

TOWN OF BERTHOUD

ORDINANCE NO. 1210

**AN EMERGENCY ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO
REQUIRING THE CLEARING OF ICE AND SNOW FROM PUBLIC WALKS BY
PROPERTY OWNERS AND PROVIDING REMEDIES FOR FAILURE TO PERFORM**

WHEREAS, the Town Board for the Town of Berthoud (the “Town”) desires to protect and preserve the health, safety and welfare of its citizens through the implementation of an ordinance requiring residents to maintain the walks abutting their property; and

WHEREAS, the Town Board finds that rules for clearing snow and ice from public walks need to be clear and need to provide for mitigation by the Town if not addressed by a property owner; and

WHEREAS, the Town Board finds that Property owners who for whom the Town acts to mitigate walkway hazards should be required to reimburse the Town for all of its attendant costs;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BERTHOUD, COLORADO THAT THE BERTHOUD MUNICIPAL CODE IS HEREBY AMENDED BY THE ADDITION OF A NEW SECTION 16.12-1

16.12-1: Snow and ice on sidewalks—Owner or occupant responsibility.

A. Within 24 hours after any snow or ice stops falling on a public sidewalk, it is the duty of:

1. Every owner and manager of property abutting the sidewalk; and
2. Every tenant leasing an entire premises abutting the sidewalk; and
3. Every adult occupant of a single-family dwelling abutting the sidewalk

to remove or cause the removal from public sidewalks abutting the property accumulated snow and ice, as this section provides. Removal shall not be allowed by relocating such snow and ice on to public streets, but must be on to untraveled areas of public or private property.

B. Each responsible person listed above shall remove or cause the removal of snow and ice to expose the abutting public sidewalk for the entire width of the sidewalk or the width of four feet, whichever is less.

C. After removing snow and ice as required above, each responsible person listed above shall keep the abutting sidewalk reasonably passable.

D. Under this section, snow or ice has not "stopped falling" if additional snow or ice falls within four hours.

E. The obligations stated above do not apply to a public sidewalk abutting a single-family residential property on one side, and an arterial street, Town green way, Town park, or Town golf course on the other side. Nor do those obligations apply to a sidewalk from which the Town regularly removes snow and ice.

F. As used in this section, "sidewalk" means a paved public way designed and constructed for pedestrian travel, and "arterial street" means an arterial street identified in the Berthoud Area Comprehensive Plan or accompanying maps.

G. Violation of this section is an offense under this Code and is punishable by fine as provided for other violations. The Public Works Director or the director's designee may notify a responsible person listed above of the Town's intent to correct a violation. If the violation remains 24 hours after such notification, any Town Code Enforcement Officer or such officer's designee may remove or cause the removal of snow and ice from any sidewalk affected by the offense. Upon a conviction, the municipal court shall add to the sentence of a responsible person so notified the director's reasonable certified expenses of removal. The Town shall collect such added expenses in the same manner it collects other municipal court fines. Assessments against property for abatement costs under other parts of this chapter shall not apply to the Town's expenses under this paragraph.

H. The Town Board of Trustees intends, by this section, to create legally enforceable duties for the benefit of persons lawfully using public sidewalks. Subject to applicable rules of law, including comparative negligence and other civil defenses, breach of these duties shall support civil recovery by injured persons lawfully using public sidewalks from each violator, jointly and severally, for damages the violation proximately causes.


The Town Board finds and concludes that this Ordinance is necessary for the immediate preservation of the peace, health, welfare, safety and economic well being of the Town of Berthoud, and is therefore to become effective immediately upon passage.

INTRODUCED, READ and PASSED unanimously this **26th** day of **January, 2016**.
Having found that this Ordinance is necessary to the preservation of the health, safety, and welfare of the Town of Berthoud, this Ordinance shall take effect immediately.



David Gregg, Mayor

ATTEST:



Alisa Darrow, Town Clerk