

## Snow Removal Policy/Ordinance

DRAFT

Current relevant Ordinances addressing sidewalks and snow removal: [Potential language changes in Green]

### **§ 7.1.9 PROPERTY OWNER TO MAINTAIN.**

All sidewalks and curb stones shall be maintained in good condition at the expense of the property owner adjoining ~~the section of sidewalk or curb at issue~~, and when in the opinion of the Council the best interest of all concerned would be improved, it may order the removal of any old work and reconstruction with new as hereinbefore provided, and designating in said order the kind or kinds of material to be used.

### **§ 7.2.1 REMOVAL OF SNOW AND/OR ICE.**

It shall be the duty of the owner or tenant of any premises abutting or adjoining any public sidewalk to remove all snow and/or ice from such sidewalk. Thus, public sidewalks shall be cleared within 24 hours of any snowfall with accumulation of one-half inch or greater. ~~Owners or tenants shall place snow on their front yards or other areas of the property and not in the street or blocking any drainage area. Property without any yard or storage area for snow shall make arrangements for the removal of accumulated snow so as to reduce icy areas and ensure proper drainage flow to and in the storm sewer.~~

~~Removal of snow refers to shoveling, snow blowing, plowing, or otherwise displacing snow, ice or slush from private drives or public sidewalks by the owner or tenant, or any agent hired by the owner or tenant.~~

~~Owners or tenants of any premises who qualify as disabled and cannot make satisfactory arrangements for a contractor to remove snow in compliance with this ordinance may contact the City to arrange for snow removal, which shall be at the owner's or tenant's expense, subject to their ability to pay.~~

### **§ 7.2.2 NOTICE TO BE GIVEN.**

It shall be the duty of the City to give notice to any owner or tenant of any such premises to remove snow and/or ice, which notice shall be sent by registered mail to the last known address of such owner, tenant or occupant; the tenant or owner shall have not more than 24 hours from and after receipt of such notice within which to remove the snow and/or ice as set forth in said notice.

### **§ 7.2.3 REMOVAL BY CITY.**

Upon failure of an owner or tenant to comply with the provisions of this chapter, the City shall have the right to remove such snow and/or ice and assess the cost thereof against the premises abutting the sidewalk. ~~Such assessment is to be certified to the County Assessor or other proper county official having charge of the making of the assessment roll, and such charge shall be placed on the assessment roll and collected in the same manner as other City taxes are collected.~~ ~~The City Clerk shall, each year, prepare and present to the Council, on or before the second regular meeting in September, a resolution containing a list of all lots and parcels of land in the City wherein~~

the adjacent and/or fronting sidewalks have had snow and ice removed by or at the direction of the City, or other remedial measures have been taken, together with the names of the owners thereof, and the cost of removal of such snow and ice or other remediation or penalty has been assessed. When such resolution is passed by the Council and approved by the Mayor the assessments therein provided for shall constitute a lien upon and against such lots and parcels of land. A copy of such resolution shall be certified by the City Clerk to the County Treasurer for collection in the same manner as other taxes.

Optional additional language to address piling snow and other issues from April 3<sup>rd</sup> Citizen presentation:

### **Depositing of Snow and Ice Restricted**

No person shall deposit or cause to be deposited any accumulation of snow or ice on or against a fire hydrant or on any sidewalk, roadway, curb or gutter, any marked loading or unloading zone, or any property of the City which is used for the storing of snow off-street, or any area designated for use by emergency vehicles, such as fire lanes.

A single-use exception may be granted for depositing snow on City property used for storing snow off-street upon making application to the Mayor and receiving written permission.

No person shall obstruct the vision of motorists on the roadway or those entering the roadway by the removal of snow, ice or slush from a sidewalk or driveway, and the deposit of such snow, ice or slush at the end of a driveway, on the roadway, or along a curb creating a blockage of the storm sewer or impairing travel on the roadway or creating a hazard to the plow equipment.

No person shall deposit snow at the edge of their property which may, as the result of melting, create a hazard to neighboring properties. The impacted neighboring property owner retains the right to file a civil claim against an offending person under this part, in addition to any civil penalty imposed for violating this provision.

### **Violations; Civil penalty and collection**

1. The Public Works Division shall, in the course of their duties, record the street address of the property, the name of the owner, if known, the nature of the deposit, the dates and costs of snow removal occasioned by the depositing of snow or ice in violation of this provision, including the costs of any private contractors hired for snow removal and any administrative costs, and shall turn such information over to the Mayor and the City Clerk.
2. Individuals or companies identified as depositing snow on City property other than streets shall have their name, the date or dates of any activity in violation of this provision turned over to the City Clerk and Mayor for assessment.

3. Individuals or companies identified as depositing snow which creates a hazard to a neighboring property due to obstruction of sight or melting hazards shall have their name, the date or dates of activities constituting a violation of this provision turned over to the City Clerk and the Mayor for assessment.
4. Any person or property owner found in violation of this provision shall be subject to a civil penalty of not less than \$100 or more than \$300, plus assessment of any costs associated with the removal of the snow or ice deposit, or repair of a neighboring property.
5. Assessment of the civil penalty shall be mailed by the City Clerk based on information provided by the Public Works Division. The penalty shall be due and payable within 30 days of the date of the notice. The payment of such amount may be enforced through suit for collection or by levying an assessment on the premises or both.
6. In the event a levy of assessment is made, the City Council shall annually adopt a resolution levying an assessment and tax against each lot or parcel of land subject to this provision in conformance with the requirements of state law. All assessments levied shall be charged simple interest at the rate of ten percent per year from the date the work and violation occurred until the assessment is fully paid and satisfied.

### **Appeals**

The Mayor shall entertain any appeal of an assessment under this provision. Any property owner or individual wishing to appeal the assessment will submit their appeal, in writing, within 30 days of the date of the first notice or within five working days prior to the City Council meeting at which the assessment is being considered, whichever is sooner. The decision of the Mayor as to the appeal is final.