

**ORDINANCE NO. 1284
SERIES 2021**

**AN ORDINANCE REGARDING SNOW REMOVAL FROM SIDEWALKS IN THE CITY OF
CORTEZ REPEALING CORTEZ CITY CODE SECTION 24-20 REMOVAL OF SNOW
AND ICE IN ITS ENTIRETY AND ENACTING CORTEZ CITY CODE SECTION 24-20
REMOVAL OF SNOW AND ICE CREATION OF SAFE ROUTES**

WHEREAS, on occasion, snow falls and ice forms on sidewalks in the City of Cortez, causing impediments to pedestrian travel in the City; and,

WHEREAS, prompt removal of snow and ice from sidewalks in the City of Cortez provides for safe and secure pedestrian access and travel; and,

NOW THEREFORE, BE IT ORDAINED BY THE CORTEZ CITY COUNCIL THAT Cortez City Code **Section 24-20 Removal of snow and ice** is repealed in its entirety and replaced with:

Section 24-20 Removal of snow and ice, creation of safe routes.

(a) Definitions

1. "Sidewalk" means that portion of a public roadway between the curb lines or the lateral lines of the traveled portion and the adjacent property lines which is constructed, designed, maintained and intended for the use of pedestrians, as set forth in C.R.S. 24-10-103 (6) **definitions** now in effect or as may be amended from time to time.

(b) Obligation of property owner and others for snow removal and regulated area.

1. It shall be the duty of the real property owner, tenant and/or occupant of any premise abutting or adjoining any public sidewalk to remove all snow and ice from such sidewalk within 12 hours after the last measurable/accumulation of snow on Main Street, from Maple to Highway 145, North and South Broadway and on the side streets in the area from Maple to Harrison between and including both Montezuma Avenue and First Street, and Montezuma Avenue from Pinon to Roger Smith Avenue, in order to give safe passage to pedestrians.

2. In the event that ice is present on the sidewalk which cannot be safely removed without damaging the sidewalk, the person or entity charged with snow removal shall put an abrasive material on the sidewalk to make the travel on the sidewalk reasonably safe, and shall clean such sand or abrasive material from the sidewalk as soon as weather permits.

(c) If the City determines that a certain person is in violation of this section, and a hazardous condition exists, the City may remove any snow and ice where necessary. For snow removal completed by the City the property involved shall be assessed the actual cost of the snow removal incurred by the City plus an additional amount up to twenty-five dollars to cover administrative costs; provided, that before the City performs the snow removal the City shall

inform the property owner, any person responsible for and present at the property or premises of the violation and request that the violation be immediately corrected.

(d) Whenever the City performs snow removal under this section within thirty days thereafter a notice shall be sent to the property owner at his other last known address stating that snow removal work under this section has been performed and an assessment for the same shall be made. When a lien is created by a nonpayment of snow/ice removal, the City shall certify the unpaid snow/ice removal bill to the County Treasurer for collection with property taxes. It may be foreclosed on in the manner of a mechanic's lien and shall be a perpetual lien until such time as such snow/ice removal bill has been paid in full.

The costs of collection by the County Treasurer shall be added to the cost of snow removal.

(e) No person shall deposit or cause to be deposited on any public street, alley or roadway in the City, snow taken or removed from property privately owned or occupied excluding snow taken or removed from public sidewalks.

(f) **PENALTY** - Any person or persons found guilty of violating any of the provisions contained in this chapter for each day that a violation occurs shall be fined \$25 for each day that a violation occurs.

The fine shall be doubled (\$50 per day) for a second offense, tripled (\$75 per day) for a third offense and so forth.

Failure to remove snow and ice after each snow storm shall be considered a new, and separate offense.

(g) Other streets/routes may be made subject to this City Code section by resolution of the City Council.

(h) City staff, Public Works, Parks and Recreation are encouraged to cooperate in snow removal and the creation of safe pedestrian routes to schools, senior living and other appropriate locations.

REPEALER. All orders, bylaws, ordinances, and resolutions of the City, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed to the extent only of such inconsistency or conflict.

SEVERABILITY. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

RECORDING AND AUTHENTICATION. Upon adoption hereof, this Ordinance shall be recorded in a book kept for that purpose and shall be authenticated by the signatures of the Mayor and the City Clerk.

EFFECTIVE DATE. This ordinance shall be effective upon passage after first final passage.

THIS ORDINANCE is necessary for the immediate preservation of the public health and safety.

PUBLIC HEARING. This ordinance shall be considered for second or final reading on the 13th day of April, 2021, at the hour of 7:30 p.m. in the City Council Chambers in City Hall, Cortez, Colorado, at which time and place all persons may appear and be heard concerning the same.

PASSED, ADOPTED AND APPROVED ON FIRST READING THIS 23RD DAY OF MARCH, 2021.

CITY OF CORTEZ

ATTEST:


LINDA L. SMITH, CITY CLERK


MICHAEL J. LAVEY, MAYOR

PASSED, ADOPTED AND APPROVED ON SECOND AND FINAL READING THIS 13TH DAY OF APRIL, 2021.

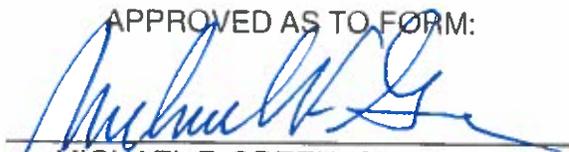
CITY OF CORTEZ

ATTEST:

LINDA L. SMITH, CITY CLERK

MICHAEL J. LAVEY, MAYOR

APPROVED AS TO FORM:


MICHAEL F. GREEN, City Attorney

Ordinance No.1284, Series 2021 was denied on final reading.
April 13, 2021.