

080684



MEMORANDUM

TO: Transportation & Safety Committee

THROUGH: Carl S. Goldsmith, Director of Public Works *CS*

FROM: David P. Gorman, PE, Asst. Director of Public Works *DPG*

SUBJECT: Proposed Ordinance to Prohibit Depositing Ice or Snow on Public Streets, Alleys or Sidewalks

DATE: October 27, 2008

During last winter, there were a few occurrences of residents and businesses plowing snow from their private properties and then leaving it on the street or sidewalk. The attached proposed ordinance would directly address this hazard.

Background:

Snow is removed from some commercial and residential driveways by plowing with a pickup truck toward the street. This creates a serious hazard when the snow is left on a street, alley or sidewalk. Police officers have advised that the existing Code is a bit too vague to enforce this problem because of the term "fallen snow". Section 94.05(I) of the Village Code defines as a nuisance "to cause or permit any tangible item, except for naturally fallen snow, to encroach, obstruct, be placed upon, or placed less than seven (7) feet directly above any sidewalk, easement, or right-of-way intended, dedicated, or used for access by the public, without obtaining prior written authorization from the Village Manager or his/her designee."

The Village Attorney advises that it would be best to pass a new ordinance to directly address the issue so that there is no room for misinterpretation. The proposed ordinance would amend the Nuisance Code to add a new Section 97.012 stating that "it shall be unlawful for any person, firm or corporation, in person or by his/her/its agent, employee or servant, to cast, throw, deposit, sweep, push or shovel snow or ice upon any public street, alley or sidewalk."

Recommendation:

Staff recommends that the Committee endorse the proposed Ordinance.

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 attachment: proposed ordinance
 cc: David A. Hulseberg, Village Manager

ORDINANCE NO. _____

**AN ORDINANCE AMENDING TITLE 9, CHAPTER 97 OF
THE LOMBARD VILLAGE CODE IN REGARD TO DEPOSITING
ICE OR SNOW ON THE PUBLIC STREETS, ALLEYS OR SIDEWALKS**

BE IT ORDAINED by the President and Board of Trustees of the Village of Lombard, DuPage County, Illinois, as follows:

SECTION 1: That Title 9, Chapter 97 of the Lombard Village Code is amended by adding new Section 97.012 thereto, which shall read in its entirety as follows:

“§ 97.012 DEPOSITING ICE OR SNOW ON PUBLIC STREETS, ALLEYS OR SIDEWALKS PROHIBITED.

It shall be unlawful for any person, firm or corporation, in person or by his/her/its agent, employee or servant, to cast, throw, deposit, sweep, push or shovel snow or ice upon any public street, alley or sidewalk.”

SECTION 2: That this Ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as provided by law.

Passed on first reading this _____ day of _____, 2008.

First reading waived by action of the Board of Trustees this _____ day of _____, 2008.

Passed on second reading this _____ day of _____, 2008,
pursuant to a roll call vote as follows:

AYES: _____

NAYS _____

ABSENT: _____

APPROVED by me this _____ day of _____, 2008.

William J. Mueller
Village President

ATTEST:

Brigitte O'Brien
Village Clerk

Published by me in pamphlet form this ____ day of _____, 2008.

Brigitte O'Brien
Village Clerk