



STAFF REPORT

DATE: 5/9/23

DISCUSSION

TO: City Council Workshop
FROM: Marty Powers, Director of Public Works
REVIEWED BY: Kristina Handt, City Administrator
AGENDA ITEM: Sidewalk Snow Removal

BACKGROUND:

The Mayor has asked City staff to bring the sidewalk snow removal policy to a Workshop for discussion. Currently the City Ordinances 9.16.120 and 9.28.030 state the owner or occupant of any property within city's corporate limits that fronts upon any public street that has an abutting sidewalk must remove any snow or ice from the sidewalk within 48 hours following the termination of any snow or ice formation. The owner or occupant of the property abutting the sidewalk must keep the abutting sidewalk reasonably clear and free of any snow or ice. Staff, after legal consultation, interprets the use of the word front to refer to it being on a public street as opposed to a private street. We don't interpret it to mean only sidewalks in the front yard since we have a number of properties with sidewalks on the side or back yard as well.

Currently Public Works clears 5480 feet of sidewalk that abuts city property. This 6-7 hour process (depending on snow amounts) is typically done during normal working hours the day after the streets are cleared as streets take precedence. Public Works utilizes one piece of equipment and one operator for this process. Public Works enforces the sidewalk snow removal policy as complaints are received. Thirty non-compliance notices were delivered in the 2022/2023 season. Of the thirty, ten property owners failed to clear the abutting sidewalks within 24 hours of receiving the violation notice. Four involved the 5th street next to Hunters Crossing, three in Savona on 6th street and two in Lake Ridge Crossing, one on 7th and the other on 8th St. Public Works returned to clear those ten sidewalks and invoice the property owners for our time. Of the ten, two were given notices again on different snow events, but did clear the snow on their own after receiving the notice.

Both residential and commercial lots occasionally have city streets and sidewalks on more than one side of their property, for example corner lots or the commercial lots between 5th St and Hudson. near Inwood Ave. This is also the case along Village Parkway and in some developments such as Wildflower.

Earlier this winter a resident reported the sidewalk on the south side of 5th (along the North Side of Hunter Crossing) was not being cleared. Public Works notified the abutting property owners of their responsibility to clear all abutting sidewalks. Four of the six property owners failed to clear the sidewalks behind their house (on 5th St) within 24 hours of the notice. Public Works staff then returned and cleared the sidewalks, and invoiced each of the four abutting property owners the costs.

ISSUE BEFORE COUNCIL:

Does the council wish to change the Sidewalk Snow Removal Ordinance? If they direct staff to clear additional sidewalks not abutting city property, which ones? If so does council wish to assess the costs accordingly to each abutting property owner per the city's nuisance abatement code? If council wishes to eliminate some sidewalks from being included in the ordinance, which ones?

ANALYSIS:

Typically (not always), sidewalks that parallel a street lay in the road right of way for public use. The green space in between the street and a sidewalk is barely enough room for street snow storage. Most of

these sidewalks have very limited city property or dedicated easements on the house side them (often 1-2 feet) which limits options for snow storage. Currently Public Works is only clearing sidewalks that abut city property. The abutting city property allows for large amounts of snow to be blown or pushed off the side walk without impeding private property. Clearing sidewalks is not only completed after a snow event ends, but required again after wind drifting or after plows (residential, commercial and municipal) do clean ups. Damage to lawns and sprinklers occurs during this process. Grass is scalped or ripped up. If the ground is not froze, tire tracks rut up the soft lawn (before and after freeze up). When damage is done, public works returns in the spring to make repairs to the lawn. The day after all streets are cleared of snow, the 9 Public Works operators are busy clearing snow from park rinks and parking lots, flooding rinks, cleaning up street intersections or benching back snow banks, washing salt off equipment to minimize corrosion, catching up on sewer and water related tasks (daily rounds, meter change outs, utility locates and water sampling), grooming winter trails in Sunfish, Demontreville, Pebble and Ried Parks, as well as completing necessary plow maintenance in preparation for the next snow effect. To add additional sidewalks to our plate will mean other tasks would be delayed.

FISCAL IMPACT:

Public Works Time, fuel and added wear and tear on equipment to clear additional sidewalks. Overtime wages will be incurred when a snow fall needs to be cleared over a weekend or holiday to meet the 48 hour rule or if additional sidewalks cannot be completed in a normal 8 hour day. Lawn repair costs including labor, fuel, black dirt, seed and fertilizer.

