

City of Alexandria, Virginia

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## MEMORANDUM

**DATE:** NOVEMBER 3, 2010

**TO:** THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

**FROM:** JAMES K. HARTMANN, CITY MANAGER 

**SUBJECT:** AN ORDINANCE TO AMEND THE CITY CODE SECTION ON REMOVAL OF SNOW, SLEET AND ICE FROM SIDEWALKS

**ISSUE:** Consideration of an ordinance to amend the City Code section on removal of snow, sleet and ice from sidewalks.

**RECOMMENDATION:** That City Council introduce the ordinance, pass it on first reading and schedule it for public hearing, second reading, and final passage on Saturday, November 13 (Attachment 1).

**DISCUSSION:** City Code §5-2-21, "Removal of snow, sleet and ice," states that business owners and homeowners are responsible for clearing sidewalks abutting their property within 24 hours of the conclusion of a storm. The Code section provides that failure to clear sidewalks within 24 hours results in a fine of \$50. In addition, the Code authorizes the City to perform the work and charge the cost to the property owner.

On June 22, City Council received the City Manager's after-action review of the 2009-10 snow emergencies. Also provided at the meeting was a proposed Snow Emergency Implementation Plan for Winter Preparedness, developed to address deficiencies identified in the after action review. Council requested that staff docket for Council consideration those changes to the City Code necessary to implement the revised plan.

Attached is a proposed amendment to the City Code related to the clearing of snow from sidewalks. The revision implements a scalable winter weather emergency system (Attachment 2), and provides clear direction regarding the responsibilities of business owners and homeowners when severe weather creates a local emergency. Under this ordinance, business and property owners would continue to have 24 hours after the storm has ended to clear snow and ice from sidewalks if winter weather is classified by the City as a Level 1 snow emergency. In events with greater accumulation which the City declares as a Level 2 snow emergency, business and property owners will have up to 48 hours to clear snow and ice from sidewalks. When there are more significant snow accumulations or events declared as Level 3 snow emergencies, business and property owners will have up to 72 hours to clear snow and ice from sidewalks. If conditions warrant, the City Manager is authorized by this ordinance to suspend enforcement of the ordinance until the snow emergency level is reduced.

**FISCAL IMPACT:** Staff estimates that this ordinance will generate negligible additional revenues.

**ATTACHMENTS:**

Attachment 1: Proposed Ordinance

Attachment 2: Winter Weather Emergency System

**STAFF:**

Mark Jinks, Deputy City Manager

Tom Gates, Assistant City Manager

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

John Catlett, Director, Building and Fire Code Administration

Chris Spera, Deputy City Attorney

Yon Lambert, Deputy Director, T&ES

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Introduction and first reading: 11/9/10  
Public hearing: 11/13/10  
Second reading and enactment: 11/13/10

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain 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 proposed ordinance amends the City's sidewalk snow removal requirements for property owners to be consistent with the amended snow and bad weather emergency plans.

Sponsor

N/A

Staff

- Mark Jinks, Deputy City Manager
- Tom Gates, Assistant City Manager
- Richard J. Baier, P.E., LEED, AP Director, T&ES
- Blaine Corle, Deputy Chief, Alexandria Police Department
- Christopher P. Spera, Deputy City Attorney
- Yon Lambert, Deputy Director, T&ES
- Bob Garbacz, Transportation Division Chief, T&ES
- David Ray, Captain, Alexandria Police Department

Authority

§2.04(d) and (g), Alexandria City Charter

Estimated Costs of Implementation

None

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

None

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE to amend and reordain 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 Article A, Chapter 2 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 5-2-21 to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

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.~~ The time for such removal shall be as follows:

- i. When the city manager or his designee has declared a Level 1 snow emergency, within 24 hours after the snow shall have ceased to fall;
- ii. When the city manager or his designee has declared a Level 2 snow emergency, within 48 hours after the snow shall have ceased to fall;
- iii. When the city manager or his designee has declared a Level 3 snow emergency, within 72 hours after the snow shall have ceased to fall.

(Subsequent sections unchanged)

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE  
Mayor

Introduction:	11/9/10
First Reading:	11/9/10
Publication:	
Public Hearing:	
Second Reading:	
Final Passage:	

## WINTER WEATHER EMERGENCY SYSTEM

LEVEL	INCIDENT	MESSAGE	GOAL/ACTION
Level 1	Up to 8 inches of snow or other winter weather (minor icing, etc...) that can be managed using existing City resources.	Roads may be dangerous. Drivers are advised to exercise caution. City crews are working to make roads clear within three days, depending on conditions. <b>Clearing snow from sidewalks within 24 hours after the storm has ended is the responsibility of owners or occupants of the adjacent property.</b>	Roadways, City-owned facilities and sidewalks passable for emergency vehicles and school access. All roads may not be completely clear for up to three (3) days.
Level 2	More than 8 inches of snow, blizzard conditions, ice accumulation or other weather conditions that require extreme caution and attention to safety.	Roadways are hazardous. Drivers are advised to limit their travel to emergency trips. Motorists and pedestrians should use extreme caution. City snow removal crews will work first to make roads passable for emergency and public utility vehicles. Crews will then return to clear and treat roads within five days following the storm; however, weather conditions may delay available resources and response times. <b>Clearing snow from sidewalks within 48 hours is the responsibility of owners or occupants of the adjacent property.</b>	Bring conditions to Level 1. Roadways, City-owned facilities and sidewalks passable for emergency vehicles and school access. All roads may not be completely clear for up to five (5) days.
Level 3	Natural disaster conditions that outstrip City resources	All roadways are closed to non-emergency personnel. No one should be driving in these conditions. Residents are advised to stay off the roads and sidewalks so that snow removal crew may continue working to clear City roadways. Roads will be made passable for emergency and public utility vehicles first; snow removal will go around the clock. <b>Clearing snow from sidewalks within 72 hours after the storm has ended is the responsibility of owners or occupants of the adjacent property.</b>	Bring conditions to Level 2. No estimate is available for roadway clearing.

ORDINANCE NO. 4689

AN ORDINANCE to amend and reordain 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 Article A, Chapter 2 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained by the amendment of Sections 5-2-21 to read as follows:

(New language is underscored; deleted material is ~~stricken~~)

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~~. The time for such removal shall be as follows:

- i. When the city manager or his designee has declared a Level 1 snow emergency, within 24 hours after the snow shall have ceased to fall;
- ii. When the city manager or his designee has declared a Level 2 snow emergency, within 48 hours after the snow shall have ceased to fall;
- iii. When the city manager or his designee has declared a Level 3 snow emergency, within 72 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 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 the same prescribed periods 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. The City Manager shall have the ability to suspend enforcement of this section in severe weather circumstances.

(Subsequent sections unchanged)

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

WILLIAM D. EUILLE  
Mayor

Final Passage: November 13, 2010