


VILLAGE OF LOMBARD
REQUEST FOR BOARD OF TRUSTEES ACTION
For Inclusion on Board Agenda

 Resolution or Ordinance (Blue) X *Waiver of First Requested*
 X Recommendations of Boards, Commissions & Committees (Green)
 Other Business (Pink)

TO: PRESIDENT AND BOARD OF TRUSTEES
FROM: Scott Niehaus, Village Manager
DATE: October 15, 2018 (B of T) DATE: November 1, 2018
TITLE: Text Amendments to Chapter 97 of the Village Code – Snow Clearing Regulations
SUBMITTED BY: Carl Goldsmith, Director of Public Works 

BACKGROUND/POLICY IMPLICATIONS:

The Public Works and Environmental Concerns Committee recommends the approval of a text amendment to Chapter 97 of the Village Code related to the regulations of snow removal.

FISCAL IMPACT/FUNDING SOURCE

Review (as necessary):

Village Attorney X _____ Date _____
Finance Director X _____ Date _____
Village Manager X _____ Date _____

NOTE: Materials must be submitted to/ approved by the Village Manager's Office by 12:00 pm, Wednesday, prior to the Agenda Distribution.



October 15, 2018

TO: Village President and Board of Trustees

FROM: Carl Goldsmith, Director of Public Works *Cg*

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 proposed 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.

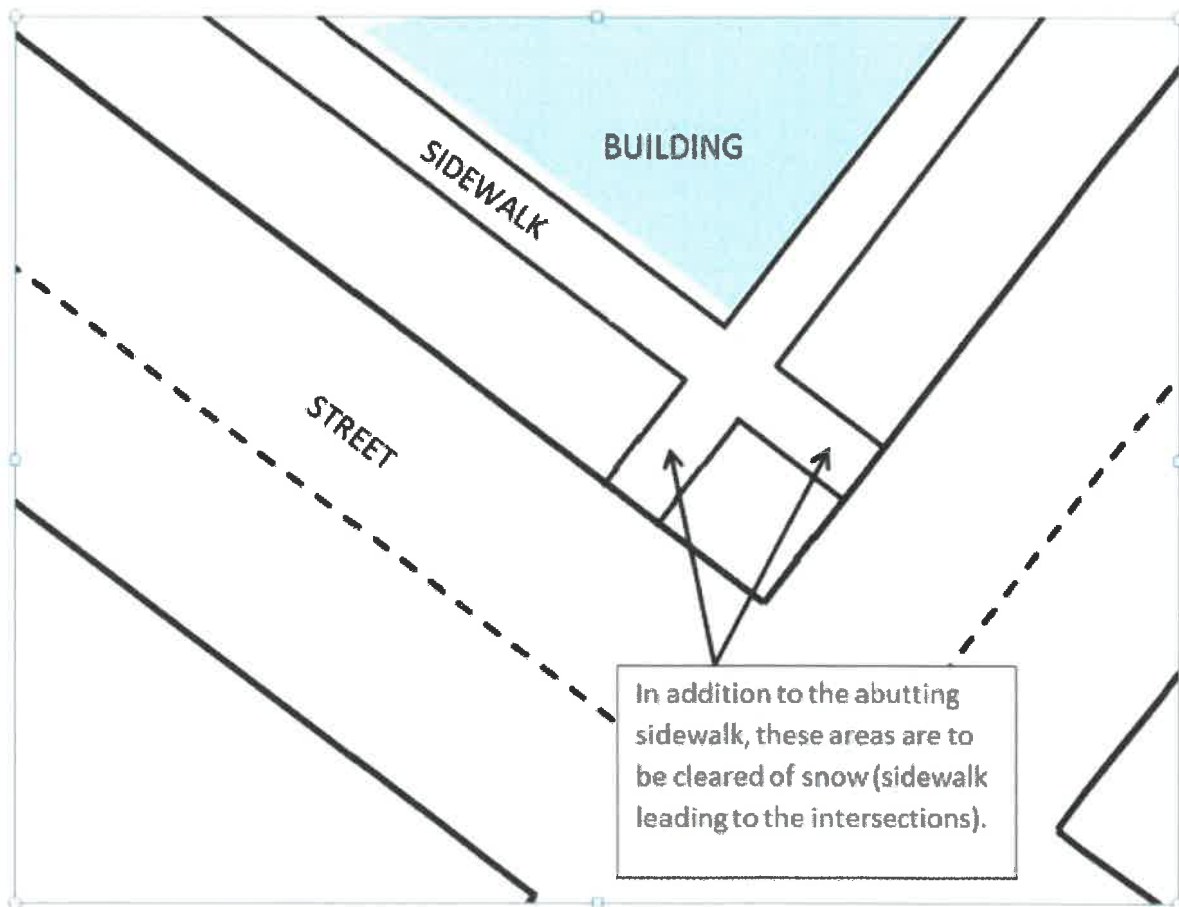
B. For properties that abut the right-of-way segments referenced below, every person, firm, corporation, partnership, or association in charge or control of any such property whether as owner or occupant shall remove and clear away or cause to be removed and cleared away snow and/or ice from a path at 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 provided a copy of the proposed changes to the Code with the Lombard Town Centre (LTC) organization as well as the Lombard Area Chamber of Commerce & Industry for their reference. 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. A property owner was in attendance at the September 11, 2018 and voice concerns, which were adequately addressed by staff.

