
From: Bobbi Wells [mailto:barb@mtaonline.net]
Sent: Saturday, July 07, 2007 1:17 AM
To: Linda Kovac
Subject: Alley maint. & snow removal by Code

You are right..it doesn't say driveway or mailbox.
Bobbi

(NOTE: it didn't say easement. Is an alley a private road?)

AMC24.80.080 Alley maintenance.

No person having the care, either as owner or occupant, of any premises bordered by an alley shall fail to maintain such alley as far as the centerline thereof in a clean and sanitary condition. Failure to maintain the alley as provided in this section shall make the owner or occupant, or both, subject to the provisions of [Chapter 24.95](#).

(CAC 10.48.190)

AMC24.80.090 Removal of snow and ice from sidewalks and accessible parking spaces--Duties of occupants of real property.

A. An occupant of land upon which is located an accessible parking space or which is adjacent to a public sidewalk shall be responsible for the removal of any accumulation of snow and the removal or treatment of any ice that may accumulate, form or be deposited thereon.

B. Between the hours of 8:00 a.m. and 6:00 p.m., it shall be unlawful for any occupant of land subject to the requirements of this section to fail to remove any accumulation of snow or to fail to remove or treat any accumulation of ice from all accessible parking spaces or adjacent public sidewalks.

C. For purposes of this section, any accumulation of snow of two inches or more, or any accumulation of ice of one inch or more, or any combination thereof to a depth of two inches or more, or any accumulation of untreated ice at any point on a public sidewalk or accessible parking space, shall create a rebuttable presumption that the occupant has violated this section.

D. No person shall place, leave or deposit upon any street, avenue, alley, sidewalk or other public place any accumulation of snow or ice which has been removed from a private driveway or parking area.

E. This section may be enforced by any officer or employee of the municipality who has been appointed as a peace officer pursuant to [Section 1.45.030](#) or by any police officer.

F. Notwithstanding the prohibitions stated in [Section 24.80.070](#), it shall be lawful to deposit snow at the edge of a street only if:

1. Such snow has been removed solely from a public sidewalk adjacent to that street;
2. The street into which the snow was deposited is located within the central business traffic district, as defined in [Section 9.04.010](#); and
3. The snow is deposited in that street before the most recent snowfall which fell directly into that street has been removed therefrom. The accumulation of ice, snow or a combination thereof in a street of four or more inches creates a

rebuttable presumption that the most recent snowfall on such street has not yet been removed.

(CAC 10.48.200; AO No. 80-185; AO No. 87-138(S); AO No. 2001-4, § 1, 2-6-01)

AMC24.80.100 Removal of snow and ice from sidewalks and accessible parking spaces--Definitions.

The following words, terms and phrases, when used in Sections [24.80.090](#) through [24.80.110](#), shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessible parking space means a space required by this Code to provide parking for persons with disabilities.

Occupant means the person presently entitled to possession or control of land adjacent to a public sidewalk, including but not limited to an owner, tenant, lessee, sublessee or subtenant. For purposes of this subsection, the owner of real property shall be presumed to be the owner of record as shown on the municipal assessor's records. A person entitled to possession or control of land shall be deemed an occupant for purposes of this subsection regardless of whether any business or residence of such person is physically located on the land.

Person includes but is not limited to a natural person, corporation, partnership, association or governmental agency.

Public sidewalk means any improved walkway intended for use by the public on or adjacent to a parcel of real property located in an R-O, B-1, B-2A, B-2B, B-2C, B-3, B-4, I-1, I-2, I-3 or PLI zoning district.

Remove means the elimination by any means of all or substantially all snow or ice from all surfaces of a public sidewalk. Any accumulation of two inches of snow, or one inch of ice, or any combination thereof to a depth of two inches or more, remaining at any point on a public sidewalk shall create a rebuttable presumption that the snow or ice has not been removed for purposes of [Section 24.80.090](#).

Treat means the placement of salt, sand, sawdust, cinders or similar material designed to reduce or eliminate hazards to pedestrian traffic from accumulations of ice on public sidewalks. Treatment of ice shall be deemed accomplished only if such treatment is sufficient to allow a reasonably prudent pedestrian to walk safely over the ice. Any accumulation of untreated ice on a public sidewalk shall create a rebuttable presumption that the ice has not been treated for purposes of [Section 24.80.090](#).

(AO No. 80-185; AO No. 2001-4, § 1, 2-6-01)

Cross references: Definitions and rules of construction generally, [§ 1.05.020](#).

AMC24.80.110 Removal of snow and ice from sidewalks and accessible parking spaces--Penalties.

A. Any person who violates the provisions of [Section 24.80.090](#) or otherwise fails to comply with the duties set forth therein shall be subject to a fine of not less than \$50.00 and not more than \$300.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

B. In addition to any other remedy or penalty provided by this section, any person who violates any provision of [Section 24.80.090](#) shall be subject to a civil penalty as set forth in [Section 14.60.030](#), or, if no penalty is provided [Section 14.60.030](#), a civil penalty of

not less than \$50.00 and not more than \$1,000.00 for each offense, or injunctive relief to restrain the person from continuing the violation or threat of violation, or both injunctive relief and a civil penalty. Upon application for injunctive relief and a finding that a person is violating or threatening to violate any provision of [Section 24.80.090](#), the superior court shall grant injunctive relief to restrain the violation.

(AO No. 80-185; AO No. 82-22; AO No. 93-167(S-1), § 20, 4-13-94; AO No. 2001-4, § 1, 2-6-01)

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