



County of Los Alamos

Los Alamos, NM 87544
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Council Meeting Staff Report

August 30, 2016

Agenda No.:	C.
Indexes (Council Goals):	2016 Council Goal – Quality Governance – Operational Excellence – Maintain Quality Essential Services and Supporting Infrastructure
Presenters:	Paul Andrus
Legislative File:	CO0471-16

Title

Introduction Of Incorporated County Of Los Alamos Code Ordinance No. 02-269 An Ordinance Amending Chapter 34, Article I, Of The Los Alamos County Code Of Ordinances By Adding Sections 34-20 Through 34-23 To Require Property Owners And Occupants To Remove And Properly Dispose Of All Snow Accumulated On, Adjacent, And Abutting Sidewalks.

Recommended Action

I introduce, without prejudice, Incorporated County Of Los Alamos Code Ordinance Ordinance No. 02-269 and ask the staff to ensure that it is published as provided in the County Charter.

County Manager's Recommendation

The County Manager recommends that Council introduce Incorporated County of Los Alamos Ordinance No. 02-269.

Body

At the August 18, 2015 Council Work Session, staff provided an overview of commonly reported nuisance complaints and other neighborhood concerns, along with potential enforcement or other responses the County could implement to address those issues. Based on discussion resulting from that presentation, Council directed staff to bring back specific strategies for Council consideration and potential action, which included recommended ordinances addressing building permit timeframes, unhitched trailers in the public right of way and property maintenance requirements in the public-right-of-way (weed mitigation). Those Ordinances were ultimately approved by Council in January of 2016.

This ordinance addresses one other concern that was previously expressed as a high priority, which involves the need for timely snow and ice removal on public sidewalks to ensure clear and safe passage after a snow event. The County Public Works Department follows the adopted Snow and Ice Control Plan, which is updated every year. As part of the Snow and Ice Control Plan, the County also ensures that designated Safe Routes to School are clear during the school session. The Safe Routes to School map is attached for reference (Attachment B).

From a policy and operational standpoint, this ordinance does not propose to make any changes to the existing Snow and Ice Control Plan. While a public sidewalk is a benefit to adjacent properties and property owners, there are on-going needs to ensure safe and accessible passage along those sidewalks during the months when snowfall is common. New Mexico state law (NMSA 1978, § 3-49-1) allows for municipalities to share the responsibility of ensuring that those sidewalks and areas are cleared for safe and accessible passage with owners of property adjacent along those public sidewalks.

Snow removal ordinances are very common as many municipalities have had snow removal ordinances in place for years. Attachment C, Review of Other Jurisdictions for Snow Removal Ordinances, provides a comparative analysis of how other communities have addressed this issue of snow and ice removal on public sidewalks. In those communities that have adopted ordinances

regarding snow removal by adjacent property owners, there is typically a requirement that sidewalks are made safe and passable within a specified period of time after a snow event or storm.

This ordinance was drafted with the intention to provide the least restrictive means to ensure the public's continued safety while giving county officials the ability to work with property owners to ensure a safe and secure public right-of-way. Specifically, property owners or occupants will be required to remove snow and ice on sidewalks in front of and adjoining their property(s) within 24 hours of a snow event. It further stipulates that any snow and ice that is removed from the sidewalk is not to be disposed of into the street or other public areas or in such a way to obstruct a fire hydrant, utility meter or electrical transformer box.

It is anticipated that this ordinance will be administered predominantly on a complaint basis. In instances where it is deemed that an owner or occupant is physically unable to remove the snow or ice, County staff will make necessary efforts to find options to assist them.

Alternatives

Council could choose to not adopt this new ordinance.

Attachments

A - Incorporated County of Los Alamos Code Ordinance No. 02-269

B - Safe Routes to School Map

C - Review of Other Jurisdictions for Snow Removal Ordinances