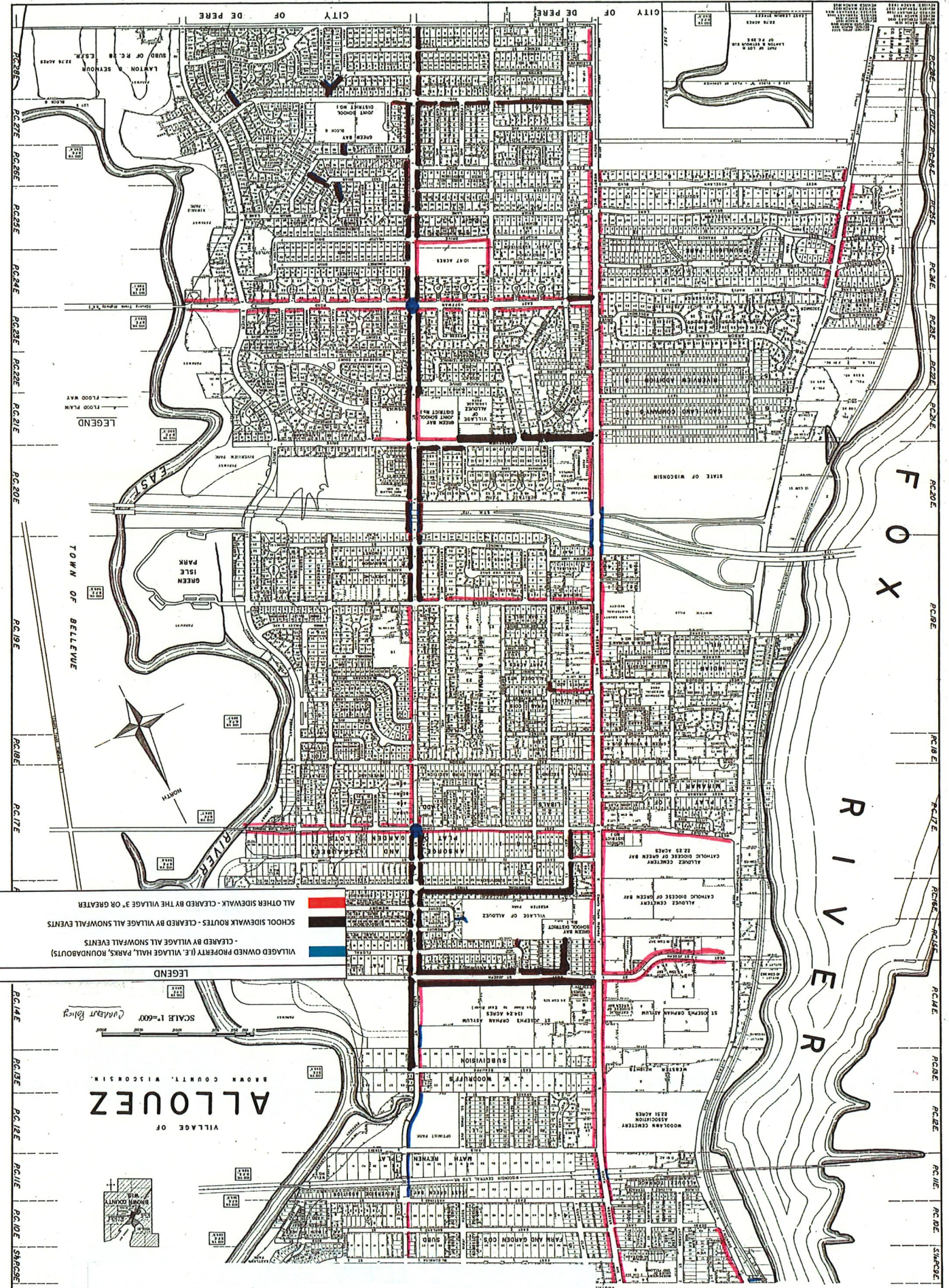


**SIDEWALK CLEARING POLICY - CURRENT POLICY (ADOPTED IN 2017)**



- LEGEND**
- ALL OTHER SIDEWALK - CLEARED BY THE VILLAGE 3" OR GREATER
  - SCHOOL SIDEWALK ROUTES - CLEARED BY VILLAGE ALL SNOWFALL EVENTS
  - VILLAGED OWNED PROPERTY (I.E. VILLAGE HALL, PARKS, ROUNDABOUTS) - CLEARED BY VILLAGE ALL SNOWFALL EVENTS

SCALE: 1" = 600'

