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For some, unshoveled sidewalk fines piled up this winter

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JOHN TLUMACKI/GLOBE STAFF

A man walked his dog down East Fifth Street in South Boston after a storm in February.

By **Matt Rocheleau**

GLOBE STAFF MARCH 24, 2015

As record snowfall blanketed Boston this winter, city officials dropped more than a flurry of fines on property owners for failing to shovel public sidewalks.

More tickets were issued to shoveling scofflaws this year than in at least any of the past nine years. Data from before 2005 were not available.

Across Boston, 4,994 tickets had been issued to 3,515 different addresses as of March 10, according to city records. City officials could not immediately put a dollar value to the ticket total, but at a minimum fine of \$50 per violation, at least \$250,000 worth of tickets has been issued.

“We need sidewalks safe for kids for school, for ADA compliance, for the elderly,” said Mike Brohel, deputy commissioner of the city’s Public Works Department. “We need sidewalks clear for continuous flow of pedestrians.”

Inflicting pain on the wallets of those who dodged the back-breaking chore appears to have resonated with most: About three-quarters were fined just once.

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Where Boston handed out tickets

A total of 4,994 tickets were issued to 3,515 different addresses for unshoveled sidewalks as of

March 10, records show.

At the vast majority of addresses penalized this winter, it took five or fewer infractions to, presumably, persuade landlords to clear walkways.

But, at other addresses, the tickets piled up. Eighty addresses received five or more tickets; seven had 10 or more.

City records indicate that the site most buried in tickets this winter is the downtown address of 10 Park Plaza, also known as the state Transportation Building. However, that is not where any of those violations actually occurred, but instead it is where the tickets were mailed — to the MBTA.

The public transit agency, as of March 10, had received 37 tickets this winter for unshoveled sidewalks on various properties it owns in and around Boston, including in Dorchester, East Boston, Forest Hills, Hyde Park, Roslindale, Roxbury, South Boston, the South End, and West Roxbury, city records show.

City officials take photos to go along with each ticket that is issued. Copies of the violations issued to the T show that most of the tickets were for sidewalks covered in more than a couple of feet of snow, including at a handful of commuter rail stations, bus stops, and atop and underneath bridges. Only a few of the violations written to the T appear to be repeat fines at the same location.

MBTA spokesman Joe Pesaturo said that officials from the T and from the state transportation department plan to discuss the matter with city officials later this week.

Tickets for unshoveled sidewalks by year

Fine totals tend to correlate with snow totals

Year	Tickets	Seasonal snowfall total (inches)
2010	1,183	35.7
2011	1,773	81.0
2012	72	9.3
2013	3,213	63.4
2014	1,533	58.9
2015	4,994	110.3

DATA: City of Boston, National Oceanic and Atmospheric Administration

MATT ROCHELEAU/GLOBE STAFF

Another address that has been heavily cited in recent years is 55 Green St. in Jamaica Plain, a vacant lot owned

by telecommunications giant Verizon. Twenty tickets have been issued there since 2011, including five this winter. A spokesman for the company said the sidewalks there were cleared on March 12, after Verizon received a complaint about the situation.

“Going forward, we will be sure to clear those sidewalks in a more timely fashion,” said the spokesman, Phil Santoro.

The Globe reached out to the owners of other properties cited the most — including addresses along American Legion Highway in Roslindale, on Trenton Street in East Boston, and on A Street in South Boston that each received about a dozen fines — but those landlords either did not respond to messages left for them or could not be reached.

In some instances, directory information indicated that the property owners were elderly or even deceased.

Others said there have been disputes and confusion between themselves and neighbors about who is responsible for clearing certain stretches of sidewalk.

The city said it does sometimes make mistakes when issuing tickets.

“When a violation is written in error, we work to sort those out,” Brohel said.

City officials said they occasionally make special efforts to reach out to properties that regularly receive violations. But the general protocol is to just keep ticketing.

“We visit those properties daily and cite them until the problem is rectified,” said Steven Tankle, director of Boston’s Code Enforcement Police

City officials said that despite the high number of tickets issued this winter, they tended to give property owners a break this year if they didn’t carve paths quite wide enough, or if they didn’t scrape all the way down to the pavement.

“When we had 66 inches in 16 days, we didn’t go to the letter of the law,” Brohel said. “If you made an effort, you weren’t getting ticketed. If you didn’t clear it, you were ticketed.”

The ordinance around clearing sidewalks, first implemented in 1975 and bolstered in recent years through a series of amendments, requires property owners to, within three hours after snowfall ends, remove enough snow, slush, and ice from abutting sidewalks to create a 42-inch-wide path. Failing to do so can result in fines between \$50 and \$300, depending on whether the property is commercial or residential, and depending on how many housing units are on the site.

