

ORDINANCE NO.: _____

AN AMENDED ORDINANCE to amend Subsection 40-8.(a)(1), to amend Subsection 40-8(b) and to create Subsection 40-8(f) of the Code of Ordinances of the City of La Crosse regarding snow removal.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Subsection 40-8(a)(1) is hereby amended to read as follows:

(a) *Snow and ice on sidewalks.*

- (1) The owner, agent, occupant or person in charge of any of each and every building or parcel of land abutting or fronting upon a paved public sidewalk or crosswalk or adjoining any street, and the owner or agent of every unoccupied building or parcel of land fronting as aforesaid, shall remove and clear away all snow and ice within 24 hours after the snow or ice has fallen or accumulated thereon; ~~clean the sidewalk in front of or adjoining such building or unoccupied lot or building, as the case may be, of snow and ice to the full width of such sidewalk to the pavement, except those sidewalks where the distance from the edge of the sidewalk, including the width the sidewalk, to the back of the curb is less than eight feet; then the minimum width shall be 48 inches, within 24 hours after it ceases to fall, and cause the same to be kept free from snow and ice; provided, that when ice has so formed upon or on any sidewalk that it cannot be removed, the owner persons herein referred to shall keep the same sprinkled with sand or other suitable substances 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. ashes, sand or salt; provided, also, that in case snow shall continue to fall for some time, then and in that case it shall be removed immediately after it shall cease to fall.~~

SECTION II: Subsection 40-8(b) is hereby amended to read as follows:

- (b) *Board of Public Works to remove. Whenever any sidewalk has not been cleared of snow and ice as above described, the Board of Public Works or its designee may, without notice, cause the sidewalk to be cleared. In any case where any sidewalk in front of or adjoining any lot or parcel of land shall remain covered in any part with snow or ice by 6:00 p.m. of the day following any snowfall, the Board of Public Works may as soon as possible cause such snow or ice to be removed from the full width of such sidewalk and to report the expense of so doing to the Council as soon as practicable, with a description of the lot or parcel of land in front of or adjoining which such work has been done, and the Council shall cause such expense to be audited and paid out of the general fund and shall direct the City Clerk to charge such expense to the lot or parcel of land adjoining which the same shall have been incurred, and the amount of such expense shall be inserted in the tax list next thereafter to be made out as a special tax against such lot or parcel of land and shall be collected as other taxes upon real estate are collected. The cost for removal by the City shall be charged at the rate per foot per snowfall event for any snowfall or accumulation for snowfalls, including windblowing and trace amounts established by resolution. Said snowfall or accumulation of snowfalls shall be determined by using the National Oceanic and Atmospheric Administration*

~~(National Weather Service). In addition, there shall be an administrative fee per parcel in the amount established by resolution. Any appeal of a special tax under this subsection shall be delegated to the Board of Public Works, which is authorized to review and adjust the same.~~

SECTION III: Subsection 40-8(f) is hereby created to read as follows:

(f) *Removal by City.* Failure to comply with this Section may result in a special charge against the property in accordance with Section 30-61 of this Code. The cost for removal by the City as well as an administrative fee per parcel shall be established by resolution and charged per snowfall event for any accumulation, including wind blowing and trace amounts. Any appeal of a special charge under this Subsection shall be delegated to the Board of Public Works for an evidentiary hearing and decision. An appellant may request a review of the record of such decision by the Judiciary and Administrative Committee. The decision of the Judiciary and Administrative Committee shall be final. Pursuant to Wis. Stats. §68.16, the City elects this method as the exclusive review procedure.

SECTION IV: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION V: This ordinance shall take effect and be in force from and after its passage and publication.

Mitch Reynolds, Mayor

Nikki M. Elsen, City Clerk

Passed:
Approved:
Published: