

1/29/2020  
6/15/2020

24-O-20

**AN ORDINANCE**  
**Amending Section 7-2-9-3, Sidewalks to be Clear of**  
**Snow, Ice, Dirt and Weeds**

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

**SECTION 1:** 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) Definitions: For purposes of this Section, the following terms shall have the following meanings:

|                      |  |
|----------------------|--|
| <u>Sidewalk</u>      | <u>That portion of the public right-of-way, between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians</u>                             |
| <u>Carriage Walk</u> | <u>Walkways that connect the public sidewalk and the street curb and the public sidewalk with the building structure.</u>  |
| <u>Curb Walk</u>     | <u>Additional paved area directly adjacent to the curb that is located between a grass or landscaped parkway and the street. Distance from the parkway to the street measures two feet (2') or less.</u> |

A) B) Snow and Ice. Every owner, lessee, tenant, occupant or other person in charge of any building or lot of ground in the city abutting upon any public way or public place shall be responsible for the following as pertains to such building or lot of ground: Whenever there is a snowfall with an accumulation of four (4) inches 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. If such path connects to a sidewalk that leads to a crosswalk or other defined area to cross a street at an intersection, demonstrated best efforts (included but not limited to removal of snow, use of sand, salt or similar deicing material) to remove the snow or ice from this area must also be made so as to maintain the pedestrian path from the sidewalk to the street. The path shall be created and cleared within twenty-four (24) hours when there is an accumulation of four inches (4") or greater snowfall, of the cessation of any snowfall, ice formation event, or winter weather event resulting in an accumulation 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. The requirements herein do not pertain to curb walks and they are not required to be kept clear of snow and/or ice. All landlords shall clear snow and ice from private sidewalks and carriage walks, 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)~~ (C) 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)~~ (D) 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, ice event, or winter weather event.

(E) Violations: Any person found to have violated this subsection of the Code shall be guilty of an offense punishable as follows:

1. The fine for a first violation is \$50.00
2. The fine for a second violation is \$200.00
3. The fine for a third and any subsequent violation is \$450.00

A separate offense shall be deemed to have been committed upon each such day such violation shall occur or continue.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** 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 4:** Ordinance 24-O-20 shall be in full force and effect after its passage and approval.

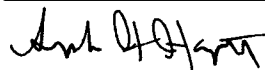
**SECTION 5:** The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: February 10th, 2020

Approved:

Adopted: June 22nd, 2020

June 24, 2020



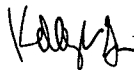
\_\_\_\_\_  
Stephen H. Hagerty, Mayor

Attest:



\_\_\_\_\_  
Devon Reid, City Clerk

Approved as to form:



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Kelley A. Gandurski, Corporation Counsel