

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

AN ORDINANCE IN AMENDMENT OF CHAPTER 14 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED “STREETS AND SIDEWALKS”

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Sec. 14-40 entitled “Removal of snow and ice” of Article III entitled “Sidewalks” of Chapter 14 entitled “Streets and Sidewalks” of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, is amended to read as follows:

Sec. 14-40. Removal of snow and ice.

(a) *Definitions.* For the purpose of this section, the following definitions shall apply:

(1) *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.

(2) *Sidewalk area* means that portion of the street between the property line and the curb line of the street which is set aside, laid out or used for pedestrian traffic.

(3) *School pedestrian area* means any sidewalk or sidewalk area abutting within five-hundred (500) feet of the property on which any public or private school resides.

(4) *Curb cut* means any break in the curb line between a sidewalk or sidewalk area, a street, highway or public place.

(b) ~~Removal of snow and ice required. The owner, occupant or any person having the care of any building or lot of land bordering on any street, highway, square or public space within the city where there is a sidewalk shall, within the first 24 hours after any snow has ceased to fall, remove the snow and ice from said sidewalk.~~

~~(c) — Depositing snow. Snow and ice removed from a sidewalk, private yard or private driveway shall not be thrown or deposited on any street, sidewalk or any real property of another property owner.~~

~~(d) — Penalties. All violations of this section shall be subject to a written warning placed upon the front entrance of the property for a first offense following the 24 hour period after any snow has ceased to fall. A fine of \$25.00 for a second offense, and a fine of \$75.00 for a third and subsequent offenses. If snow and ice is not cleared following 48 hours after any snow has ceased to fall, and a written warning has been issued, a fine of \$25.00 will follow. If snow and ice is not cleared following 72 hours after any snow has ceased to fall and the issuance of a written warning, a fine of \$75.00 will follow. Any additional 24 hour periods beyond the first 72 hours will be followed with an additional \$25.00 fine for each day snow and ice remains on the sidewalk.~~

(b) All owners of any property bordering any street, highway, or public place within the city shall, within the first 24 hours after the end of any snowfall, or the fall or deposit of snow and ice on the sidewalk or sidewalk area bordering said property, from any cause whatsoever shall:

(1) Remove, or cause to be removed all snow or ice from a path not less than three (3) feet in width from the entire length of said sidewalk adjacent to the sidewalk area.

(2) Remove, or cause to be removed all snow or ice from a path not less than three (3) feet in width from any curb cut in said sidewalk adjacent to the sidewalk area.

(3) For corner lots, remove or cause to be removed all snow or ice from a path not less than three (3) feet in width, extending the length of the sidewalk adjacent to the sidewalk area, and including the street curbs occurring at the intersection forming the street corner.

(4) Remove, or cause to be removed all snow and ice from a path not less than three (3) feet in width from any street curb abutting a painted crosswalk.

(5) Remove or cause to be removed all snow or ice deposited on or within one (1) foot of any fire hydrant on the sidewalk or sidewalk area bordering said property.

(6) Not cause any snow or ice removed from any sidewalk, sidewalk area, curb cut, street curb, or driveway to be deposited in any street, highway or public place; or upon a sidewalk or sidewalk area bordering another owner's property.

(7) Treat any such area from which snow or ice has been removed with sand, salt or other suitable material.

(c) Penalties for violation. All violations of this section shall be subject to a written notice issued by city officials as set forth in Sec. 14-41, and placed upon the property in violation of this ordinance. Issued notices will be accompanied by fines as follows:

(1) If snow and ice is not cleared in accordance with this section within the first 24 hours after the end of any snowfall, or the fall or deposit of snow or ice, the property owner shall be fined \$25.00.

(2) For the first 24-hour period occurring after a written notice is issued that snow and ice is not cleared in accordance with this section, the property owner shall be issued a second notice, and fined an additional \$75.00.

(3) For each 24-hour period occurring after a second notice is issued that snow and ice is not cleared in accordance with this section, the property owner shall be issued an additional notice and fined an additional \$25.00.

(4) For all violations of this section occurring within a school pedestrian area, the fines established within subsection (c) of this ordinance shall be doubled.

(d) Hardship. Any owner of any property bordering any street, highway, or public place within the city, who is physically incapable of removing snow or ice in accordance with this section, may apply to the Director of Public Works for a hardship waiver from this ordinance. Upon such application, the Director of Public Works will recommend approval or denial of the hardship waiver to the City Council. The City Council shall approve or deny the hardship waiver. The following conditions shall warrant consideration for approval of a hardship waiver:

(i) If the owner furnishes documentation from a board certified physician indicating that the owner suffers from a medical condition that prevents him or her from shoveling snow;

(ii) If the owner furnishes evidence of 30% or greater military disability rating;

(iii) If the owner furnishes documentation, such as a Social Security benefits statement, demonstrating that the owner is 100% disabled.

(e) City discretion. The city may at its discretion remove the snow and ice from the sidewalk if the owner, ~~occupant~~ or person refuses to comply with subsection (b), ~~or if the owner has been granted a hardship waiver in accordance with subsection (d).~~ If the city and/or its agents removes the snow and ice from the sidewalk area, the city may recover the ~~actual costs of such removal~~ whole cost incurred for such removal by imposing a lien on the property as authorized by law for the enforcement of common liens and property. Such lien will be recorded to ensure payment of such cost, unless such person has been granted a hardship waiver in accordance with subsection (d).

(f) Failure to pay any fine issued in accordance with this section within thirty (30) days will result in the creation of a special lien against the property, which lien shall be removed only upon payment of the fine in addition to an administrative penalty of one-hundred dollars (\$100.00).

The imposition of such fine and/or administrative penalty may be appealed to municipal court within ten (10) days of the issuance of a written citation for the violation.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Given first passage and referred to at 7:00 P.M. for a
hearing and consideration of final passage; and adopted

Attest:

City Clerk of the City of East Providence, Rhode Island

Introduced by: Councilman Cahoon & Councilwoman Sousa