



City of Walker Sidewalk Snow Removal Exemption Application



Applicant Information

Name:

Property address:

Parcel number:

Email:

Phone number:

Date:

Property owner signature:



Sidewalk Snow Removal Exception Justification

Describe your reasons supporting a sidewalk maintenance exception per Sec. 70-68:



City of Walker Administrative Decision

Decision: Approved Denied

Justification / Sec. 70-68

Sec. 70-68. Sidewalks to be cleared.

- (a) (1) *Duty to clear.* The owner or occupants of any lot located within the city shall clear any accumulations of ice or snow from the public sidewalks adjoining the lot within 24 hours of the accumulation or placement of snow or ice on the sidewalks. In cases where a multiuse trail is located where a sidewalk existed prior to installation of the multiuse trail, a five-foot pathway shall be cleared on the side furthest away from the road. Notwithstanding the condition outlined above, removal of snow and ice is not required along any other sections of multiuse trail.
- (2) *Exemption.* An owner or occupant of any property located within the city may apply to the city manager or their designee seeking an annual exemption from the standards of subsection (1) above.
- The city manager or their designee shall decide whether to approve or deny an annual exemption request based on the following criteria:
- Physical hardship due to age, disability or illness
 - Location of the subject lot on a priority pedestrian route, as determined based on the current City of Walker Sidewalk Master Plan, Parks and Recreation Master Plan or the overall City of Walker Master Plan.
 - Connectivity to existing or planned sidewalks.
 - Practical natural limitations on the ability to develop or improve the subject lot.
 - Location of the subject lot on a major street.
 - Location of the subject lot in relation to schools, transit stops, institutional and civic uses, places of employment and commercial or service uses.
- The grounds for denial of an exemption under this subsection shall be provided to the applicant in writing, stating the basis for the denial. Any exemption approved under this subsection will expire 365 days after the date of issuance. The owner or occupants of lot where an exemption is sought must apply annually for an exemption. Issuance of an annual exemption does not ensure that future exemptions will be granted. A person may not claim an exemption in an enforcement proceeding under this section unless the person has applied for and obtained the exemption from the city manager or his designee prior to the date of any violation of this section.
- (b) *Notice of violation and order to abate.* Any person determined by the building official to be in violation of section 70-68(a) shall be given notice of the violation and ordered to abate the violation, as follows:
- (1) *Service of notice and order.* The notice and order may be served by any one of the following means:
- In writing, by first-class mail, addressed to the owner of the property at the last known address as shown by the city tax records. The notice and order shall at the same time also be mailed to the occupants of the property, if different than the owner. If the notice and order are served by mail, they shall be deemed received by the addressee two mail delivery days after deposit in the United States mail.
 - In writing, posted at the property. The notice and order shall be deemed to have been served to the owner and/or occupant, as applicable, at the time the notice and order is posted at the property.
 - By providing the notice and order orally, either in person or by telephone. The oral notice and order shall be deemed to have served to the owner and/or occupant, as applicable, at the time the oral notice and order are given. A written confirmation of the oral notice and order shall be mailed by the city to the person served within five days of the oral notice and order, provided that the failure to do so shall not affect the person's obligation to comply with oral notice and order and shall not constitute a defense to a violation of section 70-68(a).
- (2) *Contents of notice and order.* To the extent known by the city, and as applicable under the circumstances, a notice and order under this section shall include:
- The date and time the notice was served.
 - The name and address of the person (or persons) responsible for the violation.
 - A description of the nature and location of the violation, and the provisions of this section violated.
 - The minimum corrective actions required to abate the violation.
 - A statement that the violation must be abated within 48 hours from the time notice was served.
 - An order to abate the violation by the time specified in the order (which shall be 48 hours from the time notice and order are deemed to have been received as provided by this section).
 - The applicable fines or other consequences for failure to abate the violation by the time specified in the notice and order.
 - A statement indicating that if the violation is not abated as ordered, then the city may unilaterally act to abate the violation; that the costs to the city of any action by the city to abate the violation, plus an administrative fee and any applicable fines, shall be a personal debt of the person to the city which may be assessed by the city as a lien against the property until paid; and that the refusal to allow the city to abate an uncorrected violation shall constitute a separate and additional violation of this section.
- (3) *Abatement required.* Any person served with a notice and order, as provided by this section shall abate the violation as specified by the order.
- (c) *Noncompliance with order; abatement by city.*
- (1) *Abatement by city.* If a person served with a notice and order fails or refuses to abate the violation as required by the order under this section within 48 hours of being notified of the violation, the city or its authorized representatives may enter the property and take any reasonable actions necessary to remove the ice and snow from the sidewalks and abate the violation.
- (2) *Costs of abatement; delinquent payments; lien.* The costs, including an administrative fee of \$25.00, as incurred by the city in abating the violation shall be immediately due and payable to the city by the owner of the property where the violation occurred. The city shall notify the property owner that the costs are due and owing by certified mail (return receipt requested), addressed to the property owner's last known address as shown by city tax records. If the costs are not paid in full within 30 days of mailing the notification, they shall be delinquent. The amount of the costs plus any administrative fee shall be certified by the treasurer to the assessor for inclusion upon the next city tax roll. The amount included in the city tax roll shall be a lien against the property which may be enforced and discharged by the city in the same manner as a tax lien. The costs of abatement, if any, recovered by the city shall be in addition to any civil fines, damages, expenses or costs payable to the city as a result of a violation.
- (3)

Abatement by city not defense to violation. The abatement by the city of a violation of this section and subsequent recovery of abatement costs incurred by the city shall not be a defense to any action by the city against any person for the violation, including, without limitation, any action by the city to collect civil fines, damages, expenses or costs as authorized by law.

- (d) *Municipal civil infraction.* A person who violates any provision of this section, including, without limitation, the failure or refusal to abate a violation following service of a notice and order, is responsible for a municipal civil infraction, subject to payment of a civil fine of not less than \$50.00 or more than \$500.00, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines provided as provided in section 1-11(c)(2) of this Code. The building official is hereby designated as the authorized city official to issue municipal civil infraction citations (directing alleged violators to appear in court) or municipal civil infraction violation notices (directing alleged violators to appear at the City of Walker Municipal Ordinance Violations Bureau) for violations under this section as provided by this Code.
- (e) *Nuisance per se; injunctive relief.* A violation of this section is deemed to be a nuisance per se. In addition to any other remedy available at law, the city may bring an action for an injunction or other process against a person, to restrain, prevent or abate any violation of this section.
- (Ord. No. 91-401, § 1, 12-10-91; Ord. No. 94-437, § 1, 5-10-94; Ord. No. 96-488, § 1, 9-23-96; Ord. No. 10-582, § 1, 4-12-10; Ord. No. 13-614, § 1, 6-10-13)