



MEMORANDUM

TO: Trustee Bill Ware, Chairperson
Public Works & Environmental Concerns Committee

FROM: William J. Heniff, AICP, Director of Community Development

MEETING DATE: September 11, 2018

SUBJECT: Text Amendments to Chapter 97 of the Village Code – Snow Clearing Regulations

With the completion of the 2017-18 snow season and in advance of the 2018-19 year, Village staff discussed the previous season's operations and discussed ways in which clearing matters could be enhanced in the community. Specifically, public sidewalk users and selected downtown business and property owners have raised concerns regarding sidewalk clearing regulations.

Responding to this request, Community Development Department staff proposes code amendments to Chapter 97 of the Village Code. The amendments are intended to clarify the responsibilities of selected property owners in snow clearing, enhanced descriptions of their obligations, and addressing public comments raised through this effort.

PROPOSED TEXT AMENDMENTS

Below are the proposed text amendments being offered for consideration by the Public Works and Environmental Concerns Committee, as the public sidewalks are located within the public rights of way. Additions are underlined while deletions are noted in ~~strikeout~~. Staff commentary for each respective section's amendments is noted in *italics*. The staff amendments take into account public comments from last year, with further review by Village Counsel.

§ 97.004 - Snow and Ice removal.

The removal of snow and/or ice on public sidewalks shall be subject to the following regulations:

- A. Every person, firm, corporation, partnership, or association in charge or control of any ~~commercial building or lot~~ **property in the B1, B2, B3, B4, B4A, B5, B5A, O, and I Zoning Districts** within the village ~~fronting or abutting~~ on a public sidewalk, whether as owner, ~~tenant, or~~ occupant, ~~lessee, or otherwise,~~ shall remove and clear away or cause to be removed and cleared away snow and/or ice from a path at least ~~36~~ **60** inches in width

~~from so much of said~~ **on the** sidewalk ~~as in front or abuts on~~ **abutting** said **property** **zoned for commercial purposes.** ~~building or lot of land.~~

Commentary: Staff proposes to amend the text by clarifying the general term of commercial building to indicate that all properties within the identified Zoning Districts are to follow the sidewalk clearing obligation. This change will make it easier to respective property owners to determine whether snow clearing is discretionary or obligatory.

Staff also proposes to widen a passable lane from 36 inches to 60 inches (5 feet) that snow and/or ice is to be removed on the sidewalk. The new dimension was determined by following Illinois Accessibility Code (IAC) and Americans with Disabilities Act (ADA) guidelines and the ease of pedestrians passing one another if the sidewalk becomes congested. The five foot width provision is also consistent with the standards public sidewalk requirement set forth within the Subdivision and Development Ordinance (Chapter 154 of the Village Code). The five foot provision would also provide a location for the storage of snow in locations where the walkway is greater than five feet.

*The proposed change does not permit property owners/tenants impacted by the proposed amendment to place snow within the public right of way. Section 97.013 of the Village Code, which states, “**Depositing ice or snow on public streets, alleys or sidewalks prohibited.** It shall be unlawful for any person, firm or corporation, in person or by his/her/its agent, employee or servant, to cast, throw, deposit, sweep, push or shovel snow or ice upon any public street, alley or sidewalk” is still applicable.*

