

**Amendments to the South Kingstown Town Code
Pertaining to the Removal of Snow and Ice from Sidewalks**

Chapter 16

ARTICLE I. IN GENERAL

AMEND:

Section 16-1. is hereby re-designated as Section 16-6.

Section 16-2. is hereby re-designated as Section 16-7.

Section 16-3. is hereby re-designated as Section 16-8.

Sections 16-4 – 16-20 Reserved is hereby re-designated Sections 16-9 – 16-20.

ADD:

Sec. 16-1. Definitions.

For the purposes of this article, the following terms shall have the meanings respectively ascribed to them in this section:

Determination Exemption means individuals exempted by the tax assessor from the penalties imposed by this ordinance based on financial, age, or employment related hardship.

Sidewalk means that portion of a public right-of-way constructed with a concrete or asphalt surface between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

Sidewalk area means that portion of the land alongside a public street or highway which is set aside, laid out, or used for pedestrian traffic, and shall include any sloped area with a curb cut for handicap access.

Priority sidewalk means any sidewalk described on the list of priority sidewalks published from time to time by the director of the department of public services, provided that no sidewalk shall be a priority sidewalk until 30 days following the date that such sidewalk first appears on such published list.

Sec. 16-2. Removal of snow and treatment of ice required.

(a) The owner of any lot of land adjoining a sidewalk shall, within the first 12 hours after any snow has ceased to fall, make the sidewalk safe and convenient for pedestrian traffic by removal of the snow therefrom.

(b) The owner of any lot of land adjoining a sidewalk shall, within the first 12 hours after ice has formed, make the sidewalk safe by covering the ice with sand or other non-corrosive, non-toxic anti-slip agent.

(c) The director of the department of public services, or his designee, shall have the authority to determine whether a priority sidewalk or other path is safe and convenient for pedestrian traffic, provided that safe and convenient passage shall include passage to any street corner or other street crossing location leading immediately from or adjacent to any priority sidewalk.

Sec. 16-3. Penalty violation of section 16-2.

(a) Violation of section 16-2 by a person shall result in a warning for the first offense and shall be punishable by a fine of \$100.00 for the second offense, and by a fine of \$175.00 for the third offense. The fine may be paid by mail or in person at the tax collector's office. Upon the fourth and each subsequent violation of this section, a person shall be subject to the penalties set forth in Section 1-9. of the Code. Only one violation may occur with respect to any one snowfall or ice event or other event resulting in snow or ice encumbering a sidewalk, provided however, that a continued violation 24 hours after the issuance of a warning for a first offense shall constitute a second offense.

(b) Any owner who is a natural person and who has been exempted from penalties under clauses (a) and (b) of this section through a determination exemption, through the procedures established by the Town for such determination as may be in effect from time to time, (which procedures may include submission of appropriate Social Security Disability Award documentation and/or for owners age 62 and older, proof of age, to the Tax Assessor), shall not be subject to such penalties. A list of the properties owned exclusively by owners exempted under this clause (b) will be submitted to the South Kingstown Police Department and the department of public services in order to establish a "do not tag for violation" list. The town may, but is not required to, clear any sidewalk on behalf of any owner exempted under this clause (b), and the town is not required to pay any amount to clear any such sidewalk.

Sec. 16-4. Removal or Remedy by Town; Priority Sidewalks.

The Town may clear, or may cause to be cleared, snow and ice from any priority sidewalk at any time, and if the owner of any lot of land adjoining or including such priority sidewalk is at such time in violation of section 16-2, the town may charge such owner for the cost of such clearing, provided that any such charge shall be credited against any fine imposed on such person with respect to any such violation existing at such time, and further provided that this section shall not relieve any owner of responsibility for compliance with section 16-2.

Sec. 16-5. Dumping Snow on Public Sidewalks Prohibited.

(a) It shall be unlawful for any person or business entity to deposit snow on a public sidewalk anywhere in the Town of South Kingstown.

(b) Any person or business entity found to be in violation of this section shall be subject to a fine not to exceed \$500.00.