

Offered by Councillors **FELIX D. ARROYO,**
CHARLES C. YANCEY, and **MICHAEL P. ROSS**

CITY OF BOSTON



IN THE YEAR TWO THOUSAND SEVEN

**AN ORDINANCE REGARDING
THE PROMPT AND COMPLETE
REMOVAL OF SNOW AND ICE FROM SIDEWALKS
AND ABUTTING CURB RAMPS**

WHEREAS: Reportedly, Boston businesses and residents frequently fail to shovel their sidewalks (and abutting curb ramps/cuts) and/or fail to clear sidewalks of snow and ice in a manner that ensures that all residents - including wheelchair users, the elderly and others with disabilities - can traverse the sidewalks safely; and

WHEREAS: This failure to adequately remove snow and ice from the City's sidewalks results in a lack of reasonable access and mobility for wheelchair users, the elderly, the disabled and other residents, and causes significant public safety issues; and

WHEREAS: A particular concern is the failure by many residents and business to shovel abutting curb ramps/cuts, a legal obligation under the current law of which many residents and businesses are unaware; and

WHEREAS: The existing City Sidewalk Ordinance (CBC CHAPTER 16-12.16) contains few specific guidelines concerning clearing of snow or ice; and

WHEREAS: The Ordinance's fine for failing to shovel one's sidewalk and abutting curb ramps/cuts is only fifteen (\$15.00) dollars for residents and only fifty (\$50.00) dollars for non-residential properties, fines which are not large enough to ensure full compliance with the Ordinance; and

WHEREAS: The Boston City Council believes that clarifying the snow and ice clearing law while increasing the fines for failing to shovel sidewalks and abutting curb ramps would help alleviate these problems and ensure safe accessibility to City sidewalks for everyone. *NOW THEREFORE,*

Be it ordained by the City Council of Boston, as follows:

Section 1.

CBC Chapter XVI is hereby amended by striking Section 16-12.16 ("Removal of Snow and Ice") in its entirety and replacing it as follows:

16-12.16 Snow, Slush, and Ice on Sidewalks.

- (a) *Requirements for snow and/or slush.* No owner, manager, or tenant of a (i) commercial building, estate, or land abutting on a sidewalk, (ii) mixed-use building, estate, or land abutting on a sidewalk, or (iii) residential building, estate, or land abutting on a sidewalk, containing more than six (6) residential dwelling units shall place or suffer to remain in place for more than three (3) hours between sunrise and sunset any slush or any loose, granular, or packed snow upon such sidewalk. Removal of any slush or snow should be conducted along the full paved width of such sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalks. Removal of any slush or snow shall be conducted in a manner that clears the full paved path or a minimum of forty-two (42) inches wide. Each day that a violation exists shall be considered a separate and distinct violation.

No owner, manager, or tenant of a residential building, estate, or land abutting on a sidewalk containing six (6) or fewer residential dwelling units shall place or suffer to remain in place for more than six (6) hours between sunrise and sunset any slush or any loose, granular, or packed snow upon such sidewalk. Removal of any slush or snow should be conducted along the full paved width of such sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalks. Removal of any slush or snow shall be conducted in a manner that clears the full paved path or a minimum of forty-two (42) inches wide. Each day that a violation exists shall be considered a separate and distinct violation.

- (b) *Requirements for ice.* No owner, manager, or tenant of a (i) commercial building, estate, or land abutting on a sidewalk, (ii) mixed-use building, estate, or land abutting on a sidewalk, or (iii) residential building, estate, or land abutting on a sidewalk containing more than six (6) residential dwelling units shall place or suffer to remain in place for more than three (3) hours between sunrise and sunset any ice upon such sidewalk. Removal of any ice shall be in a manner consistent with the requirements of the preceding sub-section, except that any such owner, manager, or tenant shall be deemed to be in compliance with this paragraph if such ice is made level and completely covered with sand, sawdust, or other appropriate material to prevent slipping. Each day that a violation exists shall be considered a separate and distinct violation.

No owner, manager, or tenant of a residential building, estate, or land abutting on a sidewalk containing six (6) or fewer residential dwelling units shall place or suffer to remain in place for more than six (6) hours between sunrise and sunset any ice upon such sidewalk. Removal of any ice shall be in a manner consistent with the requirements of the preceding sub-section, except that any such owner, manager, or tenant shall be deemed to be in compliance with this paragraph if such ice is made level and completely covered with sand, sawdust, or other appropriate material to prevent slipping. Each day that a violation exists shall be considered a separate and distinct violation.

- (c) No person shall remove slush, snow, or ice from privately-owned real property and place it upon any sidewalk or street.
- (d) Enforcement/Penalties.
 - (i) Any violation of subsection (a) or subsection (b) occurring at a sidewalk abutting land zoned solely for residential use and that has six (6) or fewer residential units shall result in a fine of fifty dollars and no cents (\$50.00) for each such violation.
 - (ii) Any violation of subsection (a) or subsection (b) occurring at a sidewalk abutting land zoned solely for residential use and that has more than six (6) residential units or at a sidewalk abutting vacant land shall result in a fine of one hundred dollars and no cents (\$100.00) for each such violation.
 - (iv) Any violation of subsection (a) or subsection (b) occurring at a sidewalk abutting any vacant land or land zoned for any use other than solely residential (commercial or mixed-use buildings) shall result in a fine of one hundred fifty dollars and no cents (\$150.00) for each such violation.
 - (v) Any violation of subsection (c) shall result in a fine of two hundred fifty dollars and no cents (\$250.00).

Section 2.

CBC Chapter XVI is hereby amended by striking in its entirety Section 16.32.1(a).

Section 3.

CBC Chapter XVI is hereby amended by striking the sixteenth (16th) paragraph from Section 16-32.6 which paragraph reads "Subsection 16.12.16 Such amendment as is provided in subsection 16-32.1;".

Section 4.

The provisions of these sections shall be effective immediately upon passage.

Filed in the Boston City Council: February 7, 2007