

City of Alexandria, Virginia

MEMORANDUM

DATE: DECEMBER 9, 2004

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *ps*

SUBJECT: CONSIDERATION OF AN ORDINANCE TO REVISE THE PROVISIONS IN THE CITY CODE RELATING TO THE RESPONSIBILITY OF PROPERTY OWNERS AND OCCUPANTS TO CLEAR SIDEWALKS OF SNOW

ISSUE: Consideration of an ordinance to revise the provisions in the City Code relating to the responsibility of property owners and occupants to clear sidewalks of snow.

RECOMMENDATION: That City Council pass the ordinance on first reading and set it for public hearing, second reading and final passage on Saturday, December 18.

DISCUSSION: Each winter during inclement weather pedestrian accessibility to Metro and commercial establishments, and within many neighborhoods is a significant concern to citizens. Snow, sleet, and ice on City sidewalks are not always being removed as required by the City Code. Currently, the Code requires that snow, sleet, or ice must be removed 24 hours after the snow shall have ceased to fall.

Staff recommends changes to the City Code provisions on snow removal in order to improve pedestrian safety, alleviate citizens' concerns, and promote the Council's objective to provide for a more pedestrian friendly environment.

Presently, after significant snowfalls, pedestrians are often are forced to use the streets rather than the sidewalks which remain covered with snow, sleet and ice. Additional steps are needed to have properly cleaned and treated sidewalks that allow pedestrians to walk safely to their destinations.

The proposed Code changes are as follows:

1. Reduce, from 48 to 24 hours, the time a property occupant or owner is given, following written notification from the City that requires the removal of snow, sleet or ice from adjacent sidewalks.
2. Provide for the issuance of a civil penalty notice, and the imposition of a civil penalty (\$50) if the owner or occupant fails to clear the sidewalk abutting their property. The

director of the Transportation and Environmental Services Department (T&ES) and his designee, will issue a civil penalty notice to the owner or occupant and impose the penalty in the appropriate cases. T&ES will continue to be authorized also to remove the snow, sleet, or ice, bill the owner or occupant for the costs, and place a lien on the property in the event of nonpayment. For all property managed by ARHA, the T&ES director will issue a civil penalty notice to the Authority and not to the tenants of ARHA properties.

Operationally, staff from T&ES will review the sidewalks in high pedestrian usage areas or in response to citizens concerns, and issue notices to the owners or occupants where abutting sidewalks have not been cleared. After the 24 hour response time, another review will be made to evaluate the conditions of the sidewalk. Upon failure to respond to the notice, the director of T&ES can have the snow, sleet, or ice removed and bill the owner or occupant billed for the costs. In addition, a civil penalty may be assessed against a non-complying owner or occupant.

The T&ES director will, of course, evaluate the 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 our current 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

1	Introduction and first reading:	12/14/04
2	Public hearing:	12/18/04
3	Second reading and enactment:	12/18/04

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

The City Code generally 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 the storm ends. The proposed ordinance adds a \$50 civil penalty for the failure of an owner or occupant to act after having been given individual, written 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
Joanna Frizzell, Assistant 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 is owned by the Alexandria Redevelopment and Housing Authority, 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.

1 (d) In the event the city does not receive payment of the bill within 30 days after mailing,
2 the director of finance shall see that the expense is charged to the owner and
3 collected in the same manner as city taxes. Every charge with which the owner of any
4 such property shall have been assessed and which remains unpaid shall constitute a
5 lien against such property.

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7 (e) A person shall be assessed a civil penalty of \$50 for violating any provision of this
8 section; provided, however, that no such penalty shall be assessed until the written
9 notice required by subsection (b), and an additional period of 24 hours to comply
10 after such notice, shall have been given. The provisions of Section 1-1-11 of this
11 code shall apply to the enforcement of such penalty.

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

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16 WILLIAM D. EUILLE
17 Mayor

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19 Introduction: 12/14/04
20 First Reading: 12/14/04
21 Publication:
22 Public Hearing:
23 Second Reading:
24 Final Passage:

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ORDINANCE NO. 4368

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.

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- (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 written notice required by subsection (b), and an additional period of 24 hours to comply after such notice, 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

Final Passage: December 18, 2004