

ORDINANCE NO. 11 OF 2014

An Ordinance Establishing Rules for Removal of Snow from Public Sidewalks, Rights-of-Ways and Fire Hydrants

WHEREAS, the Town Council of the Town of Winamac is desirous of promoting the health and well-being of its citizens; and

WHEREAS, the removal of snow and ice from public sidewalks and fire hydrants is necessary to promote the well-being of its citizens,

BE IT ORDAINED by the Town Council of the Town of Winamac, of Pulaski County, State of Indiana that the following rules for removal of snow from public sidewalks, public rights-of-ways and fire hydrants of the Town of Winamac, Indiana, are hereby established.

Section 1 Definitions

For the purpose of this ordinance the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC RIGHT-OF-WAY. Any public street, way, place, alley, sidewalk, easement, park, square, median parkway, boulevard or plaza that is dedicated to public use or maintained by the Town except for those rights-of-ways owned by the Indiana Department of Transportation located within the Town of Winamac municipal limits.

Section 2

Removal of Snow or Ice

1. It shall be the responsibility of the property owner or the occupant of the property immediately adjacent to a public walk, public right-of-way, or fire hydrant to remove from the sidewalk or fire hydrant any snow or ice which accumulates on such sidewalk or obstructs such sidewalk or fire hydrant within 48 hours after the ice forms or the snow ceases to fall thereupon. If the ice accumulation is of such character as to make the removal thereof impossible, the sprinkling or placement of sand and/or salt thereon within the time specified for removal in such a manner as to make such sidewalk safe for pedestrian travel.

2. Hardship Exception. A property owner may qualify for a hardship exception based upon age and/or physical disability. The hardship application must be completed and submitted to the Town Clerk-Treasurer's Office by October 31st of each year. The Town Manager or his designee shall have the sole discretion to determine whether or not to grant the exception.

Section 3

Penalty

Whoever violates any provision of this ordinance shall be subject to a fine of not less than Twenty-Five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00). Each day that such violation shall occur shall constitute a separate violation for which the person shall be subject to a fine. The fine is to be paid to the Winamac Town Clerk-Treasurer's Office.

Section 4
Repeal of Conflicting Ordinances

The provisions of all other ordinances in conflict with the provisions hereof are of no further force or effect and are hereby repealed.

Section 5
Severability Provision

If any part of this ordinance shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

This ordinance shall be in full force and effect thirty (30) days from its passage and any necessary publication.

Passed and adopted by the Town Council of the Town of Winamac this 14th day of July, 2014.

John E. Plowman, Council President

Tom J. Murray

Dan Vanaman

Richard Denney

Judy Heater

ATTEST:

Melanie A. Berger
Clerk-Treasurer