



CITY COUNCIL AGENDA REPORT

TO: Frank Kuntz, Mayor
City Council

FROM: Rob Jammerman, Public Works Director
Public Works

MEETING DATE: January 13, 2022

I. SUBJECT

Ordinance No. 2022-02 amending WCC 7.24 related to snow and ice removal from sidewalks.

II. ACTION REQUESTED

A motion for the City Council to adopt Ordinance No. 2022-02 amending WCC 7.24 related to snow and ice removal from sidewalks.

III. OVERVIEW

The City of Wenatchee received a record snowfall on January 6, 2022, of approximately 24” in a 24-hour period and some property owners have not cleared their sidewalks resulting in obstructed pathways for pedestrians. The current penalty for not complying with the City sidewalk snow removal code is a Class 4 civil infraction with no provision for abatement by the City. In order to be able to address urgent needs for snow removal, the proposed ordinance amends Chapter 7.24 “Snow Removal” of the Wenatchee City Code to allow for abatement measures.

IV. FISCAL IMPACT

No impact to the general fund, the ordinance allows for the Public Works Director to prepare an assessment roll for the cost of clearing sidewalk.

VI. REFERENCE(S)

1. Ordinance No. 2022-02

VII. ADMINISTRATIVE ROUTING

Tammy Stanger, City Clerk
Laura Merrill, Executive Services Director

ORDINANCE NO. 2022-02

AN ORDINANCE, amending WCC 7.24 related to snow and ice removal from sidewalks.

WHEREAS, the City has a duty to exercise reasonable care to keep public sidewalks in a condition that is reasonably safe for ordinary travel of its citizens; and

WHEREAS, RCW 35A.47.020 provides that code cities are regulated in the maintenance of sidewalks as provided in Chapters 35.68, 35.79, 35.85 and 35.86 RCW; and

WHEREAS, state law authorizes cities to place responsibility to maintain sidewalks on the adjoining property owner; and

WHEREAS, the City of Wenatchee has placed the responsibility to maintain sidewalks on the adjoining property owner by virtue of WCC 7.23.020, 7.23.030 and 7.24.010; and

WHEREAS, the City of Wenatchee received a record snowfall on January 6, 2022, of approximately 24” in a 24-hour period; and

WHEREAS, some property owners have not cleared their sidewalks resulting in unsafe travel conditions for pedestrians, in particular school children travelling to and from school; and

WHEREAS, the current penalty for not complying with the City sidewalk snow removal code is a Class 4 civil infraction with no provision for abatement by the City; and

WHEREAS, the pedestrian safety issue due to uncleared sidewalks is an emergency situation calling for immediate action to preserve the health, safety and welfare of the public.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE DO ORDAIN as follows:

SECTION I

That Chapter 7.24 “Snow Removal” of the Wenatchee City Code shall be and hereby is amended by the addition of the following sections:

7.24.040 Determination by Public Works Director.

If in the judgment of the City Public Works Director, or his/her designee, public safety requires that a sidewalk be cleared of snow and ice, and is in violation of the City Code, the Public Works Director shall issue a notice of violation and order to clear the sidewalk to the adjoining property owner.

7.24.050 Notice to Property Owner.

The written notice of violation and order to clear the sidewalk shall be served upon the property owner or current resident by either hand delivery or leaving at the residence by posting on the front door as a door hanger.

7.24.060 Non-Compliance.

If the notice and order to clear the sidewalk is not complied with within the time therein specified, the Public Works Director shall proceed to clear the sidewalk of snow and ice forthwith and shall prepare an assessment roll as soon thereafter as may be practicable describing each adjoining parcel of land abutting upon the sidewalk that was cleared, the name of the owner of the adjoining property as shown on the records of the Chelan County Assessor, and the cost of clearing said sidewalk.

7.24.070 Hearing – Notice.

The Public Works Director shall set a date for hearing before the City Hearing Examiner any protests against the assessment roll and shall cause a notice of the time and place of the hearing to be served upon the abutting property owner by regular first-class mail to the address shown on the

Chelan County Assessor’s records. At the hearing, the Hearing Examiner shall assess the City’s cost of clearing the sidewalk against the adjoining property owner based upon the City’s actual cost together with the reasonable cost of administrative overhead. The assessment roll of the City shall create a rebuttable presumption that notice to the adjoining property owner was adequate, the work by the City was reasonable and necessary, and that the cost incurred by the City was reasonable. The adjoining property owner shall have the burden of rebutting the presumption by a preponderance of the evidence.

7.24.080 Assessment Deemed Lien.

The assessments shall become a lien upon the respective parcels of land and shall be collected in the manner provided by law for the collection of local improvement assessments and shall bear interest at the rate of six percent per annum from the date of the approval of the assessment thereon. The lien is not intended to be the exclusive means of collecting said assessment.

SECTION II

The following sections of Chapter 7.24 WCC shall be re-numbered as follows:

<u>Existing Number</u>	<u>Title</u>	<u>New Number</u>
7.24.040	Penalty for violations	7.24.090
7.24.050	Person defined	7.24.100
7.24.060	Presumption	7.24.110
7.24.070	Ch. 7.80 RCW Sections adopted by reference.	7.24.120

SECTION III

If any section, subsection, sentence, clause or phrase of this Ordinance is

declared or judged by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the remaining portions of this Ordinance which shall be in full force and effect as if said section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof.

SECTION IV

This Ordinance, being a public emergency ordinance to immediately preserve the health, safety and welfare of the public, shall be effective immediately upon approval hereof.

PASSED AND APPROVED BY AT LEAST A MAJORITY PLUS ONE OF THE CITY COUNCIL OF THE CITY WENATCHEE, this 13th day of January, 2022.

CITY OF WENATCHEE

By: _____
FRANK KUNTZ, Mayor

ATTEST:

By: _____
TAMMY STANGER, City Clerk

APPROVED:

By: _____
STEVE D. SMITH, City Attorney