This month, the City Council voted unanimously to pass an amendment to the ordinance that will increase the maximum fines for unshoveled sidewalks abutting commercial properties fivefold, from \$300 to \$1,500.

Mayor Martin J. Walsh proposed the change, saying that raising the amounts would encourage more property owners to clear their sidewalks and would better defray costs associated with the violations.

Under the proposal, fines for unshoveled sidewalks at residential properties would remain the same.

But some Bostonians said they would like to see harsher penalties for residential property owners who don't shovel their sidewalks, particularly for serial offenders.

Erica Lewy lives on Paul Gore Street in Jamaica Plain. Outside another residence on her road, snow piled up untouched on the sidewalk this winter, eventually turning into hard packed ice.

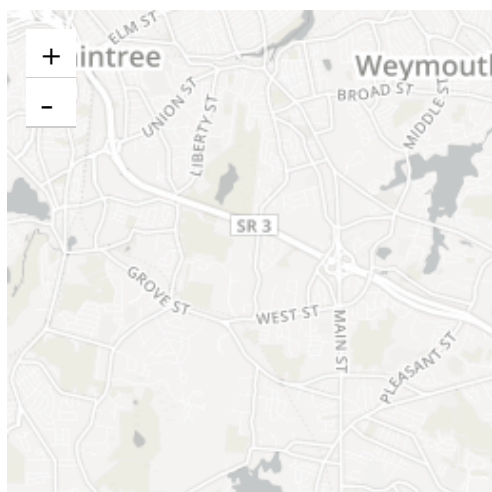
"That house in particular was a big problem this year and in the past," she said. "I actually saw one of the tenants himself slip when he was leaving the house."

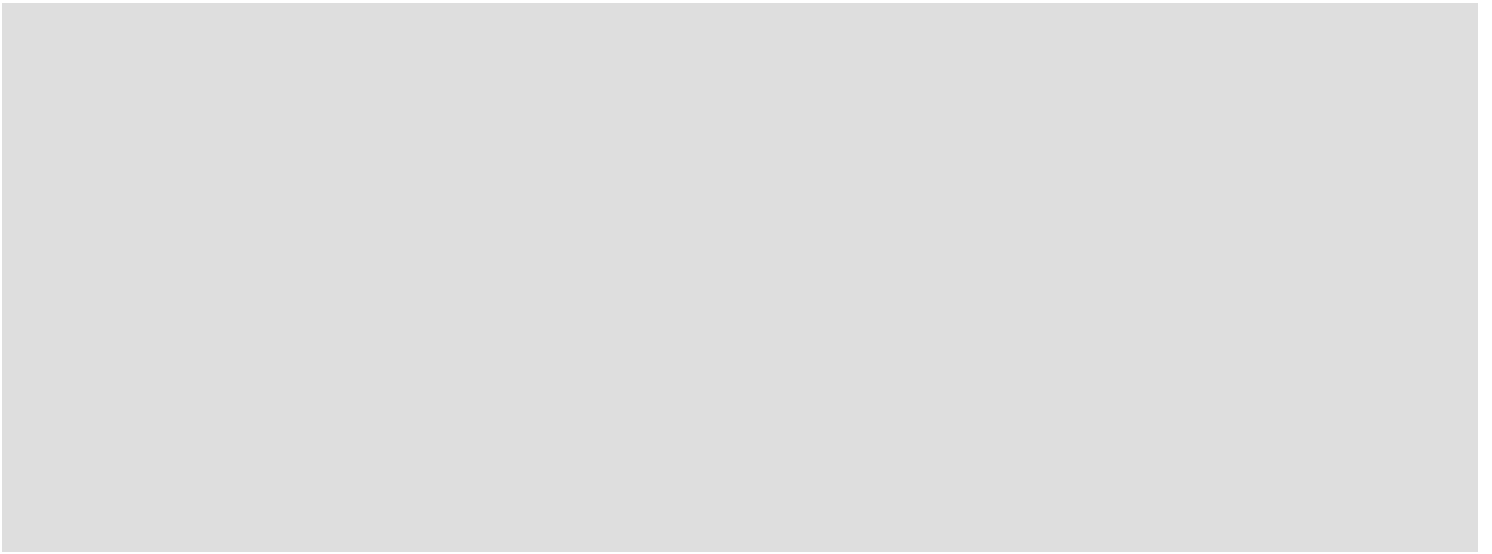
The property has been cited four times this winter, records show.

"It's frustrating to not actually see a result," said Lewy, who suggested the city should increase fine amounts substantially for properties that receive more than one ticket in a single year. "If the amount of money doesn't make a difference to the owner, it's not going to get them to shovel."

Boston properties most frequently fined for not sholveing sidewalks

The map shows the 73 addresses that have received 10 or more tickets since 2005





DATA: City of Boston

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