



Agenda Item:

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COUNCIL COMMUNICATION City Manager's Office

GENERAL INFORMATION

Agenda Date: 10/25/04
04-551

Communication No.:

Agenda Item Type: Ordinance
No.:

Roll Call

Submitted by: William G. Stowe, Public Works Director

SUBJECT—

Administrative Penalties with Appeal Process for (1) Unnatural Deposit of Snow on the Right-of-way and for (2) Failure to Remove Sidewalk Snow

SYNOPSIS—

To enforce Municipal Code provisions prohibiting the unnatural deposit of snow on a street right-of-way, staff recommends administrative penalties. Unnatural deposits of snow from parking lots and driveways on right-of-ways occur following most storm events. Administrative penalties are proposed at a level lower than a civil infraction and will afford an administrative appeal process in advance of the more time-consuming and expensive civil infraction procedure. Administrative penalties and the appeal process are also recommended for violations of the sidewalk snow ordinance.

(1) Unnatural deposits of snow on a right-of-way often result in windrows in the street, deposits on sidewalks, site clearance problems, and icing conditions due to runoff after melting occurs. An administrative penalty of \$100 for a first offense, \$150 for a second offense within the same snow season, and \$200 for a third offense is recommended if a property owner or his or her contractor deposits snow from private property on the right-of-way. Those receiving an administrative penalty may appeal their fine through the administrative hearing process. Failure to pay administrative penalties may result in the filing of a civil infraction.

(2) Unremoved sidewalk snow restricts pedestrian traffic flow and may result in slippery conditions due to compaction and possible ice formation. An administrative penalty of \$50 for a first offense, \$75 for a second offense within the same snow season, and \$100 for a third offense is recommended if a property owner or his or her contractor fails to remove sidewalk snow within 48 hours following a storm event. Those receiving an administrative penalty may appeal their fine through the administrative hearing process. Failure to pay administrative penalties may result in the filing of a civil infraction.

FISCAL IMPACT—

Revenue from administrative penalties would be deposited in the General Fund.

RECOMMENDATION—

Approval

BACKGROUND—

Each year the Public Works Department receives reports of property owners and/or their contractors plowing snow from private parking lots and driveways onto the City right-of-way. The time-consuming process associated with the issuance of civil infractions for this offense has precluded timely enforcement. The Public Works Department recommends the use of administrative penalties for those property owners who deposit snow and ice from private property (parking lots and driveways) upon the right-of-way. Those receiving an administrative penalty would be afforded the opportunity to appeal their fines through the administrative hearing process. The City reserves the right to issue a more costly civil infraction to habitual violators.

The Public Works Department follows up on reports of uncleaned sidewalks after 48 hours following a snow event. Administrative penalties set at levels lower than civil infractions are recommended to expedite enforcement.

By enforcing code provisions regarding failure to remove sidewalk snow or the unnatural deposit of snow from private property on the right-of-way, the City can reduce the problems associated with site clearance, windrow, obstructed sidewalks, and continuing icing conditions.