

ORDINANCE 2019-04

AN ORDINANCE AMENDING ORDINANCE 2019-01, WHICH ORDINANCE AMENDED TITLE IX, "GENERAL REGULATIONS", CHAPTER 90, "STREETS AND SIDEWALKS", TO ADD SIDEWALK MAINTENANCE ORDINANCE TO THE CODE OF PECATONICA

WHEREAS, on March 7, 2019 the Board of Trustees of the Village of Pecatonica did lawfully adopt Ordinance 2019-01, which ordinance amended Title IX, Chapter 90, by adding Section 90.05; and

WHEREAS, said Ordinance effectively prohibited the use of rock salt on sidewalks, and required property owners to maintain sidewalks free of ice and snow or be subject to fines; and

WHEREAS, subsequent to adoption of Ordinance 2019-01, the Board of Trustees has determined (1) that the ordinance is not clear whether the obligation to maintain sidewalks free of ice and snow applies in all zoning districts or just commercially zoned districts; and (2) that the fines levied for violations under Ordinance 2019-01 are too severe and merit amendment; and

WHEREAS, the corporate authorities have determined that it is in interest of due process and fundamental fairness to amend Ordinance 2019-01.

BE IT ORDAINED by the Village President and Board of Trustees of the Village of Pecatonica, Illinois:

Section 1: Chapter 90, "Streets and Sidewalks", is hereby amended to add Section 90.05, "Ice and Snow removal", which shall read as follows:

90.05 Prohibition against use of certain salts on sidewalks

(A) When ice has so formed upon any sidewalk that it cannot be removed, then the owner or occupant shall keep the same effectively sprinkled with sand, "suitable salt", as defined herein, or other suitable substance in such a manner as to prevent the ice from being dangerous. This regulation shall apply in all zoning district classifications.

(B) "Suitable salt" is that salt expressly identified as "concrete safe" and any other salt not expressly identified as concrete safe is strictly prohibited for use on any sidewalk in the village. Rock salt is strictly prohibited for use on any sidewalk in the village.

Section 2. Chapter 90, "Streets and Sidewalks", Section 90.99, "Penalty" is hereby amended to add the following paragraph:

Any person violating Section 90.05 shall be subject to a fine of \$25.00 for the first violation in a 12 month period, \$50.00 for a second violation in a 12 month period, and \$75.00 for a third or subsequent violation in a 12 month period. Each day on which a violation continues shall constitute a separate violation.

Section 3: This ordinance shall be effective from and after its passage, approval, and publication as provided by law. This ordinance shall be published in pamphlet form.

PASSED at second reading by the Village Board of Trustees this _____ day of April, 2019.

APPROVED by the Village President this _____ day of April, 2019.

PASSED UPON MOTION MADE BY: _____

MOTION SECONDED BY: _____

AYES: _____

NAYS: _____

ABSTAIN, ABSENT, OTHER:

By: _____
WILLIAM SMULL, Village President
Village of Pecatonica, Illinois

ATTEST:

GWENN SHIRLEY, Village Clerk
Village of Pecatonica, Illinois