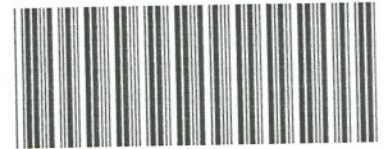


OFFICIAL RECORDS  
DOUGLAS COUNTY CO  
JACK ARROWSMITH  
CLERK & RECORDER  
RECORDING FEE: \$0.00  
5 PGS

# 2007094402  
12/06/2007 08:04 AM

ORDINANCE NO. O-007-003



2007094402 5 PGS

THE BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

AN ORDINANCE REQUIRING THE REMOVAL OF SNOW  
AND ICE FROM SIDEWALKS WITHIN 24 HOURS OF THE  
CESSATION OF SNOWFALL, RESCINDING AND REPLACING  
ORDINANCE O-997-006

**WHEREAS**, Section 30-15-401 (1) (n), C.R.S. (1997), authorizes the Board of County Commissioners (the Board) to compel the removal of snow and ice on sidewalks within unincorporated Douglas County at such time, upon such notice, and in such manner determined by the Board by ordinance; and

**WHEREAS**, the Board has determined that the removal of snow and ice from sidewalks within the County is a matter which affects the health, safety and welfare of the residents of the County; and

**WHEREAS**, the Board desires to prescribe the time and manner within which snow and ice must be removed from sidewalks within the County and provide notice to all residents and owners within the County of such requirements as defined herein; now, therefore,

**BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, COLORADO**, as follows:

Section 1. **Definitions**

Unless otherwise specified or the context otherwise requires, the following words shall have the following meaning throughout this ordinance.

“Control” shall mean having the power or authority to manage, direct, superintend, restrict, regulate, govern, administer, or oversee.

“County” shall mean the Board of County Commissioners of Douglas County Colorado, and any Person authorized by the Board to act on the Board’s behalf for purposes of enforcing this ordinance. For purposes of section 4 herein, the Douglas County Department of Public Works is hereby authorized to provide any notice, time extension, or perform any act designed to gain compliance with this ordinance.

“Douglas County” shall mean all of unincorporated Douglas County, Colorado.

“Person” shall mean every natural person, firm, co-partnership, association, corporation, body politic or any other legal entity with the ability to Control Property.

“Property” shall mean any real property, including structures and fixtures, located within the unincorporated portions of Douglas County.

“Snow” – any form of frozen precipitation and including but not limited to snow, ice, sleet, and freezing rain.

“Sidewalk” shall mean a paved walk intended for use by pedestrians which is located proximate to and running roughly parallel with a Street. However, this term does not include trails located within parks or designated open space.

“Street” shall mean any street or other roadway designated for public travel within the unincorporated portions of Douglas County.

## **Section 2. Removal of Snow required, and timing of required removal**

Every Person, who Controls Property within Douglas County fronting or abutting or containing a Sidewalk, shall remove and clear away, or cause to be removed and cleared away, Snow from so much of said Sidewalk as is in front of or abuts on said Property, within 24 hours after the cessation of any fall of Snow.

## **Section 3. Manner of removal - restrictions**

No Person, required to remove or cause to be removed Snow from an abutting Sidewalk, shall cause or allow any of such Snow so removed to be placed in any Street. Any such placement of Snow into a Street shall be a violation of this ordinance.

## **Section 4. Notice**

Every Person is hereby given notice that within 24 hours of the cessation of any Snow event, such Person shall remove all Snow from all Sidewalks abutting such Person’s Property. In the event the County believes that for the specific Snow event, that such 24 hour time period is unreasonable, the County will post on the County website at [www.douglas.co.us](http://www.douglas.co.us) an extension of such time period which would thereby modify the 24 hours expressed herein. However, absent such posting by the County for a specific Snow event, the 24 hour period herein remains in effect. Whenever a violation and failure to timely remove Snow as prescribed herein is believed to exist, but no Person can be found on the Property fronting or abutting either (1) on the Sidewalk upon which such conditions exist, or (2) the Street into which Snow has been placed, a written notice shall be posted by the County conspicuously on the abutting Property requiring such Snow to be removed by the Person within 24 hours. If the Person causes Snow to be removed before the expiration of such posted 24 hour period, no further action shall be taken by the County. If, however, the Snow is not removed within the posted 24 hour notice period, the County may remove the Snow, the cost of such removal, including the whole cost thereof and other incidental costs in connection therewith, shall be an assessment against the Property fronting or abutting on the Sidewalk upon which such conditions

exist or the Street into which Snow has been placed. Said assessment may be collected in any manner allowed by law, including but not limited to placing a lien on the Property and collecting the assessment in the same manner as real property taxes.

