



CITY COUNCILNo. C0099-14

IN THE YEAR TWO THOUSAND AND FOURTEEN

AN ORDINANCE REQUIRING THE REMOVAL OF SNOW FROM SIDEWALKS

/s/Councilor Michael K. Marchese, as President

Be It Ordained: BY THE CITY COUNCIL OF THE CITY OF EVERETT, and by the authority of the same as follows:

That Chapter 17 of the Revised Ordinances of the City of Everett are hereby amended by inserting the following new Section 6A after the existing Section 6:

Section 17-6A Removal of Snow from Sidewalks

- A. This ordinance shall only apply during a snow emergency as called by the Police Chief or his designee.
- B. This section shall apply to all residences, businesses and all other properties abutting a paved sidewalk – including, but not limited to properties owned by the Commonwealth of Massachusetts, all departments and agencies of the City of Everett, houses of worship and non-profit entities. All provisions of this section shall apply to both natural and unnatural accumulations of snow.
- C. The owner of land or of a building abutting any highway, street, lane, court, square or public way, where there is a footway or sidewalk duly established in the City of Everett shall make said sidewalk convenient for public use or travel by removing any accumulated snow thereon.
- D. Sidewalks should be cleared to provide a minimum passage of thirty-six (36) inches in width or approximately 2/3 the sidewalk's width, whichever is less.
- E. All snow must be removed from property described in sections B and C of this ordinance within twelve (12) hours of the formal declaration that the snow emergency has ended. In the event of an unusually heavy snow fall or other exigent circumstances, the time limit may be extended at the discretion of the director of City Services or his agent.

F. Waiver.

To qualify for a waiver, all owners of record must occupy the premises as their primary residence. Application for a waiver must be submitted, with all supporting documentation, to the Assessing Department by the first day of November preceding the upcoming winter. If these two requirements are satisfied, waivers shall be granted in the following circumstances:

1. A waiver shall be awarded if all owners qualify for and receive the elderly exemption on their property taxes;
2. A waiver shall be awarded if all owners are deemed physically incapable of complying with the ordinance and whose combined annual income does not exceed 133% of the federal poverty level. A letter, from a medical doctor, stating that a disability exists that prevents the home owner from shoveling must be provided to the City of Everett;

3. Owners of multi-unit residential dwellings shall be eligible for waivers if all of the following applies:
 - a. All owners of record occupy the premises as their primary residence; and
 - b. All owners of record meet criteria provided elsewhere in this provision;Any waiver granted shall be valid for one year from the date of issuance. The Assessing Department shall maintain a list of all waivers granted.

G. Whoever is in violation of this section shall be subject to a fine in accordance with Massachusetts General Law Chapter 85, Section 5.

H. Trial period.

1. The two years after enrollment of this ordinance shall be deemed a trial period.
2. During this trial period, the first two offenses of this ordinance shall be punished by warning.
3. The third offense shall be punished by a fine of \$25.00.
4. Any subsequent offenses shall be punished by a fine of \$50.00.
5. Each twenty-four (24) hour period of continued violation, following notice of the initial violation to the owner by the City, shall constitute a separate offense for which a separate and additional fine may be imposed.
6. The fine structuring system, as indicated above, shall restart with each declared snow emergency.

I. Appeals.

Fines shall be appealed in accordance with Massachusetts General Law Chapter 40U.

J. Severability.

Should any section or portion of this ordinance be declared invalid by a court of competent jurisdiction, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than that portion so declared to be invalid.

November 24, 2014

Enrolled in the City Council
8 years; 0 days

December 22, 2014

Ordained in the City Council
10 years; 0 days

December 29, 2014

Signed: Mayor Carlo DeMaria, Jr.



A true copy attest

Michael Matarazzo, City Clerk

Effective Date: 01/28/2015