



# MONROE CITY COUNCIL

## Agenda Bill No. 19-057

<b>SUBJECT:</b>	<i>Discussion: Sidewalk Maintenance Snow Removal</i>
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<b>DATE:</b>	<b>DEPT:</b>	<b>CONTACT:</b>	<b>PRESENTER:</b>	<b>ITEM:</b>
03/19/2019	Public Works	Brad Feilberg	Brad Feilberg	<b>Discussion Items #2</b>

**Discussion:** 03/05/2019

- Attachments:**
1. Examples for other cities.
  2. Proposed Monroe Municipal Code Amendments

**REQUESTED ACTION:** Discussion only.

### POLICY CONSIDERATIONS

#### DESCRIPTION/BACKGROUND

During the recent snow event some questions were raised regarding who is responsible for clearing snow and ice from sidewalks.

The City has typically referred to Section 6.04.050(A) of the Monroe Municipal which identifies “[a]ll ice not removed from public sidewalks, and all snow not removed from public sidewalks within twelve hours after it has ceased to fall thereon” as a public nuisance affecting safety.

Councilmember Cudaback has suggested that a specific requirement to remove snow would provide clarification as to the adjacent property owner’s responsibility.

Chapter 12.12, Sidewalk Construction and Maintenance, currently does not address sidewalk maintenance. In 1963 Ordinance 401 included the following text: “Section 3. Sidewalks responsibility of abutting property owners. Subject to other Sections herein set forth, all sidewalks shall be constructed, reconstructed, repaired and maintained by abutting property owners.” In 1995 Ordinance 1045 deleted Section 12.12.030 Maintenance from the Monroe Municipal Code.

Excerpts of several other cities requirements are included in Attachment 1.

Suggested amendment to the Monroe Municipal Code are shown in Attachment 2.

#### FISCAL IMPACTS

#### TIME CONSTRAINTS

#### ALTERNATIVES

## City of Seattle

### 15.48.010 - Snow and ice removal.

It is the responsibility of the owner or occupant of private property to remove snow and ice on the sidewalks abutting his or her property in a timely manner and, if practical, prevent its becoming or remaining in an icy, ridged, uneven or humped condition or in a condition which is potentially hazardous to users of the public sidewalks.

## City of Snohomish

### 12.20.110 Abutting Premises Owners' Duty to Keep Sidewalks Clear of Ice and Snow – Liability to Injured Parties and City.

Every owner of property within the City limits of Snohomish, shall, during the time snow shall continue on the ground, by nine a.m. upon every day after the snowfall, and when necessary, clear the sidewalk in front of such property of snow and ice and shall keep it conveniently free therefrom during the day; or shall, in case the ice and snow are so congealed that they cannot be removed without injury to such sidewalks, cause the snow and ice to be strewn with ashes, sand, or other suitable material. Any abutting property owner neglecting or refusing to comply with the provisions of Sections 12.20.090 through 12.20.120 shall be liable to any person for injuries or damages caused by such failure and such owner shall be liable to the City for all damages, injuries, costs, and disbursements which it may be required to pay the person injured. (Ord. 1261, 1975)

### 12.20.120 City's Action for Abutting Property Owners' Failure to Remove Snow and Ice – Cost.

Whenever any person shall neglect or refuse to remove snow or ice as compelled by this chapter, the Public Works Director shall cause all such snow and ice to be removed and shall report the same, together with verified vouchers of the costs of the removal, to the City Council, and the costs shall be assessed upon the lot, block, or property abutting upon the sidewalk from which the said snow and ice are removed, and the City Council shall make a special assessment for the same and said assessment shall be a lien upon said lot, block, or other property, collected by due process of law as other local improvement assessments. (Ord. 1261, 1975)

## City of Everett

### 13.08.010 Maintenance of sidewalks—Duty of abutting property owners.

Whenever any street, lane, square, place or alley in the city has been improved by the construction of sidewalk or sidewalks along either or both sides thereof, the duty, burden, and expense of repair, renewal, maintenance, and removal of obstructions and **snow** from such sidewalk or sidewalks shall be to the property owner directly abutting upon that side of such street along which the said sidewalk has been constructed. (Ord. 322-74 § 1, 1974)

### 13.08.020 **Snow** or ice—To be removed by noon.

The owner, agent, occupant or person in charge of each and every tenement, building or vacant property fronting upon or adjoining any street on which sidewalks exist shall clean by noon the sidewalk in front of or adjoining such building, or unoccupied lot or building, as the case may be, of **snow** or ice to the width of said sidewalk and cause the same to be kept clean from **snow** or ice. (Ord. 322-74 § 2, 1974)

## **City of Shoreline**

### **12.05.020 Abutting property owner to maintain sidewalk in safe condition.**

A. It shall be the responsibility of the owner of property abutting upon a public sidewalk to maintain the sidewalk at all times in a safe condition, free of any and all obstructions or defects, including but not limited to ice and snow.

