

PALMER LAKE, COLORADO

ORDINANCE NO. # - 2023

**AN ORDINANCE AMENDING TITLE 12 OF THE TOWN OF
PALMER LAKE MUNICIPAL CODE REGULATING SNOW REMOVAL
WITHIN THE TOWN OF PALMER LAKE**

WHEREAS, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

WHEREAS, the Board desires to establish regulations relating to the removal of snow and ice within the Town of Palmer Lake to ensure snow and ice removed from private property do not create a nuisance; and

WHEREAS, the Board of Trustees has determined that it is in the best interest of protecting the health, safety, and general welfare of the citizens of the Town of Palmer Lake to adopt such regulations.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO, THAT:

Section 1.

Title 12 of the Palmer Lake Municipal Code shall be amended by creating a new Chapter, Chapter 12.22, with such new Chapter to read in its entirety as follows:

**Chapter 12.22
SNOW REMOVAL**

12.22.010 Maintenance.

All sidewalks shall be maintained with an even surface and in good repair and in conformity with the established grade of the streets along which they are constructed. It shall be unlawful for any person to place salt or harmful chemicals upon the sidewalks or clear the sidewalks utilizing a method that damages the sidewalks or in any fashion to damage the sidewalks, curbs, or trees located in the sidewalks or streetlights of the Town.

12.22.020 Duty to keep sidewalks and adjacent areas clean.

It shall be the duty of all owners or occupants of every premises to keep the entire area between (a) the edge of the sidewalk closest to the building and (b) the gutter free and clear of snow, ice, mud, dirt, debris, rubbish, and filth. The area to be cleared shall include, but not be limited to, the sidewalks and curbs in front of the building, graveled areas, bricked areas, and areas around planters, benches, trees and bushes. The area to be cleared shall not include flowerbeds, elevated planting areas, or other similar elevated

areas. The area to be cleared shall be cleared of snow and ice within 24 hours following the snowfall or accumulation of a snowdrift or ice. Snow and ice from the area to be cleared may be shoveled into the streets.

The property owner or occupant shall be liable to the Town for any amounts paid or incurred in connection with claims, judgment or settlement, including but not limited to all investigation costs, attorney fees, and expenses relating in any manner from the property owner's or occupant's failure to comply with the provisions of this section.

12.22.030 Placement of snow.

It shall be unlawful for any person to place snow or ice, or cause or direct the placement of snow or ice, from any portion of private property upon any sidewalk, street, roadway, alley, or any public property, including the non-traveled or undeveloped portion of any public right-of-way, in the Town of Palmer Lake.

It shall also be unlawful for any person to place snow or ice, or cause or direct the placement of snow or ice, from private property upon the private property of another without the express consent of the owner or lawful occupant of such private property on which the snow or ice is placed.

12.22.035 Snow removal impediments and obstructions.

It shall be unlawful for any person to leave a garbage receptacle, garbage dumpster, motor vehicle, trailer, camper, recreational type vehicles motorized or nonmotorized, or any other impediment, obstacle in or on the Town's right-of-way, street, alley, or parking lot that causes a hazard or impediment during snowplow operations.

12.22.040 Penalty.

It shall be unlawful for any person to violate, disobey, omit, neglect, refuse, or fail to comply with this chapter; the violation of this chapter shall be punished by a fine not exceeding the maximum penalty set forth in Chapter 1.12. Every day a violation of this chapter continues shall constitute a separate offense. In addition to any other penalties, if a person damages the Town sidewalks, curbs, trees in sidewalks or streetlights, he or she shall be totally responsible for all costs to the Town in repairing said sidewalks, curbs, trees in the sidewalks, or streetlights, and shall promptly pay the costs thereof upon notification by the Town of the cost. In the event that a person does not pay, the Town at its sole option may sue for the cost, together with reasonable costs of collection including attorney's fees, or certify to the county assessor the amount due which shall become a lien against the property if the person involved is the owner or tenant which shall be certified to the El Paso County treasurer for collection in the same manner as other general property taxes are collected.

Section 2.

Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Town Board hereby declares that it would have passed this ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3.

Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED, READ AND PASSED AT A FIRST READING AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS _____ DAY OF MARCH 2023.

ATTEST:

TOWN OF PALMER LAKE, COLORADO

Dawn A. Collins
Town Administrator/Clerk

BY: _____
Glant Havenar
Mayor