



CITY OF LYNN

In City Council March 10, 2015 page 1 of 2

IN THE YEAR TWO THOUSAND FIFTEEN AN ORDINANCE AMENDING THE ORDINANCE REGARDING SNOW REMOVAL IN THE CITY OF LYNN

SECTION 1:00 Snow removal

A. No owner, manager or tenant of (i) commercial building, estate or land abutting on a sidewalk, (ii) mixed-use building, estate, or land abutting on a sidewalk, or (iii) residential building, estate, or land abutting on a sidewalk containing more than six (6) residential units shall place or suffer to remain in place for more than three (3) hours between sunrise and sunset any slush, or loose, granular or packed snow upon such sidewalk. Removal of any slush and snow should be conducted along the full paved width of such sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalk. Removal of any slush or snow shall be conducted in a manner that clears the full paved path or a minimum of forty-two inches wide, including removal of snow from all curb cuts, intersections, crosswalks, fire hydrants abutting the property, handicapped ramps and sidewalk locations. Each day that a violation exists shall be considered a separate offense.

B. No owner, manager or tenant of a residential building, estate or land abutting a sidewalk containing six (6) or fewer residential units shall place or suffer to remain in place for more than ten (10) hours after sunrise or when snowfall ceases any slush, or loose, granular or packed snow upon such sidewalk. Removal of any slush and snow should be conducted along the full paved width of such sidewalk and in a manner that ensures the orderly flow and safety of pedestrian traffic upon such sidewalk. Removal of any slush or snow shall be conducted in a manner that clears the full paved path or a minimum of forty-two inches wide, including removal of snow from all curb cuts, intersections, crosswalks, handicapped ramps and sidewalk locations. Each day that a violation exists shall be considered a separate offense

C. The provisions of subsections A and B of this section shall apply to snow and ice which slides or falls from any building, and to ice formed or accumulated upon any sidewalk, however formed or accumulated.

D. The Parking Department, the Police Department, the Inspectional Services Department and Department of Public Works shall be the enforcing authority for all purposes of this Section. Whoever violates this Ordinance shall be subject to the following fines: fifty dollars (\$50.00) for the first violation, and one-hundred dollars (\$100.00) for the second violation and three-hundred dollars (\$300.00) for all subsequent violations, unless another fine is stated herein. Any violation of this Ordinance, may as an alternative to a criminal penalty and in the discretion of the enforcing officer may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D subject to a fine not to exceed three hundred dollars (\$300.00). Unless otherwise specified, each day shall constitute a separate violation. Dispositions, payments and/or appeals, of violations of this Ordinance shall be made through the Parking Department of the City of Lynn Room 102, City Hall, Lynn, Massachusetts. The City of Lynn may issue a warning for a first offense in the sole discretion of the inspector issuing said fine.

SECTION 2:00 **Deposit of snow on city streets**

A. No person shall deposit or dump snow in any manner from inside their property line or from any sidewalk, onto the city streets.

B. The Parking Department, the Police Department, the Inspectional Services Department and Department of Public Works shall be the enforcing authority for all purposes of this Ordinance. Whoever violates this Ordinance shall be subject to the following fines: fifty dollars (\$50.00) for the first violation, and one-hundred dollars (\$100.00) for the second violation and three-hundred dollars (\$300.00) for all subsequent violations, unless another fine is stated herein. Any violation of this Ordinance, may as an alternative to a criminal penalty and in the discretion of the enforcing officer may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D subject to a fine not to exceed three hundred dollars (\$300.00). Unless otherwise specified, each day shall constitute a separate violation. Dispositions, payments and/or appeals, of violations of this Ordinance shall be made through the Parking Department of the City of Lynn Room 102, City Hall, Lynn, Massachusetts.

SECTION 3:00 **Removal of snow from railroad tracks**

Whenever any railway corporation clears its tracks of snow by the use of plows, it shall remove from between the tracks and outside thereof, such amount of snow as shall make the streets safe and even for public travel. Such removal of snow shall be done to the satisfaction of the Department of Public Works.

SECTION 4:00 **City Assumption of Duties**

Upon neglect or violation of the duty imposed by the provisions of this Ordinance such duty may be performed by the Department of Inspectional Services at the expense of the person liable to perform the same and the city may bill the property owner for expenses incurred. The City shall only assume the duties imposed upon a property owner who has received three violation notices in the previous twenty-four (24) months. Should the bill remain unpaid the City may add the charge to the property owner's property tax bill as provided by Massachusetts General Laws Chapter 40U. A property may appeal any such charge before hearing officer as permitted under G.L. c. 40, §21D.

SECTION 5:00 **Repeal of Inconsistent Ordinances**

All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6:00 **Time of Taking Effect**

This ordinance shall take effect thirty-one (31) days after its final adoption as advertised.