



City of CHARLOTTE

MEMORANDUM

TO: Mayor Lewis and City Council Members

FROM: Gregg Guetschow, City Manager

SUBJECT: Sidewalk Snow Removal Ordinance Sunset Date

DATE: September 7, 2017

In March 2014, City Council adopted Ordinance 2014-03 that expanded the areas of the City subject to enforcement for removal of snow from sidewalks. Prior to the adoption of the ordinance only limited areas of the City – principally those adjacent to major commercial areas – were subject to a requirement that the owners or occupants of property remove snow and ice from their sidewalks.

Subsequent to the adoption of this ordinance, I promulgated an administrative policy establishing procedures for inspecting sidewalks, issuing violation notices and the like. In brief this policy required the inspection of all sidewalks along major streets and state trunklines and at those other locations about which the City had received a complaint that sidewalks had not been cleared. Initial inspections occurred generally after 48 hours following the end of the snowfall and reinspections occurred 24 hours later.

During the 14-15 season, inspections resulted in violation notices being left at 65 properties. All but 8 property owners or occupants complied with the notice. Subsequent years have seen very little snowfall and few inspections were required.

Council should be aware that properties in the Central Business District are included within a sidewalk snow removal special assessment district. A private contractor is hired by the Downtown Development Authority to perform snow removal work. All costs associated with this service are paid for by the assessments that are levied. This has been a very popular program with downtown business and building owners.

The sidewalk snow removal ordinance contains a provision establishing a sunset date of October 1, 2017. A proposed ordinance amendment will be found elsewhere in your agenda packet that would extend the sunset date to October 1, 2021. If Council fails to adopt a new sunset date or to remove the sunset date from the current ordinance, the ordinance will no longer be in effect. Council may make any other changes that it deems desirable as part of its consideration of the ordinance.

In the past, a local resident has stated at City Council meetings that the Americans with Disabilities Act requires the City to enforce the clearing of sidewalks. I have researched this question in the past and have been unable to find any support for this contention.

The ordinance amendment is proposed for first reading with a public hearing to be held on September 25.

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