



**PUBLIC WORKS AND  
ENGINEERING DEPARTMENT**

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**MEMORANDUM**

**Date:** March 10, 2022

**To:** Michael G. Bartholomew, MCP, LEED-AP, City Manager

**From:** Timothy Watkins, Assistant Director of Public Works and Engineering *TW*

**Cc:** Timothy P. Oakley, P.E., CFM, Director of Public Works and Engineering

**Subject:** Sidewalk Snow Removal – Public Works Committee

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**Issue:** At the February 22, 2022 City Council meeting, the Public Works Committee expressed a desire to increase the fees that are charged for non-compliant commercial properties that do not remove snow from their adjacent public sidewalks.

**Analysis:** The current City Code 8-1-11, allows the City to charge the owner, lessee, tenant or occupant an amount sufficient to defray the entire cost of any work performed to remove snow/ice, plus a twenty five percent (25%) administrative fee. We reviewed our current costs to perform these services and have determined that adding an additional \$250 mobilization fee is appropriate. This fee will help defray the costs of this service. The existing administrative fine structure of up to \$250 for first offense, up to \$500 for second offense, up to \$750 for third offense would remain unchanged.

**Recommendation:** We recommend approval of Ordinance M-10-22, adding a \$250 mobilization fee when Public Works services are rendered.

**Attachments:**  
Ordinance M-10-22

**CITY OF DES PLAINES**

**ORDINANCE M - 10 - 22**

**AN ORDINANCE AMENDING SECTION 8-1-11 OF THE CITY OF DES PLAINES CITY CODE REGARDING THE REMOVAL OF SNOW AND ICE FROM PUBLIC RIGHTS OF WAY.**

**WHEREAS**, the City is a home rule municipal corporation in accordance with Article VII, Section 6(a) of the Constitution of the State of Illinois of 1970; and

**WHEREAS**, Section 8-1-11 of the City of Des Plaines City Code, as amended, ("*City Code*") regulates the deposit of snow on public rights of way and handicapped parking spaces and requires the prompt removal of snow and ice from public rights-of-way abutting commercial properties within the City; and

**WHEREAS**, Section 8-1-11 of the City Code provides that when an owner, lessee, tenant or occupant of any commercial property fails to remove snow or ice as required by Section 8-1-11, the City may remove the snow and ice and charge the cost of such removal to the owner, lessee or tenant of the commercial property ("*City Snow Removal*"); and

**WHEREAS**, in order to defray the cost of City Snow Removal, the City desires to amend Section 8-1-11 of the City Code to impose a \$250 mobilization fee each time the City performs the City Snow Removal; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City to amend the City Code as set forth in this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Des Plaines, Cook County, Illinois, in the exercise of its home rule powers, as follows:

**SECTION 1. RECITALS.** The recitals set forth above are incorporated herein by reference and made a part hereof.

**SECTION 2: SNOW AND ICE ON PUBLIC RIGHTS OF WAY.** Section 11, titled "Restrictions on Deposit of Material or Snow on Public Rights of Way and Handicapped Parking Spots," of Chapter 1, titled "Streets and Sidewalks," of Title 8, titled "Public Ways and Property," of the City Code is hereby amended as follows:

**"8-1-11: SNOW AND ICE ON PUBLIC RIGHTS OF WAY AND HANDICAPPED PARKING SPACES:**

\* \* \*

B. Commercial Properties:

1. Every owner, lessee, tenant or occupant of any commercial property in the City that abuts any public right-of-way must comply with the following:
  - a. Snow and ice must be removed from any sidewalk abutting such property and any sidewalk ramps intersecting such sidewalks, creating a clear path at least thirty six inches (36") wide to allow pedestrian and wheelchair passage; provided, however, that all reasonable efforts should be made to clear a path the full width of the sidewalk.
  - b. Accumulations of two (2) or more inches of snow and/or any amount of ice should be removed as soon as practicable, but must be removed within twenty four (24) hours after the weather event ends.
  - c. If snow or ice on the sidewalk is frozen so hard that it cannot be removed without damage to the pavement, then, within twenty four (24) hours after the weather event ends, sand, abrasive material or other products made for the purpose of mitigating slipping hazards and preventing the accumulation of ice must be strewn on the sidewalk abutting the property, and, as soon thereafter as the weather shall permit, the sidewalk must be thoroughly cleaned.
  
2. If the owner, lessee, tenant or occupant of any commercial property fails to remove or abate snow or ice in the manner, and within the timeframes, set forth in subsection B.1 of this section, in addition to the penalty set forth in subsection D of this section, the City may, but is not obligated to, proceed to have such snow removed, keeping an account of the expense of such removal. The City may charge the owner, lessee, tenant or occupant an amount sufficient to defray the entire cost of any work performed pursuant to this section, plus a 25 percent (25%) administrative fee, **plus a minimum mobilization fee of \$250,** and if the amount so charged is not paid by the owner, lessee, tenant or occupant following a demand in writing by the City for such payment, the City may record a lien against the property or take such other action(s) as permitted by law and that the City Manager deems appropriate including, but not limited to, listing the costs with the Director of Finance as a fine or fee due to the City within the meaning of subsection 4-2-11C and section 15-7-8 of this Code.

\* \* \*

**Additions are bold and double-underlined;** ~~deletions are struck through.~~

**SECTION 3. SEVERABILITY.** If any paragraph, section, clause or provision of this Ordinance is held invalid, the remainder shall continue in full force and effect without affecting the validity of the remaining portions of the Ordinance.

**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form according to law.

[SIGNATURE PAGE FOLLOWS]

**Additions are bold and double-underlined;** ~~deletions are struck through.~~

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2022.

**VOTE:** AYES \_\_\_\_ NAYS \_\_\_\_ ABSENT \_\_\_\_

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

Published in pamphlet form this  
\_\_\_\_ day of \_\_\_\_\_, 2022.

Approved as to form:

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**Peter M. Friedman, General Counsel**

DP-Ordinance Amending City Code Title 8 Chapter 1 Re Snow Removal 2022

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