

Sec. 21-5. Removal of snow and ice from sidewalks. [Code 1971, § 26-4; Res. No. 52-92, 4-14-1992; Res. No. 20-92, 2-23-1993; Res. No. 140-03; 3-9-2004; Res. No. 14-04, 3-9-2004; Res. No. 22-04, 4-13-2004; Res. No. 53-07, 7-24-2007]

- (a) The purpose of section shall be to preserve the public peace and good order in the City, and to contribute to the public welfare, safety and good order of its people and to contribute to the safe conveyance of its people over the streets and sidewalks of the City by establishing certain regulations for the removal of snow and ice from the streets and sidewalks of the City that are consistent with the rights and privileges of other residents of the City.
- (b) It shall be the duty of the owner and occupant, jointly, of every parcel of real estate adjoining a public sidewalk, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks adjoining such property free from snow and ice for the full paved width of such sidewalk.
 - 1. For those parcels of real estate located in General Commercial and City Center zoning districts where the paved sidewalk extends across the full width of the subway to the street, it shall be the duty of the owner and occupant, jointly, to maintain a passage free from snow and ice of a width of no less than eight feet.
 - 2. For those parcels of real estate located in all other zoning districts where the paved sidewalk extends across the full width of the subway to the street, it shall be the duty of the owner and occupant, jointly, to maintain a passage free from snow and ice for a width of no less than four feet.
- (c) Every owner and occupant, jointly, of lands, premises or buildings fronting on any street or public place within the City shall clear and remove from the sidewalk along any such lands, premises or buildings all snow and ice which may at any time be thereon. At no time shall any portion of any such walk be permitted to be or remain in an icy or slippery condition.
- (d) Snow and ice shall be removed within 24 hours after the end of a snowfall. In addition, sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times between the hours of 9:00 a.m. and 5:00 p.m.
- (e) It shall be unlawful for any person to use or cause to be used the public street or any sidewalk for the deposit, piling or placement of plowed or shoveled snow. Every owner and occupant, jointly, of any lands, premises or buildings fronting upon any street or public place in the City shall, upon notification of the Code Enforcement Department, be required to immediately remove any snow placed or piled contrary to this provision.
- (f) It shall be unlawful for any person to deposit, pile or place, or cause to be deposited, piled or placed on any corner lot, plowed or shoveled snow piles greater than 2 1/2 feet in height vertically measured from the sidewalk grade with the triangular area formed by the intersecting street lines and a straight line joining such

street lines at points which are 35 feet distant from the point of intersection, measured along said street.

- (g) It shall be unlawful for any person to deposit, pile or place, or cause to be deposited, piled or placed, plowed or shoveled snow or to blow, or cause to be blown, snow so as to cover or obstruct accessibility to fire hydrants.
- (h) Nothing contained herein shall prohibit any person from utilizing the streets, subways, sidewalks or rights-of-way of the City for temporary deposit, piling or placement of snow in connection with a snow removal project actually underway.
- (i) Removal by City. Whenever the owner or occupant of a parcel of real estate adjoining a public sidewalk fails to remove the snow and ice from such sidewalk adjoining such property within the time specified in this section or within four hours after notice by the City Code Enforcement Office or Director of Public Works to remove same, the snow and ice shall be removed by the City of Olean from such sidewalk and the City Clerk shall be notified of the expense incurred by the amount of labor, equipment and materials used. The charge shall be not less than a minimum of \$50 or such greater amount equivalent to actual costs and expenses incurred by the City. There shall be an administrative fee of a minimum of \$50 and not to exceed \$250 above all other fines, fees, expenses and charges to cover any costs the City incurred. [Res. No. 33-13, 5-28-2013]
- (j) Collection of the costs for removal by the City. The City Clerk shall promptly present to the owner and occupant of each parcel a bill for the removal of snow and ice as certified by the Code Enforcement Office or Director of Public Works. If not paid within 30 days, the cost thereof shall be assessed against the property, added to their tax bill and become a lien thereon, collectible in the same manner as delinquent City taxes.
- (k) Notwithstanding anything contained herein, any property owner who shall permit snow or ice so as to accumulate and remain upon any sidewalk adjacent to or abutting on any lot or premises owned by him or her, in the City of Olean, shall be liable to any party for injuries sustained as a result thereof.