

EXHIBIT NO. 1

17
3-13-04 ~~19~~
3-9-04

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 5, 2004

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *ps*

SUBJECT: ORDINANCE TO AMEND THE CITY'S SNOW REMOVAL REQUIREMENTS

ISSUE: Consideration of an ordinance to amend the City Code sections regarding snow removal.

RECOMMENDATION: That City Council pass the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, March 13.

DISCUSSION: Each winter in the City, pedestrian accessibility to METRO and DASH bus stops, commercial establishments, and many neighborhoods continues to be a concern to citizens. Often, snow, sleet, and ice on sidewalks throughout the City are not being cleaned in accordance with the requirements of the City Code.

To address these concerns and to promote the Council objective to provide for a more pedestrian friendly environment, additional changes to the City Code provisions are recommended as follows:

1. Change the Code provision concerning the written notification to the owner or occupant of land abutting a sidewalk to require that snow, sleet, or ice must be removed **24 hours** from receipt of a City notice instead of the current 48 hours from the receipt of such notice.
2. Enable the director of the Transportation and Environmental Services Department and his designees to issue a \$50 civil penalty citation to the owners or occupants of property who fail to remove snow, sleet or ice from the sidewalk abutting their property within the 24-hour period provided in the written notification.

Presently, pedestrians use the streets rather than walk on sidewalks which are covered with snow, sleet, and ice. Staff needs added enforcement capability to allow pedestrians to safely walk to their destinations.

Operationally, Transportation and Environmental Services staff will review the sidewalks in high pedestrian usage areas or in response to citizens' concerns, and issue notices to the owners or occupants where sidewalks have not been cleaned abutting their property. After the 24-hour response time, another review will be made to evaluate the conditions of the sidewalk. Under the proposed ordinance, upon the owner's or occupant's failure to respond to the notice, the director can issue a civil penalty citation to the owner or occupant. In addition, he can have the City remove the snow, sleet, or ice and bill the owner or occupant for the costs. Before issuing a citation, the director will evaluate any mitigating circumstances for not complying with the written notice. Most owners and occupants should be capable of complying with the snow, sleet, or ice removal provisions of the ordinance.

If an owner is physically incapable of removing snow, sleet, or ice from their abutting sidewalks, the director will refer the person to Citizen Assistance for help in cleaning their sidewalks.

FISCAL IMPACT: There are only administrative costs involved and the current Department of Transportation and Environmental Services' staffing and budget is sufficient to cover any related costs.

ATTACHMENT: Ordinance

STAFF:

Richard J. Baier, P.E., Director, T&ES

Doug McCobb, Deputy Director, Operations, T&ES

Introduction and first reading:	3/09/04
Public hearing:	3/13/04
Second reading and enactment:	3/13/04

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 5-2-21 (REMOVAL OF SNOW, SLEET AND ICE), of Article A (GENERAL PROVISIONS), Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

Section 5-2-21 of the City Code requires an owner or occupant to remove snow or ice from the sidewalk adjacent to such owner's or occupant's property within 24 hours after precipitation ceases. The proposed ordinance provides a \$50 civil penalty for the failure of an owner or occupant to act after having been given notice of this requirement by the City, and an additional 24 hour period to comply. In addition, as under current law, the City can remove the snow or ice and bill the property owner for such removal.

Sponsor

Staff

Richard Baier, Director of Transportation and Environmental Services
Ignacio B. Pessoa, City Attorney

Authority

§ 2.04(m), Alexandria City Charter

Estimated Costs of Implementation

As stated in City Manager's Memorandum

Attachments in Addition to Proposed Ordinance and its Attachments (if any)

None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 5-2-21 (REMOVAL OF SNOW, SLEET AND ICE), of Article A (GENERAL PROVISIONS), Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-2-21 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-2-21 Removal of snow, sleet and ice.

- (a) Whenever snow shall fall and lie on the sidewalks of the city, it shall be the duty of each owner or occupant to clean same from the public sidewalk abutting the place owned or occupied by him within 24 hours after the snow shall have ceased to fall. It shall be unlawful for any person to move into any city street any snow that has fallen on his such person's property. The same requirements shall exist with respect to ice or sleet on sidewalks or footways; except, when it cannot be removed without injury to the sidewalk or footway, it shall be covered within 24 hours with sand, ashes or some other substance which will render it safe for travel. Whenever any building or lot contains four or more rental units or is unoccupied, it shall be the duty of the owner, or the agent of the owner thereof, to have the snow or ice removed from the sidewalk or footway, as above required of occupants. It shall be unlawful for any person to fail, refuse or neglect to comply with the provisions of this subsection.
- (b) The director of the department of transportation and environmental services, or his the director's duly authorized agent, may give notice in writing to the owner or occupant of land in the city abutting a sidewalk where there is snow, sleet or ice, that such snow, sleet or ice must be removed or covered as prescribed above within ~~48~~ 24 hours from the receipt of the notice or the city will (1) remove or cover the snow, sleet or ice, bill the owner or occupant for the costs and collect the costs like taxes in the event of nonpayment by the owner, and/or (2) issue a civil penalty citation to the owner or occupant pursuant to subsection (e) of this section. Mailing to the last known post office address shall constitute sufficient service upon owners who cannot be found after a reasonably diligent search or who are nonresidents.
- (c) Whenever the owner refuses, neglects or fails to remove or cover the snow, sleet or ice after being notified in the manner prescribed above, the department of transportation and environmental services may choose to act. The expense thereof shall be forthwith computed, and a bill for such expense shall be prepared by the department of finance and mailed to the owner at his last known post office address within a reasonable time after the work is done.

- (d) In the event the city does not receive payment of the bill within 30 days after mailing, the director of finance shall see that the expense is charged to the owner and collected in the same manner as city taxes. Every charge with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property.
- (e) A person shall be assessed a civil penalty of \$50 for violating any provision of this section; provided, however, that no such penalty shall be assessed until the notice and opportunity to comply required by subsection (b) shall have been given. The provisions of Section 1-1-11 of this code shall apply to the enforcement of such penalty.

Section 6. That this ordinance shall become effective at the time and on the date of final passage.

WILLIAM D. Euille
Mayor

Introduction: 3/9/04
First Reading: 3/9/04
Publication:
Public Hearing:
Second Reading:
Final Passage: