

2/25/2019  
4/10/2019

**16-O-19**

**AN ORDINANCE**

**Amending Portions of City Code Title 7, "Public Ways", Chapter 2  
"Streets, Sidewalks and Public Ways", Section 9 "Encumbrances,  
Encroachments and Obstructions"**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:**

**SECTION 1:** City Code Subsection 7-2-9, "Encumbrances,  
Encroachments and Obstructions", of the Evanston City Code of 2012, as amended, is  
hereby further amended to read as follows:

**7-2-9. - ENCUMBRANCES, ENCROACHMENTS AND OBSTRUCTIONS.**

(A) *Regulations.* The public right-of-way in the City shall be kept free and clear at all times of all encumbrances, obstructions and encroachments, except as may be provided in this Chapter or by ordinance or resolution of the City Council which otherwise specially provided (see Section 13 of Chapter 3 of this Title).

(B) *Fourth Of July Parade Parkway Regulations.*

1. Chairs and blankets only are permitted on the parkway on Central Street from the west side of Bent Park to Asbury Avenue each year no earlier than six o'clock (6:00) A.M. on July 1 for the sole purpose of viewing the July 4 parade. No such chairs and blankets are permitted at any time on the sidewalks and on areas where the pavement extends to the curb. Such chairs and blankets shall not encumber, obstruct, or encroach on crosswalks or handicapped access to the sidewalk. All such chairs and blankets must be removed no later than six o'clock (6:00) P.M. on the day of the parade. Any person placing such chairs or blankets on the parkway shall assume all responsibility for doing so and by placing such chairs or blankets on the parkway holds the City harmless for any and all consequences of such act. Such chairs and blankets placed on the parkway prior to six o'clock (6:00) A.M. on July 1 or remaining on the parkway after six o'clock (6:00) P.M. on the day of the parade will be removed by the City. The City is not responsible for loss of or damage to property placed on the parkway or removed from the parkway.
2. No tape, rope, stakes, or other similar material for the purpose of cordoning off or reserving any area in the parkway shall be permitted at any time. Such materials will be removed by the City. The City is not responsible for loss of or damage to property removed from the parkway. Any person placing such chairs

and blankets on the parkway shall assume all responsibility for doing so and by placing such chairs and blankets on the parkway holds the City harmless for any and all consequences of such act.

(C) *Leaves.* No person shall intentionally place leaves into the public right-of-way in the City.

(D) *Snow.* No person shall intentionally move snow from private property onto the public right-of-way or any City property. No person shall place snow in the parkway to a height of thirty-six (36) inches or greater, within twenty-five (25) feet of an alley or street intersection.

(GE) *Penalty.* Any person violating the terms of this Section or any person who permits the private or commercial person or entity to violate the terms of this Section shall be fined one hundred dollars (\$100.00) for the first offense, two hundred fifty dollars (\$250.00) for the second offense in any one-year period, and five hundred dollars (\$500.00) for the third and any subsequent offense in any one year period. A separate offense shall be deemed committed each day during which a violation occurs or continues.

**SECTION 2:** City Code Subsection 7-2-9-3, "Sidewalks to be Clear of Snow, Ice, Dirt and Weeds", of the Evanston City Code of 2012, as amended, is hereby further amended to read as follows:

**7-2-9-3. - SIDEWALKS TO BE CLEAR OF SNOW, ICE, DIRT AND WEEDS.**

(A) *Snow and Ice.* Whenever there is a snowfall with an accumulation of four inches (4") or more every owner or occupant of a dwelling or other building, or proprietor or lessee of any enclosed lot or premises, shall clear a path at least thirty-six inches wide (36") on the sidewalks in front of or adjoining such house, building or premises of snow and ice. The path shall be created and cleared within twenty-four (24) hours when there is an accumulation of four-inches (4") or greater snowfall, and the path shall be maintained and clear of snow and ice. If the snow and ice is hardened and congealed such that removal is unduly burdensome or may damage the sidewalk, the sidewalk shall have sand, salt or similar deicing material spread upon its surface. The path shall be cleared and created to give access to abutting property and public ways. All landlords shall clear snow and ice from private sidewalks, walkways, stairs, driveways, parking spaces, parking lots, and similar areas on private property to permit access for tenants and invitees to such private property.

If an owner, lessee, proprietor or occupant neglects or refuses to clear such snow and/or ice, the City may clear such snow and/or ice or authorize some person to do the same on behalf of the City. The City, in its sole discretion, may issue notices of violation to an owner, lessee, proprietor, or occupant for violations of this section. If the City's agent clears snow and/or ice, a notice of lien of the cost and expense thereof incurred

by the City shall be recorded by filing a lien in the office of the Cook County Recorder of Deeds. The notice of lien shall consist of a sworn statement setting out:

1. A description of the real estate sufficient for identification thereof;
2. The amount of money representing the cost and expense incurred or payable for the service; and
3. The date when the cost and expense was incurred by the City.

Such notice shall be filed within sixty (60) days after the cost and expense is incurred.

Upon payment of the cost and expense after the notice of lien was filed as provided herein, the lien shall be released by the City or person in whose name the lien was filed and the release shall be filed of record. Nothing in this section imposes upon the City a duty of care or create a cause of action against the City for personal injury or for damage to personal property due to natural accumulations of snow and ice.

(B) **Dirt and Weeds.** Every owner, lessee, proprietor or occupant under this section shall keep sidewalks clear and free of all obstructions at all times, including but not limited to, dirt and weeds.

(C) **Off-Street Parking Areas.** Every owner or occupant of any dwelling house or other residential building, or proprietor or lessee of any business, commercial or public premises within the City, shall clear the off-street parking spaces and access thereto for spaces required to be provided under zoning or other City codes for said premises of ice and snow within twenty-four (24) hours of any four-inch (4") or greater snowfall.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 4:** If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

**SECTION 5:** Ordinance 16-O-19 shall be in full force and effect after its passage and approval.

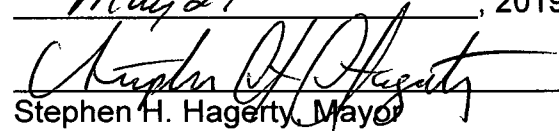
**SECTION 6:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: April 22nd, 2019

Adopted: May 13th, 2019

Approved:

May 29, 2019

  
Stephen H. Hagerty, Mayor

Attest:

  
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Devon Reid, City Clerk

Approved as to form:

  
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Michelle L. Masoncup, Corporation Counsel