

Town of Franklin

355 East Central Street
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

Memorandum

January 3, 2020

To: Town Council

From: Jamie Hellen, Town Administrator

Re: Bylaw Amendment 20-848: Add Chapter 147, Snow and Ice Removal

Based on some feedback and conversations at a recent Finance Committee meeting, some of you, as well as some in the community, have asked for the Town to discuss reinstating the snow bylaw where businesses are expected to shovel snow off sidewalks in front of their premises.

The original bylaw was adopted in 1975 and the Council repealed this bylaw in 2017 at the request of the previous Administrator due to the difficulty in enforcing the bylaw. I have attached the packet materials from those discussions at the time, where the debate surrounded around better enforcement or repeal the bylaw altogether.

However, in the two years since, it is becoming increasingly important to ensure a safe pathway on sidewalks for pedestrians, as well as good practice for inviting business to stores. With the challenges we face in snow and ice removal due the decline in contractors seeking work as snow plow drivers, this bylaw will have a positive impact in asking everyone to chip in a little. The proposal before you will have a positive effect for the mobility of pedestrians, most notably on the main arteries in the Downtown and Franklin Crossing.

The draft before you this evening is the exact bylaw that was approved in 1975 with one exception: a revised enforcement section. The previous bylaw had no enforcement provision other than a standard \$25 fine and did not designate any public officials to enforce it. I am proposing that the violations in this bylaw mirrors the exact same violations section in our lawn watering bylaws to make them consistent. Notice the focus on a first violation as an educational tool. The DPW and I have spoken about financial penalties numerous times before: we are not looking to issue financial fines. We use these tools as a way to educate to make the community better. I have also added a sentence of public officials who are required to enforce.

If you have any additional questions please feel free to ask.

OFFICE OF THE TOWN ADMINISTRATOR



MEMORANDUM

DATE: December 23, 2016
TO: Town Council
FROM: Jeffrey D. Nutting, Town Administrator
RE: Chapter 147, Snow and Ice Removal

Chapter 147 of the Town Code requires owners of businesses that abut a public way to clear the sidewalks within 12 hours after a snow storm. This bylaw has not been enforced for a long time.

While I was not around in 1975 when the bylaw was adopted my guess is that it focused on the Downtown. Now with the businesses all along Route 140, the two industrial parks, Union Street, Kenwood Circle, Earls Way, West Central Street after 495, etc. it would seem impractical for each business to plow their section of the sidewalk. Does the Town Council want to consider repealing the by-law?

I am happy to answer any questions that you may have.

cc: Mark Cerel, Town Attorney



TOWN OF FRANKLIN
DEPARTMENT OF PUBLIC WORKS

257 Fisher Street
Franklin, MA 02038

November 12, 2015

Mr. Jeffrey Nutting, Town Administrator
Town of Franklin
355 East Central Street
Franklin, MA 02038

Re: Chapter 147. Snow and Ice, Removal of

Dear Jeff,

On January 10th, 1975 the Franklin Town Council adopted a bylaw, Chapter 147, which requires that businesses remove snow and ice from the sidewalks that abut public way within a specific time frame or they may be fined. Specifically it states:

147-1. Time limit for Removal.

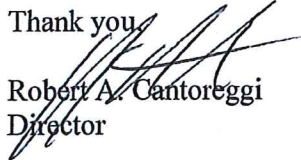
Owners of premises in which business may be conducted and which premises abut a public way shall, within 12 hours after a snowstorm, remove all accumulations of snow and ice from the sidewalk in front of said premises.

147-2. Violations and penalties.

Whoever violates the provision of § 147-1 above shall forfeit and pay for each violation a fine not exceeding \$25.





This bylaw has not been enforced in my tenure at DPW Director. I respectfully suggest that we come up with a plan for enforcement or remove it from the Town Code.




Thank you,


Robert A. Cantoreggi
Director

CC: Deacon Perrotta, Director of Operations
Carlos Rebelo, Highway and Grounds Superintendent
Mark Cerel, Town Attorney
File

