

November 30, 2020

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE WITH RESPECT TO SNOW, SLUSH AND ICE**

Be it ordained by the City Council of the City of Newburyport as follows:

*Amend Section 12-7 – “Throwing snow and ice into streets” as follows, with deletions ~~double struck through in bold~~, and additions double-underlined and in bold:*

**Sec. 12-7. – Throwing snow and ice into streets.**

No person shall throw any ice or snow into ~~or place the same in~~ any street outside of the sidewalk. This section shall also apply to snow and ice thrown into any street from any roof or yard. The penalty for violation of this section shall be a written warning for the first offense; fifty dollars (\$50.00) fine for second and subsequent offenses. Any person violating this section shall be subject to a fine of fifty dollars (\$50.00). Violations of this section may be enforced by any police officer, the health director, director of public services, or their designees.

*Amend Section 2-52 – “Removal of Snow from Sidewalks,” as follows, with deletions ~~double struck through in bold~~, and additions double-underlined and in bold:*

**Sec. 12-52. - Removal of snow and ice from sidewalks.**

(a) The owner, tenant, ~~or occupant, and in case there shall be no tenant or occupant, the owner~~ or any person having the care of any building or lot of land bordering on any street, lane, court, square or public place, within the city, where there is a sidewalk, shall cause all snow that may be on such sidewalk to be removed ~~therefrom~~ within six (6) hours after the snow ceases to fall if it ceases to fall in the daytime and before 12:00 noon if it ceases to fall in the nighttime. The provisions of this section shall apply to snow which falls from buildings as well as to that which falls from the clouds.

(b) The owner, tenant, occupant or any person having the care of any building or lot of land bordering on any street, lane, court, square or public place, within the city, where there is a sidewalk, shall cause such sidewalk to be made safe and convenient by removing the ice therefrom or if removal is not feasible, by making the area passable and keeping it covered with

suitable material to prevent slipping within six (6) hours after the ice forms if in the daytime, and by 12:00 noon if it forms in the nighttime.

~~(b)~~ (c) The penalty for violation of this section shall be a written warning for the first offense; fifty dollars (\$50.00) fine for second and subsequent offenses. ~~Each such offense shall be punishable by a fine of fifty dollars (\$50.00).~~ Violations of this section may be enforced by any police officer, the health director, or their designees

(d) City snow clearing of sidewalks used as school routes

The department of public services shall clear snow and slush from certain city sidewalks including portions of both school pedestrian routes and specific arterial and collector roadways, subject to appropriation and the availability of city personnel and equipment. The director of public services, after consultation with the superintendent of schools, city marshal and other appropriate city personnel, shall determine the total number of miles of city sidewalks to be cleared for the purposes of this ordinance based on the availability of personnel, vehicles and funding. Each year during the month of November, the director of public service shall publish an updated Snow and Ice plan including sidewalk snow clearing routes. Said list shall include the street names and, where appropriate, the names of intersecting streets up to which the sidewalks will be cleared. The director of public services shall send a copy of Snow & Ice plan to the city council, city marshal and the superintendent of schools, and post on city website.

(e) Snow clearing assistance

The department of public services shall annually prepare lists of persons available to provide snow clearing assistance either for a fee or on a volunteer basis. The lists shall be prepared in consultation with appropriate school, youth services, council on aging department personnel, interested neighborhood organizations, houses of worship, and other similar groups that indicate a willingness to participate in snow clearing assistance. Said lists shall be included in the Snow and Ice plan submitted November each year.

New Section?

The mayor or their designee is authorized to grant an exemption, renewable annually, for residents who upon written petition demonstrate hardship due to a combination of health and financial duress, or religious circumstances.

Questions about Fire Hydrants

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Councillor Afroz Khan

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Councillor Christine Wallace