

**TOWN OF RIDGWAY, COLORADO  
ORDINANCE NO. 05-2024**

**AN ORDINANCE OF THE TOWN OF RIDGWAY, COLORADO,  
AMENDING SUBSECTION 14-1-1 OF THE RIDGWAY  
MUNICIPAL CODE TO ADD MORE SPECIFIC REGULATIONS  
CONCERNING SNOW AND ICE REMOVAL AND ESTABLISHING  
AN ASSESSMENT AND PENALTY FOR FAILURE TO MAINTAIN  
SIDEWALKS IN THE WINTER**

**WHEREAS**, the Town of Ridgway, Colorado (“Town”) is a home rule municipality existing pursuant to the laws of the Colorado Constitution, the Colorado Revised Statutes and the Town’s Home Rule Charter; and

**WHEREAS**, the Town has significant snow fall in the winter and has historically not enforced its regulations requiring snow and ice removal from sidewalks after each snow event so that pedestrians may walk safely on Town sidewalks; and

**WHEREAS**, without adequate enforcement, many Town sidewalks are inaccessible to pedestrians in the winter causing people to walk in the streets and increasing the possibility of slips, trips and falls; and

**WHEREAS**, the Town Council desires to implement regulations where the Town shall enforce the removal of snow and ice from sidewalks and desires to establish assessment and penalty provisions to all the Town flexibility with enforcement; and

**WHEREAS**, the Town Council finds that this ordinance furthers and is necessary to promote the health, safety and general welfare of the Ridgway community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO** the following:

**Section 1. Recitals Incorporated.** The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council.

**Section 2. Amendment of Subsection 14-1-1 “Sidewalk Construction and Maintenance”.** Subsection 14-1-1 of the Ridgway Municipal Code is hereby amended to read as set forth in *Exhibit A*.

**Section 3. Codification of Amendments.** The Town Clerk, as the codifier of the Town’s Municipal Code, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the Ridgway Municipal Code. The Town Clerk is authorized to correct, or approve the correction by the codifier, of any typographical error in the enacted regulations, provided that such correction shall not substantively

change any provision of the regulations adopted in this Ordinance. Such corrections may include spelling, reference, citation, enumeration, and grammatical errors.

**Section 4. Severability.** If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 5. Effective Date.** This Ordinance shall take effect thirty (30) days after the date of final passage in accordance with Article 3-7 of the Ridgway Charter.

**Section 6. Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Ridgway, 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 Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 7. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

**Section 8. Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Article 3-7 of the Ridgway Charter.

**INTRODUCED AND REFERRED TO PUBLIC HEARING** on November 13, 2024, and setting such public hearing for December 11, 2024, at Ridgway Town Hall, located at 201 N. Railroad Street, Ridgway, Colorado.

BY:

ATTEST:

\_\_\_\_\_  
John Clark, Mayor

\_\_\_\_\_  
Pam Kraft, Town Clerk

**ADOPTED** on December 11, 2024.

BY:

ATTEST:

\_\_\_\_\_  
John Clark, Mayor

\_\_\_\_\_  
Pam Kraft, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Bo James Nerlin, Town Attorney

## **EXHIBIT A**

### **14-1-1 - SIDEWALK CONSTRUCTION AND MAINTENANCE.**

- (A) All Town sidewalks on Town property or easements shall be designed and constructed in accordance with standards and specifications approved by the Town. All Town sidewalks shall be located and sized in accordance with Town requirements and standards. Any person constructing or replacing a Town sidewalk shall obtain a permit from the Town to do so.
- (B) The owner, tenant, and party in actual possession of property abutting any Town sidewalk, shall be jointly and severally liable for any failure to maintain the sidewalk in good repair and condition or replace the abutting sidewalk whenever a dangerous condition exists in the Town's sole reasonable discretion.
- (C) The Town may, as it deems necessary or appropriate, order the construction or repair to any sidewalk. In the event the owner of the abutting property fails or refuses to make such construction or repairs in accordance with Town standards and specifications, the Town may cause the appropriate construction or repair of the sidewalk to be done and assess the costs thereof against the abutting property and its owner. In addition to assessed costs, an owner, occupant, or party in actual possession may be assessed a penalty for such failure to maintain.
- (D) The owner, occupant, or party ("responsible person") in actual possession of property abutting any Town sidewalk shall be jointly and severally liable for any failure to remove snow and ice from any abutting Town sidewalk. Snow and ice shall be removed from the abutting sidewalk within twenty-four hours after a snow event with less than twelve inches (12") of accumulated snow or forty-eight (48) hours after a snow event with more than twelve inches (12") of accumulated snow. Removal of snow and ice means shoveling the sidewalk such that the snow accumulation is removed, and a traction agent is applied, such as sand or salt to melt ice accumulation, if necessary.
- (E) In the event the responsible person shall fail to cause snow and ice removal as required by Subsection (A) above, the Town Manager may cause a written notice to be served on the responsible person. The notice shall require the responsible person to complete the snow and/or ice removal within a reasonable time, not to exceed forty-eight (48) hours. If personal service cannot be made on the responsible person, the notice shall be posted in a prominent place at the premises. If the responsible person so notified fails to remove the snow as required by this Section, the Town Manager may cause the snow removal to meet the requirements of Subsection (A) above and charge the costs thereof, plus an additional amount up to twenty-five dollars (\$25.00) for administrative costs, to the responsible person.
- (F) Any costs recovered for work completed by the Town under this Section shall include all costs of construction, replacement, maintenance, repair, or removal including costs attributable to the use of Town equipment and personnel, any out-of-pocket costs the

Town incurs, reasonable attorney's fees incurred by the Town related to the work or the collection of the assessment, penalty, and any other costs of collecting assessments or amounts due. All such costs shall be a lien against the abutting property which may be foreclosed by the Town in any lawful manner. Such costs may be certified to the County for collection with real property taxes or may be collected in any other lawful manner. Prior thereto, the Town shall notify the owner of record of the property and allow a hearing with a Town representative concerning any amount proposed to be certified to the County for collection.

- (G) The failure to maintain and construct sidewalks in accordance with the requirements of this section is hereby declared to be a nuisance, which may be abated by the Town in any lawful manner. There is hereby created a right of action against the owners of property abutting Town sidewalks on account of their failure to remove snow, ice, debris, or obstructions from abutting sidewalks, to maintain the abutting sidewalks in a safe condition, or to correct any dangerous condition of such abutting sidewalks. The owners of the abutting property shall be civilly liable for the violation of any provisions of this section to anyone injured as a result thereby and shall be civilly liable to hold harmless, defend, and indemnify the Town, its officers, employees, or contractor on account of any claim made or adjudged against the Town, its officers, employees, or contractors on account of their failure to comply with the provisions of this Section.
- (H) It shall be unlawful to violate any of the provisions of this Section. Enforcement may be undertaken under Chapter 2, Section 4 and Chapter 10, Section 2 of the Ridgway Municipal Code.