

VILLAGE OF ANTIOCH

08 – 10 – 24

***AN ORDINANCE AMENDING TITLE 8 CHAPTER 5 OF THE VILLAGE CODE
REQUIRING PERSONS TO REMOVE SNOW AND ICE FROM PUBLIC SIDEWALKS***

ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF ANTIOCH, ILLINOIS

ON

October 20, 2008.

**Published in pamphlet form by authority of the Village Board
of the Village of Antioch, Lake County, Illinois,
this 23rd day of October, 2008.**

DOROTHY LARSON	President	ROBERT J. CAULFIELD JR. LAWRENCE M. HANSON	Trustee Trustee
CANDI L. ROWE	Clerk	ROBERT E. MCCARTY SCOTT A. PIERCE	Trustee Trustee
ADAM SIMON	Attorney	DENNIS B. CROSBY MICHAEL W. WOLCZYZ	Trustee Trustee

08-10-24

***AN ORDINANCE AMENDING TITLE 8 CHAPTER 5 OF THE VILLAGE CODE
REQUIRING PERSONS TO REMOVE SNOW AND ICE FROM PUBLIC SIDEWALKS***

WHEREAS, Section 11-80-13 of the Illinois Municipal Code, 65 ILCS 5/11-80-13, grants municipalities the authority to require residents to keep the sidewalk that fronts, abuts, or surrounds their property clear of ice and snow, or other obstructions; and

WHEREAS, maintaining safe and accessible rights of way is directly related to the promotion the health, safety and welfare of the public; and

WHEREAS, the Snow and Ice Removal Act (745 ILCS 75/0.01) states that, “Any owner, lessor, occupant or other person in charge of any residential property, or any agent of or other person engaged by any such party, who removes or attempts to remove snow or ice from sidewalks abutting the property shall not be liable for any personal injuries allegedly caused by the snowy or icy condition of the sidewalk resulting from his or her acts or omissions unless the alleged misconduct was willful or wanton”; and

WHEREAS, the proposed amendment of the Village Code would promote the understanding of the responsibilities and obligations of property owners; and

WHEREAS, after necessary consideration the Village Board has determined that land owners and occupants of property which fronts or abuts Village rights-of-way shall share in the responsibilities of maintaining Village rights-of-way through the removal of snow and ice from the public sidewalk.

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF ANTIOCH, LAKE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION I: Section 8-5-1 of the Village Code is hereby amended by adding new subsection D which shall provide as follows:

D. Persons Required To Remove Snow And Ice From Public Sidewalks Fronting Or Abutting Parcels Or Lots Owned, Occupied, Leased Or Otherwise Controlled By Them Within The Village.

1. The owner, occupant, lessee or other person otherwise legally in possession and/or control of any lot or parcel in the Village shall remove and clear away, or cause to be removed or cleared away, all snow and ice on the public sidewalk fronting or abutting any such lot or parcel in a manner consistent with the provisions of this Subsection D.

2. Snow and ice shall be removed within twenty-four (24) hours after the cessation of two inches (2") or more of snow, sleet, or freezing rains; provided, however, in the event snow or ice on a sidewalk has become so hard that it cannot reasonably be removed without damaging the sidewalk, the responsible person shall within the twenty-four (24) hour time period cause a reasonable amount of sand, salt or other abrasive material to be placed upon the entire sidewalk in order to make pedestrian travel thereon reasonably safe; and as soon thereafter as weather permits, said person or entity shall cause the removal of snow and ice as provided herein. After initial removal, the responsible person shall maintain the sidewalk in a reasonably clear condition.

3. When snow, ice, or freezing rain is required to be removed, it shall be removed from the full width of the sidewalk, or an area at least seventy two (72) inches wide, whichever is less in width, along the entire length of the public sidewalk which is upon, fronts or abuts the property. For owners of property most closely abutting sidewalk ramps, owners shall clear the ramps in the same fashion as the sidewalk.

4. A violation of this ordinance is not intended to provide evidence of negligence in any claim for personal injury, death, property damage or destruction grounded in the premises liability of the owner, occupant, lessee or other person otherwise legally in possession and/or control of any lot or parcel in the Village.

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SECTION II: Nothing in this Ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof be lost, impaired or affected by this Ordinance.

SECTION III: All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict, hereby repealed.

SECTION IV: If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included

SECTION V: This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

Passed this 20 day of October, 2008.

	Ayes:	Nays:	Absent/Abstain:
Robert J. Caulfield, Jr.	_____	<u> X </u>	_____
Lawrence M. Hanson	<u> X </u>	_____	_____
Robert E. McCarty	<u> X </u>	_____	_____
Scott A. Pierce	_____	<u> X </u>	_____
Dennis B. Crosby	<u> X </u>	_____	_____
Michael W. Wolczyk	<u> X </u>	_____	_____

APPROVED:

By: *Dorothy Larson* Date: 10-23-08
DOROTHY LARSON, President

ATTEST:
By: *Candi L. Rowe*
CANDI L. ROWE, Village Clerk

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on October 20, 2008.

I hereby certify that the above ordinance was published in pamphlet form on October 23, 2008 as provided by law.

Candi L. Rowe
CANDI L. ROWE, Village Clerk



