

## SNOWREMOVAL

### ARTICLE VI. SNOW AND ICE REMOVAL

#### Sec. 74-236. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Business day* means any day not a Sunday or a national holiday.

*Business hours* means the hours between 8:00 a.m. and 5:00 p.m. on any business day.

*City superintendent* means the city superintendent or, in his absence, his duly designated and acting representative.

*Roadway* means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder.

*Sidewalk* means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

*Street or highway* means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(Code 1968, § 16-141; Ord. No. 375, § 1, 4-4-83)

**Cross references:** Definitions and rules of construction generally, § 1-2.

#### **Snow**

Sec. 74-237. **Snow** and ice to be removed from sidewalks by private persons.

(a) Every person in charge or control of any building or lot of land within the city fronting or abutting on a paved sidewalk, whether as owner, tenant, occupant, lessee, or otherwise, shall remove and clear away, or cause to be removed and cleared away, **snow** and ice from a path of at least 42 inches in width from so much of the sidewalk as is in front of or abuts on the building or lot of land. The following exceptions apply:

(1) Except as provided in subsection (b) hereof, **snow** and ice shall be so removed from sidewalks in all business districts within the city by four business hours after the cessation of any fall of **snow**, sleet or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter.

(2) Except as provided in subsection (b) hereof, **snow** and ice shall be so removed from all other sidewalks within the city within 24 hours after the cessation of any fall of **snow**, sleet or freezing rain.

(b) However, if the **snow** and ice on a sidewalk have become so hard that it cannot be removed without likelihood of damage to the sidewalk, the person or entity charged with its **removal** shall, within the time mentioned in subsection (a) hereof, cause enough sand, sawdust, salt, ashes, cinders or other abrasive to be put on the sidewalk to make travel thereon reasonably safe; and shall then, as soon thereafter as weather permits, cause a path in the sidewalk of at least 42 inches in width to be thoroughly cleaned.

(Code 1968, §§ 9-20(b), 16-142; Ord. No. 375, § 2, 4-4-83; Ord. No. 466, § 1, 11-19-90; Ord. No. 471, § 1, 12-17-90)

#### **Removalsnow**

Sec. 74-238. **Removal** of **snow** and ice from garbage and trash containers.

Every person in charge or control of any building or other structure within the city, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of **snow** from the front, rear and sides of all trash containers.

(Code 1968, § 16-143; Ord. No. 375, § 3, 4-4-83)

#### **Snow**

Sec. 74-239. **Snow** and ice to be removed from roofs, awnings, overhangs.

Every person in charge or control of any building or other structure within the city, whether as owner, tenant, occupant, lessee or otherwise, shall remove and clear away, or cause to be removed and cleared away, any accumulation of **snow** and ice on the building or other structure, which is liable to fall on any sidewalk, roadway or other public way. Such work shall be completed within a reasonable time, but not later than the end of the first eight hours of daylight after the cessation of any fall of **snow**, sleet or freezing rain.

(Code 1968, § 16-144; Ord. No. 375, § 4, 4-4-83)

Sec. 74-240. Depositing restricted.

No person shall deposit or cause to be deposited any **snow** and ice on or against a fire hydrant or on any sidewalk, roadway or loading and unloading areas of a public transportation system, except that **snow** and ice may be windrowed on public roadways incident to the cleaning thereof or windrowed on curbs incident to the cleaning of sidewalks in business districts.

(Code 1968, § 16-145; Ord. No. 375, § 5, 4-4-83)

#### Removal

Sec. 74-241. **Removal** by city upon failure of owner or occupant; recovery of costs.

(a) In the event of the failure of any person, partnership, corporation, joint-stock company, or syndicate to clear away or treat with abrasives and subsequently clear away any **snow** and ice from any sidewalk as hereinbefore provided, or cause this to be done, the city superintendent may, as soon as practicable after such failure, cause such work to be done.

(b) The city superintendent shall ascertain and keep a record of the exact cost of all work he causes to be done in accordance with this section on account of each act or omission of each person, and shall identify these persons with particularity.

(c) Each person whose act or omission makes it necessary that the city superintendent shall have to cause work to be done in accordance with this section shall be charged for the cost of said work plus a penalty of ten percent of such cost. It shall be the duty of the city superintendent to collect such cost from the abutting property owner or occupant by delivering a statement showing the exact cost of all work he causes to be done to the city treasurer for the collection by any lawful means deemed appropriate, and if such cost is not paid, it shall be a lien on the property and added to the taxes assessed against the property as a special assessment and collected the same as other taxes. Upon proof of financial hardship, the city manager may authorize the costs herein provided for to be paid in installments, to be reduced, or to be canceled, subject to council approval.

(d) The city shall have a lien upon the land abutting such sidewalk for the cost of such work plus the ten percent penalty, such lien to be enforced in the manner prescribed by the laws of the state providing for the enforcement of tax liens.

(Code 1968, § 16-146; Ord. No. 375, § 6, 4-4-83; Ord. No. 419, § 1, 12-7-87; Ord. No. 441, § 1, 9-11-89; Ord. No. 466, § 2, 11-19-90; Ord. No. 471, § 2, 12-17-90; Ord. No. 474, § 1, 2-4-91; Ord. No. 476, § 1, 2-18-91; Ord. No. 613, §§ 1, 2, 8-16-99)

Secs. 74-242--74-250. Reserved.