

ORDINANCE NO. 2009 - 20

AN ORDINANCE OF THE CITY OF MOSCOW, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF MOSCOW CITY CODE TITLE 5, CHAPTER 7, SECTION 2, AND TITLE 10, CHAPTER 1 BY THE ADDITION OF SECTIONS 23 AND 24 PROVIDING THAT SNOW DOES NOT NEED TO BE REMOVED FROM SIDEWALKS WHERE IT HAS BEEN DISPLACED ONTO THEM BY CITY SNOWPLOWS EXCEPT IN FRONT OF FIRE HYDRANTS; PROHIBITING UNAUTHORIZED PLACEMENT OF MATERIAL IN PUBLIC THOROUGHFARES; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE BE DEEMED SEVERABLE; AND PROVIDING FOR THIS ORDINANCE TO BE IN FULL FORCE AND EFFECT FROM THE DATE OF ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Council does not wish to require removal of snow displaced on City sidewalks by City snowplows after the owner has removed the natural snowfall; and

WHEREAS, the Council has determined that placement of snow, ice, leaves, and other organic and/or inorganic materials in City thoroughfares without the permission, or at the instruction of, the City is inappropriate; and

WHEREAS, the Council wishes to ensure that, for the safety of all citizens, an owner or other person responsible for any land, building, or lot within the City which is adjacent to a fire hydrant, must not allow an obstruction (including any snow and/or ice displaced by City snowplows) to interfere with or to block maintenance, repair or emergency service access to a fire hydrant in the City; and

WHEREAS, the purpose of this Ordinance is to make changes to the City Code consistent with direction of the Council given to staff on September 8, 2009;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOSCOW, IDAHO, AS FOLLOWS:

**SECTION 1:** That Moscow City Code Title 5, Chapter 7, Section 2 be amended as follows:

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**Sec. 7-2. Sidewalk Policies.**

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The following shall constitute the general sidewalk policies of the City:

- A. It shall be the responsibility of the adjacent property owner to maintain in good repair and safe condition and to keep clear of all snow, ice and debris, the sidewalks which are adjacent to the owner's property including the portion of the sidewalk which runs to the middle of any adjacent public alley. This duty applies to natural snowfall; it does not extend to snow displaced onto sidewalks by City snowplows after the adjacent property owner has removed natural snowfall.

B. As part of future development and major repair and improvement, it shall be the policy of the City to require sidewalks as shown on Standard Construction Specifications and Drawings of the City as adopted and as amended from time to time by resolution of the Council.

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**SECTION 2:** That Moscow City Code Title 10, Chapter 1, be amended by the addition of Section 23, as follows:

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**Sec. 1-23. Placement of Materials in Thoroughfares Prohibited.**

It shall be unlawful for any person to deposit or place in or upon any public thoroughfare any snow, ice, leaves, shrubs, branches, grass or other organic or inorganic substances or materials, without first obtaining the specific permission or instruction of the City.

**SECTION 3:** That Moscow City Code Title 10, Chapter 1, be amended by the addition of Section 24, as follows:

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**Sec. 1-24. Fire Hydrant Obstruction.**

It shall be unlawful for any owner or other person responsible for any land, building, or lot within the City upon which there is a fire hydrant or which is adjacent to a fire hydrant to allow any obstruction (including snow and/or ice displaced by City snowplows) to interfere with or to block maintenance, repair or emergency service access to a fire hydrant.

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**SECTION 4: SEVERABILITY.** Provisions of this Ordinance shall be deemed severable and the invalidity of any provision of this Ordinance shall not affect the validity of remaining provisions. The remaining sections of Titles 5 and 10 shall be in full force and effect.

**SECTION 5: EFFECT ON OTHER ORDINANCES.** Where the definitions contained in this Ordinance are in conflict with relevant portions of the City of Moscow, Idaho, Municipal Code, the definitions contained within those portions of the Moscow Municipal Code will be unaffected until such time, if any, as they are amended to be consistent with this Ordinance.

**SECTION 6: EFFECTIVE DATE.** This Ordinance shall be effective upon its passage, approval, and publication according to law.

PASSED by the City Council and APPROVED by the Mayor this 5<sup>th</sup> day of October, 2009.

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Nancy Chaney, Mayor

ATTEST:

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Stephanie Kalasz, City Clerk