

ITEM(S) TO BE CONSIDERED UNDER:

Consent Item Old Business New Business Other

FOR COUNCIL MEETING DATED:	April 12, 2010
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STAFF MAKING REQUEST:	C. James Ervin, Town Manager
BRIEF SUMMARY OF REQUEST:	<p>Snow Removal from Sidewalks</p> <p>The Town received many complaints regarding the clearing of sidewalks during the past winter. The Town has 15 miles of sidewalks and most were impassable from December 19th to well into February due to repetitive winter storms. Some complaints were directed at the Town by individuals who perceived it as a Town responsibility, others complained about property owners and tenants who did not clear their walks.</p> <p>The Town has no ordinance requiring property owners to clear their sidewalks, or to prevent them from piling snow cleared from parking areas onto sidewalks. The State gives localities the authority to require the removal of snow in section 15.2-1115 (copy attached). A review of localities of similar size in the Commonwealth indicates that most have snow removal ordinances that require snow to be cleared of sidewalks.</p> <p>The Town's current policy is to create safe travel by focusing snow removal efforts streets. Once the streets are open, snow is removed from the on-street parking areas in uptown and downtown. Any property owner or tenant in uptown/downtown that has cleared their sidewalk prior to the arrival of the Town crew will have that snow hauled away with the snow removed from the parking areas.</p> <p>Is Council interested in the development of a snow removal ordinance? In the event that such an ordinance is adopted, the Town would have to comply with it and clear the snow sidewalks on municipal properties (High Street Cemetery, Mary Elizabeth Park and other locations).</p>
ACTION NEEDED:	Council direction on whether to look into creating an ordinance for snow removal.

Attachment(s): Yes

FOLLOW-UP ACTION: (To be completed by Town Clerk)	GIVEN TO (DEPT. HEAD) (To be completed by Town Clerk)
COMPLETED ACTION: (To be filled in by Town Clerk) (To be completed by Department Head)	GIVEN TO TOWN CLERK: (To be completed by Department Head)
DATE COMPLETED AND ACTION TAKEN:	DATE GIVEN TO TOWN CLERK:

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§ 15.2-1115. Abatement or removal of nuisances.

A. A municipal corporation may compel the abatement or removal of all nuisances, including but not limited to the removal of weeds from private and public property and snow from sidewalks; the covering or removal of offensive, unwholesome, unsanitary or unhealthy substances allowed to accumulate in or on any place or premises; the filling in to the street level, fencing or protection by other means, of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; the raising or draining of grounds subject to be covered by stagnant water; and the razing or repair of all unsafe, dangerous or unsanitary public or private buildings, walls or structures which constitute a menace to the health and safety of the occupants thereof or the public. If after such reasonable notice as the municipal corporation may prescribe the owner or owners, occupant or occupants of the property or premises affected by the provisions of this section shall fail to abate or obviate the condition or nuisance, the municipal corporation may do so and charge and collect the cost thereof from the owner or owners, occupant or occupants of the property affected in any manner provided by law for the collection of state or local taxes.

B. Every charge authorized by this section in excess of \$200 which has been assessed against the owner of any such property and which remains unpaid shall constitute a lien against such property. Such liens shall have the same priority as other unpaid local taxes and shall be enforceable in the same manner as provided in Articles 3 (§ [58.1-3940](#) et seq.) and 4 (§ [58.1-3965](#) et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

(Code 1950, § 15-77.31; 1958, c. 328; 1962, c. 623, § 15.1-867; 1997, c. [587](#); 2004, cc. [533](#), [968](#).)

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