OPTIONS:

If a majority of the council would like staff to change the sidewalk snow removal ordinance, please provide staff with direction on what changes are preferred and staff will bring the ordinance changes back to council for approval.

ATTACHMENTS:

Sidewalk Snow removal Ordinance
Other City Ordinances



9.16.120 Sidewalk Snow Removal

- (a) *Removal of snow and ice from sidewalks.* The owner or occupant of any property within the city's corporate limits that fronts upon any public street that has an abutting sidewalk must remove any snow or ice from the sidewalk within 48 hours following the termination of any snow or ice formation. The owner or occupant of the property abutting the sidewalk must keep the abutting sidewalk reasonably clear and free of any snow or ice.
- (b) *Nuisance.* Failure by the owner or occupant of the property abutting the sidewalk to comply with this section shall constitute a nuisance and the nuisance may be abated by the city in accordance with LEC 9.28.

HISTORY

Adopted by Ord. [08-253](#) on 11/3/2021

9.28.030 Public Nuisances Affecting Peace and Safety

- (w) *Snow on streets and sidewalks.* All snow and ice not removed from public sidewalks 48 hours following the termination of any snow or ice formation. Snow plowed or shoveled into a public street shall also be a nuisance.

City of Woodbury

167-1. Duty to remove. [Amended 4-10-2003 by Ord. No. 1953-03]

A. The owners of lands abutting or bordering upon any of the public areas or highways of the City, including roads maintained by the City, county or state, shall remove or cause to be removed from all sidewalk areas in front of or bordering on their land all snow and ice within 10 hours of daylight after the same shall be formed or shall have fallen thereon and a City, county or state snowplow has made at least one pass over the bordering road. Owners of corner properties shall also ensure that a path suitable for pedestrian traffic exists from the sidewalk to the curb to each street of the corner. If an area of the street beyond the curb is not passable to pedestrian traffic due to snow and/or ice placed there by previous municipal/county/state snowplowing, it shall be the City's responsibility to clear that area of the street so that pedestrians may proceed across the street at the corner.

B. The fact that snowplowing of streets has placed additional snow upon a sidewalk does not excuse any property owner from the responsibility of clearing snow and ice from the sidewalk.

C. It shall be the duty of any person owning or operating an apartment house or building or of any duly constituted agent therefor to remove or cause to be removed from all parking areas designed to serve such apartment house or building or a tenant or tenants therein and from the roadways leading to and servicing the same, all snow and ice within 10 hours of daylight after the same shall have formed or fallen thereon.

D. It shall also be unlawful for the owners, tenants, occupants or agents of lands abutting or bordering upon any of the public avenues or highways of the City to permit any sand, dirt or other material or a collection of material to form an obstruction or constitute an impediment or hazard thereon for a period of more than 10 hours after the same shall have formed or been created thereon

(b)The following are nuisances affecting public peace and safety:

(1) All snow, ice, and/or rubbish not removed from public sidewalks within 12 hours after the snow, ice and/or rubbish have ceased to be deposited thereon. The owner of property adjacent to a public sidewalk shall be responsible for the removal of snow, ice and/or rubbish from said sidewalk.

City of South St. Paul

SIDEWALKS

§ 94.21 SNOW AND ICE REMOVAL.

The following rules and regulations shall apply to snow and ice removal from all city sidewalks:

(A) Except as otherwise established by division (B) of this section, each owner and occupant of any building, in front of which or adjacent to which a sidewalk has been constructed for use by the public, shall clear that sidewalk of snow or ice within 12 hours after said snow or ice has ceased to be deposited thereon. If the snow or ice shall not be removed within 12 hours, the owner or occupant can either be prosecuted for a misdemeanor or the city can give written notice to the owner or occupant demanding removal of the snow or ice within 24 hours from the date set forth in the notice, and upon failure of the owner or occupant to remove the snow or ice within said period, the city may have the work done either by its employees or by contract, and the cost of said work shall then be billed against the owner or occupant. If the owner or occupant shall fail to pay the bill within 30 days, the Council may then assess the amount due, plus interest, against the property. Once written notice has been given to the owner or occupant, no subsequent storm or condition can effect that notice except that the time for compliance shall be continued until 12 hours after said new snow or ice have ceased to be deposited thereon. Once written notice has been given, and before compliance, any subsequent snow or ice shall be deemed to be included in said notice;