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.

The Public Works and Environmental Concerns Committee reviewed this matter at their September 11, 2018 meeting. The Committee tabled the matter until their October 9, 2018 to review comments offered by a property owner. The Committee voted unanimously to recommend that the Village Board of Trustees adopt an Ordinance amending Chapter 97 of the Village Code to modify the snow clearing regulations.

RECOMMENDATION:

The Public Works and Environmental Concerns Committee recommends that the Village Board of Trustees adopt an Ordinance amending Chapter 97 of the Village Code pertaining to snow clearing obligations.

Village President and Board of Trustees
Snow Clearing Regulations
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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?

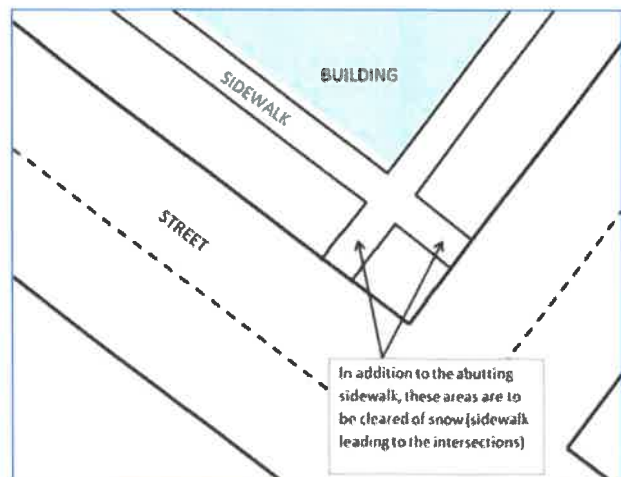
The required path of thirty-six (36) inches currently required to be cleared will be increased to sixty (60) inches to provide additional accessibility and safety.

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

ORDINANCE _____

**AN ORDINANCE AMENDING TITLE IX, CHAPTER 97,
SECTION 97.004 OF THE LOMBARD VILLAGE
CODE IN REGARD TO SNOW AND ICE REMOVAL
REGULATIONS RELATIVE TO SIDEWALKS**

WHEREAS, the Village of Lombard has established and maintains regulations on the removal of snow and ice from public sidewalks, which are found in Title IX, Chapter 97, Section 97.004 of the Lombard Village Code; and,

WHEREAS, the Village finds that Section 97.004 of the Lombard Village Code should be amended to further clarify the snow and ice removal requirements relative to sidewalks; and,

WHEREAS, the Board of Trustees deem it reasonable to periodically review the Lombard Village Code to ensure that the regulations adequately meet the health, safety and welfare needs of the Village, and make necessary changes when warranted;

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF LOMBARD, DU PAGE COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: That Title IX, Chapter 97, Section 97.004 of the Lombard Village Code is hereby amended to read in its entirety as follows:

“§ 97.004 - Snow and Ice Removal.

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

- A. Every person, firm, corporation, partnership, or association in charge or control of any property in the B1, B2, B3, B4, B4A, B5, B5A, O or I Zoning Districts within the Village, abutting on a public sidewalk, 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 sixty (60) inches in width on the sidewalk abutting said property.
- 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 sixty (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.

- C. For corner properties that are subject to the mandatory snow and/or ice removal and clearing requirements as set forth in subsections A. or B. above, the snow and ice removal and clearing requirement shall apply to all sidewalks abutting said corner properties, and not just the sidewalk abutting the frontage portion of said corner properties.
- D. All snow and/or ice that is required to be removed from the sidewalk pursuant to this Section shall be removed within twenty-four (2)4 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 twenty-four (24) hour period cause enough sand, salt, or other abrasive to be put on the snow and/or ice on the sidewalk so as to make travel on said sidewalk 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.”

SECTION 2: That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

Passed on first reading this __ day of _____, 2018.

First reading waived by action of the Board of Trustees this __ day of _____, 2018.

Passed on second reading this __ day of _____, 2018, pursuant to a roll call vote as follows:

Ayes: _____

Nayes: _____

Absent: _____

APPROVED by me this __ day of _____, 2018.

Keith Giagnorio, Village President

ATTEST:

Sharon Kuderna, Village Clerk

Published by me in pamphlet form this ____ day of _____, 2018.

Sharon Kuderna, Village Clerk