



City of Grand Island

Tuesday, July 14, 2009

Council Session

Item F3

#9227 - Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: July 14, 2009

Subject: Consideration of Amendments to Chapter 32 of the Grand Island City Code Relative to Streets and Sidewalks

Item #'s: F-3

Presenter(s): Steven P. Riehle, Public Works Director

Background

A few proposed revisions to Chapter 32 of the City Code have been drafted for City Council consideration. Applicable sections of the existing city code with markups are shown in this memo. The sections to the code that are being added are underlined and the sections that are being eliminated have a line drawn through the text. A clean version of the proposed city code is attached as an ordinance.

- Section 32-55, Sidewalks: If a property owner wants to replace a conventional sidewalk with a curb sidewalk, the requirements of the current code are cumbersome.
- Section 32-74, Spreading Snow in Streets: Many communities across Nebraska and in the Midwest have laws against pushing, shoveling or blowing snow into the streets.
- Section 32-74.2, Mailboxes: The city is sometimes held accountable for damage to a mailbox that was not caused by negligence.

Discussion

The changes and additions that are being proposed to Chapter 32 are as follows:

- Section 32-55, Sidewalks: If a property owner wants to replace a conventional sidewalk with curb sidewalk, the current city code requires 10 days notice by certified mail to all property owners, council to conduct a public hearing and special permission from the city council. Public Works Administration is recommending that the code be changed to remove the certified mail requirement, eliminate the need for a public hearing & allow the Public Works Director to give the special permission to replace a conventional sidewalk with a curb sidewalk.

§32-55. Sidewalks

Sidewalks built within one foot or less of property lines shall be known as "conventional" sidewalks. Conventional sidewalks shall be at least four feet wide. Only conventional sidewalks may be constructed on arterial, collector, and other protected streets, except as hereinafter provided.

Sidewalks constructed immediately adjacent to any curb and gutter shall be known as "curb" sidewalks. Curb sidewalks shall be at least four feet wide. No curb sidewalk may be constructed unless curb and gutter is constructed immediately prior to or is in place at the time of the sidewalk construction.

No curb sidewalks may be constructed unless there is constructed a continuous curb sidewalk between successive streets or between a street and an alley. The intent of this section is to provide for uniform sidewalk construction between successive streets or streets and alleys. In some instances, intersections or alleys are not in existence in newly platted areas, or blocks in earlier platted areas are excessive in length, in which case curb sidewalk may be constructed only if it will be continuous for approximately one block and there remains a continuous distance of the same length for construction of conventional sidewalk. For the purpose of this section, one block is defined as 300 feet, more or less. The purpose of this requirement is to provide for continuous sidewalk, either curb or conventional, for a reasonable distance without change. No conventional sidewalk may be replaced with curb sidewalk without special permission from the Public Works Director ~~city council. At least ten days advance notice by certified mail of such hearing must be given to all property owners and occupants between successive streets or between a street and an alley.~~

~~If a majority of the property owners on a block petition the City for a curb sidewalk, then a new sidewalk may be installed as curb sidewalk. Such curb sidewalk shall comply with the other provisions of this section.~~

Where buildings, improved parking lots, or other improvements extend to the property line, the sidewalk must be at least five feet in width and extend to the property line.

In areas classified as rural routes by the U.S. Postal Service, properties will be allowed curb sidewalk only if the following conditions exist:

- (1) If curb exists or is being constructed immediately prior to installation of the sidewalk; and
- (2) If all property owners installing curb sidewalk agree to neighborhood box units which are approved and installed by the U.S. Postal Service; and
- (3) If the section of sidewalk will be consistent between successive streets or from a street to an alley.

§32-73. Snow and Ice Removal from Sidewalks

It shall be unlawful for the occupant or owner of any lot, tract, or parcel of real estate within the City to fail to clear or have cleared the sidewalks contiguous thereto of all snow and ice within twenty-four hours after the cessation of any storm or snow fall; provided, that if such lot, tract, or parcel of real estate is located within the Central Business District of the City of Grand Island, then it shall be unlawful for the occupant owner of such lot, tract, or parcel of real estate to fail to clear the sidewalks contiguous thereto of all snow and ice within six hours after the cessation of any storm or snow fall, or by 12:00 Noon should the cessation of any storm or snow fall occur during night-time hours.

It shall be unlawful for the occupant or owner of any lot, tract, or parcel of real estate within the City to fail to clear or have cleared the sidewalks contiguous thereto of all ice accumulated from natural or artificial drainage of water within twenty-four hours

after the commencement of accumulation; provided, that if such lot, tract, or parcel of real estate is located within the Central Business District of the City of Grand Island, then it shall be unlawful for the occupant or owner of such lot, tract, or parcel of real estate to fail to clear the sidewalks contiguous of all ice accumulated from natural or artificial drainage of water within six hours after the commencement of accumulation, or by 12:00 noon should the accumulation of ice occur during night-time hours.

The violation of this section shall give rise to a cause of action for damages in favor of any person who is injured by the failure or neglect of the owner or occupant of the real estate to comply with the provisions of this section.

- Section 32-74, Spreading Snow in Streets: Putting snow on to city streets creates a traffic hazard and is counter productive to the snow removal work being performed by crews trying to clear city streets of snow. Putting snow onto city property can cause damage to city property. City property should not be considered a dumping ground for property owners looking for a disposal place for snow. Public Works Administration is recommending that the city code be changed to make it unlawful to put snow on city streets or city property.

§32-74. ~~Spreading Snow In Streets~~ Shoveling, plowing or blowing snow onto the street or city property

~~If any snow and ice is removed pursuant to the provisions of §32-73 and deposited in the traveled portion of any street, such snow and ice shall be spread over the surface of such street in such a manner as to cause the least interference to traffic and drainage upon such street.~~

It is hereby declared unlawful for any property owner or any lessee or occupant of any property or contractor to shovel, plow or blow any snow from sidewalks, driveways or private property onto any city street or other city property. The only exception is in the Central Business District where snow from sidewalks only may be placed in the street in such a manner as to cause the least interference to traffic upon such street.

- Section 32-74.2, Mailboxes: This section is being added to eliminate city responsibility for clearing snow from mailboxes for mail delivery, and also eliminating city liability for mailboxes that are damaged by the weight of moving snow and not by actual contact by a snowplow.

§ 32-74.2 Mailboxes

(1) Where mailboxes are placed adjacent to the street it shall be the policy of the City that snow shall be plowed as close a practicable to the curb to allow for passage of traffic and mail delivery. It shall be the responsibility of the property owner to keep piled snow away from mailboxes so mail can be delivered. The City will not assume responsibility for clearing mailboxes for mail delivery.

(2) If damage to a mailbox occurs, such damage shall be investigated by the Streets Division of the Public Works Department. If it is determined that the weight of the snow caused the damage, the City will not assume responsibility for repair of the mailbox. Where evidence indicates that physical contact between the plow and the mailbox occurred, the City will assume responsibility for repair, provided the mailbox was properly placed.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Adopt the ordinance as presented.
2. Adopt the ordinance with amendments.
3. Take no action on the issue.

Recommendation

Public Works Administration recommends that the Council approve the changes to Chapter 32 of the City Code.

Sample Motion

Move to approve Ordinance No. 9227 revising code sections in Chapter 32 of the Grand Island City Code.

ORDINANCE NO. 9227

An ordinance to amend Chapter 32 of the Grand Island City Code; to amend Section 32-55 pertaining to Sidewalks, Section 32-74 pertaining to Spreading Snow in Streets and add Section 32-74.2 pertaining to Mailboxes; to repeal Sections 32-55 and 32-74 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Sections 32-55, 32-74 and 32-74.2 of the Grand Island City Code are hereby amended to read as follows:

§32-55. Sidewalks

Sidewalks built within one foot or less of property lines shall be known as "conventional" sidewalks. Conventional sidewalks shall be at least four feet wide. Only conventional sidewalks may be constructed on arterial, collector, and other protected streets, except as hereinafter provided.

Sidewalks constructed immediately adjacent to any curb and gutter shall be known as "curb" sidewalks. Curb sidewalks shall be at least four feet wide. No curb sidewalk may be constructed unless curb and gutter is constructed immediately prior to or is in place at the time of the sidewalk construction.

No curb sidewalks may be constructed unless there is constructed a continuous curb sidewalk between successive streets or between a street and an alley. The intent of this section is to provide for uniform sidewalk construction between successive streets or streets and alleys. In some instances, intersections or alleys are not in existence in newly platted areas, or blocks in earlier platted areas are excessive in length, in which case curb sidewalk may be constructed only if it will be continuous for approximately one block and there remains a continuous distance of the same length for construction of conventional sidewalk. For the purpose of this section, one block is defined as 300 feet, more or less. The purpose of this requirement is to provide for continuous sidewalk, either curb or conventional, for a reasonable distance without change. No conventional sidewalk may be replaced with curb sidewalk without special permission from the Public Works Director.

Where buildings, improved parking lots, or other improvements extend to the property line, the sidewalk must be at least five feet in width and extend to the property line.

In areas classified as rural routes by the U.S. Postal Service, properties will be allowed curb sidewalk only if the following conditions exist:

- (1) If curb exists or is being constructed immediately prior to installation of the sidewalk; and
- (2) If all property owners installing curb sidewalk agree to neighborhood box units which are approved and installed by the U.S. Postal Service; and
- (3) If the section of sidewalk will be consistent between successive streets or from a street to an alley.

§32-74. Shoveling, plowing or blowing snow onto the street or city property

It is hereby declared unlawful for any property owner or any lessee or occupant of any property or contractor to shovel, plow or blow any snow from sidewalks, driveways or private property onto any

ORDINANCE NO. 9227 (Cont.)

city street or other city property. The only exception is in the Central Business District where snow from sidewalks only may be placed in the street in such a manner as to cause the least interference to traffic upon such street.

§ 32-74.2 Mailboxes

(1) Where mailboxes are placed adjacent to the street it shall be the policy of the City that snow shall be plowed as close a practicable to the curb to allow for passage of traffic and mail delivery. It shall be the responsibility of the property owner to keep piled snow away from mailboxes so mail can be delivered. The City will not assume responsibility for clearing mailboxes for mail delivery.

(2) If damage to a mailbox occurs, such damage shall be investigated by the Streets Division of the Public Works Department. If it is determined that the weight of the snow caused the damage, the City will not assume responsibility for repair of the mailbox. Where evidence indicates that physical contact between the plow and the mailbox occurred, the City will assume responsibility for repair, provided the mailbox was properly placed.

SECTION 2. Sections 32-55 and 32-74 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. This ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: July 14, 2009.

Margaret Hornady, Mayor

Attest:

RaNae Edwards, City Clerk