(B) The Council may by resolution, and after a hearing, designate that certain sidewalks within the city shall be kept clean of snow and ice by the city, thereby relieving the owner or occupant of that duty, and the city shall keep records of all expenses, including legal, and in August of each year shall bill each owner or occupant for their share or any part thereof of all expenses incurred by the city. If the owner or occupant shall fail to pay the bill as submitted by the city within 30 days, the Council may then assess the amount, plus interest, against the property;

(4) For the purposes of this section all sidewalks located on or next to a public street or alley shall be considered for public use and shall be controlled by this section;

City of White Bear Lake

§901.030 SIDEWALKS; SNOW AND RUBBISH REMOVAL, NONCOMPLIANCE. All persons owning or occupying any building in the City are required to remove dirt or rubbish from the sidewalks adjacent to such building. (Ref. Ord. 707, 1/14/86) If the owner or occupant of any building in the City fails to comply with this section, the officers of the City shall cause the same to be removed at the owner's expense, and shall serve a statement of the expense of such removal on the owner or occupant of the building concerned within thirty (30) days from the first (1st) day of the month following the time of such removal. If the owner or occupant of such building fails to pay such expenses within thirty (30) days after the service of such statement, the amount of the expense of removal shall be reported to the County Auditor, to be assessed against such property and collected with the regular taxes for the year in the manner provided by law. (Ref. §§1001.030, 1001.040, Code 1966; Ord. No. 707, 1/14/86)

CONS: complaints of equipment too wide, making extra snow piles on already cleared private sidewalks, sod damage, side walk access is only from each end of the street- creating issues when equipment gets stuck-hard to identify exact location of sidewalk placement, continually cleaning up sidewalks due to properties clearing/plowing driveways at different times or days which leads to filling in the sidewalks

City of Minneapolis

- **445.20. - Duty elsewhere.**

(a) The person having the care, custody or control of any building or lot (except one- and two-family dwellings) adjoining, abutting or bordering on any street located within the city shall, within the first four (4) hours of daytime after the ceasing to fall of any snow, cause the snow and/or ice to be removed from the sidewalk adjoining said building or lot.

(b)The owners, occupants or persons having the care, custody and control of any building that is a one- or two-family dwelling shall cause the snow and/or ice to be removed from the public sidewalk abutting or adjoining the lot upon which such building is situated, within the first twenty-four (24) hours after the ceasing to fall of any snow, and shall cause sand to be sprinkled on the sidewalk where there is snow or ice upon the sidewalk that cannot be removed. (Code 1960, As Amend., § 580.020; Ord. of 9-12-74, § 3; Ord. of 12-12-75, § 2; 80-Or-184, § 1, 8-8-80; 80-Or-283, § 1, 11-26-80)

City of Red Wing

SECTION 7.05. ICE AND SNOW ON PUBLIC SIDEWALKS. Subd. 1. Ice and Snow a Nuisance. All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance. Property owners/tenants shall be responsible to abate the snow/ice from the public sidewalk located on the city boulevard that abuts and/or fronts their property within 24 hours after such snow or ice has ceased to be deposited. Subd. 2. City to Remove Snow and Ice. The City may cause to be removed from all public sidewalks, beginning 24 hours after snow or ice has ceased to be deposited, all snow or ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the

City of Golden Valley

Policy: Clears many public sidewalks

b. Sidewalks and Trails

The City will maintain some of the sidewalks and trails in the City. A map of the trails and sidewalks is prepared annually and the sidewalks and trails have been prioritized based on function and use. As there are a limited number of personnel available, the City will only maintain these sidewalks and trails in accordance with personnel and equipment availability.

i. Priority 1 and 2 trails and sidewalks are typically plowed within 24 hours after a 2- inch snow event occurs, if resources allow.

ii. The City may plow only Priority 1 trails if a snow event occurs with

excessive accumulation (greater than 2 inches), in the event of an ice storm, or if equipment or manpower issues require an adjustment in the City' s schedule.

iii. Priority 3 trails are plowed only after the maintenance effort for Priority 1 and 2 trails has been completed. This may typically be 48 to 72 hours after a 2- inch snow event. The trails may not be completed if consecutive snow events occur, or if manpower or equipment issues do not allow for plowing.

