

ORDINANCE NO. 2014-_____

AN ORDINANCE TO AMEND CHAPTER 183 OF THE MILTON TOWN CODE REGARDING SIDEWALKS.

WHEREAS, Section 29(a)(7) of the Town Charter of the Town of Milton vests power in the Town Council to define, prevent, abate or remove nuisances, obstructions or any other condition detrimental to the public safety, health, welfare; or the health and capacity of ecosystems that support the natural areas of the town; and

WHEREAS, Section 29(a)(3) of the Town Charter of the Town of Milton vests power in the Town Council to “ascertain, locate, layout, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent, or remove any obstruction of, level, grade, flag, dress, pave, gravel, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley, water course, park, lake, crosswalk, wharf, dock, sewer, drain, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb, or gutter or portion thereof in the Town”; and

WHEREAS, Section 29(a)(23) of the Town Charter of the Town of Milton vests power in the Town Council to “enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners”; and

WHEREAS, Section 29(a)(23) of the Town Charter of the Town of Milton vests power in the Town Council to provide for the punishment of a violation of any Ordinance of the Town by fine or imprisonment, or both, not exceeding One Thousand Dollars (\$1,000.00) or sixty (60) days, or both; and

WHEREAS, the Town Council of the Town of Milton has previously enacted an ordinance regarding streets and sidewalks, which is codified in Chapter 183 of the Town Code;

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Town Council of the Town of Milton:

Section 1. Amend § 183-54 of the Milton Town Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-54. Responsibility for removal of snow; violations and penalties.

It shall be unlawful for the owner or occupant of any premises in the Town of Milton, in front or by the side of which shall be a sidewalk ~~or pavement~~, to permit or allow any snowfall exceeding 2 inches to remain thereon for a longer period ~~then~~ than 24 hours after it shall have ceased snowing, and every person who shall permit or suffer the same to remain on said sidewalk ~~or pavement~~ in violation of this article and he, she, or they, so offending, shall forfeit and pay a fine of \$50 for such offense to be collected as fines of like amounts are collected, ~~and it shall be the duty of the Street Committee to have the said snow removed immediately,~~ and Each additional 24-hour period in which a person permits or suffers the same to remain

on the sidewalk or pavement shall be a separate violation, punishable by a fee of \$25 to \$50. If the Town removes the same, in addition to the aforementioned fine, the cost or value of removing the same shall be recovered from the persons jointly and severally responsible for the same.

Section 2. Amend Chapter 183 of the Milton Town Code by inserting a new § 183-56 by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 183-56. Enforcement.

The Code Enforcement Officer shall enforce the provisions of this Article as well as anyone who is appointed by the Town Council to enforce the provisions thereof.

SYNOPSIS

This Ordinance amends the Town Code's chapter regarding sidewalk snow removal and the punishments for failure to comply. Additionally, this Ordinance expressly provides that the Code Enforcement Officer is authorized and required to enforce this Article of Chapter 183.

I, MARION JONES, Mayor of the Town of Milton, hereby certify that the foregoing is a true and correct copy of the Ordinance adopted by the Town Council of the Town of Milton at its meeting held on the ____ day of _____, **2014**, following a duly noticed meeting, at which a quorum was present and voting throughout and that the same is still in full force and effect.

MAYOR