



City of Madison

Legislative File Number 07476 (version 1)

**Title**

Amending Section 10.28(1) of the Madison General Ordinances to clarify the obligation of property owners to remove snow or ice accumulation from sidewalks by noon on the day following the accumulation; amending Section 10.28(2) regarding the retention and reporting of snow or ice removal expenses; and amending Section 10.28(3) to reflect a statutory renumbering.

**Body**

DRAFTER'S ANALYSIS: This proposal clarifies the obligation of property owners to remove snow or ice accumulation from sidewalks by noon on the day following the accumulation. This proposal also eliminates the requirement for the Department of Planning and Community and Economic Development to keep and report an account of expenses undertaken in clearing sidewalks to the City Comptroller, instead allowing this retention and reporting to be made by the City Engineer or other departments who may be involved in the process. Finally, this proposal updates the statutory basis for citing a property owner who violates this Ordinance, reflecting a statutory change from 1997.

\*\*\*\*\*

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (1) of Section 10.28 entitled "Snow and Ice To Be Removed From Sidewalks" of the Madison General Ordinances is amended to read as follows:

"(1) The owner of each lot or part of lot shall remove all snow and ice upon the sidewalk abutting the premises which he or she owns not later than 12:00 noon of the day after ~~the snow has ceased to fall or accumulate~~ the snow or ice has accumulated on the sidewalk, regardless of the source of accumulation. The owner of property abutting sidewalks on two intersecting streets shall remove all snow and ice from the sidewalks of both streets, including that portion of the sidewalks bordering the crosswalk, including the curb ramp, if any, regardless of the source of the snow accumulation.

Provided that when ice has so formed upon any sidewalk that it cannot be removed, then the owner shall keep the same effectively sprinkled with sand, salt or other suitable substance in such manner as to prevent the ice from being dangerous, until such time as it can be removed, and then it shall be promptly removed. Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than twenty dollars (\$20) nor more than fifty dollars (\$50) for a first offense and not less than thirty dollars (\$30) nor more than one hundred dollars (\$100) for any subsequent offense. Each day any violation of this ordinance continues shall constitute a separate offense."

2. Subsection (2) of Section 10.28 entitled "Snow and Ice To Be Removed From Sidewalks" of the Madison General Ordinances is amended to read as follows:

"(2) The Department of Planning and Community and Economic Development shall cause all sidewalks which shall not have been cleared of snow and ice as above described, to be cleared upon default of the person whose duty it shall be to clear the same. ~~The said Department of Planning and Community and Economic Development shall keep an accurate account of the expenses thereof and report the same to~~ An accurate account of the expenses incurred shall be kept and reported to the City Comptroller, who shall annually prepare a statement of the expense so incurred in front of

each lot or parcel of land and report the same to the City Clerk, and the amount therein charged to each lot or parcel of land shall be by said Clerk entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected in all respects like other taxes upon real estate. Prosecution under Subsection (1) of this ordinance shall not bar the City from proceeding under Subsection (2) of this ordinance, nor shall proceeding under Subsection (2) bar prosecution under Subsection (1).

3. Subsection (3) of Section 10.28 entitled "Snow and Ice To Be Removed From Sidewalks" of the Madison General Ordinances is amended to read as follows:

"(3) Actions for violations of Sec. 10.28(1) shall be commenced by citation as provided by Sec. ~~66.0119~~ 66.0113 of the Wisconsin Statutes or summons and complaint or warrant as provided by Sec. 66.0114(1)(a) of the Wisconsin Statutes."

**Fiscal Note**

No expenditure required.