


COUNCIL COMMUNICATION

	Number:	19-182i	Meeting:	May 6, 2019
	Agenda Item:	33	Roll Call:	19-0732
	Submitted by:	Jonathan A. Gano, P.E., Public Works Director		

AGENDA HEADING:

Recommendation to revise administrative penalties for failure to maintain the border area and failure to remove snow from a public sidewalk.

SYNOPSIS:

When a property owner does not maintain the vegetation in the border area of their property or remove snow and ice from a public sidewalk, it puts the City at risk of liability should someone be injured due to this lack of maintenance. The current administrative penalty does not compensate the City for the cost of a City crew to maintain the border area or remove snow from the adjacent sidewalk and is therefore not a deterrent for failure to maintain.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

- When a property owner neglects to maintain the vegetation in their border area to the standards of the City's Municipal Code, they are first given a letter. The letter contains the penalties that may apply along with a copy of Sec. 102-2. - Maintenance of Border Area.
- When a property owner neglects to remove snow and ice from their portion of the adjacent public sidewalk 48-hours after the snowfall has stopped, pictures of the condition of the sidewalk are taken and the exact time and day are documented and that it does not meet the standards of Sec. 102-124. - Obligation of owner or person in possession of real estate to remove snow or ice from a public sidewalk.
- The current administrative penalty for failing to maintain both the border area and failure to remove snow from an adjacent sidewalk is a \$50 administrative penalty for the first offense, \$75 for the second, and \$100 for the third or succeeding offense. If necessary, Public Works will send crews to maintain either the border area or sidewalk. The hourly cost for a two (2) person crew equipped with a 1-ton truck, trailer, and necessary equipment is a minimum of \$104.64. Public Works recommends raising the administrative penalty for failing to maintain the border area and failure to remove snow from an adjacent sidewalk to the same amount as pushing snow on the City right-of-way. The administrative penalties recommended are: \$100 for the first offense, \$150 for the second offense, and \$200 for the third or succeeding offenses.

- In the 2018-2019 snow season, the City sent 400 notices for failure to remove snow from the adjacent sidewalk.

PREVIOUS COUNCIL ACTION(S): NONE

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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