

Ordinance 481

AMENDMENT TO CITY ORDINANCE 359 Sec. 34-103- Snow, ice, dirt, and rubbish; removal.

(a) *Declared nuisance; responsibility of owner.* All snow, ice, dirt and rubbish remaining on a public sidewalk more than 24 hours after its deposit thereon is a public nuisance. The owner and the occupant of any property adjacent to a public sidewalk shall use due diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt or rubbish to remain on the walk longer than 24 hours after its deposit thereon.

(b) *Removal by city upon failure of owner to abate; record of costs.* The city shall remove from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 24 hours after any such matter has been deposited thereon or after the snow has ceased to fall. The clerk/treasurer shall keep a record showing the cost of such removal adjacent to each separate lot and parcel. The cost of removal shall be determined in the sole discretion of the Council.

(c) *Cost of Removal to be Assessed.* The City Administrator shall, upon direction of the Council, and on receipt of the information provided for in the preceding subdivision, extend the cost of the removal of snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and the special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

(d) *Civil Suit for Cost of Removal.* The City Administrator shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in Section (b) hereof, the cost of the clearing and the costs and disbursements of a civil action therefor.

(e) *Placing Snow or Ice in Public Street or Other City Property Prohibited.* It is unlawful for any person, not acting under a specific contract with the City, to remove snow from private or public property and place the same on a public street in the quantity, or in the manner, as to cause a hazard to travel, without adequate arrangements for the immediate removal thereof. It is also unlawful for any person not acting under a contract with the City to dump snow on other City property. It is also prohibited by this ordinance to deposit snow within 15 feet of a roadway intersection corner.

(f) *Placing Snow or Ice on Another's Private Property.* It is unlawful for any person, to remove snow from private property and place the same on the private property of another party.

(g) *Providing Notice.* The Police Department shall serve notice upon the owner of the property if residing in the city and can be found or upon occupant in other cases, by registered mail or by personal service, ordering such owner and/or occupant to have such nuisance removed within 7 days after receipt of the notice and also stating that in case of noncompliance such work will be done by the city at the expense of the owner and that, if unpaid, the charge for such work will be made a special assessment against the property concerned. When no owner, occupant or agent of the owner or occupant can be found, the provision for notice shall not apply.

(h) *Failure of owner to comply; abatement by city; record of costs.* If the owner or occupant fails to comply with the notice within 7 days after its receipt, or if no owner, occupant or agent of the

owner or occupant can be found, the city shall remove such nuisance. The clerk/treasurer shall keep a record showing the cost of such work.

(i) *Contest.* Property Owner may appeal the amount of the costs associated with the removal at the next Regular Council Meeting. Notice to the City Administrator should be given by the Property Owner.

(Ord. No. 359, § 2, 10-3-95)

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after passage and publication according to state law. This ordinance shall be placed on file at the City of Ada City Hall for public review.

Adopted by the City Council of the City of Ada, Minnesota this ____ day of _____, 2020.

CITY OF ADA

ATTEST:

John Hintz
Interim Mayor

Ashley Larson
City Administrator