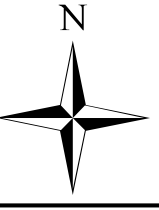
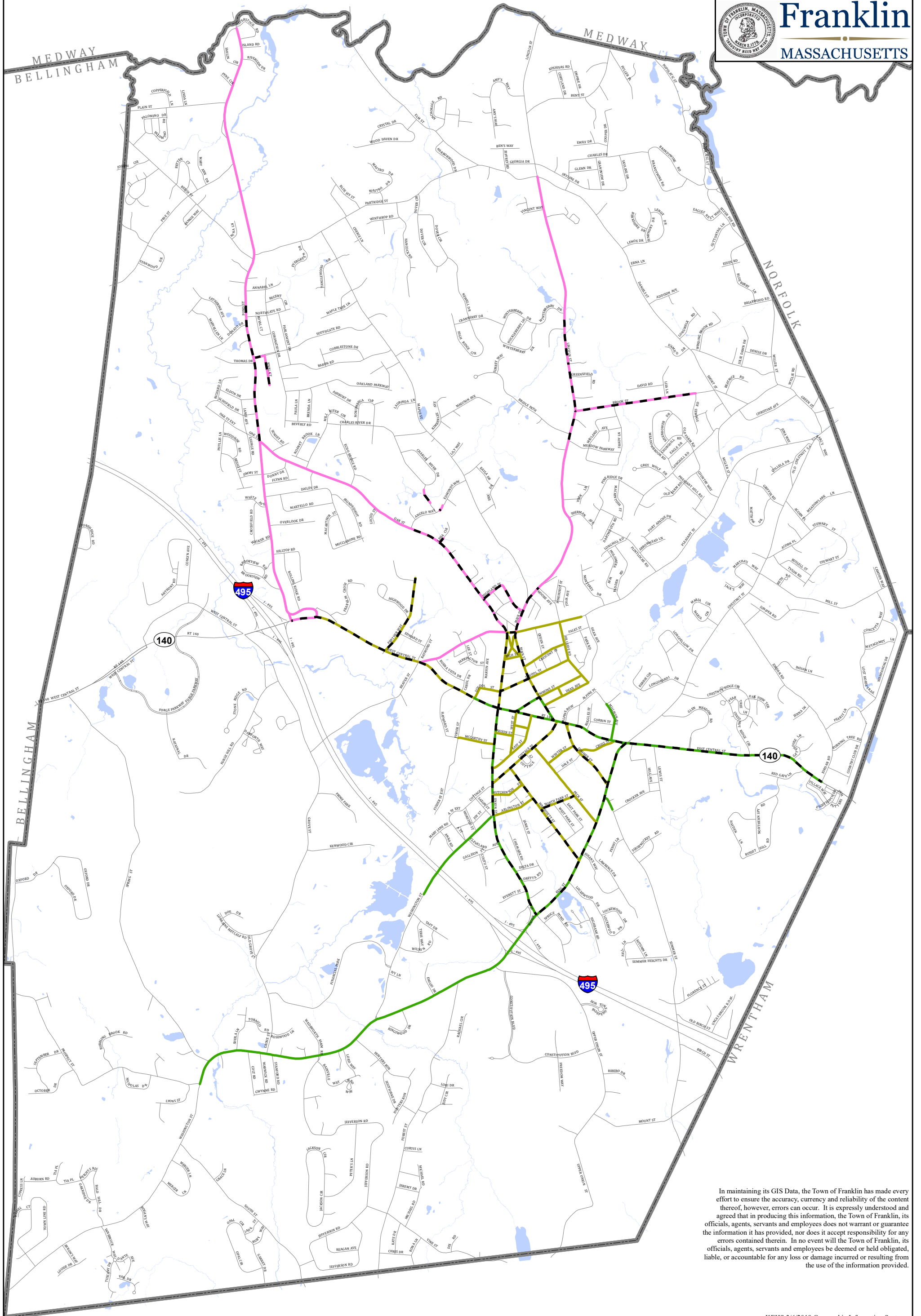
SIDEWALK PLOW ROUTES

-  Route 1
-  Route 2
-  Route 3
-  High Priority

-  Roadway
-  Water
-  Municipal Boundary

0 0.25 0.5
Kilometers

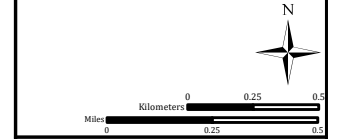
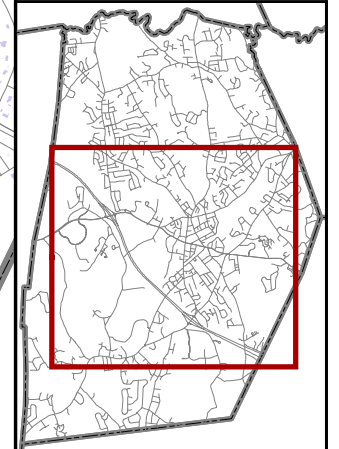
0 0.25 0.5
Miles

In maintaining its GIS Data, the Town of Franklin has made every effort to ensure the accuracy, currency and reliability of the content thereof, however, errors can occur. It is expressly understood and agreed that in producing this information, the Town of Franklin, its officials, agents, servants and employees does not warrant or guarantee the information it has provided, nor does it accept responsibility for any errors contained therein. In no event will the Town of Franklin, its officials, agents, servants and employees be deemed or held obligated, liable, or accountable for any loss or damage incurred or resulting from the use of the information provided.

SIDEWALKS ALONG COMMERCIAL PROPERTIES

- Sidewalks Along Commercial Properties
- Roadway
- Structure
- Municipal Boundary



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**TOWN OF FRANKLIN
BYLAW AMENDMENT 20-848
ADD CHAPTER 147, SNOW AND ICE, REMOVAL OF**

A BYLAW TO AMEND THE CODE OF THE TOWN OF FRANKLIN AT CHAPTER 147.

BE IT ENACTED BY THE FRANKLIN TOWN COUNCIL that the Code of the Town of Franklin is amended by adding Chapter 147 Snow and Ice, Removal of, as follows,

**Chapter 147: Snow and Ice, Removal of
§147-1 Time limit for removal.**

Owners of premises in which business may be conducted and which premises abut a public way shall, within 12 hours after a snowstorm, remove all accumulations of snow and ice from the sidewalk in front of said premises.

§147-2 Enforcement and Penalties.

Any violation of this article shall subject the violator to a fine as follows:

1. First Violation (Within calendar year): a written warning.
2. Second Violation: a fine of \$50.
3. Every violation thereafter: a fine of \$200.

Each day that a violation continues shall constitute a new and separate offense.

This bylaw shall be enforced by the Town Administrator, Public Works Director, Chief of Police, or any of their designees.

This bylaw amendment shall become effective in accordance with the provisions of the Franklin Home Rule Charter.

DATED: _____, 2020

VOTED:
UNANIMOUS: _____

A True Record Attest:

YES: _____ **NO:** _____

ABSTAIN: _____

ABSENT: _____

**Teresa M. Burr, CMC
Town Clerk**

**Glenn Jones, Clerk
Franklin Town Council**