

South Tahoe businesses fined for not clearing sidewalks

By Kathryn Reed

South Lake Tahoe's reputation for not enforcing its laws is changing. Twenty-three letters went out this month alerting property owners they are violating the city's sidewalk snow removal ordinance.

The city will have enforcers out this weekend to see if more letters need to be written when this storm is over. Fines will keep going up.



Snow in late February covers the sidewalk along Highway 50. Photos/LTN

"We get complaints from people who know about the ordinance and want to know why businesses are not complying. They are tired of walking in the road and slipping in icy, snowy conditions," City Manager Tony O'Rourke told *Lake Tahoe News*.

The city delayed implementation of the ordinance for a year so businesses could put a plan of action together for this winter. Even with the mild winter, property owners have let the snow accumulate, which at times forces pedestrians into

the travel lane along Highway 50.

Even though this is the first year for South Tahoe's sidewalk snow removal ordinance, it has been state law for years. The problem is no one has enforced it.

The problem with leaving the snow is it becomes a health and safety issue.

The city ordinance says, "It shall be the duty of all owners, and their tenants, of real property within the city whose property borders, or is an easement, any improved sidewalk or walkway to maintain the sidewalk or walkway in a safe condition for its use by pedestrians and other members of the public. The duty created by the ordinance shall include the duty to keep the sidewalk or walkway free and clear of all dirt, sand, gravel, filth, rubbish, ice and snow."

In addition to the year delay, Explorer cadets with the city hand-delivered – before the white stuff started coming down – to each business on Highway 50 information about the policy.

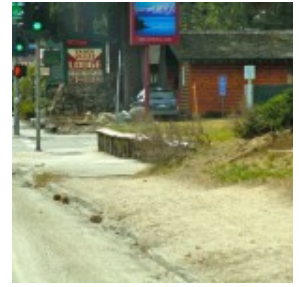
After the first significant storm, warning letters went out.

Repeat offenders received a letter dated March 19 that said, "A significant effort was made to make you aware of your above stated responsibility prior to this winter season. As of [time], March 19, 2012, the sidewalk/walkway adjacent to your property/business had not been adequately cleared. Twenty-four hours had elapsed since the end of the most recent snow event and no action had been taken to remove the snow/ice from the sidewalk/walkway adjacent to your property. You are, therefore, assessed a fine of \$50"

That payment is due April 20. As of March 30, one business paid the fine, three are appealing it and one has been dismissed.

The entities receiving a letter and fine are:

- Ski Run Liquor Market
- Bank of America
- South Lake Tahoe Senior Center
- Lake Tahoe Unified School District
- American Gasoline
- Chapel of the Bells
- Whiskey Dicks
- Trout Creek Motel
- Sky Lake Lodge
- Tahoe Mountain Wedding Chapel
- Re/Max Realty Tahoe
- Nickelodeon Motel
- Tahoe Retreat
- Head Shop
- 76 Conoco Phillips
- Coldwell Banker
- Tahoe Nails and Spa
- Staple
- Church of Christ Scientist
- Thrans Florist



Dirt and concrete walks in front of Chase realty offices have not been adequately cleared.

- Chase International
- Star Tahoe Offices
- Speed Trac.

El Dorado County owns the senior center.

The issue with the school district was confusion over whether the city was taking responsibility of snow removal in front of South Tahoe Middle School this year or starting next year. The city will be responsible going forward and the district's fine has been waived.

Besides businesses, the city has had to figure out how to clear walkways it's responsible for.

"It's so much more labor intensive to do sidewalks than streets," explained Stan Sherer, community services director. "We have made adjustments with our crews on addressing sidewalks. We can't hold the public to higher standards than ourselves."

Marnell Heinz, the city's street superintendent, will be

making a presentation about snow removal to the Sustainability Commission on April 4 at 3pm at Lake Tahoe Airport. The meeting is open to the public.

Plus, there are areas in town where the walkway is dirt – which presents the conundrum of clearing vs. moving dirt.

“Dirt areas lead to inconsistencies in removal areas,” Sherer said.

One of the outstanding issues is regarding the Caltrans right-of-way. Legally, those new sidewalks put in last summer by the state are their responsibility until the entire project is completed and the city takes possession.

However, Caltrans won't clear the area where it owns the right-of-away.

“Our position throughout the region, including Truckee and Susanville, is that we do not remove snow from the sidewalks. Yes, we know we own the sidewalks until construction is complete. But at this point, Caltrans still does not maintain sidewalks,” Deanna Shoopman, Caltrans spokeswoman, told *Lake Tahoe News*.

Lake Tahoe News has submitted a Public Records Request to Caltrans to secure documentation about encroachment permits from the Y to Stateline in order to assess the areas in the city Caltrans is legally responsible for. For now, the city is doing the state's job.