to walk safely over the ice. Any accumulation of untreated ice on a public sidewalk shall create a rebuttable presumption that said ice has not been treated for purposes of Section 11.19.020 of this chapter.

11.19.020. Public Sidewalks - Accumulation of Ice and Snow - Duty of Occupant of Adjacent Land.

- a. An occupant of land adjacent to a public sidewalk within the City of Homer shall be responsible for the removal of any accumulation of snow and the removal or treatment of any ice that may accumulate, form or be deposited thereon.
- b. Between the hours of 8:00 a.m. and 6:00 p.m., it shall be unlawful for any occupant of land subject to the requirements of this section to fail to remove any accumulation of snow or fail to remove or treat any accumulation of ice from all adjacent public sidewalks.
- c. For purposes of this section, any accumulation of snow of two inches or more, or any accumulation of ice of one inch or more, or any combination thereof to a depth of two inches or more, or any accumulation of untreated ice at any point on a public sidewalk shall create a rebuttable presumption that the occupant of land adjacent to such sidewalk has violated the provisions of this section.
- d. No person shall place, leave or deposit upon any street, alley, sidewalk or other public place accumulation of snow or ice which has been removed from a private driveway or parking area.
- e. This section may be enforced by any officer of the Homer Police Department or by any other employee of the municipality who has been appointed by the City Manager for this purpose.

11.19.030 Removal by City - Costs Charged to Occupant.

If the occupant fails to have any accumulation of snow and ice removed pursuant to Section 11.19.020 of this Chapter, the City Manager may have the accumulation removed immediately and charge the cost of removal to the owner or occupant of the property abutting the sidewalk.

11.19.040. Penalties.

- a. Any person who violates the provisions of Section 11.19.020 or otherwise fails to comply with the duties set forth therein shall be subject to a fine of not more than \$300.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.
- b. In addition to any other remedy or penalty provided by this section, any person who violates any provision of Section 11.19.020 shall be subject to a civil penalty of not more than \$300.00 for each offense or injunctive relief to restrain the person from continuing the violation or threat of violation or both injunctive relief and a civil penalty. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of Section 11.19.010 of this chapter, the Superior Court may grant injunctive relief to restrain the violation.

CITY OF HOMER

Wayne L. Kessler, Mayor

ATTEST:

Narda Koby, Acting City Clerk

