

(Published in the Topeka Metro News January 23, 2012)

ORDINANCE NO. 19692

AN ORDINANCE introduced by Interim City Manager, Daniel R. Stanley, amending City of Topeka Code § 12.40.010, concerning snow and ice removal and specifically repealing said original section.

BE IT ORDAINED BY THE GOVERNING BODY THE CITY OF TOPEKA:

Section 1. That section 14.40.010, Removal of snow or ice from public sidewalks, of The Code of the City of Topeka, Kansas, is hereby amended to read as follows:

Removal of snow or ice from public sidewalks.

(a) Residential Property. It shall be unlawful for the owner of record of real property, with a zoning use group designation of R-1, R-2, R-3 or R-4 (single-family dwelling districts) or M-1 (multiple-family dwelling districts), immediately adjacent to a public sidewalk on public right-of-way to fail to remove from the sidewalk, within 48 hours after the end of a snow or ice event, determined by the city manager or designee based on information from the National Weather Service for Topeka, any snow or ice accumulated on such sidewalk or obstructing such sidewalk. If ice has accumulated of such character as to make removal thereof impossible, the sprinkling or placement of sand, ash or other noncorrosive material thereon within the time specified for removal in such a manner as to make such sidewalk safe for travel of pedestrians shall be deemed compliance with the provisions of this chapter; provided, however, the residential property owner shall not be cited for an accumulation of snow or ice on the sidewalk when the accumulation is caused by the snow removal activity of the city, the state of Kansas, or any other political and taxing subdivision of the state.

(b) Multifamily, Commercial and Nonresidential Property. It shall be unlawful for the owner of record of real property with a zoning use group designation of M-2, M-3, M-4, or E (multiple-family dwelling districts), D&O (multiple-family dwelling and office district) or C (commercial districts), O&I (office and institutional districts), D (downtown districts) or X (mixed use districts) immediately adjacent to a public sidewalk on public right-of-way to fail to remove from the sidewalk, within 24 hours after the end of a snow or ice event, determined by the city manager or designee based on information from the National Weather Service for Topeka, any snow or ice accumulated on such sidewalk or obstructing such sidewalk. If ice has accumulated of such character as to make removal thereof impossible, the sprinkling or placement of sand, ash or other noncorrosive material thereon within the time specified for removal in such a manner as to make such sidewalk safe for travel of pedestrians shall be deemed compliance with the provisions of this chapter.

(c) It shall be unlawful to push, plow or otherwise move snow and/or ice which has accumulated in a public or private parking area, sidewalk, driveway, or roof onto any public sidewalk, alley, public street, street right-of-way, or handicapped stall.

Section 2. That original § 12.40.010 of the Code of the City of Topeka, Kansas, is hereby specifically repealed.

Section 3. This ordinance shall take effect and be in force from and after its passage, approval and publication in the official City newspaper.

Section 4. This ordinance shall supersede all ordinances, resolutions or rules, or portions thereof, which are in conflict with the provisions of this ordinance.

Section 5. Should any section, clause or phrase of this ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

PASSED AND APPROVED by the City Council January 17, 2012.

CITY OF TOPEKA, KANSAS

William W. Buntin, Mayor

ATTEST:

Brenda Younger, City Clerk