
M E M O R A N D U M

DATE: October 8, 2010
TO: Salt Lake City Council Members
FROM: Nick Tarbet, Neil Lindberg, Russell Weeks
RE: Proposed Amendments to the City's Snow Removal Ordinance
CC: Cindy Gust-Jensen, David Everitt, Chris Burbank, Ed Rutan, Rick Graham, Frank Gray, Tim Harpst, Jennifer Bruno, Mary Johnson, Carroll Mays, Craig Spangenberg, City Council Liaisons

This memorandum is an update of a proposed legislative action item initiated by City Council Member Luke Garrott to amend Section 14.20.110 of the Salt Lake City Code, pertaining to snow removal.

The goal of the proposed legislative action item is to encourage property owners, occupants, lessors or agents to keep sidewalks clear so pedestrians, particularly people with disabilities, can traverse City sidewalks at least as easily as they can in summer.

It is proposed that the City's Civil Enforcement Unit will be responsible for enforcement; this is the same group that enforces housing and zoning issues.

The current ordinance sets the civil penalty for failure to clear sidewalks at \$75 with a \$50 reduction if the penalty is paid within 15 days and a \$25 reduction if the penalty is paid within 25 days. The civil penalty applies to residential and commercial properties. As the ordinance says, the City can issue a civil citation each day a sidewalk remains uncleared.

The proposed amendment established a base fine of Fifty Dollars (\$50) for properties with a street front footage of two hundred feet (200ft) or less and one hundred dollars (\$100) for any property with street front footage of more than two hundred feet (200'). However, there is not reduction in the penalty if the fine is paid within a set timeframe.

During previous discussions there was some desire to differentiate between residential and commercial properties when applying the penalty. Establishing a fines structure based on zoning district was also considered. However, it is believed that the proposed amendment will successfully incentivize properties with a greater amount of sidewalk to make certain their sidewalks are passable.

Here is the proposed amendment for City Council consideration.

1. For any property with street front footage of two hundred feet (200') or less:
 - a. Fifty dollars (\$50) for each day hail, snow, or sleet is not removed from sidewalks within twenty-four (24) hours;
 - b. Seventy-five dollars (\$75) for each day hail, snow, or sleet is not removed from sidewalks within forty-eight (48) hours; and
 - c. One hundred dollars (\$100) for each day hail, snow, or sleet is not removed from sidewalks within seventy-two (72) hours.

2. For any property with street front footage of more than two hundred feet (200'):
 - a. One hundred dollars (\$100) for each day hail, snow, or sleet is not removed from sidewalks within twenty-four (24) hours;
 - b. One hundred fifty dollars (\$150) for each day hail, snow, or sleet is not removed from sidewalks within forty-eight (48) hours; and
 - c. Two hundred dollars (\$200) for each day hail, snow, or sleet is not removed from sidewalks within one hundred twenty (120) hours.

M E M O R A N D U M

DATE: January 14, 2010
TO: City Council Members
FROM: Russell Weeks
RE: Legislative Action Item: Civil Penalties for Failure to Clear Snow and Ice from Sidewalks
CC: Cindy Gust-Jensen, David Everitt, Chris Burbank, Ed Rutan, Neil Lindberg, Rick Graham, Frank Gray, Tim Harpst, Jennifer Bruno, Mary Johnson, Carroll Mays, Nick Tarbet, Claudia Sundbeck

This memorandum is an update of a proposed legislative action item initiated by City Council Member Luke Garrott. The Transportation and Mobility Subcommittee discussed the action item at its November and December 2009 meetings. The subcommittee has arrived at a series of issues that may warrant discussion by the full City Council before the Council determines whether to forward a recommendation to prepare an ordinance.

As you know, Salt Lake City Code 14.20.070 says: “It is unlawful for the owner, occupant, lessor or agent of any property abutting on any paved sidewalk to fail to remove or cause to be removed from the length and breadth of the entire sidewalk abutting such property all hail, snow, or sleet falling thereon, within twenty-four (24) hours after such hail, snow or sleet has ceased falling. Each day such sidewalk is not so cleared shall constitute a new violation.”

The ordinance sets the civil penalty for failure to clear sidewalks at \$75 with a \$50 reduction if the penalty is paid within 15 days and a \$25 reduction if the penalty is paid within 25 days. The civil penalty applies to residential and commercial properties. As the ordinance says, the City can issue a civil citation each day a sidewalk remains uncleared.

The goal of the proposed legislative action item is to encourage property owners, occupants, lessors or agents to keep sidewalks clear so pedestrians, particularly the disabled, can traverse City sidewalks at least as easily as they can in summer.

Transportation and Mobility Subcommittee members have looked at short-term and long-term aspects of reaching that goal. Much of the discussion has involved considering increasing the levels of civil penalties because long-term aspects might involve discussions with the Administration as to how the ordinance is enforced and what is the appropriate division or department to enforce it. A revised table of options for civil penalties is attached to this memorandum.