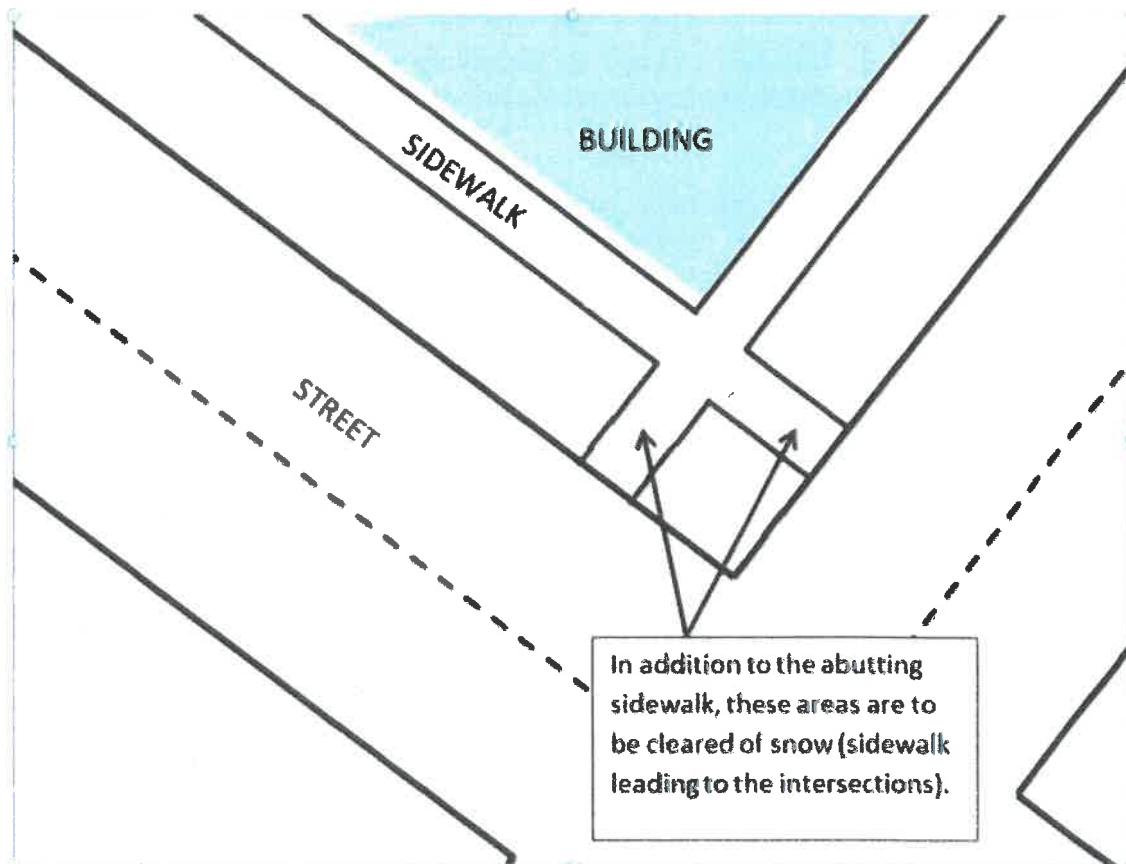
B. For properties that abut the right-of-way segments referenced below, every person, firm, corporation, partnership, or association in charge or control of any such property whether as owner or occupant shall remove and clear away or cause to be removed and cleared away snow and/or ice from a path at least 60 inches in width on the sidewalk abutting any such property:

- 1. St. Charles Road from Elizabeth Street to Martha Street;**
- 2. Main Street from Grove Avenue to Washington Boulevard;**
- 3. Park Avenue from Orchard Terrace to McGuire Drive; and**
- 4. Westmore-Meyers Road from Division Street to North Broadway.**

Commentary: In the areas identified above, the snow is cleared from the street differently as compared to throughout the Village. Instead of traditional snow plowing operations in which the plow blades are angled toward the street and the snow is pushed toward parkways, at these locations, snow is plowed toward the center of the street in windrows. This practice is done since the sidewalks directly abut the street and in many cases adjacent buildings are located right up to the front property line. To accommodate this plowing practice and to ensure the sidewalk shoveling gaps do not occur based upon the adjacent land use, the amendment will obligate all property owners to shovel along these street segments.

C. For corner properties that are subject to the mandatory snow and/or ice clearing requirements as set forth in sub-sections A or B above, the sidewalk clearing obligation shall apply to all sidewalks abutting said corner properties, and not just the sidewalk abutting the frontage portion of said corner properties.

Commentary: Staff proposes to amend and clarify the text to provide great clarity in relation to corner lots. The sidewalk clearing obligation applies to sidewalks along all street frontages and includes all of the portions of the sidewalk intersecting and extending from the property line to the curb line and the abutting street's crosswalk, whether marked or not. See example below:



D. All snow and ice that is required to be removed from the sidewalk pursuant to this section shall be removed within 24 hours after the cessation of any fall of snow, sleet, or freezing rain; provided, however, in the event the snow and/or ice on a sidewalk has become so hard that it cannot be removed without damaging the sidewalk, the person, firm, corporation, partnership or association charged with its removal shall within said 24-hour period cause enough sand, salt, or other abrasive to be put on the sidewalk so as

to make travel thereon reasonably safe and shall as soon thereafter **as the snow and/or ice can be removed without damaging the sidewalk, and** as weather permits **cause the removal of said snow and/or ice from the sidewalk in accordance with this section 36-**~~inch path in said sidewalk to be cleared.~~

Commentary: Staff found that further clarifying the parties responsible and not damaging the sidewalk within the established 24 hour time frame was needed.

