

1 CITY OF HOMER

2 HOMER, ALASKA

3
4 ORDINANCE 84-34

5 AN ORDINANCE DESIGNATING RESPONSIBILITY FOR REMOVAL OF
6 SNOW AND ICE FROM PUBLIC SIDEWALKS AND ESTABLISHING
7 PENALTIES FOR VIOLATIONS.

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

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

13 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

14 Section 1. The following chapter shall be added to
15 Title 11, STREETS, SIDEWALKS, DRIVEWAY CONSTRUCTION, of the
16 Homer Municipal Code:

17 CHAPTER 11.20

18 SIDEWALK MAINTENANCE

19 Sections:

20 11.20.010 Definitions
21 11.20.020 Public sidewalks - Accumulation of ice
22 and snow - Duty of occupant of adjacent
23 land
24 11.20.030 Same - Same - Removal by City - Costs
25 charged to occupant
26 11.20.040 Penalties

27 11.20.010. Definitions. In this chapter, unless otherwise
28 provided, or the context otherwise requires, the following words
29 and phrases shall have the meanings set forth below:

- 30 a. "Occupant" means the person or persons presently
31 entitled to possession or control of land adjacent
32 to a public sidewalk, including but not limited to

1 an owner, tenant, lessee, sublessee or subtenant.
2 For purposes of this subsection, the owner of real
3 property shall be presumed to be the owner of record
4 as shown on the municipal assessor's records. A
5 person entitled to possession or control of land
6 shall be deemed an occupant for purposes of this
7 subsection regardless of whether any business or
8 residence of such person is physically located on
9 the land.

- 6 b. "Person" includes but is not limited to a natural
7 person, corporation, partnership, association or
8 governmental agency.
- 8 c. "Public sidewalk" means any improved walkway intended
9 for use by the public on or adjacent to a parcel of
10 real property located within the City of Homer.
- 11 d. "Remove" means the elimination by any means of all
12 or substantially all snow or ice from all surfaces
13 of a public sidewalk. Any accumulation of two inches
14 of snow, or one inch of ice or any combination thereof
15 to a depth of two inches or more remaining at any
16 point on a public sidewalk shall create a rebuttable
17 presumption that said snow or ice has not been removed
18 for purposes of Section 11.20.020 of this chapter.
- 19 e. "Treat" means the placement of salt, sand, sawdust,
20 cinders or similar material designed to reduce or
21 eliminate hazards to pedestrian traffic from accumu-
22 lations of ice on public sidewalks. Treatment of ice
23 shall be deemed accomplished only if such treatment
24 is sufficient to allow a reasonably prudent pedestrian
25 to walk safely over the ice. Any accumulation of
26 untreated ice on a public sidewalk shall create a
rebuttable presumption that said ice has not been
treated for purposes of Section 11.20.020 of this
chapter.

11.20.020. 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.

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- 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 to 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, avenue, 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.

11.20.030 Same - Same - Removal by City - Costs Charged to Occupant. If the occupant fails to have any accumulation of snow and ice removed pursuant to Section 11.20.020 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.

11.20.040. Penalties.

- a. Any person who violates the provisions of Section 11.20.020 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 11.20.020 shall be subject to a civil penalty of not more than \$300.00 for each offense or injunctive relief to restrain the person from

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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 11.20.010 of this chapter, the Superior Court may grant injunctive relief to restrain the violation.

CITY OF HOMER

By _____
Wayne Kessler, Mayor

ATTEST:

Kathleen Herold, City Clerk

First Reading: _____

Public Hearing: _____

Second Reading: _____

Adopted: _____

Effective: _____

Reviewed and approved as to form
this day of January, 1985.

A. Robert Hahn, Jr.
City Attorney