



Legislation Details (With Text)

**File #:** 17262      **Version:** 1      **Name:** Snow & Ice Violations  
**Type:** Ordinance      **Status:** Passed  
**File created:** 1/26/2010      **In control:** BOARD OF PUBLIC WORKS  
**On agenda:** 2/2/2010      **Final action:** 3/2/2010  
**Enactment date:** 3/18/2010      **Enactment #:** ORD-10-00027

**Title:** Creating Subsection 10.23(3) of the Madison General Ordinances to provide a mechanism for City officials to remove snow and ice in violation of Subsection 10.23(2) and assess the costs thereof to the property owner.

**Sponsors:** Marsha A. Rummel, Larry Palm

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
3/2/2010	1	COMMON COUNCIL	Adopt	Pass
2/17/2010	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/2/2010	1	COMMON COUNCIL	Refer	Pass
1/26/2010	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

No additional resources should be required to administer the provisions. The Streets Division estimates that there may be about 50 incidents of these kinds annually, with total City costs averaging about \$150 per incident, or a total expense of \$7,500 annually. Provisions in this Ordinance will provide an additional means by which the City might recover its costs incurred for snow removal.

**Title**

Creating Subsection 10.23(3) of the Madison General Ordinances to provide a mechanism for City officials to remove snow and ice in violation of Subsection 10.23(2) and assess the costs thereof to the property owner.

**Body**

DRAFTER'S ANALYSIS: This ordinance creates Subsection 10.23(3) of the Madison General Ordinances to provide a mechanism for City officials to remove snow and ice in violation of Subsection 10.23(2) and assess the costs thereof to the property owner. Currently, under Subsection 10.23(2) of the Madison General Ordinances it is unlawful to deposit snow or ice from private property upon any City sidewalk, roadway or street. However, contrary to Section 10.28 regulating the removal of snow or ice from sidewalks, the City absorbs all of the removal costs incurred to clear the unlawfully deposited snow or ice as there is not a provision giving the City the authority to assess the removal costs incurred by the City arising from violations of this Subsection to the property owner. By creating Subsection 10.23(3), a similar provision as that used in Subsection 10.28(2) to assess removal costs incurred by the City to the property owner is created for the costs incurred by the City to remove snow and ice deposited upon the City sidewalks, streets, or roadways in violation of Subsection 10.23(2).

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The Common Council of the City of Madison do hereby ordain as follows:  
Subsection (3) of Section 10.23 entitled "Obstruction of Streets and Sidewalks" of the Madison General Ordinances is created to read as follows:  
“(3) The City Engineer, Street Superintendent, or Building Inspection Division Director, or his/her designee(s),

shall cause the removal of all snow and ice from any sidewalk, roadway or street that resulted from a violation of Subsection (2) above when the owner of the property where the snow and or ice originated from has failed to do so. 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 and report the same to the City Clerk. The amount therein charged to each lot or parcel of land shall be entered in the tax roll as a special tax against said lot or parcel of land, and the same shall be collected like other taxes upon real estate. Prosecution under Subsection (2) of this Ordinance shall not bar the City from proceeding under Subsection (3) of this Ordinance, nor shall proceeding under Subsection (3) bar prosecution under Subsection (2).”