COMMUNICATION EFFORTS

Staff is sharing this memorandum with the Lombard Town Centre (LTC) organization as well as the Lombard Area Chamber of Commerce & Industry for their reference. Staff also has shared this correspondence a downtown property owner who has expressed past concerns regarding snow clearing obligations. Ultimately, should the amendments be approved in whole or in part, staff will proceed with a formal communications plan prior to and at the start of the snow season.

ENFORCEMENT

Lastly, comments were offered regarding snow clearing enforcement activities, with some seeking greater enforcement actions against non-compliance property owners after the 24 hour snow cessation period has ended. Balancing the Village's communication and enforcement efforts and policies, staff intends to treat snow clearing similarly to high grass complaints (provide notice to owners at the beginning of year, followed by local tickets and if compliance is not reached, formal tickets for court/adjudication). However, State Statutes do not provide the opportunity to undertake a shovel and lien program for non-compliant properties. Staff will seek other remedies to address such clearing if warranted through the enforcement process.

RECOMMENDATION:

Staff is forwarding the proposed regulations to Public Works and Environmental Concerns Committee for consideration and a recommendation to the Village Board for approval of the proposed amendments to Chapter 97 of the Village Code pertaining to snow clearing obligations.

Proposed Text Amendments to Chapter 97 of the Village Code

Snow Clearing Regulations

Frequently Asked Questions

In advance of the 2018-2019 winter season and in response to citizen and property owner requests, the Village has reviewed the operations plan and Village Code related to the removal of snow and ice on public sidewalks. The proposed amendments are intended to clarify the responsibilities of property owners in snow clearing.

Do the new snow clearing requirements apply to all properties in the Village?

No, the proposed code amendments for removal of snow and/or ice on public sidewalks apply to properties specifically located in the non-residential zoning districts. Concern has been raised by residents having difficulty accessing the train station/businesses during a winter storm event.

Additionally, the amendment would require the clearing of all sidewalks along the following street segments, regardless of whether the property is used for residential or non-residential purposes:

- St. Charles Road from Elizabeth Street to Martha Street;
- Main Street from Grove Avenue to Washington Boulevard;
- Park Avenue from Orchard Terrace to McGuire Drive; and
- Westmore-Meyers Road from Division Street to North Broadway.

How should snow be removed from public sidewalks that are directly adjacent to the street?

All snow shall be cleared and placed upon private property. However, in cases in which there is no private land in which to place the cleared snow, snow can be placed in parking areas or the roadway abutting the property.

How else are the codes being changed?

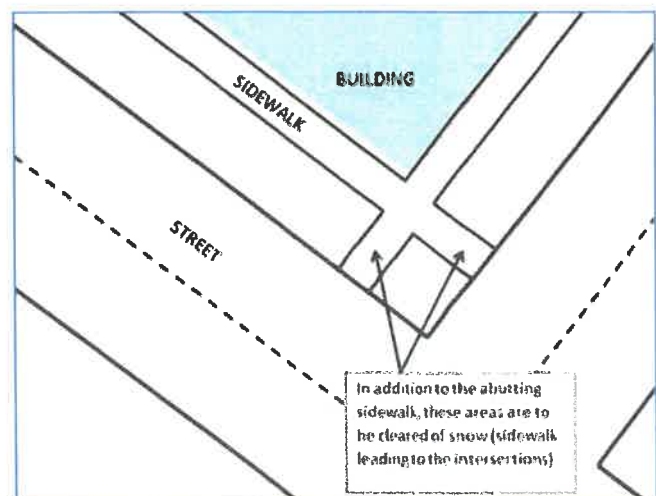
The required path of thirty-six (36) inches currently required to be cleared will be increased to sixty (60) inches to provide additional accessibility and safety.

If I own a corner lot in the above referenced Zoning Districts, which public sidewalk am I responsible to clear of snow and/or ice?

All public sidewalks abutting a street are required to be cleared including the points that intersect as shown here.

