

**CITY OF CENTENNIAL,
COLORADO**

ORDINANCE NO. 2017-O-15

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTENNIAL, COLORADO ADDING A NEW ARTICLE 9 TO
CHAPTER 11 CONCERNING THE REMOVAL OF SNOW FROM
SIDEWALKS ON OR ADJACENT TO COMMERCIAL PROPERTY
ADJACENT TO OR ABUTTING DESIGNATED ARTERIAL
ROADWAYS OF THE CITY AND PROVIDING A PENALTY FOR
VIOLATIONS OF THOSE PROVISIONS, AND REPEALING AND
REPLACING SECTION 7-1-60(e).**

WHEREAS, the City of Centennial (the “City”) is a Colorado home rule municipality organized pursuant to Article 20 of the Colorado Constitution;

WHEREAS, pursuant to its home rule authority and Section 31-15-702(1)(a)(I), C.R.S., the City is authorized to regulate the use and maintenance of sidewalks within the City for the purposes of promoting the public health, safety, convenience and general welfare of the community; and

WHEREAS, the City of Centennial removes snow from streets and sidewalks in accordance with the November 2016 Snow and Ice Control Plan (the “Plan”); and

WHEREAS, in accordance with the Plan, the City attempts to remove snow from approximately sixty-four (64) miles of sidewalks along arterial streets adjacent to residential neighborhoods following snow events that result in at least four inches (4”) of accumulation; and

WHEREAS, the Plan does not provide for the City to remove snow from all sidewalks or from sidewalks that run on or adjacent to commercial property that is located on the City’s arterial streets; and

WHEREAS, snow events that result in at least four inches of accumulation on sidewalks inhibit pedestrian traffic when that snow is not removed; and

WHEREAS, the City Council desires to amend Chapter 11 of the Code to add a new Article 9 that makes it unlawful for the owner, tenant or occupant of commercial property along arterials streets to allow or permit snow and ice to accumulate on sidewalks on, abutting or adjacent to certain designated arterial streets if there is at least four inches (4”) of snow or ice accumulation.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CENTENNIAL,
COLORADO, ORDAINS:**

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the City Council.

Section 2. Chapter 11 of the Centennial Municipal Code is hereby amended by the addition of a new Article 8 entitled Snow Removal to read as follows:

Article 9

Snow Removal

Sec. 11-9-10. Purpose.

The purpose of this Article is to protect the health, safety and welfare of the citizens, residents and visitors in the City.

Sec. 11-9-20 Definitions. For the purpose of this Article, the following terms shall apply:

(a) *Arterial Street* shall mean the following streets within the City of Centennial:

1. North/South Streets.
 - a. South Broadway Street.
 - b. South University Boulevard.
 - c. South Colorado Boulevard between East Arapahoe Road and East County Line Road.
 - d. South Holly Street.
 - e. South Quebec Street.
 - f. South Yosemite Street.
 - g. South Havana Street between East Arapahoe Road and East Dry Creek Road.
 - h. South Lima Street between East Arapahoe Road and East Easter Avenue.
 - i. South Peoria Street south of East Arapahoe Road.
 - j. South Potomac Street south of East Arapahoe Road.
 - k. South Jordan Road south of East Arapahoe Road.
 - l. South Parker Road.
 - m. South Buckley Road between East Smoky Hill Road and East Orchard Road.
 - n. South Tower Road between East Smoky Hill Road and East Orchard Road.
 - o. South Reservoir Road.
 - p. South Himalaya Street between South Reservoir Road and East Orchard Road.
 - q. South Liverpool Street between East Smoky Hill and East Arapahoe Road.
2. East / West Streets
 - a. East Orchard Road between South Broadway Street and S. University Boulevard.
 - b. East Orchard Road between South Parker Road and S. Tower Road.
 - c. East Arapahoe Road.
 - d. East Easter Avenue between South Havana Street and South Lima Street.

