

ORDINANCE NO. 2185

AN ORDINANCE AMENDING CERTAIN SECTIONS OF TITLE 12 OF THE BROOMFIELD MUNICIPAL CODE RELATING TO SIDEWALKS AND SNOW REMOVAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY AND COUNTY OF BROOMFIELD, COLORADO:

Section 1. Chapter 12-04 of the Broomfield Municipal Code is amended to read as follows:

12-04-010 - Definitions

(A) ***Snow drift*** is defined as a mound, bank, or collection of snow.

(B) ***Public Sidewalk*** is defined as that portion of a public roadway between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

12-04-~~02010~~ - Sidewalks; required; specifications.

Every owner of real property within the city shall repair, reconstruct, and maintain all curb, gutter and sidewalks on, abutting or adjacent to the property that create or constitute a hazard or unsafe condition to the public. ~~Every owner of real property within the city shall install and maintain in good repair a sidewalk, curb, and gutter in front of or upon his or her property in accordance with the city's standards and specifications.~~

12-04-~~03020~~ - Sidewalks; clearing of snow and ice.

(A) ~~The owner, manager, and occupant of each premises shall keep the sidewalk, curbs, and streets on or abutting said premises clean and free of snow and ice. The owner, manager, and occupant are jointly and severally liable for such responsibility.~~

The owner, occupant, or manager of any one- or two-family dwelling unit shall remove or cause to be removed from the public sidewalk snow, sleet, hail or ice within 24 hours of the end of any snowfall or after being covered or partially covered by snow, sleet, hail or ice. The owner, manager, and occupant are jointly and severally liable for such responsibility.

(B) ~~Snow shall be removed as promptly as reasonably possible, and no later than 12:00 noon of the day following the snowfall.~~

The owner or manager of any premises other than a one- or two-family dwelling unit shall remove or cause to be removed from all sidewalks and designated walking areas that are accessible and/or used by the general public or any occupant, visitor or employee of the premises, snow, sleet, hail or ice within 24

hours of the end of any snowfall or after being covered or partially covered by snow, sleet, hail or ice. For purposes of enforcement of this section 12-04-040(B), “designated walking areas” include walkways wherever they may be located on the property, including any exterior stairs. The owner and manager and occupant are jointly and severally liable for such responsibility.

(C) ~~The owner, manager, and occupant shall be civilly liable for injuries or damages incurred on public sidewalks as a result of a failure by any such person to comply with this section. After removing snow, sleet, hail or ice as required above in sections (A) or (B), each responsible person as defined in paragraphs (A) or (B), shall keep the sidewalk clear as is required by this section and defined in (D).~~

(D) Each responsible person as defined in (A) and (B) shall remove or cause the removal of snow, sleet, hail or ice to expose the sidewalk for the entire width of the sidewalk or the width of 36 inches, whichever is less.

(E) No person shall deposit, or cause to be deposited, any snow, sleet, hail or ice against any fire hydrant, official traffic control device or other utility appurtenances.

(F) No person, other than an employee or agent of the city acting in the course or scope of their employment, shall deposit, or cause to be deposited, any snow, sleet, hail or ice causing a snow drift onto any public right of way or property, or private property that is not owned by, occupied by or otherwise under the legal control of the person without the express consent of the owner or occupant of the property. It is not a violation of subsection (F) if:

- (1) the snow, sleet, hail or ice was shoveled or swept directly from a sidewalk onto the adjacent curb located in a public right of way in front of a residence in a residential zone so long as it does not block or cover any storm drain inlet or impair the use of the public right of way by vehicular traffic, or
- (2) the snow, sleet, hail or ice was swept from a legally parked vehicle onto a public right of way so long as the deposited snow, sleet, hail or ice does not impair the use of the public right of way by vehicular traffic.

(G) The owner, manager, and occupant shall be civilly liable for injuries or damages incurred on public sidewalks as a result of a failure by any such person to comply with this section.

(H) Violation penalty. Any person who violates the provision in this section shall be punished by a fine of no more than \$250.00 for the first violation, no more than

\$500.00 fine for a second violation and no more than a \$750.00 fine for any subsequent violation. Each day a violation occurs will constitute a separate violation.

- (I) The city may abate any violation of 12-04-030 following a notice of violation issued to the resident, owner, occupant, manager, or agent thereof. Service of the notice may be by electronic mail properly addressed to the resident, owner, occupant, manager or agent thereof, or by first class mail properly addressed to the dwelling or building located on the lot or tract of land in violation of this ordinance; by a conspicuous posting of the written notice of violation upon the dwelling or building located on the lot or tract of land in violation of this ordinance; or by personal service upon a natural person over the age of eighteen years who occupies a dwelling or building on a lot or tract of land in violation of this ordinance.**
- (J) The notice will state that the snow, sleet, hail or ice must be removed within twenty-four (24) hours from the date of the notice and, if not removed by the owner or occupant within the set time frame, the city may remove the snow, sleet, hail or ice and assess the whole cost thereof, including \$75.00 for administrative costs.**
- (K) The assessment is a lien against each lot or tract of land until paid and has a priority over all other liens, except general taxes and prior special assessments. The lien may be foreclosed upon by the city at any time in the same manner as provided by the laws of the state for the foreclosure of mechanic's liens. The lien foreclosure is subject to all rights or redemption granted by article 39 of title 38, C.R.S.**

Section 2. Chapter 12-32 of the Broomfield Municipal Code is amended to read as follows:

Section 12-32-010 - Penalty for violation is hereby amended to read as follows:

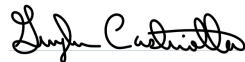
Except where a different penalty is specifically prescribed by an ordinance of the city,
~~Any~~**any** person violating any of the provisions of this title shall be deemed guilty of a misdemeanor, and such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued, or permitted, and, upon conviction of any such violation, such person shall be punishable as provided in chapter 1-12, B.M.C.

Section 3. This ordinance shall be effective seven days after publication following final passage.

INTRODUCED AND APPROVED after first reading on January 10, 2023, and ordered published in full.

INTRODUCED A SECOND TIME and approved on January 24, 2023, and further ordered published.

THE CITY AND COUNTY OF BROOMFIELD,
COLORADO



Mayor

ATTEST:



Office of the City and County Clerk



APPROVED AS TO FORM:



City and County Attorney

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