

CITY OF GEORGETOWN
ORDINANCE NO. 2015-017

AN ORDINANCE RELATED TO SNOW EMERGENCIES, SNOW REMOVAL
AND SNOW EMERGENCY ROUTES

SUMMARY

Incorporates the Georgetown Snow Removal Management Plan by reference; establishes parking restrictions during snow emergencies; requires snow to be removed around hydrants; prohibits placement of snow on streets and sidewalks; clarifies that snow windrows created by plows are the responsibility of property occupants; requires trash containers to be placed in manner that facilitates safe pick up by sanitation crews; establishes penalties for violations; provides a mechanism for the city to establish contracts with private snow removal providers through a rotating schedule; provides that 24 hour deadline to remove snow from sidewalks be extended to 72 hours in snow emergencies; provides for severability of provisions and an effective date upon passage and publication.

The full text of Ordinance 15-017 is available for examination in the City Clerk's Office, 100 North Court Street, Georgetown, Kentucky 40324 or at www.georgetownky.gov.

INTRODUCED AND PUBLICLY READ FIRST TIME: November 23, 2015

PUBLICLY READ SECOND TIME AND PASSED: December 14, 2015

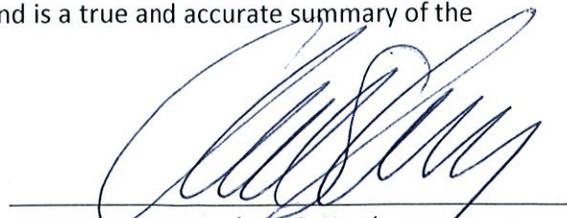
APPROVED:


Tom Prather, Mayor

ATTEST:


Tracie Hoffman, City Clerk

I, Andrew S. Hartley, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 15-001 of the City of Georgetown, Kentucky was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.


Andrew S. Hartley

CITY OF GEORGETOWN
ORDINANCE NO. 2015-017

AN ORDINANCE RELATED TO SNOW EMERGENCIES, SNOW REMOVAL
AND SNOW EMERGENCY ROUTES

Sponsor – Council Member Marvin Thompson

WHEREAS, the City of Georgetown recognizes the need for an orderly plan for the treatment of streets and removal of snow before, during and after all snow events; and

WHEREAS, implementing an effective plan necessitates imposing certain requirements and restrictions on the general public; and

WHEREAS, the City needs provisions for hiring independent snow removal contractors on an expedited basis;

NOW, THEREFORE, be it ordained by the City of Georgetown, Kentucky, as follows:

SECTION ONE – A new Article of Chapter 18 of the Georgetown Code of Ordinances, entitled: “Snow Emergencies and Snow Removal” is created to read as follows:

1. Adoption of Snow Plan. The Georgetown Snow Removal Management Plan (hereinafter “the Snow Plan”), as may be amended from time to time by the City Council, including the definitions set forth therein, is incorporated by reference herein.

2. Classification of Streets. For purposes of this Ordinance, all streets in the City of Georgetown shall be classified into five categories: State-maintained Routes, Snow Emergency Routes, Secondary Streets, Tertiary Streets, and Private Streets. Snow Emergency Routes, Secondary Streets and Tertiary Streets may be further classified as Dedicated and Not-dedicated. The map set forth in the Snow Plan shall be the official record of street designations.

3. Parking Restrictions.

a. Parking prohibited during snow emergency. During a declared Snow Emergency, no person shall park any vehicle, trailer, storage container or equipment upon a street designated as an Emergency Snow Route.

b. Disabled or abandoned vehicles during a snow event. During any snow event, no person shall permit a vehicle, whether operational or disabled, to remain on the traveled portion of the street. This prohibition shall not apply to any person who is actively attempting to remove the vehicle from the traveled portion of the street.

4. Snow Removal on Not-dedicated and Private Streets.

a. Not-dedicated streets. The City of Georgetown shall provide snow removal and treatment on streets that have been platted for dedication to the City but have not yet been accepted for maintenance, provided that the Responsible Entity executes a liability waiver on a form to be provided by the Department of Public Works no later than the date set forth in the Snow Plan. If the Responsible Entity declines city snow removal or fails to provide the required waiver, the Responsible Entity shall clear the Not-dedicated Streets for which it is responsible within 24 hours after final snowfall or ice accumulation.

b. Private streets. The City of Georgetown shall not provide snow removal service on private streets, including residential streets that were not intended to be dedicated to the city for maintenance.

5. Snow to be removed around fire hydrants. All occupants of property upon which is located a fire hydrant shall, within 24 hours following a snowfall, clear a three (3) foot clearance encircling the hydrant and a four (4) foot wide access path from the street. In case of vacant or unoccupied lots it shall be the duty of the owners of the lots or the persons in control thereof to remove the snow as herein provided.

6. Placement of snow on streets and sidewalks. It shall be unlawful for any person to place snow on any portion of a traveled street, alley, sidewalk or driveway constructed as a continuation of sidewalk.

7. Snow windrows. The creation of snow windrows in front of residential driveways and private street entrances is an inevitable result of snow plowing. Occupants of property shall be responsible for clearing snow windrows at the foot of their driveways. Owners or persons responsible for the maintenance of private property shall be responsible for clearing snow windrows at the entrance to the public street. It shall be unlawful for any person to displace snow from windrows onto a city street or sidewalk.

