

**ORDINANCE NO. 14-2020**

**AN ORDINANCE AMENDING SECTION 16-21 AND ADDING NEW SECTIONS 16-25 THROUGH 16-29 TO THE *CODE OF ORDINANCES OF THE CITY OF ALAMOSA* TO PROHIBIT PLACING OF REMOVED SNOW AND ICE IN PUBLIC RIGHTS OF WAY AND ON PUBLIC PROPERTY**

**WHEREAS**, Sections 16-21 through 16-24 of the Code of Ordinances of the City of Alamosa require the removal of snow and ice from sidewalks within 24 hours; and

**WHEREAS**, the City of Alamosa Department of Public Works has experienced adverse consequences from property owners removing snow and ice from sidewalks and from areas of their private property and depositing that snow and ice in adjoining public rights-of-way, particularly gutters and streets, and other public property, thereby creating difficulties for the City in keeping such streets and other public property clear of snow and ice and otherwise traversable; and

**WHEREAS**, in order to maximize the City's time and resources to remove snow from priority routes, it is in the best interest of the City to minimize extra snow in the rights of way and other public property; and

**WHEREAS**, snow that is heaped at intersections and driveway entrances cause visibility problems, impeding the ability of motorists and to see at entrances and intersections, thereby causing dangerous conditions; and

**WHEREAS**, in order to maximize the City's time and resources to remove snow from priority routes, it is in the best interest of the City to minimize extra snow in the rights of way and other public property; and

**WHEREAS**, Residents are asked to throw/blow snow on grassy areas on their own property where it becomes free water for vegetation;

**NOW THEREFORE BE IT ORDAINED** by the City Council of Alamosa as follows:

**Section 1.** Amendment of Section 16-21 of the *Code of Ordinances of the City of Alamosa*. Section 16-21 of the *Code of Ordinances of the City of Alamosa* is hereby amended to add a new sentence to the end of the section to read as follows: Removal of snow and ice shall comply with the requirements set forth in Section 16-25, below.

**Section 2.** New Sections 16-25 – 16-29. New Sections 16-25 – 16-29 are added to the *Code of Ordinances of the City of Alamosa* to read as follows:

**Sec. 16-25. – No depositing of Snow and Ice in Public Rights-of-Way or Other Public Property.**

a) Except as set forth in subsection (b), below, it shall be unlawful for any person to

deposit snow and/or ice on any public street, curb line, gutter, alley, public right-of-way or other public property, whether from clearing sidewalks, private property (like driveways) or otherwise. Snow materials may be pushed into the property owner's property so long as it does not interfere with regular snow plowing operations of the city's public works department, nor impede sight distance for traveling motorists. The property owner, lessee, tenant, occupant, agent or any person otherwise in possession or control of the private property shall be responsible for the immediate removal and cleaning of any snow, ice or other materials tracked onto or otherwise deposited on any public street, alley, public right-of-way or other public property from the private property.

- b) Because of the lack of building setbacks and lack of availability of private property to receive snow and ice removed from public sidewalks, the prohibition on depositing snow and/or ice in curb lines, gutters, and other public rights of way shall not apply in the Central Business District zone nor to properties abutting State Avenue between Third Street and Eighth Street. Any snow or ice deposited in public rights of way in these areas shall be deposited in such a way as to minimize impeding the flow of traffic and maximize the ability of the City to remove the snow and ice from the public rights of way.

**Sec. 16-26. – Fine schedule.**

- (a) Violations of Section 16-25 of the *Code of Ordinances of the City of Alamosa* shall subject the violator to imposition of the following fines:

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|---|--|
| First Violation                             | \$50.00  |
| Second Violation in two years               | \$100.00   |
| Third Violation in two years                | \$200.00   |
| Fourth or subsequent violation in two years | Such greater fine and/or imprisonment at the discretion of the municipal judge |

**Sec. 16-27. - Notice, abatement.**

- (a) In the event of the failure of the owner, tenant or person in possession of any such real property in the city to remove snow and ice as deposited in public rights-of-way or other public property as provided in section 16-25, in addition to any citation that may issue for violation of section 16-25, the city manager or the city manager's designee shall give written notice of violation upon the property owner whose property is associated with the violation of section 16-25. The notice shall specifically describe the nature of the violation and shall include a statement that if the snow and/or ice is not removed from the property within 24 hours of the date and time of service, if service is by personal delivery, or within three days, if service is by mail and/or posting, the removal may be done by the city, and the whole cost thereof will be assessed against the property.

(b) Service of the notice of violation may be obtained in one (1) or more of the following manners:

(1) By personally delivering a copy of the notice to the property owner, or the owner's agent, if known.

