



MEMORANDUM

DATE: November 17, 2021

TO: Dan Duchniak

FROM: Kelly Zylstra

RE: Ordinance regarding Streets, Sidewalks and Snow Surrounding Fire Hydrants

Last winter, we met with the Fire Department regarding snow removal around fire hydrants. Over the Summer, the Fire Department drafted proposed revisions to the attached Ordinance. This Ordinance (redline attached) will go to the Ordinance & License (O&L) Committee at their meeting next week. We are requesting that the Water Commission concur with their request.

The changes will require building owners, or occupants, to remove snow and ice from around Fire Hydrants and make them visible from the street. By not having hydrants visible, the department has experienced unnecessary delays during emergencies when large snowbanks are present. Also being requested is that the Department of Public works updates their Cost Schedule for the purposes of charging the property owners for failure to remove the snow and ice.

A redlined copy of the Ordinance, prepared by the City Attorney's Office, is attached for your review. The Fire Department will attend the upcoming O&L meeting to answer any additional questions or concerns they may have.

Recommended Motion: Move to recommend the Common Council review and act on an Ordinance Creating Subsection (6) of Section 6.12 of the Waukesha Municipal Code, Regarding Streets and Sidewalks; and Amending Subsection (4) of Section 21.10 of the Waukesha Fire Prevention Code, Regarding Snow Surrounding Fire Hydrants.

City of Waukesha, Wisconsin

Ordinance No. 2021-_____

**An Ordinance Creating Subsection (6) of
Section 6.12 of the Waukesha Municipal Code, Regarding
Streets and Sidewalks; and
Amending Subsection (4) of Section 21.10 of the Waukesha Fire Prevention Code,
Regarding Snow Surrounding Fire Hydrants**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Section 6.12 of the Waukesha Municipal Code is hereby amended to read as follows:

**6.12 Sidewalks; Removal of Snow, Etc. Snow Removal from Sidewalks, Curb
Ramps, Bus Pads, and Fire Hydrants**

(1) ~~RESPONSIBILITY OF OWNER OR OCCUPANT.~~ **Responsibility of owner or
occupant.** The owner, occupant, or person in charge of each dwelling or building in the City fronting upon or adjoining any street, and the owner or person in charge of any unoccupied building or lot fronting as aforesaid, shall clean the sidewalk in front of or adjoining such dwelling or building, or unoccupied lot or building, as the case may be, of snow and ice to the width of such sidewalk within 12 hours after the snow has ceased to fall, and shall keep the sidewalk free of snow so as to prevent an accumulation of ice.

(2) ~~CLEANING BY CITY; ASSESSMENT OF COSTS.~~ **Cleaning by City; Assessment
of Costs.**

(a) The Department of Public Works shall publish and maintain a Cost Schedule showing the cost to render the snow and ice removal services described in this section. The Department may amend the Cost Schedule from time to time to reflect any changes to the cost it incurs. The Cost Schedule shall be maintained on the City's website and published annually in the official City newspaper.

(~~ab~~) If the owner, occupant or person in charge of removal of snow as herein provided fails to so remove snow, at the time designated herein, the City may, through its employees and officials of the Department of Public Works, and at its option, cause the snow and ice to be removed from any sidewalk within the City and the cost of such removal ~~shall be at the rate of two dollars (\$2.00) per lineal foot and~~ as shown on the Cost Schedule shall be charged to each lot or parcel of

land as a ~~current~~ special charge against real property by the City Treasurer and ~~entered into the tax roll as a special tax against such lot or parcel and collected in all respects as other taxes or real estate, included in the current or next tax roll for collection and settlement under chapter 74 of the Wisconsin Statutes.~~ In addition, the Director of Public Works shall designate a person from that Department to be authorized by the Common Council to issue citations under §25.08 of this Municipal Code. Such person shall also be responsible for the snow removal program under this section.

(~~bc~~) If the weather conditions cause ice to accumulate on such sidewalk and it cannot with due diligence be removed, the owner, occupant, or person in charge shall keep the same sprinkled with ~~ashes~~, salt or sand and shall remove accumulated ice to the width of the sidewalk as soon as weather conditions permit.

(~~ed~~) For the first offense no citation shall be issued and no ~~fine~~ forfeiture imposed. A warning citation shall be issued and the cost for the removal of snow shall be charged as provided in par. (~~ab~~) ~~shall be charged as provided~~. For the second offense, to compensate for inspectional and administrative costs, a fee of \$25 may be charged for an inspection to determine compliance with this section, except that no fee shall be charged for the inspection when compliance is recorded. A fee of \$50 may be charged for third and subsequent offenses. Inspection fees shall be charged against the real estate upon which the inspections were made, shall be a lien upon the real estate and shall be assessed and collected as a special charge.

(3) ~~OWNER'S RESPONSIBILITY REGARDING DISCHARGE OF WATER.~~ Owner's responsibility regarding discharge of water. Every person owning any buildings in the City situated as described in sub. (1) shall cause the pipes conducting the water from the eaves of the building to be constructed as not to spread the water over the sidewalk.

~~(4) PILING SNOW IN STREETS.~~

(~~54~~) Curb Ramps. In addition to the other requirements imposed in this section, the owner, occupant or person in charge of each building, ~~or dwelling~~ or unoccupied lot is required to remove snow upon any portion of a sidewalk which leads to the street and intersects with the curb at an intersection or corner. If such snow is not removed within the time designated for removal in sub. (1) of this section, the City may clear the snow in accordance with sub. (2)(b) of this section and assess the applicable charge in the Cost Schedule for removal. ~~cost of removal by the City shall be \$25.00 per property.~~

(5) Bus Pads. The owner, occupant, or person in charge of each building, dwelling, or unoccupied lot shall remove snow upon any Bus Pad connected to the sidewalk. If such snow is not removed within the time designated for removal in sub. (1) of this section, the City may clear the snow in accordance with sub. (2)(b) of this section and assess the applicable charge in the Cost Schedule for removal. For purposes of this section, "Bus

Pads” are portions of the sidewalk extending to the curb that are customarily 5 feet by 5 feet in size but may be larger, which provide standing room for pedestrians waiting at a designated Waukesha Metro Bus Stop. “Bus Pads” do not include Waukesha Metro Bus Stops containing a shelter or otherwise providing pedestrians a place to sit while waiting for the bus to arrive.

(6) **Snow surrounding fire hydrants.** The owner, occupant, or person in charge of each building, dwelling, or unoccupied lot fronting upon or adjoining a fire hydrant shall clear the snow surrounding the fire hydrant to allow full access from the street. If such snow is not removed within the time designated for snow removal in sub. (1) of this section, the City may clear the snow in accordance with sub. (2)(b) of this section and assess the applicable charge in the Cost Schedule for removal.

Section 2. Subsection 21.10(4) of the Waukesha Municipal Code is hereby amended to read as follows:

21.10 Fire Hydrants

...

(4) All hydrants shall be accessible for fire department use. No public or private hydrant shall have any obstruction within five feet. Public and private hydrants shall be cleared of snow as required under section 6.12(6) of this Municipal Code.

Section 3. This ordinance shall take effect the day after publication.

Passed the ____ day of _____, 2021.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk