



TO: Mayor Diane Marlin and City Council Members

FROM: Carol Mitten, City Administrator

DATE: October 24, 2019

SUBJECT: An Ordinance Amending Urbana City Code Chapter 11, Section 11-65 – Removing Snow from Sidewalks and Other Areas (Ordinance No. 2019-10-060)

Background

At the July 8, 2019 meeting of the Committee of the Whole, Councilmember Bill Brown presented a [recommendation](#) from the Bicycle and Pedestrian Advisory Commission (BPAC) that you consider amending Ordinance No. 2011-11-134 (which created the Mandatory Sidewalk Snow Removal Districts), by expanding the boundaries of the Districts. You can review the requirements of the existing ordinance [here](#). A map of the existing and expanded districts is attached hereto.

Description

As discussed in the BPAC memo, the proposal to expand the mandatory snow removal districts is offered in response to development projects in the northern part of downtown, and especially along University Avenue. The planned infrastructure improvements along University Avenue and Green Street, in particular, will encourage greater pedestrian use of these corridors. It is important that the sidewalks in these areas remain passable, even during significant snow events.

The language of the proposed Ordinance would replace the full description of the snow removal districts found in Ordinance No. 2011-11-134. However, to more easily see the text changes that would be reflected in the district boundary areas if the Council were to adopt Ordinance No. 2019-10-059, I offer an edited version of the text of the existing Ordinance below (additions in **bold** and deletions ~~struck out~~):

Sec. 11-65. - Removing snow from sidewalks and other areas.

- (a) Every owner of a lot within the city's corporate limits, which lot contains, abuts or fronts on a paved public sidewalk, within the following areas shall remove and clear away, or cause to be removed and cleared away, snow, after at least two (2) inches of snow has accumulated, and also accumulations of ice, sleet, or freezing rain. After initial clearance, the responsible person shall maintain the sidewalk in a reasonably clear condition.

- (1) Areas under sidewalk snow removal requirements:
- a. Downtown district, defined as an area bordered on the north by **University Avenue**, ~~Water Street~~ on the east by Vine Street, on the south by Illinois Street, and on the west by Race Street. Public sidewalks on both sides of the aforementioned boundary streets are included within the district.
 - b. University district, defined as an area bordered on the north by **University Springfield Avenue**, on the east by Lincoln Avenue, on the south by Florida Avenue, and on the west by Wright Street/Urbana corporate limits. Public sidewalks on both sides of boundary streets **University Springfield Avenue** and Florida Avenue are included within the district. Public sidewalks on both sides of Lincoln Avenue are included within the district, except public sidewalks on the east side of Lincoln Avenue south of Michigan Avenue are excluded. Public sidewalks along Wright Street and Western Avenue are not included within the district.
 - c. South Philo Road district, defined as an area along the east side of Philo Road between Florida Avenue and Windsor Road, and along the west side of Philo Road from Florida Avenue to Silver Street.
 - d. **University Avenue Corridor, defined as the public sidewalks on both sides of University Avenue between Lincoln Avenue on the west and Race Street on the east, and including both sides of Broadway Avenue north of University Avenue to Park Street.**
 - e. **Green Street Corridor, defined as the public sidewalks on both sides of Green Street between Lincoln Avenue on the west and Race Street on the east.**

On October 15, 2019, each of the property owners in the proposed expansion area was sent a notification of the proposed changes and how the Ordinance would impact them. They were also notified of the October 28, 2019 meeting of the Committee of the Whole and given contact information for the City Clerk, in the event they wanted to provide testimony in person or in writing.

In the past, on those occasions when weather conditions have prompted the Public Works Director to declare that the mandatory sidewalk snow removal requirements are in effect, most property owners comply with the Ordinance. For those who have not, we have sent City crews to perform the snow clearing and then billed the property owner accordingly.

As I mentioned at a recent Council meeting, we no longer plan to use City crews to perform this work. Instead, we will contract the work out and then bill the property owner for the cost incurred. We think this approach will allow 1) more timely response, 2) lower cost to the offending property owner, and 3) better deployment of City resources.

Recommendation

I recommend that the City Council approve Ordinance No. 2019-10-060 and expand the Mandatory Sidewalk Snow Removal Districts as proposed by BPAC.

Attachments: Sidewalk Snow Removal District Map Proposed Ordinance No. 2019-10-060

ORDINANCE NO. 2019-10-060

**AN ORDINANCE AMENDING URBANA CITY CODE CHAPTER 11, SECTION 11-65
(Removing Snow from Sidewalks and Other Areas)**

WHEREAS, the City of Urbana (“City”) is a home rule unit of local government pursuant to Article VII, Section 6, of the Illinois Constitution, 1970, and may exercise any power and perform any function pertaining to its government and affairs, including the power to regulate for the protection of the public health, safety, and welfare; and

WHEREAS, Section 11-80-13 of the Illinois Municipal Code (65 ILCS 5/11-80-13) provides that the corporate authorities of each municipality may regulate the use of sidewalks and may require the owner or occupant of any premises to keep the sidewalks abutting the premises free from snow and other obstructions; and

WHEREAS, the City Council heretofore has enacted Urbana City Code Section 11-65 to establish sidewalk snow removal requirements in designated locations; and

WHEREAS, the City Council desires to implement sidewalk snow removal requirements at additional locations; and

WHEREAS, the City Council, after due consideration, finds that amending Section 11-65 as herein provided will protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Urbana, Illinois, as follows:

Section 1.

Urbana City Code Chapter 11, “Health and Sanitation,” Article IV, “Nuisances,” Division 4, “Sidewalk Snow and Ice,” Section 11-65, “Removing snow from sidewalks and other areas,” subsection (a), is hereby amended and as amended shall read as follows:

Sec. 11-65. - Removing snow from sidewalks and other areas.

(a) Every owner of a lot within the city's corporate limits, which lot contains, abuts or fronts on a paved public sidewalk, within the following areas shall remove and clear away, or cause to be removed and cleared away, snow, after at least two (2) inches of snow has accumulated, and also accumulations of ice, sleet, or freezing rain. After initial clearance, the responsible person shall maintain the sidewalk in a reasonably clear condition.

(1) Areas under sidewalk snow removal requirements:

- a. Downtown district, defined as an area bordered on the north by University Avenue, on the east by Vine Street, on the south by Illinois Street, and on the west by Race Street. Public sidewalks on both sides of the aforementioned boundary streets are included within the district.
- b. University district, defined as an area bordered on the north by University Avenue, on the east by Lincoln Avenue, on the south by Florida Avenue, and on the west by Wright Street/Urbana corporate limits. Public sidewalks on both sides of boundary streets University Avenue and Florida Avenue are included within the district. Public sidewalks on both sides of Lincoln Avenue are included within the district, except public sidewalks on the east side of Lincoln Avenue south of Michigan Avenue are excluded. Public sidewalks along Wright Street and Western Avenue are not included within the district.
- c. South Philo Road district, defined as an area along the east side of Philo Road between Florida Avenue and Windsor Road, and along the west side of Philo Road from Florida Avenue to Silver Street.
- d. University Avenue Corridor, defined as the public sidewalks on both sides of University Avenue between Lincoln Avenue on the west and Race Street on the east, and including both sides of Broadway Avenue north of University Avenue to Park Street.
- e. Green Street Corridor, defined as the public sidewalks on both sides of Green Street between Lincoln Avenue on the west and Race Street on the east.

Section 2.

Those sections, paragraphs, and provisions of the Urbana City Code that are not expressly amended or repealed by this Ordinance are hereby re-enacted, and it is expressly declared to be the intention of this Ordinance not to repeal or amend any portions of the Urbana City Code other than those expressly set forth as amended or repealed in this Ordinance. The invalidity of any section or provision of this Ordinance hereby passed and approved shall not invalidate other sections or provisions thereof.

Section 3.

This Ordinance shall not be construed to affect any suit or proceeding pending in any court, or any rights acquired, or a liability incurred, or any cause or causes of action acquired or existing prior to the effective date of this Ordinance; nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4.

The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

This Ordinance is hereby passed by the affirmative vote, the “ayes” and “nays” being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a meeting of said Council.

PASSED BY THE CITY COUNCIL this date day of Month, Year.

AYES:

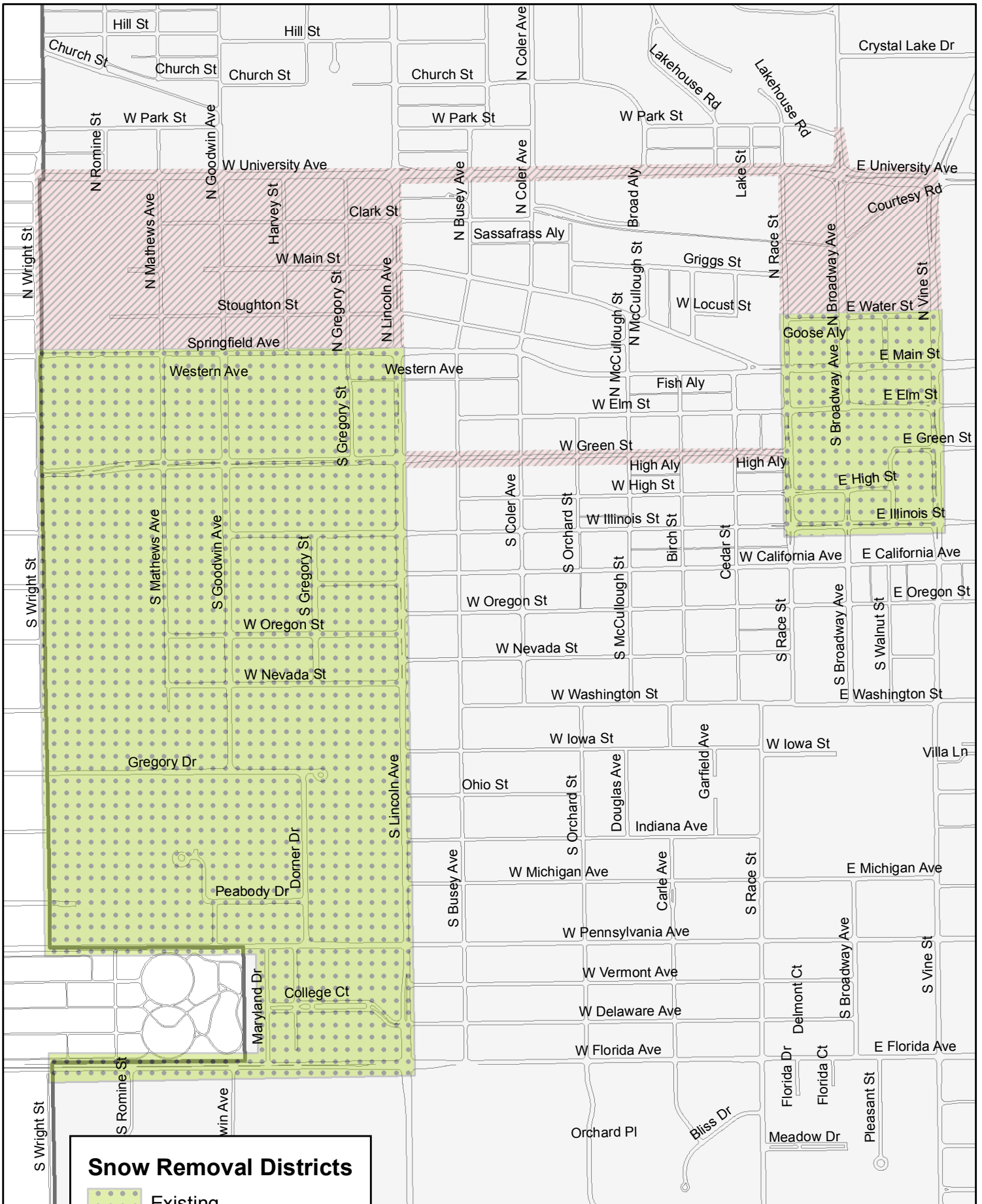
NAYS:

ABSTENTIONS:

Charles A. Smyth, City Clerk

APPROVED BY THE MAYOR this date day of Month, Year.

Diane Wolfe Marlin, Mayor



BPAC Recommendation June, 2019