

**Staff Report**

**SIDEWALK SNOW REMOVAL**

**June 22, 2010**

On December 22, 2009, staff reported to City Council the results of exploring what other communities are doing to force property owners to make sidewalks passable in adverse winter conditions. Staff surveyed the following five university cities: Iowa City, Iowa; Fort Collins, Colorado; Boulder, Colorado; Madison, Wisconsin; and Lincoln, Nebraska. Staff also contacted three other cities in Iowa: Des Moines, West Des Moines, and Ankeny. Of the eight cities surveyed, three cities (Ankeny, Lincoln, and Iowa City) indicated they handle snow and ice removal on sidewalks based on complaints only. The other five are predominantly complaint based as well. However, in those cities they also proactively monitor specific areas such as high pedestrian traffic areas, school areas, and areas with a significant elderly population.

The City of Ames' current policy is complaint based, which means that staff must receive a complaint prior to taking action. Once the complaint is received, staff then inspects the sidewalk to confirm its condition. If the sidewalk has not been cleared, staff posts a notice on the front door of the property stating that the owner has 24 hours to remove the snow and/or ice. If the work is not done within the 24-hour period stated on the notice, staff then hires a contractor to remove the snow and assesses the actual cost billed from the contractor, plus a \$50.00 administrative fee, to the property owner.

As evidenced on the attached map, during the winter of 2009-10 a total of 559 notices were issued to 385 properties for failure to remove snow and/or ice from sidewalks in a timely manner. Of the 385 properties, 191 were residential rental properties, 183 were residential non-rental properties, and 11 were commercial properties.

**You will note on the attached table that, of the 174 repeat notices, five were for commercial properties, 85 were for residential rental properties, and 84 were for residential non-rental properties.**

**Council Request:**

As a result of exploring other communities' policies on snow removal last December, the City Council directed that staff come back with a plan that changes enforcement to be proactive on repeat offenders and to propose a geographic area for proactive enforcement.

**Staff Response:**

Since that time, staff has been proactive on repeat offenders. In proposing a geographic area, staff looked for a concentrated area that involved the majority of notice types as well as focused on a high pedestrian traffic area. Based on our research, the area found that best meets these criteria was Ash Avenue from Chamberlain Street to Storm Street; Knapp Avenue from Ash Avenue to South Sheldon Avenue, and Hayward

Avenue from Chamberlain Street to Storm Street. This area is designated as “Area of Focus” on the attached map.

In March 2010, the City Manager was invited by Jim Gunning to attend a meeting with a group of approximately fifteen rental property owners to discuss the issue of snow removal from sidewalks. A number of comments and suggestions were presented that Staff believes are also worthy of City Council consideration.

**Request:**

In most cases, rental leases designate that it is the tenants’ responsibility to clear snow from the sidewalks. Therefore, currently staff has opted to post the property so that the tenant is clearly notified of a snow removal complaint. It appears that in many cases tenants have not fulfilled this responsibility in a timely manner, leaving the owner responsible for compliance. The group indicated that if they were aware of the complaint, they could respond to remove the snow and avoid the higher cost from the City’s contractor.

It was suggested by this group of rental property owners that, because they ultimately are responsible for the removal of snow from abutting sidewalks, the City should e-mail notification of a snow removal complaint directly to the rental property owner/apartment manager.

**Staff Response:**

Under our current practice, after receiving a complaint, a Public Works employee must visit the site and verify that a violation exists. If the complaint is verified, a door hanger is left at the property notifying the occupants of the violation. After the time allotted to remove the snow has passed, a Public Works employee again returns to the site to verify whether or not the snow has been removed. If not, the City’s contractor is notified to proceed to remove the snow and bill the City for the cost of time and materials.

Since the City’s Inspections Division already maintains a data base of registered rental property units, it would be possible to email rental property owners/apartment managers when a complaint is received. For over a year, the Inspections Division has been requiring that rental owners submit an e-mail address for property managers. Staff can work to incorporate this information into the City Geographic Information System (GIS) in order to notify these managers by e-mail. The City would benefit from this change with the elimination of one trip to the site to verify a violation. However, it should be emphasized that we can not be sure that all rental property owners would support this proposed change at this time.

**Request:**

The rental property owners indicated that along several major four-lane streets (Lincoln Way, Grand Avenue, etc.) there is a point after an excessive amount of accumulation that there is no longer sufficient room in the public right-of-way to store snow removed from the sidewalks. They remembered that two years ago the City Council temporarily delayed enforcement of sidewalk snow removal until the City crews cleared the right-of-

ways from these arterials. They are requesting that policy be amended to allow the City Council or the Public Works Director to delay enforcement for a reasonable period of time if the situation described above occurs.

**Staff Response:**

Staff can support this change. However, it should be understood that it might take a significant amount of time before our crews are in a position to remove the snow from the right-of-ways. In the meantime, if enforcement is temporarily delayed, some of our citizens might become upset because the sidewalks are not cleared in a timely fashion. If the change is not made, rental property owners may need to pile snow on private property after the right-of-way storage area is filled.

**Request:**

It was pointed out that the current notices do not include a name or telephone number to call if there are questions regarding the notice. It was requested that this information be added.

**Staff Response:**

The staff supports this change. The information will be added for the winter of 2010/11.

**Request:**

Our current practice requires the snow to be removed within 24 hours after the property is posted as notification of a violation. The group emphasized that this time frame is particularly difficult to meet if notification is received over a weekend, right before a holiday, or immediately after a large accumulation of snow. They are requesting that the City staff be given the authority to lengthen the time frame for sidewalk snow removal on a case by case basis if the property owner can justify the extension.

**Staff Response:**

The staff has received this same request from some of our elderly residents. The City Code requires that the City afford reasonable notice for the sidewalks to be cleared, but no time period is specified. The City staff can support this suggestion that the 24 hour policy be maintained with discretion given to extend this abatement time frame if, in the opinion of the Public Works Department, individual circumstances warrant it.

**CITY MANAGER'S COMMENTS:**

**City Council members must decide if you would like to temporarily redirect Public Works Department personnel away from other snow and ice control responsibilities to proactively inspect properties after every snow event in a designated area.**

**In addition, as you can see many of the suggestions presented to the City Manager are supported by the City staff. However, because they were offered by a relatively small group of rental property owners, it might be wise to attempt to gauge the support for the changes from a greater portion of the rental property owners before any final modification are made.**

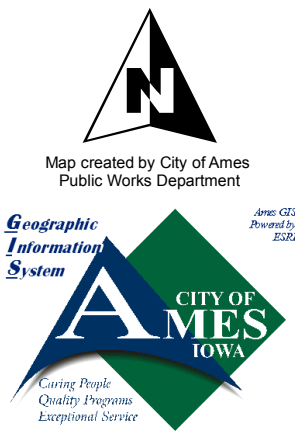




# 2009/10 Snow Removal

Area of Focus

- Legend**
- 09/10 Rental Property
  - Ames City Boundary
  - Parcels
- 09/10 Snow Removal**
- # Notices**
- 1 (271)
  - 2 (74)
  - 3 (27)
  - 4+ (13)



09/10 Notices By Type				
Property	Total Properties	Total Notices	# of Rental Properties	# of Rental Notices
Commercial	11	16	1	3
Residential	374	543	190	275
Total	385	559	191	278

