



Office of the Town Manager
Christopher Martino

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STAFF REPORT

Council Meeting Date:	March 10 th , 2026
Agenda Title:	Ordinance Update: Review of Town Code § 14-5 (Disposition of Snow, Ice, etc.)
Requested Action:	Hold a Public Hearing
Department / Agency Lead:	Office of Emergency Management / Public Works
Staff Lead:	Johnny Switzer, Emergency Management Coordinator John D. Ward, Director of Public Works

EXECUTIVE SUMMARY

The response to **Winter Storm Fern** highlighted significant deficiencies in the Town's existing sidewalk clearing ordinance, which has remained largely unchanged since 1981. The current 6-hour removal window proved unattainable for many residents during the recent extreme weather, and the criminal penalty structure (Class 4 Misdemeanor) is increasingly viewed as an outdated enforcement mechanism. Staff proposes a modernization of **Town Code § 14-5** to transition toward a tiered compliance window, civil penalties, and equitable exceptions for vulnerable populations.

BACKGROUND

The current language of **Sec. 14-5** mandates that snow be removed within **6 hours** of cessation. During Winter Storm Fern, the combination of 12 inches of frozen precipitation and sub-zero temperatures made 6-hour compliance physically impossible for a majority of the community.

Key Issues Identified:

- **Unrealistic Timelines:** 6 hours does not account for storm severity or the "snow-crete" conditions seen in 2026.
- **Lack of Flexibility:** The code does not allow the Town Manager flexibility to extend deadlines during exceptional situations.
- **Inequitable Enforcement:** The code does not provide waivers for the elderly or residents with disabilities.
- **Criminalization:** A Class 4 Misdemeanor requires police resources for enforcement; a civil penalty model is more appropriate for municipal code compliance.

STAFF RECOMMENDATION

Staff recommends a "Hybrid Modernization" approach, drawing from the best practices of regional localities. Staff presented this to the Public Safety Committee and also had the new Ordinance reviewed by the Town Attorney. Staff recommends holding a public hearing on the Town Code Ordinance update.

Proposed Ordinance Structure

Feature	Existing Code (1981)	Proposed Update (2026)
Compliance Window	6 Hours	Tiered: 24 hrs ($\leq 6"$) / 48 hrs ($> 6"$)
Managerial Authority	None	The Town Manager, Public Works Director, or Emergency Management Coordinator may modify during Snow Emergencies
Penalty Type	Class 4 Misdemeanor	Town Collection of Removal Costs
Exemptions	None	Age (65+) and Physical/Mental Disability
Abatement	No provision for Town action	The town may clear and bill the owner

Service Level/Collaborative Impact

The proposed update to **Town Code § 14-5** is not merely a legal shift; it fundamentally redefines the operational relationship between the Town, its residents, and regional partners.

1. Enhancement of Pedestrian Service Levels

Under the 1981 code, the "all-or-nothing" 6-hour window often resulted in widespread non-compliance during major events. By establishing a **Tiered Compliance Strategy**, the Town can set realistic service-level expectations for the community.

- **Predictability:** Residents and business owners gain a clear timeframe (24/48 hours) to manage their properties, reducing panic-clearing during active snowfall.
- **Accessibility:** By shifting to a civil enforcement model with a "Self-Help" provision, the Town can prioritize the clearing of high-traffic "Safe Routes to School" and arterial business corridors when owners fail to act, ensuring a consistent level of service for transit-dependent residents.

2. Interdepartmental & Regional Collaboration

The modernization of this ordinance allows for a more integrated response during future emergencies:

- **Public Works:** They will coordinate on "abatement missions." If a sidewalk remains blocked after the 48-hour window, they can trigger a Public Works work order to clear the hazard, with the cost captured via the Finance Department.
- **Police Department Realignment:** Transitioning from a Class 4 Misdemeanor to a civil penalty removes the burden of "snow enforcement" from sworn officers. This allows the **Warrenton Police Department** to remain focused on high-priority life-safety calls and traffic management during storm events.
- **Social Services & VOAD Engagement:** The inclusion of an "Age and Disability Exception" creates a formal "hand-off" point. Instead of penalizing vulnerable residents, the Town can collaborate with volunteer organizations to match those in need with clearing assistance.

3. Impact on Business District Vitality

During **Winter Storm Fern**, the "snow-crete" conditions made the 6-hour window impossible for merchants, many of whom were already struggling with staffing.

- **Economic Resilience:** The updated ordinance allows the **Town Manager** to provide a "Grace Period" during State of Emergencies. This supports the local economy by preventing the accumulation of fines while business owners are focused on safely reopening their shops and protecting their staff.

Policy Direction/Warrenton Plan 2040

The proposed revision of Town Code § 14-5 is a strategic alignment with the community's long-term vision. It moves the Town away from a reactive, punitive posture and toward a proactive, resilience-based framework.

Legal & Fiscal Impact

Legal: Transitioning from criminal to civil penalties simplifies the enforcement process for the Town Attorney's office and the Police Department. The "cost collection" provision is authorized under *Virginia Code § 15.2-1115*.

Fiscal Impact: The shift to civil penalties may generate modest revenue to offset the cost of Town-led abatement. However, additional consideration must be given to the Public Works budget if the Town assumes responsibility for clearing primary sidewalks when owners fail to do so.

ATTACHMENTS

1. Draft Ordinance Update