

Private Property Owner's Responsibility - Parking Lots, Driveways and Sidewalks

What is the property owner's responsibility with regard to snow? City maintenance personnel and equipment cannot clear snow on private property. This includes parking lots, driveways and sidewalks for both residences and places of businesses. Property owners are responsible for clearing any sidewalks in front of their property within 24 hours of when snow stops falling. The City will initially give written notice to property owners who fail to clear their sidewalks in a timely manner. Ultimately, fines can be imposed for those who do not comply (see City Code Article 6 - Sidewalks).

There are no City requirements relating to the condition of private driveways in winter storm situations. However, it is a violation of City ordinance to pile shoveled snow in a street, or on another person's property.

Colorado Springs, Colorado City Code

This code was last updated by Ordinance 06-162 passed September 26, 2006.

CHAPTER 3 PUBLIC PROPERTY AND PUBLIC WORKS

ARTICLE 4 SIDEWALKS

PART 2 SNOW REMOVAL

3.4.201: DEFINITIONS:

DANGEROUS ACCUMULATION OF SNOW OR ICE: An accumulation of snow or ice or both on the sidewalk which constitutes an unreasonable risk to the health or safety of the public which the real property owner or occupant abutting or adjacent to the sidewalk or the real property owner or occupant whose property is subject to a public easement or right of way knows to exist or in the exercise of reasonable care should have known to exist.

INJURY: Death, injury to a person, damage to or loss of property, of whatever kind, which could lie in tort regardless of whether that may be the type of action or form of relief chosen by a claimant.

OWNER: Shall include the real property owner of record, whether person, partnership, corporation, firm or other association of persons, any authorized agent or representative of the owner of record, the manager of the real property, and any occupant or tenant of the real property.

PUBLIC EASEMENT: An easement conveyed to the City of Colorado Springs whether by grant or otherwise within which a sidewalk is located.

REAL PROPERTY: Any lot, parcel or tract of land that is not a public right of way or a lot, parcel or tract of land that is subject to a public easement or right of way.

SIDEWALK: A walk primarily designed for pedestrian use within a public right of way which lies between the real property line and the curb line of the street or roadway, or, if there is no curb line, between the real property line and the traveled part of the street or roadway or a walk primarily designed for pedestrian use located within a public easement or right of way. Any public right of way between real property lines, which provides pedestrian access to abutting or adjacent real properties, platted as a midblock walkway, or as a midblock walkway located within a public easement or right of way shall be deemed a sidewalk for purposes of this chapter. (Ord. 90-159; Ord. 99-110; Ord. 01-42)

3.4.202: SNOW REMOVAL REQUIRED; TIME LIMITS:

- A. It shall be unlawful for the owner to permit snow or ice or both to remain on the sidewalk which abuts the real property, or to which the real property is adjacent, or upon any sidewalk located upon the real property subject to a public easement or right of way, at any time after:
 - 1. For residential property, twenty four (24) hours after the termination of the falling snow.
 - 2. For commercial property, five o'clock (5:00) P.M. the next business day following termination of the falling snow.
- B. This section imposes an affirmative duty to remove snow and ice from the sidewalks to protect public safety. Violation of this duty shall constitute negligence per se and an unlawful act, subjecting the violator to civil liability for any injury proximately caused by the violation, civil liability for the costs of removal and criminal prosecution.
- C. Definitions of terms as used in this section:

BUSINESS DAY: Any Monday through Friday, except Federal, State and City holidays.

COMMERCIAL PROPERTY: All property, public or private, which is not "residential property" as defined below.

RESIDENTIAL PROPERTY: Property which is designed, intended and used primarily for human dwelling purposes.

TERMINATION OF FALLING SNOW: The cessation of snowfall for any period exceeding four (4) hours. (Ord. 93-141; Ord. 99-110; Ord. 01-42)

3.4.203: ASSESS COST OF REMOVAL:

If at the end of the time periods specified in section 3.4.202 of this part snow and ice has not been removed from the sidewalk, the City may remove and bill the entire removal cost, including the cost of inspection and other related costs, to the owner of the real property abutting upon or adjacent to the sidewalk or to the owner of the real property subject to a public easement or right of way upon which the sidewalk is located. (Ord. 3587; 1968 Code §10-93; Ord. 90-159; Ord. 99-110; Ord. 01-42)

3.4.204: PROCEDURE FOR ASSESSMENT AND NOTICE:

At least once a year, the City shall compile all unpaid billings for snow and ice removal and, in compliance with the City's Tax Code, shall institute proceedings leading to the assessment of the charges against the individual real properties benefited by the removal of snow or ice. Several assessments may be included in a single ordinance. (1980 Code; Ord. 90-159; Ord. 01-42)

3.4.205: SNOW FUND:

All monies received by the City Treasurer under the provisions of this section shall be credited to the fund or funds out of which the expense of the snow or ice removal was paid. (Ord. 935; 1968 Code §10-95; Ord. 90-159; Ord. 01-42)

3.4.206: PENALTY:

The remedy provided in this part is cumulative and the fact that a billing or assessment has been made shall not prevent the owner from being held civilly liable for any injury proximately caused by failure to comply with this part or prosecuted for a violation of the ordinances of the City. In the event of conviction a penalty as provided by chapter 1 of this Code may be imposed upon any person found guilty of violating the provisions of this part as if billing or assessment had not been made or paid. (Ord. 935; 1968 Code §10-96; Ord. 90-159; Ord. 93-141; Ord. 99-110; Ord. 01-42)

3.4.207: CIVIL LIABILITY:

The owner of the real property shall be primarily liable for any injury proximately caused by failure to comply with this Code. Owners have an affirmative duty to remove snow and ice from the sidewalks adjacent to their property under this article to protect public safety. Violation of this article shall constitute negligence per se. (Ord. 90-159; Ord. 93-141; Ord. 99-110; Ord. 01-42)