Cons: Sidewalk complaints are two to three times of road complaints. Including, lawn damage, tires packing down snow compared to homeowners shoveling, width of equipment exceeds sidewalk, snow storage on private property

City of Prior Lake

POLICY: SIDEWALKS/TRAILS/PARKING LOTS The City plows certain sidewalks and trails as illustrated on the Sidewalk and Trail Plowing map which can be viewed at www.PriorLakeMN.gov/snow. The following standards are adopted for providing winter maintenance to designated trails, sidewalks, parking lots, and winter lake access: 1. Sidewalks and trails that border private property shall not normally be cleared of snow by the City unless designated within this Policy and shown on the Sidewalk and Trail Plowing map. It shall be the responsibility of the property owner to keep sidewalks clear of snow or ice in accordance with City Code 701.100. If notice has been sent to owner/occupant and snow has not been removed, the City may choose to remove the snow and ice and charge the cost of removal to the property owner in accordance with the current Fee Schedule. 2. Trails and sidewalks shall be cleared as thoroughly as possible but need not be cleared of all ice and snow, nor maintained to bare pavement. 3. As time permits, City facilities and downtown sidewalks will be treated by City staff with salt or other chemical to reduce ice. Other sidewalks and trails throughout the City will not be salted or treated with chemicals. The city maintains 43 miles of the 53 total miles of public sidewalk. The biggest complaints are sod damage, 44 received in 2023.

City of Richfield

The City assumes basic responsibility for snow removal on City streets, City sidewalks/trails/cycle tracks, and City-owned public parking lots. The City assumes basic responsibility for ice control and mitigation on City streets and City-owned public parking lots, but does not salt or sand City sidewalks/trails/cycle tracks. Reasonable snow removal and ice control is necessary for routine travel and emergency services. The City strives to provide this service in a timely, safe, and cost-effective manner while keeping in mind safety, budget, personnel, equipment, and environmental concerns. The City will primarily use its own personnel and equipment to provide this service, but may also use private contractors when necessary

Sidewalk/Trail/Cycle Tracks Ice Policy

In effort to best utilize the City's finite resources and prioritize snow and ice removal in high-impact areas as outlined throughout this Policy, the Department will not apply salt, sand, or other de-icing chemicals to sidewalks/trails/cycle tracks. Due to the ever-changing nature of the Minnesota climate, the physical and financial cost of keeping all sidewalks/trails/cycle tracks free of ice at all times would substantially outweigh the benefit to the community. In addition, salt, sand, and other de-icing agents have adverse effects on the local environment. Application of these substances is imprecise and may result in negative effects to adjacent green space and/or infiltration into ground water. Residents and business owners are encouraged to make sure sidewalks adjacent to their properties are ice free or otherwise safe for passage.

The city receives more complaints on sidewalks than they do streets. The biggest challenges are little to no snow storage, the cost of proper sidewalk snow removal

equipment, and that sidewalks need to be re-plowed multiple times after one event due to drifting and cleaning up of driveways and intersections at later times

City of Rochester

The City of Rochester is a walkable community. The City needs the help of all property owners to ensure that residents' mobility is safe during the winter season. When it snows, please help to keep public right-of-ways clear of snow and ice. Follow the rules and guidelines on sidewalk snow removal, on-street parking and cold weather safety included in this snow page. Thank you for contributing your time and patience to provide clear sidewalks, ease winter parking limitations and provide access for essential public services.

During the winter it is up to each property owner to clear public sidewalks of snow and ice. [Rochester Code of Ordinances Section 9-6-2](#) requires property owners with a public sidewalk to remove snow and ice within 24-hours after a snowfall. This is necessary to ensure the safety of people using the sidewalks during the winter.

- **Sec. 9-6-2. - Responsibility and penalties.**
- (a) All snow, ice, dirt and rubbish remaining on a public sidewalk or pedestrian ramp more than 24 hours after its deposit thereon is a public nuisance. The owner and the occupant of any property adjacent to a public sidewalk or pedestrian ramp shall use due diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt or rubbish to remain on the sidewalk or pedestrian ramp longer than 24 hours after its deposit thereon. (b) Any person violating this section may be issued an administrative citation as provided in [chapter 1-2](#). (c) The administrative civil fine provided in this section is in addition to the cost recovery provisions in sections [9-6-7](#) and [9-6-8](#).