- e. East Dry Creek Road between East Mineral Avenue and South Havana Street.
 - f. East Broncos Parkway between South Joplin Court and South Parker Road.
 - g. East Smoky Hill Road.
- (b) *Commercial Property* shall mean property within the City that is abutting or adjacent to an Arterial Street and within a General Commercial, Activity Center, Urban Center, Planned Unit Development, Business Park, or Industrial zoning district as such districts are defined in Chapter 12 of this Code unless the main use located on such property is a Residential Use.
- (c) *Residential Use* shall mean only those uses identified as “Residential Uses” in Section 12-3-302 of this Code.
- (d) *Responsible Party* shall mean the owner, occupant or tenant of a parcel of land within the City of Centennial.
- (e) *Sidewalk* shall mean a paved public path designed and intended for use by pedestrians.

Sec. 11-9-30. Removal of snow and ice from sidewalks.

The Responsible Party of a Commercial Property shall remove snow and ice from a Sidewalk that is located on, adjacent to, or adjoining such Commercial Property, within twenty-four (24) hours after each snowfall and where the accumulation of snow on such Sidewalk is 4 inches or more.

Sec. 11-9-40. City Sidewalk Snow Removal Map.

The City shall keep and maintain a map on the City’s website that illustrates the location of the Commercial Property subject to the provisions of this Article. The map produced by the City shall not be conclusive as to such locations. In the event of a conflict between the map and the provisions in this Article, the provisions of this Article shall govern and control.

Sec. 11-9-50. Violation; penalty.

- (a) The failure to remove snow from sidewalks as required by this Article shall be a violation of this Code and is hereby deemed a nuisance in accordance with the provisions in Chapter 7, Article 1.
- (b) Notwithstanding any provision in this Code to the contrary, a violation of this Article shall be treated as a minor offense as defined in Section 2-3-20 of this Code.
- (c) The minimum penalties for violations of this Article shall be as follows:
 - (1) First offense: \$50
 - (2) Second offense to occur within any consecutive twelve month period following the first offense: \$250
 - (3) Third or more offenses to occur within any consecutive twelve month period following the first offense: \$500

Section 3. Section 7-1-60(e) of the Centennial Municipal Code is hereby repealed and replaced to read as follows:

(e) Notwithstanding any other provisions of this Code to the contrary, Code Enforcement Officials shall have the power and duty of peace officers to enforce all provisions of Articles 1 through 6 of this Chapter 7, Chapter 12, Article 9 of Chapter 11 and any Code provision pertaining to nuisances. In the furtherance of such duties, Code Enforcement Officials may issue, sign, and serve penalty assessments or summons and complaints into the Municipal Court of the City of Centennial.

Section 4. 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 5. Effective Date. Except as otherwise expressly provided herein, the provisions of this Ordinance shall become effective January 1, 2018.

INTRODUCED, READ, AND ORDERED PUBLISHED BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD ON THE 6TH DAY OF NOVEMBER, 2017.

CITY OF CENTENNIAL

By: Cathy A. Noon
Cathy A. Noon, Mayor

Approved as to Form:

[Signature]
For City Attorney's Office

I hereby certify that the above Ordinance was introduced to the City Council of the City of Centennial at its meeting of Nov. 6, 2017 and ordered published one time by title only in

The Villager newspaper on Nov. 9, 2017, and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

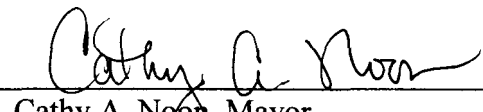
By:


City Clerk or Deputy City Clerk

FINALLY ADOPTED, PASSED, APPROVED WITH AMENDMENTS, IF ANY, AND ORDERED PUBLISHED BY TITLE ONLY, IN *THE VILLAGER* NEWSPAPER AND IN FULL ON THE CITY WEB SITE IN ACCORDANCE WITH SECTION 2-1-110 OF THE MUNICIPAL CODE BY THE CITY COUNCIL OF THE CITY OF CENTENNIAL, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS MEETING HELD ON THE 13th DAY OF November, 2017, BY A VOTE OF 9 IN FAVOR AND 0 AGAINST.

CITY OF CENTENNIAL

By:


Cathy A. Noon, Mayor

I hereby certify that the above Ordinance was finally adopted by the City Council of the City of Centennial at its meeting of Nov. 13, 2017, and ordered published by title only, one time by *The Villager* newspaper on Nov. 16, 2017 and in full on the City web site in accordance with Section 2-1-110 of the Municipal Code.

SEAL

ATTEST:

By:


City Clerk or Deputy City Clerk