

CHAPTER 6 – STREETS & PUBLIC PLACES

ARTICLE 7 - REMOVAL OF SNOW AND ICE FROM SIDEWALKS

SECTIONS:

Sections 6-7-101 to 199, inclusive. Removal of snow and ice from sidewalks - general provisions.

Section 6-7-101. Duty of owners and occupants of property abutting sidewalks to remove snow and ice.

Section 6-7-102. Notice to owner or persons in possession of Property.

Section 6-7-103. Disposal of Snow and Ice.

Section 6-7-104. City May Remove Snow and Ice from Sidewalks.

Section 6-7-105. Special Assessment for Snow and Ice Removal.

Section 6-7-106. Violation and Penalty.

Section 6-7-107 to 199, inclusive. Reserved.

Sections 6-7-101 to 199, inclusive. Removal of snow and ice from sidewalks - general provisions.

Section 6-7-101 Duty to Remove.

The owner or person in possession of any property abutting on any sidewalk shall keep such sidewalk free from snow and ice and shall remove any snow or ice from the sidewalk within 48 hours after the termination of any snow fall or snow or ice accumulation.

Source: R.O. Pierre, 1657, 13.0301; Ord. 1326, 1993.

Statutory reference: SDCL 9-30-5, snow removal.

Section 6-7-102 Notice

The City shall notify all owners or persons in possession of property abutting on sidewalks to keep such sidewalks free from snow and ice and to remove the same within 48 hours after every fall or accumulation of snow or ice. The notice need not be given personally but may be given generally by annual publication in the official newspaper. The notice shall provide that each owner or person in possession is required to keep the sidewalk abutting to the premises free and clear from snow and ice. It

shall further provide that if the owner or person in possession fails to remove the snow or ice within 48 hours of the falling or accumulation thereof, that the City may cause said snow or ice to be removed and charge the cost to the abutting property.

Source: R.O. Pierre, 1957, 13.0302; Ord. No. 1326, 1993..

Statutory reference: SDCL 9-30-5, snow removal.

Section 6-7-103 Disposal of Snow and Ice.

The property owner, person in possession, or person removing snow or ice from any sidewalk, public or private driveway, parking lot, or parking area shall not dispose of accumulated snow and ice from such property in any of the following manners:

- a) Snow and ice shall not be deposited on any sidewalk.
- b) Snow and ice shall not be deposited so as to obstruct or interfere with the passage or vision of vehicular or pedestrian traffic.
- c) Snow or ice shall not be deposited upon any public street or alley except in the Central Business District where buildings are constructed on the property line along any street.

Source: R.O. Pierre, 1957, 13.0303; Rev. of Ord., 1990; Ord. No. 1326, 1993.

Statutory reference: SDCL 9-30-5, snow removal.

Section 6-7-104 City May Remove.

If the owner or person in possession of property fails to remove the snow or ice from the sidewalks within the time specified, the City may have the snow or ice removed and charge the cost thereof against the abutting property each time the snow or ice is removed.

Source: R.O. Pierre, 1957, 13.0304; Ord. No. 1326, 1993.

Statutory reference: SDCL 9-30-5, snow removal.

Section 6-7-105 Special Assessment for Snow and Ice Removal.

The cost to the City for the removal of snow and ice each year and the abutting property responsible therefore shall be certified to the City Finance Officer on or before the first day of June of each year.

The Finance Officer shall prepare and file an assessment roll for the removal of snow and ice for the preceding season showing (1) description of various pieces of property to be assessed; (2) the amount to be assessed against each parcel of ground; and (3) the names of the owners as shown on the records of the Director of Equalization.

Upon the filing of the assessment roll, the governing body shall fix a time and place of hearing upon the same, not less than twenty (20) days from the date of filing. The Finance Officer shall then publish a notice of the time and place of hearing in the official newspaper at least one week prior to the date set for the hearing. The notice shall describe the reason why the special assessment is levied, the date of filing of the assessment roll, the time and place of the hearing thereon, and that the roll will be open for public inspection at the Office of the City Finance Officer, and shall refer to the special assessment roll for further particulars.

The Finance Officer shall also mail a copy of the notice, by first-class mail, to the owner or owners of any property to be assessed for the snow and ice removal, at the address as shown on the records of the Director of Equalization. The mailings shall be at least one week prior to the date set for the hearing. The owner or person in possession may appear at the hearing to protest such assessment and to give reasons why such assessment should not be levied.

Pursuant to the hearing, the Commission shall approve the assessment roll either with or without amendment. After approval, the assessment roll shall be a special lien against the property described and shall be collected in a like manner as for special assessments for public improvements.

Source: R.O. Pierre, 1957, 13.0305; Ord. No. 1326, 1993.

Sections 6-7-106 Violation.

Any person whose duty it shall be to remove snow and ice as set forth in Section 6-7-101 and who fails to remove such snow and ice within the time set forth shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not exceeding two hundred dollars (\$200.00) and in addition thereto, shall be liable to the City for any damage caused by the failure to keep such sidewalk free and clear of snow and ice as provided by this article.

Source: Ord. No. 1326, 1993.

Sections 6-7-107 to 199, inclusive. Reserved.