Am I liable for slips and falls on the adjacent public sidewalk?

The Illinois Snow and Ice Removal Act (745 ILCS 75/2) provides that anyone who "removes or attempts to remove snow or ice from sidewalks abutting the property shall not be liable for any personal injuries allegedly caused by the snowy or icy condition of the sidewalk."



When must the snow and/or ice be cleared from the sidewalk?

Existing code requires sidewalks to be cleared within 24 hours from the end of the snow event. Failure to clear the walkways within 24 hours may result in code enforcement action.

What should property owners do if the sidewalk is covered in snow and ice from other plowing operations?

For private plowing activities, please inform your contractor of the sidewalk clearing obligation. For iced sidewalks near streets, you can place salt on the area and follow up with clearing of the walkways as soon as possible.

When will these provisions be put into place?

The Village's Public Works and Environmental Concerns Committee will be reviewing the code amendments at their September 11 meeting. The meeting will be held at the Lombard Public Works building at 1051 S. Hammerschmidt Avenue, Lombard. The meeting will start at 7:00 p.m. Recommendations from this meeting will be forwarded to the Village Board for final consideration, with the intent that any amendments will be in place for the 2018–2019 snow season.

Who should I contact if I have further questions regarding snow clearing activities?

Please feel free to contact the Community Development Department at (630) 620-5750 or communitydevelopment@villageoflombard.org

Goldsmith, Carl

From: Thomas Masterson <Tom@TJMCO.com>
Sent: Monday, September 10, 2018 4:43 PM
To: Heniff, William
Cc: Steiskal, Keith; Ganser, Jennifer; Goldsmith, Carl; Niehaus, Scott; Foltyniewicz, Reid; Stefans, Michelle
Subject: RE: Snow Clearing Regulations - Proposed Code Amendments

Good afternoon Bill,

Thank you for time, efforts and the quick response.

My follow up questions are in red.


If you have any questions please let me know.

Thank you,
Tom

From: Heniff, William [mailto:HeniffW@villageoflombard.org]
Sent: Monday, September 10, 2018 3:55 PM
To: Thomas Masterson
Cc: Steiskal, Keith; Ganser, Jennifer; Goldsmith, Carl; Niehaus, Scott; Foltyniewicz, Reid; Stefans, Michelle
Subject: RE: Snow Clearing Regulations - Proposed Code Amendments

Tom:

In response to your questions below, I offer the following response for your reference (in black Arial text).

	William J. Heniff, AICP Director of Community Development Village of Lombard 255 E. Wilson Ave. Lombard, IL 60148
	Phone: (630) 620-3599 Fax: (630) 629-2374 Email: heniffw@villageoflombard.org Web: www.villageoflombard.org Follow us:   

From: Thomas Masterson [mailto:Tom@TJMCO.com]
Sent: Friday, September 7, 2018 1:29 PM
To: Heniff, William
Cc: Steiskal, Keith; Ganser, Jennifer; Goldsmith, Carl; Niehaus, Scott; Foltyniewicz, Reid
Subject: RE: Snow Clearing Regulations - Proposed Code Amendments

Good Afternoon Bill,

Thank you very much for your efforts in improving the Downtown. The Downtown should be much more welcoming to pedestrian traffic, thank you.

I have a few comments and questions:

1) I think the 60 inch path is great, thank you

2) Will the standard required for the removal of ice and snow really be enforced? Will "well they tried" still be a valid excuse?

Response: As with all of our Code Enforcement cases, we always strive for code compliance. We have prepared a Frequently Asked Questions (FAQ) sheet, handed the flyers out personally to the affected businesses in the downtown area, asked questions as requested and will follow up with any outreach efforts should the Village Board approve the proposed code amendments. Our approach will be to inform and remind the non-compliant property owners of the regulations at the start of the season. Should the winter season advance and we have chronic violators, we have the ability to proceed with direct enforcement tickets. Of course, there could be events in which we may need to give some flexibility on events (such as we experienced with the 2011 thundersnow event or a multiple-day event, to name a couple). But the focus is to work with non-residential property owners throughout the Village, not just the downtown, on compliance measures.

3) B.3. Why not extend to Grove?