Here are potential issues and points the full City Council may wish to discuss:

- It should be noted that an increase in civil penalties under the ordinance would require a public hearing.
- It appears that parking enforcement officers – the group that enforces the ordinances – could enter any of the options for civil penalties into their hand-held electronic equipment without difficulty.
- Justice Court hearings officers appear to have fairly wide latitude to take into account the age and physical ability of people who may receive citations.
- Members of the Subcommittee have indicated they prefer to differentiate between residential property and commercial property in applying any civil penalty. One thing that means is the City Council could choose a separate penalty from among the option for residential properties and a separate penalty for commercial properties.
- In terms of receiving a civil citation, what properties would be issued citations at a residential property rate and what properties would be issued citations at a commercial property rate? For instance, should only single-family dwellings and duplexes be considered residential properties or should multi-family dwellings be included? In addition, how should churches and buildings where non-profit organizations are located be classified?
- Should repeat offenders be penalized more severely than receiving a civil citation each day they are in violation of the ordinance? For instance, should the base penalty be raised for repeated offenses?
- Should *City Code* Section 14.20.110 be amended to allow civil citations to be attached to the door of a building where there is a violation? The section currently requires that a civil citation either be “given to the lessee and/or property owner by hand delivery” or by first-class mail to the owner of record of a property.
- If the ordinance is amended, it should be followed by an active public information campaign.
- Long-term, who should enforce the ordinance? Should enforcement remain with parking enforcement officers and handled on a by-complaint basis, or should the City consider hiring seasonal employees as it does with other programs?

1 (LEGISLATIVE COPY)

2 SALT LAKE CITY ORDINANCE
3 No. ___ of 2010
4 (Modifying Civil Penalties for Failure to
5 Remove Snow and Ice From a City Sidewalk)
6

7 An Ordinance Amending Section 14.20.070 and Section 14.20.110, *Salt Lake City Code*,
8 to modify civil penalties for failure to remove snow and ice from a city sidewalk.
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10 WHEREAS, to improve public safety and convenience, and to encourage better
11 compliance with City snow removal requirements, it is proposed that Section 14.20.070 and
12 Section 14.20.110, *Salt Lake City Code*, be amended as set forth below to modify civil penalties
13 for failure to remove snow and ice from a City sidewalk; and

14 WHEREAS, following a duly noticed public hearing, the Salt Lake City Council finds
15 adoption of this ordinance reasonably furthers the health, safety, and general welfare of the
16 citizens of Salt Lake City.

17 NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

18 SECTION 1. **Amending Section 14.20.070.** That Section 14.20.070 of the *Salt Lake*
19 *City Code*, shall be, and hereby is, amended to read as follows:

20 14.20.070: SNOW TO BE REMOVED FROM CITY SIDEWALKS:

21 It is unlawful for the owner, occupant, lessor or agent of ~~any~~ property abutting ~~on any~~ a
22 paved city sidewalk to fail to remove or cause to be removed from the length and breadth of the
23 entire sidewalk abutting such property all hail, snow or sleet falling thereon, within twenty four
24 (24) hours after such hail, snow or sleet has ceased falling at the Salt Lake City airport as
25 reported by the National Weather Service. Each day such sidewalk is not so cleared shall
26 constitute a new violation.

27 SECTION 2. Amending Section 14.20.110. That Section 14.20.110 of the *Salt Lake*
28 *City Code*, shall be, and hereby is, amended to read as follows:

29 14.20.110: FAILURE TO REMOVE SNOW AND ICE; CIVIL PENALTIES:

30 A. Any owner, ~~or occupant,~~ lessor or agent of property abutting a paved city sidewalk
31 who fails to comply with Section 14.20.070 of this chapter is guilty of a civil violation. Such
32 violation shall be handled by the Salt Lake City's ~~J~~justice ~~C~~court in accordance with the
33 procedures set forth in Title 2, Chapter 2.75 of this code, or its successor. Notice of a civil
34 violation may be given (i) to the ~~lessee and/or the owner,~~ occupant, lessee and/or agent of the
35 property by hand delivery or (ii) by the mailing of the notice by first class mail to the owner of
36 record.

37 B. The civil penalty for violation of this section shall be ~~in the sum of seventy-five dollars~~
38 ~~(\$75.00)~~ as set forth below.

39 1. For any property with street front footage of two hundred feet (200') or less:

40 a. Fifty dollars (\$50) for each day hail, snow, or sleet is not removed from
41 sidewalks within twenty-four (24) hours;

42 b. Seventy-five dollars (\$75) for each day hail, snow or sleet is not
43 removed from sidewalks within forty-eight (48) hours; and

44 c. One hundred dollars (\$100) for each day hail, snow or sleet is
45 not removed from sidewalks within seventy-two (72) hours.

46 2. For any property with street front footage of more than two hundred feet (200'):

47 a. One hundred dollars (\$100) for each day hail, snow or sleet is not
48 removed from sidewalks within twenty-four (24) hours;

49 b. One hundred fifty dollars (\$150) for each day hail, snow or sleet is not
50 removed from sidewalks within forty-eight (48) hours; and

51 c. Two hundred dollars (\$200) for each day hail, snow or sleet is not
52 removed from sidewalks within one hundred twenty (120) hours.

53 ~~C. Any penalty paid within fifteen (15) days of receipt of notice shall be reduced by the~~
54 ~~sum of fifty dollars (\$50.00).~~

55 C. If any person refuses or neglects to comply with Section 14.20.070 of this chapter,
56 after notice has been served upon such person as provided in Subsection 14.20.110A, and within
57 the time specified in the notice, the City may abate or procure the abatement thereof, and the
58 expense of such abatement shall be collected from the person so offending. Imposition of such
59 expense shall not relieve a violator from the civil penalties set forth in Subsection 14.20.110B.

60 ~~D. Any penalty paid within twenty five (25) days shall be reduced by the sum of twenty~~
61 ~~five dollars (\$25.00).~~

62 SECTION 3. **Effective Date:** This Ordinance shall become effective on the date of its
63 first publication.

64 Passed by the City Council of Salt Lake City, Utah this ___ day of _____,
65 2010.

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68 _____
69 CHAIRPERSON

70 ATTEST:
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72 _____
73 CITY RECORDER
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DISCUSSION DRAFT - OCTOBER 6, 2010

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Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2010.

Published: _____