Current Policy

**ALLOUEZ**

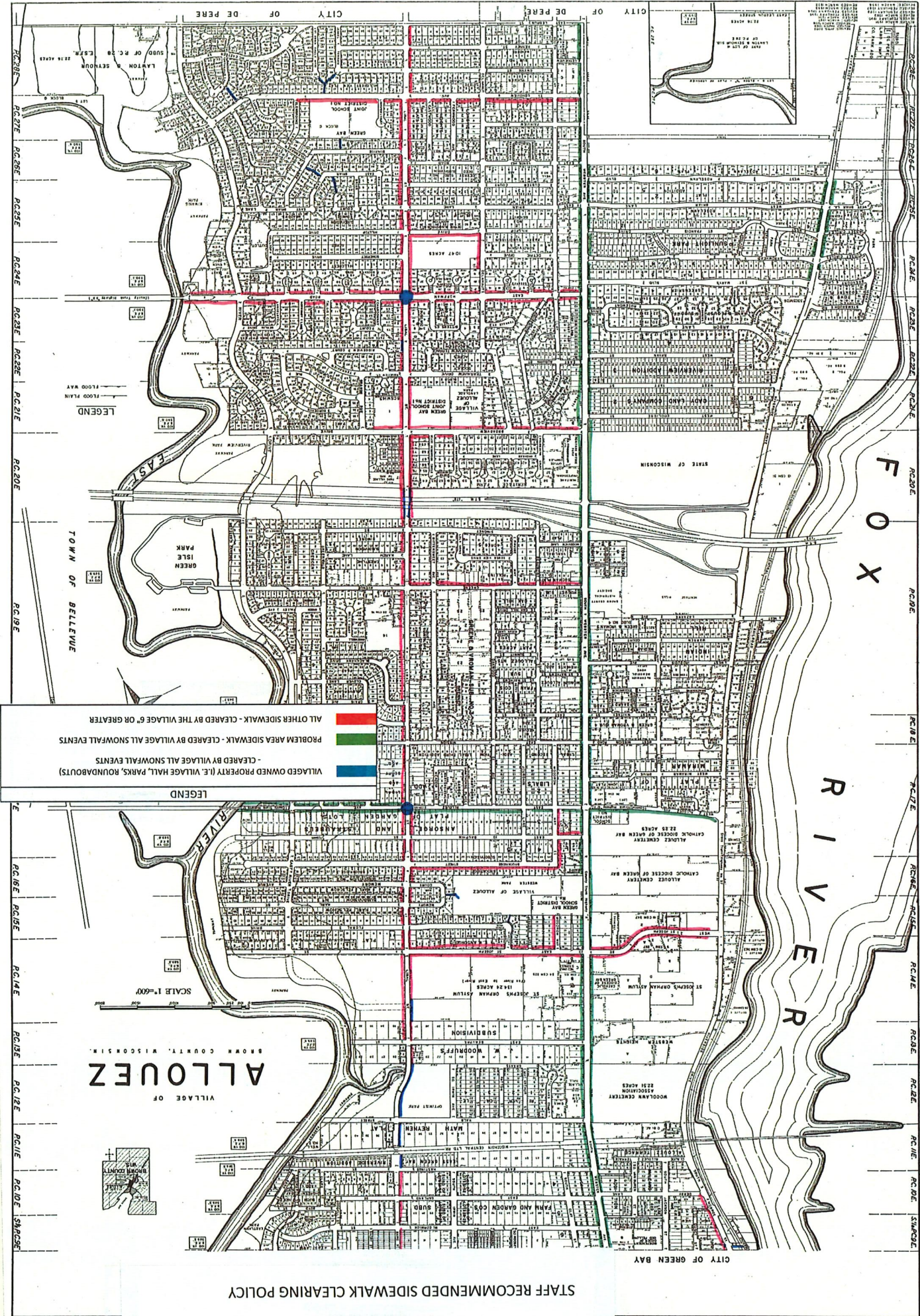
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CITY OF GREEN BAY

STAFF RECOMMENDED SIDEWALK CLEARING POLICY



- LEGEND**
- █ ALL OTHER SIDEWALK - CLEARED BY THE VILLAGE 6' OR GREATER
  - █ PROBLEM AREA SIDEWALK - CLEARED BY VILLAGE ALL SNOWFALL EVENTS
  - █ VILLAGED OWNED PROPERTY (I.E. VILLAGE HALL, PARKS, ROUNDABOUTS) - CLEARED BY VILLAGE ALL SNOWFALL EVENTS

VILLAGE OF  
**ALLOUEZ**  
BROWN COUNTY, WISCONSIN

SCALE 1"=600'

**LEGEND**

█ FLOOD PLAIN  
█ FLOOD WAY  
█ FLOOD WAY

TOWN OF BELLEVUE

EAST RIVER

GREEN ISLE PARK

LAWTON SEYMOUR 22 1/2 ACRES  
SUDS OF F.C. 28 ESTN.

JOINT SCHOOL GREEN BAY 22 1/2 ACRES

10 1/2 ACRES

VILLAGE OWNED PROPERTY

WOLLAH CENTER 22 1/2 ACRES

ST. JOSEPH'S CATHOLIC CHURCH 22 1/2 ACRES

ALLOUEZ CENTER 22 1/2 ACRES

ALLOUEZ CENTER 22 1/2 ACRES

ALLOUEZ CENTER 22 1/2 ACRES

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CITY OF GREEN BAY

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## Sidewalk Clearing Ordinance

\*Sidewalk types described in the policies below are defined on the provided maps.

