

ORDINANCE NO. 1498

AN ORDINANCE OF THE CITY OF POST FALLS, KOOTENAI COUNTY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REPEALING MUNICIPAL CODE CHAPTER 10.48 AND ADOPTING A NEW CHAPTER 10.48, REQUIRING THE OWNER OR LESSEE OF REAL PROPERTY TO REMOVE SNOW FROM PUBLIC SIDEWALKS ABUTTING THE PROPERTY, PROHIBITING PLACING SNOW, DIRT, DEBRIS, AND DE-ICER ON PUBLIC RIGHTS OF WAYS, PROVIDING THAT FIRST AND SECOND VIOLATIONS OF THIS ORDINANCE WITHIN TWO YEARS ARE INFRACTIONS PUNISHABLE BY FINES OF ONE HUNDRED AND THREE HUNDRED DOLLARS RESPECTIVELY, AND PROVIDING THAT A THIRD VIOLATION WITHIN TWO YEARS IS A MISDEMEANOR PUNISHABLE BY A FINE OF UP TO ONE THOUSAND DOLLARS OR BY IMPRISONMENT OF UP TO SIX MONTHS, OR BOTH; PROVIDING THAT REMAINING SECTIONS OF POST FALLS CITY CODE SHALL REMAIN IN EFFECT; PROVIDING FOR SEVERABILITY; PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW

WHEREAS, the Mayor and City Council find that it's in the best interest of the citizens of Post Falls to ensure, to the extent possible, that sidewalks are clear of snow during winter months.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Post Falls as follows:

SECTION 1. That Post Falls Municipal Code Chapter 10.48 is hereby repealed and a new Chapter 10.48 is adopted as follows:

CHAPTER 10.48 SNOW AND DEBRIS ON STREETS AND SIDEWALKS

10.48.010: REMOVAL OF SNOW AND ICE FROM SIDEWALKS:

Every owner or lessee of real property abutting a sidewalk must remove any snow, slush, or ice that accumulates on the sidewalk or pedestrian path, including curb ramps, abutting their property within forty-eight (48) hours following any storm causing the accumulation of snow, slush, or ice or within twenty-four (24) hours after receiving an official warning from the City requiring that the snow, slush, or ice be removed.

10.48.020: PLACING SNOW ON PUBLIC PROPERTY:

No owner or lessee of real property, or operator of snow removal equipment on private property, may remove snow, slush, or ice from private property and place it in any manner on public property or streets or around fire hydrants.

10.48.030: PLACING DIRT OR DEBRIS ON PUBLIC PROPERTY:

No person may place sand, salt, gravel, deicer, or similar materials on public streets without obtaining the written permission of the City's Public Works Director.

10.48.040: ENFORCEMENT AND VIOLATIONS:

An initial violation of this chapter is an infraction punishable by a fine of one hundred dollars (\$100.00). A second violation within a two (2) year period is an infraction punishable by a fine of three hundred dollars (\$300.00). All additional violations within a two (2) year period are misdemeanors punishable as provided in Section 1.24.010.

SECTION 3. All provisions of the current Post Falls Municipal Code or ordinances of the City of Post Falls and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. Neither the adoption of this ordinance nor the repeal of any ordinance shall, in any manner, affect the prosecution for violation of such ordinance committed prior to the effective date of this ordinance or be construed as a waiver of any license or penalty due under any such ordinance or in any manner affect the validity of any action heretofore taken by the City of Post Falls City Council or the validity of any such action to be taken upon matters pending before the City Council on the effective date of this ordinance.

SECTION 5. The provisions of this ordinance are severable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, or unconstitutional or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this ordinance or their application to other persons or circumstances.

It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause sentence, subsection, word, or part had not been included therein, and if such person or circumstance to which the ordinance or part thereof is held inapplicable had been specifically exempt therefrom.

SECTION 6. After its passage and adoption, a summary of this Ordinance, under the provisions of the Idaho Code, shall be published once in the official newspaper of the City of Post Falls, and upon such publication shall be in full force and effect.

Passed under suspension of rules upon which a roll call vote was duly taken and duly enacted an Ordinance of the City of Post Falls at a regular session of the City Council on November ____ 2023.

APPROVED, ADOPTED and SIGNED this day of November, 2023.

Ronald G. Jacobson, Mayor

ATTEST:

Shannon Howard, City Clerk

SUMMARY OF POST FALLS ORDINANCE NO. 1498

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The City of Post Falls, Kootenai County Idaho hereby gives notice of the adoption of Post Falls Ordinance No. 1498, which provides for snow removal from sidewalks and streets; providing repeal of conflicting ordinances and providing severability. The ordinance is effective upon publication of this summary. The full text of Ordinance No. 1498 is available at Post Falls City Hall, 408 Spokane Street, Post Falls, ID 83854 in the office of the City Clerk. Dated this ____ day of November, 2023.

/s/

Shannon Howard, City Clerk

STATEMENT OF LEGAL ADVISOR

I, Field Herrington, the legal advisor for the City of Post Falls, I have examined the attached summary of Ordinance No. 1498, which provides for snow removal from sidewalks and streets, and find it to be a true and complete summary of said ordinance and provides adequate notice of the contents to the public.

Dated this ____ day of November, 2023.

Field Herrington, City Attorney