Legislation Details (With Text)

File #:	13468	**Version:** 1	**Name:**	Snow removal
Type:	Ordinance		**Status:**	Passed
File created:	1/27/2009		**In control:**	COMMON COUNCIL
On agenda:	3/17/2009		**Final action:**	3/17/2009
Enactment date:	4/2/2009		**Enactment #:**	ORD-09-00067

Title: Amending Secs. 10.23(2) and 1.08(3)(a) of the Madison General Ordinances to strengthen the City's snow or ice depositing ordinance.

Sponsors: Brenda K. Konkel, Satya V. Rhodes-Conway, Marsha A. Rummel, Larry Palm

Indexes:

Code sections:

Attachments:

Date	Ver.	Action By	Action	Result
3/17/2009	1	COMMON COUNCIL	Adopt	Pass
3/3/2009	1	COMMON COUNCIL	Refer to a future Meeting to Adopt	Pass
2/18/2009	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/3/2009	1	COMMON COUNCIL	Referred	
1/27/2009	1	Attorney's Office/Approval Group	Referred for Introduction	

Fiscal Note

There may be a minimal increase in General Fund revenues derived from the increase in fines.

Title

Amending Secs. 10.23(2) and 1.08(3)(a) of the Madison General Ordinances to strengthen the City's snow or ice depositing ordinance.

Body

DRAFTER'S ANALYSIS: This ordinance amends Subsection 10.23(2), the City's snow or ice depositing ordinance, to better define "private property" to include the sidewalk, terrace, and driveway apron. This amendment eliminates a drafting problem that did not make it unlawful to deposit snow from these areas onto the street. This amendment also makes it unlawful to deposit snow or ice onto any non-adjoining properties without that owner's consent. Combined, these changes are designed to reduce the amount of snow or ice that is deposited or crosses the public streets to make snow removal by the City more effective, and street conditions safer. Furthermore, these changes will make enforcement of this ordinance easier, especially in regards to snow being pushed across the streets. In addition, these changes are designed to protect property owners who may have non-adjacent neighbors depositing large amounts of snow or ice onto their terrace, making it more difficult for the property owner to comply with the removal requirements of Section 10.28. Finally, this ordinance also increases the forfeiture range for a violation of this ordinance and adds a new bond amount for third and subsequent violations. It is hoped that by increasing these amounts, violations of this ordinance will no longer be thought of as a cost of doing business and compliance will be greater.
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The Common Council of the City of Madison do hereby ordain as follows:
     1.   Subsection (2) of Section 10.23 entitled "Obstruction of Streets and Sidewalks" of the Madison General Ordinances is amended to read as follows:
"(2)   Any person depositing snow or ice from private property upon any sidewalk, roadway or street, <u>or upon</u>

the non-adjacent private property of another without consent, or causing or ordering the same to be done shall be subject to a fine of not less than ~~twenty-five~~ fifty dollars ($~~25~~50) nor more than ~~one hundred~~two hundred dollars ($~~100~~200).

(a)   In addition to its commonly understood meaning, for the purposes of this Subsection only, the term "private property" includes any portion of the public right-of-way abutting the private property in question, such as the sidewalk, terrace, or driveway apron."

2.   Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by amending the following:

"Offense	Ord. No./Adopted Statute No.**	Deposit
Depositing snow or ice on street or sidewalk.	10.23(2)	$50, 1st
		$100, 2nd
		$200, 3rd"

EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved, provided the penalty range is increased.