### **Current Policy (Adopted in 2017)**

Approximate Village Cost +/- \$25,000/yr

- All Snowfall Events - Village clears Village owned properties, roundabouts, and school sidewalk routes.
- 3" or Greater – Village clears all other sidewalk. Less than 3" abutting property owner responsible for the clearing of the sidewalk.
- Abutting Property owners must maintain sidewalk free of snow and ice after initial clearing efforts by the Village. Residents have 48 hours after a snowstorm to complete sidewalk shoveling
- Village at its discretion, may provide additional sidewalk clearing of County and State Highway sidewalk.

### **Staff Recommended Sidewalk Clearing Ordinance**

(Continuous Improvement Committee Recommendation with Exception of Problem Area Sidewalk)

Approximate Village Cost +/- \$25,000/yr

- All Snowfall Events – Village clears Village owned properties, roundabouts, and problem area sidewalk (Riverside Dr., Webster Ave., Allouez Ave and Brookridge St.).
- 6" or Greater – Village clears all other sidewalk. Less than 6" abutting property owner responsible for the clearing of the sidewalk.

Regardless of the selected option above, adjacent property owner required to keep sidewalk clear of snow and ice after Village sidewalk snowplowing. Residents have 48 hours after a snowstorm to complete sidewalk shoveling.



## Sidewalk Snow Removal Comparison by Municipality

### Village of Allouez Sidewalk Snow Removal:

Municipality	Time Allotted	Who's Responsible
Village of Allouez	48 Hours	Owner of Property

### Brown County:

Municipality	Time Allotted	Who's Responsible
City of Green Bay	24 Hours	Occupant / Owner of Parcel
City of De Pere	48 Hours	Owner of Parcel
Village of Suamico	24 Hours	Occupant / Owner of Property
Village of Ashwaubenon	24 Hours	Occupant / Owner of Property
Village of Bellevue	48 Hours	Occupant / Owner of Parcel
Village of Wrightstown	24 Hours	Occupant / Owner of Parcel
Village of Denmark	Promptly	Occupant / Owner of Parcel
Town of Ledgeview	24 Hours	Occupant / Owner of Parcel

### Municipalities Outside of Brown County:

Municipality	Time Allotted	Who's Responsible
City of Chilton	36 Hours	Owner of Lot
Village of Coloma	Not Specified	Occupant / Owner of Lot
City of Wauwatosa	Immediately After Snowfall	Occupant / Owner of Lot
Village of Potosi	24 Hours	Occupant / Owner of Lot
City of Oconomowoc	Promptly	Occupant / Owner of Lot
City of Manitowoc	Snow fallen by 6 a.m. must be removed by 8 p.m. the same day.	Occupant / Owner of Parcel
City of Darlington	24 Hours	Occupant / Owner of Lot



## Liability FAQ 1

**If a municipal ordinance requires property owners to remove snow and ice from sidewalks abutting their property, are the property owners then liable for injuries which result from a failure to remove snow or ice from a sidewalk?**

No. Although a municipality can by ordinance require property owners to remove snow and ice from sidewalks abutting their property, the long-standing rule in Wisconsin is that maintenance of a municipal sidewalk is a non-delegable duty and therefore, the municipality rather than the landowner is responsible for injuries caused by traveling on a snowy or icy municipal sidewalk. See *McCoats v. Threshermen's Mutual Ins. Co.*, Case No. 96-0715 (Ct. App. Jan 14, 1997, unpublished), citing *Walley v. Patake*, 271 Wis. 530, 540, 74 N.W.2d 130, 135 (1956) and *Hagerty v. Village of Bruce*, 82 Wis.2d 208, 213-14, 262 N.W.2d 102, 104 (1978).

Section 66.0907(5) and (10) require the board of public works or other municipal officers designated to handle street or sidewalk matters to "keep the sidewalks ... clear of snow and ice in all cases where the owners or occupants of abutting lots fail to do so ...." Thus, it is ultimately the municipality's responsibility. However, municipalities are afforded some protection by Wis. Stat. sec. 893.83, which prohibits an action for damages for injuries sustained because of a natural snow or ice accumulation unless the accumulation existed for three weeks. Section 893.83 also makes clear that actions for damages caused by accumulation of snow or ice existing more than 3 weeks are subject to sec. 893.80 which affords municipalities immunity for discretionary decisions and limits damages. If a resident fails to remove snow and ice as required by ordinance, that resident is subject to a forfeiture if the ordinance imposes one, and the municipality can perform the work itself and charge the property owner for the removal as a special charge under sec. 66.0627 or as a special tax under sec. 66.0907(5).



