

ORDINANCE NO. LEG_NUM_TAG

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR RAPIDS, IOWA,
as follows:

SECTION 1. Section 9.11 of the Municipal Code of the City of Cedar Rapids, Iowa, entitled “Clearing Snow from Sidewalk” is hereby repealed and the following new section 9.11 is hereby enacted and adopted in lieu thereof:

9.11 – Clearing Snow and Ice from Sidewalks.

- (a) The following terms shall have these meanings when used in this section:
1. “Owner” means the record holder of legal title or the contract purchaser of record according to the City of Cedar Rapids Assessor. The abutting property owner means the owner of the property abutting or adjacent to that portion of the public sidewalk.
 2. “Public Sidewalk” means the portion of the municipal street between the curb lines or lateral lines of a roadway and the adjacent property lines that is improved for and designed for pedestrian travel. For purposes of this section the term “Public Sidewalk” shall also mean the portion of sidewalk at its entrance and exit that allows a gradual transition from the sidewalk elevation to the street elevation, commonly referred to as the pedestrian curb ramp.
- (b) The abutting property owner shall remove snow and ice from the public sidewalk within a reasonable time, but in no case later than 24 hours, after snow has fallen or ice has formed.
- (c) When snow or ice has accumulated on a public sidewalk that cannot reasonably be removed, the abutting property owner shall spread materials on the public sidewalks to provide traction and make them safer for pedestrians to travel.
- (d) The failure of the abutting property owner to remove snow or ice from the public sidewalk shall not make the City liable to any person for damages arising out of or caused by the failure of the abutting property owner to remove or make safe said snow or ice.
- (e) If the abutting property owner fails to comply with this section, the City may at once proceed with whatever actions are required to remove or mitigate snow or ice from the public sidewalk. The City may then assess the cost and expense thereof against the abutting property owner.
- (f) All fees for the removal of snow and ice from public sidewalks performed by the City shall be established by resolution of the City Council. All such fees shall be paid in accordance with the terms of such resolution, or as the same be amended from time to time by the City Council.
- (g) A notice of assessment of fees for the cost and expense of snow and ice removal by the City shall be in writing and shall be served on the abutting property owner in one of the following manners: delivery in person, by regular mail to the mailing address for by the property owner on file with the City Assessor, or by placement or posting of the notice in a conspicuous place on the subject property where a violation has occurred. A courtesy copy of the notice of assessment shall also be sent by regular mail to the occupant(s) of

the subject property. The notice of assessment shall include the location of the violation, the nature of the violation, the total fees assessed for the violation, how to pay the fees assessed, and how to appeal the assessment. The assessment may be appealed by the owner or occupant pursuant to section 9.11.q.

- (h) Snow and ice removed from public sidewalks, private driveways, parking lots and other private property may be placed on City right-of-way only if such placement does not create a hazardous situation, block a sidewalk or right-of-way, or create any situation that could cause damage to the public property. Except as may be permitted by the Cedar Rapids Director of Public Works, only the abutting property owner may place snow and ice on such public property. The area bounded by First Avenue West and Third Avenue Southwest and 6th Street Southwest and First Street Southwest, and the area bounded by A Avenue Northeast and 8th Avenue Southeast, and First Street and Tenth Street, Northeast and Southeast are excluded and exempted from the requirements and restrictions of this subsection.
- (i) No snow or ice removed from public sidewalks, private driveways, parking lots and other private property may be placed upon the traveled portion of any public sidewalk, fire hydrant, traffic signal, street, alley, or way.
- (j) Owners of residential properties abutting a public sidewalk shall remove the snow from the entire width of the public sidewalk. The owner of property abutting a multi-use public walkway which also serves as a public sidewalk bordering a public street shall be required to remove snow or ice for a minimum width of five (5) feet upon the public sidewalk. The owner of property used for commercial or industrial uses bordering a public street shall be required to remove snow or ice for a width of five (5) feet upon the public sidewalk.
- (k) The City Council may temporarily close a public sidewalk by resolution as a result of construction, development, natural disaster or as may be otherwise directed by the City Council. The owner of property abutting a public sidewalk temporarily closed by City Council resolution shall not be required by this section to remove snow and ice for the duration of the closure. However, the owner may nevertheless still have responsibility for snow and ice removal pursuant to the Iowa Code.
- (l) If a property is found to be in violation of this section, the owner may be subject to a civil citation and fine of \$35.00 each day the property is not in compliance. Pursuing a civil fine via citation does not prohibit the City from also abating a violation and assessing the related fees as outlined above in this section. Each day that a violation occurs or is permitted to exist by the owner constitutes a separate offense.
- (m) Upon a City employee determination that a property is in violation of this section, a civil citation may be issued to the owner. A separate civil citation may be issued for each day the property is in violation of this section. The citation shall include the name of the abutting property owner, address of the property in violation, a description of the violation, the applicable fine, and information as to the manner in which the civil citation may be appealed.
- (n) Upon receipt of a civil citation, the owner must either pay the civil fine within thirty (30) days from the date appearing at the top of a civil citation or appeal the citation within ten (10) days from the date appearing at the top of a civil citation.
- (o) Notwithstanding the City's right to file a municipal infraction, as set forth below, the City may first seek voluntary payment of the fine by sending a written request for payment to the owner or referring the matter to a private service agent to conduct voluntary collection in accordance with applicable law.

- (p) If the recipient of a citation does not either timely pay the fine or successfully appeal the citation as provided herein, the City may file a municipal infraction against the owner in accordance with Cedar Rapids Municipal Code §1.2 and §364.22 of the Iowa Code, seeking judgment for the applicable civil fine provided in this section plus state mandated filing fees and court costs. If judgment is entered for the City in the municipal infraction proceeding the City may pursue enforcement of the judgment together with interest as permitted by law. Collection of that judgment may include referral to the State of Iowa Income Offset program administered by the Department of Administrative Services, State Accounting Enterprise.
- (q) Any person aggrieved by a City decision, act, or citation related to this section shall have the opportunity to request an appeal hearing before a hearing officer appointed by the City. Any person requesting an appeal hearing must submit the request in writing. All such appeals must be hand delivered, electronically delivered, or posted by mail within ten days of the decision, citation, or act of the City. When a timely appeal has been made, the hearing shall be held pursuant to this section; any request for hearing received untimely shall not entitle the requesting party to a hearing. Upon receipt of a timely request for appeal hearing and the appointment of a hearing officer, the hearing officer shall, if practicable, set a hearing to be held within ten business days, from said request and, further shall give no less than seven days notice by regular mail or email to the requesting party of the time, date, and location of said hearing. The hearing may be reset by agreement of the parties, as confirmed in writing, but in no event shall the hearing be held any later than forty-five (45) days after the date of the action, decision, or citation being appealed. The hearing shall be informal in nature, and the parties may be represented by counsel or appear on their own behalf. After reviewing the evidence presented, the hearing officer shall make a written ruling within five days of the hearing affirming or vacating the decision, act, or citation of the City under this section. If affirmed the civil citation must be paid within 30 days of the date of the hearing. If the citation is vacated it shall be as if the citation was never issued and no fines related to that specific citation are due or owing.

SECTION 2. It is the intention of the Council that each section, paragraph, sentence, clause, and provision of the Ordinance is separable, and, if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof than that affected by such decision.

SECTION 3. All ordinances or parts of ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect after enactment after its passage and publication as provided by law.

SECTION 5. The changes as provided in this Ordinance shall be made a part of the replacement pages of the Municipal Code, City of Cedar Rapids, Iowa, and made a part of said Code as provided by law.