

Introduced by: Mayor Matherly
Date: September 11, 2017

ORDINANCE NO. 6061, AS AMENDED

**AN ORDINANCE AMENDING FGC SEC. 70-321 REGARDING
RESPONSIBILITY FOR REMOVAL OF SNOW AND ICE FROM
SIDEWALKS AND MOVING SNOW FROM PRIVATE PROPERTY ONTO
A STREET OR SIDEWALK**

WHEREAS, the Public Works Department is responsible for snow removal and street sanding on 355 lane-miles of roadway; and

WHEREAS, the maintenance priority for snow removal is to open all arterial and collector roads within 72 hours, followed by the clearing streets in residential neighborhoods and clearing sidewalks and curb ramps throughout the city; and

WHEREAS, current code provisions delineate responsibility for clearing snow and ice from sidewalks and prohibit moving snow from private property onto a street or sidewalk; and

WHEREAS, the city has limited resources for snow removal; and

WHEREAS, snow moved from private property onto the street can be a hazard and impacts operational efficiency and city resources, the cost of which should be borne by the responsible parties.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. That Fairbanks General Code Section 70-321 is hereby amended as follows [new text in **underlined bold** font; deleted text in ~~striketrough~~ font]:

Sec. 70-321. Snow and ice; removal; standing; casting on public property.

(a) ~~A~~ ~~No~~ person having **control of any premise** ~~the care, either as owner or occupant, of any premises~~ bordered by a graded or paved sidewalk **must promptly** ~~shall fail to~~ remove ~~promptly~~ any snow which ~~may~~ falls on **the sidewalk and must** ~~not fail to~~ remove or sand any ice which ~~may~~ forms on the sidewalk, to the extent that the snow or ice is an impediment to pedestrians.

(b) It ~~is~~ ~~shall be~~ unlawful for any person to **move snow or ice from private property or to hire, direct, or allow another person to move snow or ice from private property onto** ~~place, leave, deposit or cast upon~~ any sidewalk, street, avenue or alley in the city ~~any snow or ice taken from private property~~ to the extent that the snow or ice is an impediment to use of the sidewalk, street, avenue or alley, ~~provided, that,~~ ~~it~~ is not a violation of this subsection to move snow from a sidewalk into the adjacent street.

(c) A person violating subsection (b) above is guilty of a minor offense. A person charged with violating subsection (b) must respond to the City Clerk's Office within 30 days of receipt of the citation. Disposition of a charge under subsection (b) may be without court appearance pursuant to AS 29.25.070 and the Alaska Minor Offense Rules upon payment of a fine of \$200 and payment of the state surcharge required by AS 12.55.039 and AS 29.25.074. The fines for these offenses may not be judicially reduced. The penalty for violation of this section shall be set forth in the City Schedule of Fees and Charges for Services.

(d) The director of public works, or designee, is authorized to direct the removal of any snow or ice that is not promptly removed from a sidewalk, as provided for in subsection (a), or that was taken from private property and moved to a sidewalk, street, avenue, or alley. The cost of such removal shall be charged to the owner of the property, provided the owner or person having control of the premise fails to do so within 24 hours after having received notice from the director of public works, or designee. The cost of removal of any snow or ice done at the direction of the director of public works, or designee, under this subsection shall be set forth in the City Schedule of Fees and Charges for Services.

(e) For purposes of this section, a person has control of a premise if they are the owner or occupant of the premise.

SECTION 2. That the effective date of this Ordinance shall be the 30th day of September 2017.



Jim Matherly, City Mayor


AYES: Rogers, Bagwill, Therrien, Pruhs, Cleworth
NAYS: None
ABSENT: Huntington
ADOPTED: September 25, 2017

ATTEST:

APPROVED AS TO FORM:



D. Danyielle Snider, CMC, City Clerk



Paul J. Ewers, City Attorney