

## **ORDINANCE NO. 1301**

### **AN ORDINANCE OF THE TOWN OF BERTHOUD, COLORADO, REPEALING AND REENACTING SECTION 15.12 OF THE BERTHOUD MUNICIPAL CODE WITH RESPECT TO SNOW REMOVAL**

**WHEREAS**, the Town of Berthoud is a municipal corporation possessing all powers granted to a statutory town by Title 31 of the Colorado Revised Statutes; and

**WHEREAS**, the Board of Trustees of the Town of Berthoud (the “Board”) has authority pursuant to C.R.S. § 31-15-702 to regulate the use of sidewalks along the streets and alleys and all structures thereunder and to require the owner or occupant of any premises to keep the sidewalks, or along the same, free from snow and other obstructions; and

**WHEREAS**, the Municipal Code amendment has been submitted to the Board of Trustees in writing and the Board of Trustees has determined that the amendment should be adopted as herein set forth.

### **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF BERTHOUD, COLORADO THAT THE FOLLOWING CHANGES ARE HEREBY INCORPORATED INTO THE MUNICIPAL CODE:**

Section 1. Chapter 15, Section 15.12 of the Berthoud Municipal Code is hereby repealed in full and reenacted to read as follows:

#### **15.12 Removal of Snow and Ice**

- 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.
- 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. Removal shall not be allowed by relocating such snow and ice onto public streets but must be onto untraveled areas of public or private property.
- D. After removing snow and ice as required above, each responsible person listed above shall keep the abutting sidewalk reasonably passable.
- E. The obligations stated above do not apply under the following circumstances:

1. The Town regularly removes snow and ice from the sidewalk, pathway, or trail.
2. The sidewalk abuts the side or back of a residential lot on one side and the south side of the portion of Spartan Avenue that lies between 8<sup>th</sup> Street and 10<sup>th</sup> Street on the other.
3. The sidewalk abuts the side or back of a residential lot on one side and the north side of the portion of Spartan Avenue that lies between 10<sup>th</sup> Street and Berthoud Parkway on the other.
4. The exceptions stated above shall not apply to any sidewalk located within a metropolitan district.

F. As used in this section, "sidewalk" means a paved public way designed and constructed for pedestrian travel.

G. Violation of this section is punishable by fine or penalty as provided for in Chapter 20 of this Code. Each day that the violation continues shall be considered and held to be a separate and distinct offense. The Town Administrator or 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 Neighborhood Services Officer or such officer's designee may remove or cause the removal of snow and ice from any sidewalk affected by the offense and a summons may be issued. Upon a conviction, the municipal court shall add to the sentence of a responsible person so notified the Town Administrator'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.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 3. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

Section 4. Effective Date. Except as otherwise expressly provided herein, the provisions enacted by this Ordinance shall become effective at 12:01 a.m. on \_\_\_\_\_, 2021.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED  
IN FULL on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

TOWN OF BERTHOUD

By:

William Karspeck, Mayor

ATTEST:

By:

Christian Samora, Town Clerk