B. Expense of Maintenance and Repair To Be Borne by Abutting Property Owner Thereof. The burden and expense of constructing, maintaining and repairing sidewalks along the side of any street or other public place shall fall upon and be borne by the property directly abutting thereon.

## **City of Monroe**

### **Current**

#### **6.04.050 Public nuisances affecting safety.**

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting safety, but such enumeration shall not be construed to exclude other nuisances affecting public safety coming within the provisions of MMC [6.04.020](#):

A. All ice not removed from public sidewalks, and all snow not removed from public sidewalks within twelve hours after it has ceased to fall thereon;

### **Proposed**

#### **12.12.100 – Snow and ice removal**

It is the responsibility of the owner or occupant of private property to remove snow, within twelve hours after it has ceased to fall thereon, and ice on the sidewalks abutting his or her property in a timely manner and, if practical, prevent its becoming or remaining in an icy, ridged, uneven or humped condition or in a condition which is potentially hazardous to users of the public sidewalks.

**Chapter 12.12**  
**SIDEWALK CONSTRUCTION AND MAINTENANCE REPAIR**

Sections:

- [12.12.010](#) Standards of construction.  
[12.12.020](#) State law adopted by reference.  
[12.12.030](#) Sidewalks – Industrial, business and multifamily zones.

**12.12.010 Standards of construction.**

All sidewalks hereafter constructed shall conform to the latest edition of the City of Monroe [Public Works Design and Construction](#) Standards. Location and grade of sidewalk shall be approved by the city engineer [or designee](#).

**12.12.020 State law adopted by reference.**

Chapters [35.68](#), [35.69](#) and [35.70](#) RCW, inclusive, together with all amendments, extensions, additions thereto, or deletions therefrom, are by this reference adopted and incorporated herein.

**12.12.030 Sidewalks – Industrial, business and multifamily zones.**

- A. A sidewalk or walkway shall be constructed on all public right-of-way frontages as a condition of a building permit issuance for any improvements on property zoned for business, industrial or multifamily uses. The sidewalk or walkway shall be constructed prior to the issuance of a certificate of occupancy.
- B. This requirement of this section may be waived by the city council to the extent that the council determines that the improvements or change in use proposed by the property owner will not create any additional need for sidewalks or that the sidewalk requirement is disproportional to the needs created by the project as required by RCW [82.02.020](#) and constitutional requirements of nexus and proportionality.
- C. In the event the property is used as a single-family residential use but is located in an area zoned for business, industrial, or multifamily uses, and said single-family use is changed and a certificate of occupancy is required prior to said new use, a sidewalk or walkway requirement shall comply with this chapter.

**12.12.040 Abutting property owner responsible.**

A. It shall be the responsibility of the owner of property abutting upon a public sidewalk to keep the sidewalk at all times in a safe condition, free of any and all defects.

B. Expense of Repair to Be Borne by Abutting Property Owner Thereof. The burden and expense of constructing, maintaining and repairing sidewalks along the side of any street or other public place shall fall upon and be borne by the property directly abutting thereon as allowed by RCW 35.68, 35.69, and 35.70.

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**12.05.050 Notification.**

A. It shall be the duty of an owner or occupier of property abutting a public sidewalk to notify in writing the City Administrator or designee of any unsafe condition on a public sidewalk abutting the owner's or occupier's property. Such notice shall set forth the nature and location of the unsafe condition and a statement that the unsafe condition

was not created by, caused by or contributed to by the abutting owner or occupier of abutting property. Such notice shall be submitted in writing to the City Administrator or designee within 48 hours of discovery of the unsafe condition.

**12.12.060 Procedure to order construction or repair.**

A. If in the judgment of the City Administrator or designee public convenience or safety requires that a sidewalk be constructed or repaired along either side of any street, the procedures contained in RCW 35.68, 35.69, and 38.70 shall be followed.

**Chapter 12.14**  
**SIDEWALK MAINTENANCE**

Sections:

12.14.010 Abutting property owner to maintain sidewalk.

12.14.020 Snow or ice – To be removed by noon.

**12.14.010 Abutting property owner to maintain sidewalk.**

A. It shall be the responsibility of the owner of property abutting upon a public sidewalk to maintain, including but not limited to the removal and disposal of debris, litter, vegetation, snow, and ice from, the sidewalk at all times.

B. The burden and expense of maintaining sidewalks along the side of any street or other public place shall fall upon and be borne by the property directly abutting thereon.

**12.14.020 Snow or Ice – To be removed by noon.**

The owner, agent, occupant, or person in charge of each property abutting upon a public sidewalk shall clean the sidewalk abutting such property of snow or ice to the width of said sidewalk and cause the same to be kept clean from snow and ice.

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