Response: Section B is intended to identify all properties within the windrow areas for clearing compliance, regardless of use. The Park Avenue block north of Orchard Terrace is plowed using conventional methods. Additionally, the office building and commuter lot are non-residentially zoned so the snow clearing provisions in Section A would still be applicable.

4) C. "Curb line" Is curb line the edge of the curb on the sidewalk side or the edge of the curb on the street side? This could be a little bit of an issue where the curb lays down in the crosswalks.

Response from Public Works: The curb line would include areas up to the roadway pavement, much like a driveway apron on residential property. **Will the corner properties be advised so they know they are to clear snow from the layed down curb in the crosswalk? Bill- Is code Enforcement in agreement with Public Works response?**

5) Enforcement- Will habitual offenders be given a notice at the beginning of every year or can we get serious and give them a ticket. How about a notice and then the second time in a 3 or 5 year period you get a ticket. I'm sorry but the habitual offenders, few as they may be are playing the Village. (Not to mention the waste of resources - staff time and funds they use up) The Village and many individuals have invested and put forth a lot of effort to make the Downtown better. Why show tolerance for habitual offenders?

Response: As noted in question 2 above, we will start with an informational effort beginning with the first snowfall. We have found in many cases that property owners, management companies or even contracted plowing operators or drivers may change from one year to the next. Providing notice helps in our overall communication efforts for code compliance (as opposed to assuming that a letter sent to a management company in 2018 would still be proper for an early season snow event in 2023). Again, as this is a Village-wide code provision and not just a downtown one.

6) What is the dollar amount of the local ticket. I hope the minimum being considered is \$100.

Response: Our current local ticket has a \$50 fine assessed to it. We are currently considering an approach to provide a \$50 local ticket if proper clearing did not occur within 24 hours after the event. Such a ticket can be voided if the owner clears the sidewalk within the following 24 hours. If that does not occur, the property owner could receive a full ticket, which would require an appearance before our Administrative Adjudicator (like our existing parking ticket process). Fines in these cases are not assessed by staff. Rather they would be set by the Adjudicator based upon a guilty verdict and taking into account the facts of the particular case. One other option staff is looking at is that if a ticket

is issued, we could seek out a contractor to clear the walkways and the costs incurred by the Village for that activity would be considered as part of any fines assessed to the property owner. Also as noted above, we have to keep in mind the specifics of the case and of the property in order to determine the best course of action for a property or a given snow event.

7) Who is responsible for removing snow plowed by the Village onto sidewalks/crosswalks. Please see attached diagram. The questions are:

- a) Who is responsible for shoveling the 1/2 of the 2 foot pile the Village plowed onto the sidewalk?
- b) Who is responsible for shoveling the 1/2 of the 2 foot pile located in the street?

Response from Public Works: As is the case with a driveway apron, snow placed on the sidewalk would be the responsibility of the abutting property owner. **Will the corner properties be advised they are to remove snow plowed onto the sidewalk and layed down curb by the village snow plows?**

Bill- Is Code Enforcement in agreement with Public Works response?

I really don't care who is responsible for removing the snow but if this is not addressed in writing the problem of snow blocked crosswalks will persist.

8) Will the snow and ice removal standard apply to crosswalks? Will Public Works monitor? If yes, when and how?

Response from Public Works: Public Works will clear crosswalks that intersect the roadways.

Thank you for the response but it doesn't answer the questions. Since this has been an issue in the past please ask Public Works to answer the questions.

There isn't much snow on the ground now so I have attached some pictures to show some of the past problems areas.

Thank you again for your time and efforts in making the Downtown much better.

I am sorry but I cannot make the meeting on Tuesday, I have a prior commitment.

Would you please share my email, diagram and pictures with all the committee members?

Response: We are forwarding your email and photographs to the PW&EC Committee for their consideration with the proposed code amendments.

If you have any questions please let me know.

Thank you,
Tom Masterson

From: Heniff, William [mailto:HeniffW@villageoflombard.org]
Sent: Wednesday, September 05, 2018 2:14 PM
To: Thomas Masterson
Cc: Steiskal, Keith; Ganser, Jennifer; Goldsmith, Carl; Niehaus, Scott
Subject: FW: Snow Clearing Regulations - Proposed Code Amendments

Tom:

Following up on past discussions, staff has prepared a memorandum offer a few changes to Village Code as it pertains to sidewalk snow clearing responsibilities. Also attached is a Frequently Asked Questions sheet that we will be sending out to interested parties informing them of our efforts. We have sent these items to Lombard Town Centre and the Lombard Area Chamber of Commerce & Industry so they are aware of this item as well.