8. Snow and ice and around trash containers. During conditions of snow and ice, all persons receiving trash collection from the city shall be responsible for ensuring that trash containers (herbies) are accessible and are placed in such a manner that sanitation crews and automated equipment can safely remove the containers from the person's property.

9. Penalties.

a. The Georgetown Police Department shall have the right to remove any vehicle, truck, trailer, storage container or equipment in violation of section 3 of this Article, or to engage a wrecker to do so, at the expense of the owner or operator. In lieu of removal,

the Police Department may issue a citation for the vehicle for parking prohibited consistent with Sections 18-12 and 18-92 through 18-99 of the Code of Ordinances.

b. Violations of sections 5, 6 and 7 of this ordinance shall be considered nuisances under Chapter 9 of the Code of Ordinances and enforced in the same manner as specified therein.

c. Violations of section 8 of this Ordinance shall be considered nuisances under section 19-21 of the Code of Ordinances and enforced in the same manner as specified in Chapter 19, Article II.

10. Contracted Snow Removal. When conditions require, the city of Georgetown may contract with private persons for snow removal and treatment of streets.

a. Rotating Schedule of Snow Removal Providers. The Department of Public Works shall maintain rotating schedules for the snow removal providers needed. The schedules will rotate in such a manner as to give each participating snow removal provider an equal opportunity to be contacted or attempted to be contacted by dispatch.

The rotation schedule may be changed by unilateral action of the Public Works Director to add or delete snow removal providers. Snow removal providers may only be deleted from the schedule for non-compliance with the terms of this ordinance or upon written notice from the operator that the provider no longer wishes to participate in the schedule or has ceased business. No other changes may be made to the schedule except with approval by the Public Works Director.

The Department of Public Works has an obligation to consumers to ensure that the rates participating snow removal services charge are fair and reasonable. The Department of Public Works will review the snow removal service rates during the first week of January every year. Snow removal providers shall be compensated at the rate or rates provided in the Snow Plan.

The Department of Public Works reserves the right to remove any snow removal provider from the rotating schedules for infractions of this ordinance. Infractions include but are not limited to: failure to abide by this Ordinance or the Snow Plan and/or failure to arrive in a timely manner (providing for conditions).

b. Scheduling work. When a snow event necessitating the use of snow removal service occurs, Public Works shall attempt to contact the next participating snow removal provider on the schedule. Should public works be unable to make contact with that snow removal provider or the provider is unable to provide service within the time frame required, the snow removal provider shall forfeit that call and Public Works shall attempt to contact the next snow removal provider on the schedule. The previous snow removal service shall remain on the schedule and shall move to the end of the rotation.

Nothing in this section shall prohibit the City from contracting with multiple providers simultaneously. In the event multiple service providers are needed, the City shall adhere to the rotating schedule for their selection.

Any snow removal service that does not arrive on the scheduled route within 30 minutes (considering reasonable conditions) of the scheduled start time shall forfeit that call and the next snow removal service on the list may be called. A snow removal service that fails to arrive (under reasonable conditions) within 30 minutes shall receive a written warning. A second offense (under reasonable conditions) in 12 months shall result in a 30 day loss in the privilege of being on the rotation. A third offense (under reasonable conditions) in a 12 month period shall result in the removal from the list for one calendar year.

c. Eligibility requirements for snow removal providers. Any snow removal provider wishing to provide snow removal and treatment service pursuant to the terms of this Ordinance shall:

- i. Submit an application to the City Attorney on a form approved by his or her office.
- ii. Own sufficient equipment to provide snow removal and/or treatment service according to the Snow Plan.
- iii. Maintain a City Business License.
- iv. Drivers shall comply with the applicable Driver's License Laws.
- v. Possess proof of insurance of a minimum of \$1,000,000.00 and retain same through the time they remain on the rotating schedule.
- vi. All employees of the provider who will be providing snow removal service shall participate in a Snow Plan training course to be provided by the Department of Public Works. The City shall reimburse employees for time spent participating in such training according to the rate schedule set forth in the Snow Plan.
- vii. Consent to the initial and periodic inspection of the provider's snow removal equipment by the Department of Public Works.

SECTION TWO – Section 15-24 of the Georgetown Code of Ordinances is amended as follows:

All occupants of lots in the city shall remove the snow from the sidewalks in front thereof within twenty-four (24) hours after the snowfall. In case of a declared snow emergency, as defined in the Georgetown Snow Removal Management Plan, this deadline shall be extended to 72 hours. In case of vacant or unoccupied lots it shall be the duty of the owners of the lots or the persons

in control thereof to remove the snow as herein provided. Any person violating this section by refusing to comply with same shall be fined as provided in section 1-13, and each day's failure to remove snow as herein required shall be a separate offense.

SECTION THREE - If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION FOUR - This Ordinance shall become effective on adoption and publication.

PUBLICLY INTRODUCED AND READ FIRST TIME: November 23, 2015

PUBLICLY READ SECOND TIME AND PASSED: December 14, 2015

APPROVED:

A handwritten signature in black ink that reads "Tom Prather". The signature is written over a horizontal line.

Tom Prather, Mayor

ATTEST:

A handwritten signature in blue ink that reads "Tracie Hoffman". The signature is written over a horizontal line.

Tracie Hoffman, City Clerk