

ORDINANCE 824

AN ORDINANCE to amend Chapter 12.44 of the Milbank Municipal Code regarding the removal of ice and snow from sidewalks.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MILBANK, GRANT COUNTY, SOUTH DAKOTA, that Chapter 12.44 of the Milbank Municipal Code be amended to read as follows:

Section 1. Section 12.44.010 be amended to read as follows:

12.44.010 Required. It shall be the duty of lessee or occupant of first or ground floor, or person having charge, or, if there be no lessee, occupant or person having charge, then the owner of each and every parcel of real estate in the city, abutting or bordering upon any street, avenue, highway or other public place, to remove or cause to be removed all snow and ice from the sidewalk in front of or adjacent to such premises to the full width of such sidewalk, within 72 hours after such snow or ice shall have fallen or accumulated thereon.

Section 2. Section 12.44.030 be amended to read as follows:

12.44.030 Sand, salt used when. In case the snow and ice on the sidewalk is frozen so hard that it cannot be removed without injury to the pavement, the lessee, occupant, person having charge or owner of every parcel of real estate shall, within the time specified in Section 12.44.010, cause the sidewalk abutting or adjacent to such premises to be strewn and to be kept strewn with sand, salt, or some other suitable material and shall as soon thereafter as the weather shall permit thoroughly clean such sidewalk.

Section 3. Section 12.44.060 be amended to read as follows:

12.44.060 City removes--Assessment. Whenever any owner, lessee, occupant or person having charge of any parcel of real estate fails or neglects to remove snow and ice from any sidewalk, as provided in this chapter, the street commissioner without notice shall have the ice and snow removed there from. A bill for the expense incurred thereby shall be presented by the city finance officer to the owner by mailing the same to his last known address, or, if the name of such owner or his place of residence cannot be determined or ascertained after due diligence, by posting the same in a conspicuous place on his premises, and if he fails to pay the same within ten days thereafter, the city finance officer shall file each year immediately preceding the time for making the annual assessment roll his certificate of the actual cost of such work, together with a statement as to the property in front of or on which the cleaning

was done, with the assessor of the city who shall, in the preparation of the assessment roll of the general city taxes, assess such amount upon the property, and the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property assessed as the general city tax and as a part thereof. The imposition and collection of any fine or penalty prescribed by this chapter shall not be a bar to the right of the city to collect the cost of removing and cleaning of snow and ice from the sidewalks as herein provided.

Passed and adopted this _____ day of _____, _____.

Aye: _____ Nay: _____ Absent: _____

Pat Raffety, Mayor

ATTEST:

Cynthia Schumacher, Finance Officer

First Reading: _____

Second Reading: _____

Adopted & Approved: _____

Published: _____

Effective: _____

CURRENT CODE

12.44.010 Required. It shall be the duty of lessee or occupant of first or ground floor, or person having charge, or, if there be no lessee, occupant or person having charge, then the owner of each and every parcel of real estate in the city, abutting or bordering upon any street, avenue, highway or other public place, to remove or cause to be removed all snow and ice from the sidewalk in front of or adjacent to such premises to the full width of such sidewalk, within **72 hours** ~~eight hours of daylight~~ after such snow or ice shall have fallen or accumulated thereon. (Ord. 205, Sec. 1, 1941).

12.44.030 Sand, salt used when. In case the snow and ice on the sidewalk is frozen so hard that it cannot be removed without injury to the pavement, the lessee, occupant, person having charge or owner of every parcel of real estate shall, within the time specified in Section 12.44.010, cause

the sidewalk abutting or adjacent to such premises to be strewn and to be kept strewn with ashes, sand, salt, sawdust or some other suitable material and shall as soon thereafter as the weather shall permit thoroughly clean such sidewalk. (Ord. 205, Sec. 2, 1941).

12.44.060 City removes--Assessment. Whenever any owner, lessee, occupant or person having charge of any parcel of real estate fails or neglects to remove snow and ice from any sidewalk, as provided in this chapter, the street commissioner without notice shall have the ice and snow removed there from. A bill for the expense incurred thereby shall be presented by the city finance officer to the owner personally or by leaving the same at his residence, or, if he is a nonresident, by mailing the same, to his last known address, or, if the name of such owner or his place of residence cannot be determined or ascertained after due diligence, by posting the same in a conspicuous place on his premises, and if he fails to pay the same within ten days thereafter, the city finance officer shall file each year immediately preceding the time for making the annual assessment roll his certificate of the actual cost of such work, together with a statement as to the property in front of or on which the cleaning was done, with the assessor of the city who shall, in the preparation of the assessment roll of the general city taxes, assess such amount upon the property, and the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property assessed as the general city tax and as a part thereof. The imposition and collection of any fine or penalty prescribed by this chapter shall not be a bar to the right of the city to collect the cost of removing and cleaning of snow and ice from the sidewalks as herein provided. (Ord. 205, Sec. 5, 1941).