

## CHAPTER 6: SIDEWALK AND RIGHT-OF-WAY MAINTENANCE AND USE REGULATIONS

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3.601 CLEANING SNOW AND ICE ACCUMULATIONS. It shall be the duty of the property owner and any property tenant to keep the entire portion of the sidewalks adjacent to, or abutting upon, any property owned or leased by them clear of the natural accumulation of snow and ice within twenty-four (24) hours of such time that the snow or ice has ceased falling or accumulating. Except as is required for the removal of the natural accumulation of snow and ice from sidewalks adjacent to properties located within the Downtown Commercial District, it is unlawful for any person to throw, push or place, or cause to be thrown, pushed or placed, any snow or ice from private property, sidewalks or driveways onto a street or alley.

3.602 REMOVAL BY THE CITY. If the property owner or property tenant permits snow or ice to accumulate in violation of Section 3.601, the Street Superintendent, or designee, may remove the accumulation of snow and/or ice without notice to the property owner or tenant. The Street Superintendent or designee shall keep an accurate account of the expenses incurred in removing the accumulation of snow and/or ice and shall provide such account to the City Administrator.

3.603 COLLECTION OF COST. The City Administrator shall mail a statement of the costs incurred by the City for the removal of the accumulation of snow and/or ice as authorized by Section 3.602, together with the administrative expenses of the City in connection therewith as determined by the City Administrator, to the property owner and tenant, if applicable. If the amount shown on the statement has not been paid within thirty (30) days from the date the statement was mailed, the City Administrator shall certify the costs to the Madison Country Auditor and the same shall be assessed against the adjacent or abutting property and collected in the same manner as a property tax.

3.604 DEBRIS. It shall be unlawful for any person to throw, discard, deposit or allow to remain on any street right-of-way, alley or sidewalk of the City any snow, ice, manure, rubbish, yard waste, mud, gravel, debris, junk or any other substance or material likely to injury any person, animal or vehicle. For purposes of this section "yard waste" shall be as defined in Municipal Code Section 3.801 and "junk" shall be as defined in Municipal Code Section 3.502.

3.605 DRAINAGE ON STREET AND SIDEWALKS. It shall be unlawful for any person to construct any downspouts, gutters or drains from any building or yard so as to discharge any water upon any sidewalk. All such downspouts, gutters or drains shall carry water into the street, gutters and storm sewers.

3.606 OBSTRUCTING STREETS AND SIDEWALKS. Except as specifically authorized in this section, it shall be unlawful for any person to place or cause to be placed upon or above any street, sidewalk or alley any goods or merchandise for sale or for display in such a manner as to interfere with the free and unobstructed passage of pedestrians or vehicular traffic. Merchants in the Downtown

Commercial Zoning District may use the sidewalk immediately adjacent to their place of business for one (1) temporary, portable business sign, as provided in Municipal Code Section 3.414; and, may use the sidewalk immediately adjacent to their place of business for the temporary display of goods, wares or merchandise, well-kept flower arrangements and well-constructed benches in good repair and condition, provided that a minimum of five (5) foot width of unobstructed sidewalk be maintained and provided that no such placement of any item unduly restricts the flow of pedestrian or vehicular traffic.

3.607 TEMPORARY EXEMPTION. Upon written request the City Administrator may grant temporary exemptions from the provisions of the Sections 3.604 for a specified number of days for construction or maintenance projects.

3.608 ENFORCEMENT. A police officer, or other official authorized by the City, shall issue a written summons to the owner, tenant or other such person committing a violation of the provisions of this Chapter. The summons shall contain the date and time of the violation, the location of the violation and the number or name of the police officer or other official issuing the summons. The person to whom the summons was issued within thirty (30) days of the date upon which the violation occurred shall pay to the City of fine of Fifty Dollars (\$50.00) for all violations of this Chapter. The fine prescribed herein shall be assessed in addition to the costs collected pursuant to Section 3.603. The payment of the fine within thirty (30) days of the date of the violation shall be deemed an admission of the violation and no other costs or charges, other than the fine and costs collected pursuant to Section 3.603, shall be collected. Violations which are not paid within thirty (30) days of the date of the violation shall be deemed denied and may be charged by the same summons before the Court the same as other violations under Iowa Code Chapter 805 or cited as a Municipal Infraction under Iowa Code Chapter 364. Court costs shall be assessed against any person found to have committed a violation for this Chapter. All fine amounts shall be increased by Ten Dollars (\$10.00) if not paid within thirty (30) days of the date of the violation. Additionally, all persons found to have committed a violation of this Chapter shall remove all such items constituting the basis for the violation.

3.609 LIABILITY. Property owners shall be liable for damages caused by the failure of the owner to use reasonable care in complying with the provisions of the Chapter; and, each said property owner shall hold the City of Winterset harmless with respect to any such liability to third parties suffering injuries of property damage as a result of their failure to use such reasonable care.