The Village's Public Works and Environmental Concerns Committee will be reviewing this matter at their meeting on September 11, 2018 at 7:00 p.m. at the Lombard Public Works Building, 1051 S. Hammerschmidt Avenue.

In the meantime, if you have questions, please feel free to contact me.

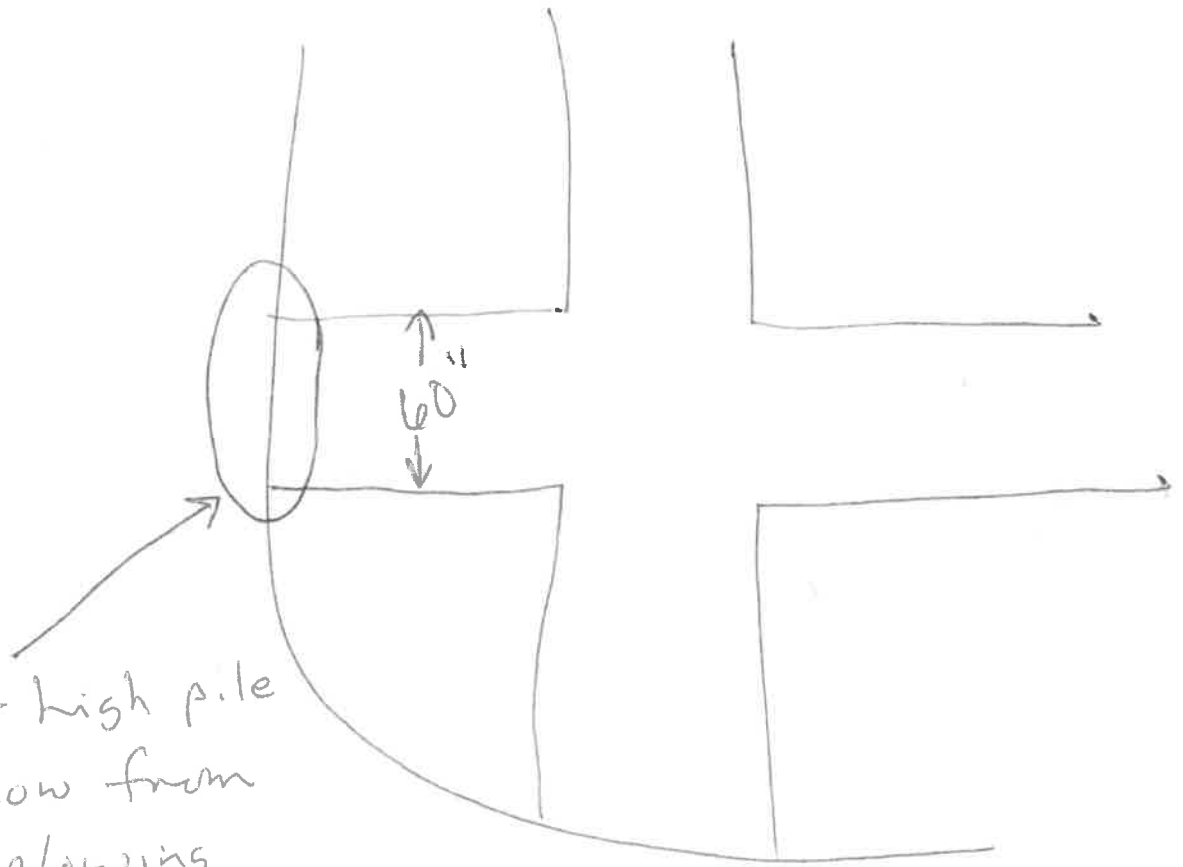


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2 foot high pile
of snow from
Village plowing

$\frac{1}{2}$ the pile is on the street

$\frac{1}{2}$ the pile is on the sidewalk

- 1) Who is responsible for shoveling the $\frac{1}{2}$ of the 2' high pile the Village plowed onto the sidewalk
 - 2) Who is responsible for shoveling the $\frac{1}{2}$ of the 2' high pile located in street?
- Please refer to pictures for examples.







