

Pedestrian Snow Removal Enforcement

Eric Lerner, updated October 25, 2021

Background

History. In 2018, Matcom was asked to look into complaints about the City's Pedestrian Snow Removal enforcement. There were varying complaints from landlords, owner-occupants, tenants, contractors, enforcement staff, pedestrians, and mobility challenged sidewalk users. We interviewed City staff and in 2019 did a public survey on Pedestrian Snow Removal. We learned a lot before we were paused by Covid. This document is an attempt to summarize what we know, and what questions remain unanswered.

Scope of problem. There are approximately 5500 properties in the City of Ithaca. If 10% are in violation after a snowstorm, that would be about 550 violations.

Types of properties. Ithaca sidewalks include owner-occupied properties, absentee landlords, small & large businesses, local not-for-profits, Cornell & IC, ICSD, Tompkins County, Town of Ithaca. City DPW clears snow for parks, bridges, City-owned buildings as well as the Commons.

- How many properties and how many miles of sidewalk are in each category?
- Is a GIS map possible showing Ithaca sidewalks coded by type?

Sidewalk snow is in the city code in 2 places. Text of both sections is included here - <http://www342.pair.com/elerner/snow/snowcode.pdf> . Chapter 178 authorizes the Building Division to write \$25 tickets for uncleared sidewalks. The tix are enforced through City Court. Chapter 285 authorizes DPW to plow uncleared sidewalks, and to bill the violator for the labor (often \$50+) directly on the property tax bill. City residents who call the City to complain about a snow-blocked sidewalk or curb cut get different responses depending on whether they call Building Division or DPW.

Building Division

Chapter 178 of the City Code authorizes the Building Division to write \$25 tickets for uncleared sidewalks. The tix are enforced through City Court. Tony Love is the Building Division Code Enforcement Officer responsible for enforcing various property violations in the city code, including snow removal. Pre-covid, Mike Niechwiadowicz was the Building Division Head. I have not met his successor, Robert Fell-deWalt. After a snow event, Tony patrols an area of the city looking for snow removal violations. Of course, one person can cover only a limited part of the city in a day, and he may have other commitments or duties. He also responds to complaints from the public phoned in to the Building Division, which may come from far-apart neighborhoods.

According to Building Division staff –

- Many tickets are waived or plea bargained or unpaid. (Dan Cogan told me that City Prosecutor Robert Sarachan disagrees.)
- Scofflaws accumulate tix, then plea bargain a heavily discounted fine. (Dan Cogan told me that City Prosecutor Robert Sarachan disagrees.)

- The biggest problems are with rental properties, mainly a few repeat-offender landlords. Matcom's survey supports this claim.
- Relatively few tix are given to well-intended owner-occupants who misunderstood the details of the law, or who omitted to shovel one time.
- Contractors do not always meet the 24-hour deadline, which can result in a ticket for the property owner who hired them.

Hopscotch. If the Code Enforcement Officer responds to complaints in the order in which they are received, then inevitably he will be criss-crossing the city getting from one complaint to the next, in bad weather. Most of his time will be spent traveling to and fro, while he gets to a limited number of sites.

"Ticketing does not clear sidewalks." One central point Mike N. made repeatedly. "Ticketing does not clear sidewalks." Deb Mohlenhoff's May 2 2019 charge to Matcom described a woman whose "family has both a Dad in a wheelchair and a baby in a stroller. She found it extraordinarily challenging to get around with her family this season." Suppose this family has a problem with a neighbor's unshoveled sidewalk. They phone the building department for help. Tony arrives, maybe sooner, maybe later, and writes a ticket for the neighbor. And leaves. The wheelchair and stroller are still stranded. From a sidewalk user complainant's point of view, the ticket achieves nothing. Similarly, it doesn't matter to them if the ticket is ultimately paid or waived.

Statistics. No statistics are routinely compiled on Building Division snow removal tix. Collecting more data would require more staff time.

- How many properties are in violation 24 hours after a typical storm?
- How many properties can a code enforcement officer get to in one day?
- How many tickets are issued annually?
- How many tix go to repeat offenders, and how many to first-timers?
- Are snow removal tickets waived or plea bargained more often than other tix issued by the Building Division?

Department of Public Works

We talked to Ray Benjamin, the pre-covid head of Streets & Facilities. I have not spoken to Mark Verbanic, his successor. Chapter 285 of the City Code authorizes DPW to plow uncleared sidewalks, and to bill the owner for the costs (often \$50+) directly on the property tax bill. Plainly, this approach avoids the problems of mere ticketing. It really does clear the snow. And it collects fees from the violator directly, without normally needing City Court.

But there's a major problem. DPW is not staffed to handle very many such emergency plow runs. They can only do it when routes and available time make it convenient for a plow crew. Apparently, the service is little known and not publicized, and few people phone DPW for help with uncleared sidewalks. DPW can only respond to a fraction of the calls they do get. After larger storms, the demand is greater but DPW's ability to respond is less. This service is needed most when it is least available. Here again, a DPW crew criss-crossing the city to respond to individual complaints is extremely inefficient

Statistics. No statistics are routinely compiled on DPW Snow removal tix. Collecting more data would require more staff time.

- How many calls does DPW get?
- What kind of calls?
- How many of them result in DPW plowing and billing the owner?
- How promptly does the plowing happen?

Other Issues

Coordination between Building & DPW. There is little interdepartmental coordination. When Building gets complaints, or issues a ticket, they do not contact DPW for plowing. Mike N said that's "not our job", with occasional exceptions for the worst scofflaws. After all, even if they did call, DPW does not have resources to plow more than they already are. Similarly, I believe DPW does not contact Building Division when they get a complaint, even if they are unable to respond themselves. I do not know all the details in this area. Better coordination between Building & DPW may have little value unless it also comes with increased resources for actual plowing.

Tweaking ambiguities in the law. In 2018, Matcom was asked if tweaking the wording in the law would make the Code Enforcement Officer's job easier by removing ambiguities and vagueness. In January 2019 Matcom recommended that this could be addressed with Building Division in-house policies. At that time, Building Division intended to consult with the City Attorney about that.

Busy contractors. Many non-resident property owners hire contractors to plow their walks. It is often not possible for contractors to get to all their customers before the City's 24-hour deadline. It has been suggested that the 24-hour deadline could be increased to 36 or 48 hours to avoid this problem. In 2019 Matcom recommended against this step. If private contractors commit to more work than they can handle, that is not obviously a govt problem. And of course extending the deadline would make things worse for sidewalk users.

Snow Angels. Recently, a Snow Angels program began attempting to match volunteers to unshoveled walks. We have no information on the success of that program.

Limits of Enforcement. If our goal is to minimize winter obstacles for pedestrians, then improved enforcement is a limited tool. Better enforcement of current law cannot remove icy barriers in the street at the perimeter of curb cuts. Better enforcement will not make any entire block of sidewalk all get cleared at the same time. There are limits on how much staff time and equipment can be devoted to enforcement, especially during and after a winter storm, when it's most needed.