(2) By mailing a copy of the notice by certified mail, postage pre-paid, to the property owner.

(3) By posting the property conspicuously with the notice. In the event the property is posted, a copy of the notice shall also be mailed, by regular mail, postage pre-paid, to the property owner at such owner's last known address as contained in the records of the county assessor's office.

"Property owner" shall be defined, for the purposes of Chapter 16, as the individual listed, as of the date of the notice, in the records of the county assessor's office, as the current owner of the property.

(c) The cost reimbursable to the city under subpart (a) shall be a lien against each lot or tract of land so charged from which the deposited snow and ice were removed, and shall have priority over all other liens, except general taxes and prior special assessments.

**Sec. 16-28. - Notice of assessment for abatement; appeal.**

(a) The city manager or the city manager's designee shall cause a written notice of the assessment for costs of abatement to be mailed by certified mail to the property owner at the owner's last address shown by the county assessor's records. Such notice shall state the amount assessed, the description and street address of the property assessed and that the owner may, within fourteen (14) days from the date of the notice, request in writing a hearing before the city manager of the owner's objections to the assessment.

(b) In the event such a hearing is requested, the city manager shall schedule the same to be held within fourteen (14) days of the request for a hearing. The objector may appeal with counsel, if so desired, and such hearing shall be duly recorded. The city manager shall either modify, affirm, or reverse such assessment after the hearing. Any property owner dissatisfied with the decision of city manager shall have the right to have the decision reviewed pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure, provided that such a review is sought within the time and in the manner provided by law.

**Sec. 16-29. - Failure to pay final assessment; collection.**

In case such final assessment is not paid within thirty (30) days after the same has been assessed, or within thirty (30) days after the final decision by the city manager after the hearing referenced above, whichever occurs later, the city finance director shall certify the amount of the assessment to the county officer having custody of the tax list, for placement of the assessment upon the tax list for the current or next upcoming year, and such officer shall thereafter collect the same in the same manner as other taxes are collected, with an additional ten (10) percent administrative processing fee thereon; and all the laws of the state for the

assessment and collection of the general taxes, including the laws for the sale of property for taxes and redemption thereof, apply to and have full force and effect for the collection of all such assessments. Any amount so collected shall be remitted to the city finance director by the county officer who is collecting.

**Section 3.**     Severability: Should any section, clause, sentence, or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, the same shall not affect, impair or invalidate the ordinance as a whole or any part thereof other than the part so declared to be invalid.

**Section 4.**     General Repealer. All other acts, orders, ordinances, resolutions, or portions thereof in conflict with the sections adopted in this Ordinance, are hereby repealed to the extent of such conflict.

**Section 5.**     Recording and Authentication. This ordinance, immediately upon its passage, shall be authenticated by the signatures of the Mayor and City Clerk, recorded in the City book of Ordinances kept for that purposes, and published according to law.

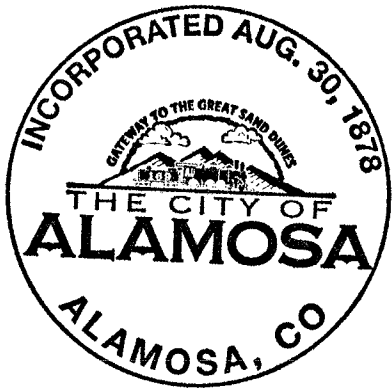
**Section 6.**     Publication and Effective Date. This ordinance shall take effect ten (10) days after publication following final passage. Publication both before and after final passage shall be by the title of this ordinance, which Council determines constitutes a sufficient summary of the ordinance, together with the statement that the full text of the ordinance is available for public inspection and acquisition on the City's website and in the office of the City Clerk.

**Section 7.**     Declaration of Public Interest. This ordinance is necessary to preserve the peace, health, safety, welfare, and to serve the best interest of the citizens of the City of Alamosa, Colorado.

**Section 8.**     Codification. The City Clerk is directed to codify the provisions of this ordinance in the *Code of Ordinances of the City of Alamosa* in substantially the same form as set forth herein.

**INTRODUCED, READ AND APPROVED** on first reading the 17<sup>th</sup> day of June, 2020, and ordered published by title and reference as provided by law with notice of a public hearing to be held for consideration of the adoption of said ordinance on the 1<sup>st</sup> day of July, 2020, at 7:00 p.m., or as soon thereafter as the matter may be heard, or on such subsequent date to which the public hearing or Council consideration may be continued.

**APPROVED, AND ADOPTED** after public hearing the 1<sup>st</sup> day of July, 2020.



CITY OF ALAMOSA

By Ty Coleman  
Ty Coleman, Mayor

ATTEST:

Holly C. Martinez  
Holly C. Martinez, City Clerk