

CITY OF SUMMERSET

ORDINANCE #18.02

SNOW AND ICE REMOVAL

18.02.01: PUBLIC NUISANCE

Snow and ice permitted to gather and remain upon the sidewalks of this City is dangerous to the safety of its citizens and others using said sidewalks and is hereby declared a public nuisance.

18.02.02: REMOVAL BY OWNER

The owner or occupant of any building or any lot, parcel or plot of ground fronting or abutting on any sidewalk in the snow removal are hereinafter described, shall clear said sidewalk of snow or ice to the full width of the sidewalk within 24 hours after the same shall have fallen or formed. The Public Works Department of the City may waive this requirement in the event of an extended snowstorm.

18.02.03: REMOVAL BY THE CITY: COST

The Finance Officer shall to cause to be published in the legal section of the official newspaper the requirements of this Chapter, which notice shall be published for two weeks after the first meeting of the City Commission in October of each year, which publication shall constitute notification by the property owner of the contents of this Chapter. In the event the property owner or person so notified fails to remove the snow or ice as required by the Notice prescribed by this Section, the Code Enforcement Officer may cause the snow or ice to be removed so that the property is in compliance with this Chapter. The actual costs of the removal of the snow, ice, and administrative fees may be adopted by resolution. The Board of Commissioners may revise the fees as set forth herein from time to time by resolution, which fees shall be assessed upon the lots or parcel of ground fronting or abutting said sidewalk, as provided for in Section 18.02.04.

18.02.04: NOTICE: ASSESSMENT

The Code Enforcement Officer shall maintain an accurate account of the amount to be assessed against each lot or parcel of ground subject to assessment pursuant to Section 18.02.03. On or before May 1st of each year, the Code Enforcement Officer shall cause this account to be delivered to the Finance Officer. The Finance Officer shall prepare an estimate of an assessment against such lot, for the removal of snow and ice for the preceding fall and winter and shall submit the same to the City Commission for approval on or before the second meeting in June of each year. The Finance Officer shall prepare a notice of said meeting, which notice shall contain the name of the property owner, the legal description of the property to be assessed and the time and place for hearing. Notice of this meeting shall be given by publishing a true and correct copy of this Notice in the official newspaper of the City at least one week prior to the date set for Hearing, and further, by mailing a true and correct copy of said Notice to the property owner, as

shown by the records of the County Assessor, at least 10 days prior to the date set for Hearing. Said mailing shall be by first-class mail, postage prepaid.

At the time specified in the Notice, the City Commission shall meet and, if they find the assessments correct, shall approve the same with or without modification or amendment as they may deem proper.

18.02.05: FILING OF ASSESSMENT

Within 10 days after such assessment has been approved by the City Commission, the Finance Officer shall make and file a certified copy of the same in the office of the County Treasurer and thereupon, said assessments shall be due and payable to the City, and shall in all respects be considered as special assessments, as provided by statute, and the same shall draw interest at the rate of 10% per annum from the time of said assessment until 30 days after the approval thereof by the City Commission, and thereafter at the rate of 12% per annum

18.02.06: CERTIFICATION

If any of the said assessments are not paid to the City, the Finance Officer shall certify any such delinquent assessments to the County Auditor on or before the 15th day of October, and the same proceeding shall be had for the collection of said assessments as are or may hereafter be provided by statute for the collection of special assessments.

18.02.07: RECOVERY OF COST OF REMOVING SNOW OR ICE IN LIEU OF ASSESSMENT AGAINST PROPERTY

In lieu of assessing the cost of removing snow or ice from the sidewalks against the abutting property, the City Commission may authorize the City Attorney to recover such costs in a civil action against the owner or occupant of the property abutting such sidewalks.