

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB29

ORDINANCE NUMBER: 2019-29

**TITLE: A BILL FOR AN ORDINANCE AMENDING SECTION 11-2 OF THE
BLACK HAWK MUNICIPAL CODE TO CLARIFY RESPONSIBILITY
FOR SIDEWALK MAINTENANCE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK,
GILPIN COUNTY:

Section 1. Section 11-2 of the City of Black Hawk Municipal Code is amended to read
as follows:

**Sec. 11-2. Removal of snow and ice from sidewalks; maintenance
responsibility.**

(a) Every person in charge of or in control of any building or lot of land within the City fronting or abutting on a sidewalk, whether as owner, tenant, occupant or otherwise, shall remove and clear away, or cause to be removed and cleared away, snow and ice from the portion of any sidewalk that fronts or abuts any building or lot of land, within six (6) hours after the cessation of any snowfall. In the event that ice is present on the sidewalk which cannot be safely removed without damaging the sidewalk, the person or entity charged with the snow removal shall put sand or other abrasive material on the sidewalk to make travel thereon reasonably safe, and shall clean such sand or abrasive material from the sidewalk as soon as weather permits.

(b) For purposes of this Section 11-2 and Article I of Chapter 11, the maintenance responsibility of the owner, tenant, occupant or otherwise, including removal of snow and ice shall be as follows:

(1) From the back of curb both horizontally and vertically to the building shall be the responsibility of the owner, tenant, occupant or otherwise;

(2) If a wall or other building structure including drainage appurtenances such as a roof drain or a sidewalk chase is located on or within the curb, the owner, tenant, occupant or otherwise shall maintain such curb, including the gutter thereon;

(3) Any non-standard curb in terms of either height or width, and any ramp or stairway extending to the gutter shall be maintained by the owner, tenant, occupant, or otherwise;

(4) The horizontal surface of any drainage inlet within a sidewalk shall be maintained by the owner, tenant or occupant;

(5) Regardless of location relative to the back of curb, the City shall not be responsible for any area of the right-of-way in which a property owner has installed heated facilities in any such area; and

(6) The City shall be responsible for any gutters and drainage facilities within the public right-of-way that are not located within the area of responsibility of the owner, tenant, occupant or otherwise as set forth in this Section 11-2.

Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.


Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 11th day of December, 2019.


David D. Spellman, Mayor

ATTEST:


Melissa A. Greiner, CMC, City Clerk