**Section 5. Applicability.**

This ordinance shall apply to all unincorporated areas of Douglas County.

**Section 6. Violation and penalty.**

Any act or omission in violation of any of the provisions of this ordinance shall constitute a class 2 petty offense and, upon conviction thereof, shall be punishable by a fine not to exceed \$50.00 for each separate violation. Abatement of any violation by the County after notice as provide in Section 4 of this ordinance shall not preclude subsequent prosecution by the County for violation of Section 2 or 3 of this ordinance.

**Section 7. Enforcement.**

This ordinance shall be enforced by the Douglas County Sheriff's Office.

**Section 8. Disposition of Fines**

All fines imposed and collected pursuant to this ordinance shall be paid to the County Treasurer.

**Section 9. Severability.**

If any part or provision of this ordinance, or its application to any person or circumstance is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this ordinance which can be given effect without the invalid provision, part or application, and to this end the provisions and parts of this ordinance are declared to be severable.

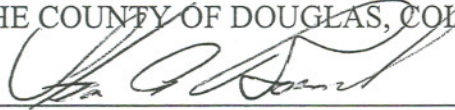
**Section 10. Emergency.**

The Board hereby finds, determines and declares that this ordinance is necessary for the immediate preservation and protection of the health, safety and welfare of the citizens of Douglas County, Colorado.

**Section 11. Repeal.** All ordinances and/or resolutions or parts or ordinances and/or resolutions inconsistent with provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this ordinance.

INTRODUCED, READ AND ADOPTED ON FIRST READING on October 30, 2007,  
and ordered published in the Douglas County News-Press

THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY:   
Steven A. Board, Chair


ATTEST:

  
Mary A. Niblack, Deputy Clerk





ADOPTED AS AMENDED ON SECOND AND FINAL READING on November 21,  
2007, and ordered published in the Douglas County News-Press.

THE BOARD OF COMMISSIONERS  
OF THE COUNTY OF DOUGLAS, COLORADO

BY:   
Steven A. Board, Chair

ATTEST:

  
Mary A. Niblack, Deputy Clerk



### CERTIFICATE

I hereby certify that the foregoing Ordinance No. O-007-003 was introduced, read and adopted on first reading at the regulation meeting of the Board of County Commissioners of the County of Douglas on October 30, 2007, and the same was published in full in the Douglas County News-Press, a newspaper of general circulation published in Douglas County, on November 8, 2007, and thereafter was adopted as amended on second and final reading at a regular public hearing of the Board of County Commissioners of the County of Douglas on November 21, 2007. Said Ordinance was published in its entirety on December 6, 2007. Said Ordinance went into effect on November 21, 2007.

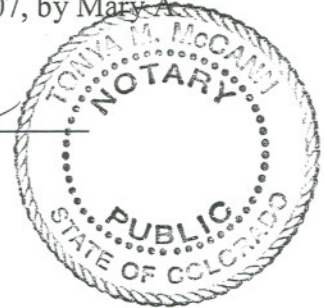
  
Mary A. Niblack, Deputy Clerk



State of Colorado )  
 )ss.  
County of Douglas )

Subscribed and sworn to before me this 6<sup>th</sup> day of December, 2007, by Mary A. Niblack, Deputy Clerk.

*Tommy M. McCann*  
\_\_\_\_\_  
Notary Public



My Commission expires: Oct. 12, 2011

**CERTIFICATION**

I, Mary A. Niblack, Douglas County Deputy Clerk, do hereby certify that the foregoing Ordinance No. O-007-003, entitled: **AN ORDINANCE REQUIRING THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS WITHIN 24 HOURS OF THE CESSATION OF SNOWFALL, RESCINDING AND REPLACING ORDINANCE O-997-006**, is a true, correct and complete copy from the records in my office, that said Ordinance was duly adopted by the Board of Commissioners of Douglas County and is in full force and effect.

*Mary A. Niblack*  
\_\_\_\_\_  
Deputy Clerk

