

## Chapter 12.08

### SNOW REMOVAL

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#### **12.08.010 Sidewalks.**

The owner or person in possession of any property abutting on any sidewalks shall keep such sidewalk free from snow and ice and shall remove any snow or ice from the sidewalk within forty-eight (48) hours after the termination of any snowfall, snow or ice accumulation.

The owner or person in possession of any property abutting upon any sidewalk which ends at an

intersection or crosswalk shall maintain the sidewalk free from snow and ice to the edge of the street. Snow and ice deposited on the sidewalk in the snow removal process shall be removed within twenty-four (24) hours of being deposited. (Prior code § 6.0201)

#### **12.08.020 Definitions.**

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

"Core area of the city" means that area of the city enclosed within the boundaries of North Shore Drive on the north, Military Road on the east, River Drive on the south, and Streeter Drive on the west, to include the entire roadway of those designated streets and avenues.

"Snow removal alert" means such times as there is a snow accumulation on the public streets of two inches or more, or such time as the street superintendent or that person's designee declares that snow removal operations on the public streets will commence and that the provisions of this chapter in regard to parking on public street during snow removal operations are effective and will be enforced.

"Street" means the entire width of any public roadway within the city and it shall not be limited to those roadways designated as a "Street" but includes "Avenues" and all other names by which public roadways are designated. (Prior code § 6.0209)

#### **12.08.030 Notification to keep sidewalks free of snow.**

The city shall notify all owners or persons in possession of property abutting on the sidewalks to keep such sidewalks free from snow and ice and to remove the same within forty-eight (48) hours after every snowfall or accumulation of snow or ice. The notice need not be given personally, but may be given generally through the official newspaper annually. The notice shall provide that each owner or person in possession is required to keep the sidewalk in front of 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 seventy-two (72) hours of the falling or accumulation hereof, that the city may cause such snow or ice to be removed and charge the cost to the abutting property. (Prior code § 6.0202)

**12.08.040 Disposal provisions.**

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 dispose of the accumulated snow or ice upon such property as follows:

- A. Snow and ice shall not be deposited on any sidewalk or in any park.
- 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. No snow may be blown, pushed, or otherwise placed on any street at any time (both before and after the street has been plowed).
- D. No person may pile, place, leave or

keep snow or ice on any property which may obstruct the free use thereof or obstruct the view of operators of motor vehicles approaching within fifty (50) feet of any street intersection. (Prior code § 6.0203)

**12.08.050 Failure to remove snow or ice.**

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 costs thereof against the abutting property each time the snow or ice is removed. (Prior code § 6.0204)

**12.08.060 Cost of the city.**

The cost to the city for the removal of snow and ice each year shall be certified to the city finance officer on or before the first day of June of each year.

The finance officer shall prepare an estimate of the assessment against each lot for the removal of snow and ice for the preceding season including the expense of levying the special assessment against each lot. These estimates shall be submitted to the city council.

Upon filing of the assessment roll with the finance officer, 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 the filing of the assessment owed, the time and place of the hearing thereon, and that the roll will be open for public inspection at the office of the finance officer, and shall refer to the special assessment roll for further particulars. (Prior code § 6.0205)

**12.08.070 Finance officer will mail assessment.**

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 assessor. The mailing 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. (Prior code § 6.0206)

**12.08.080 Council approval of assessment.**

Pursuant to the hearing, the council shall approve and file such assessment roll with the finance officer. After approval and filing with the finance officer, 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 as provided by SDCL 9-43. (Prior code § 6.0207)

**12.08.090 Declaration of snow removal alert.**

When the street superintendent or that person's designee, determines that

snow removal from the public streets will commence, said person will announce through local news media and whatever other sources are available that there has been declared a snow removal alert and that the provisions of this chapter will be effective and be in force, designating a particular date and time when such alert shall commence. The determination to declare a snow removal alert shall be based on the then existing weather conditions, and the amount of snow then on the ground or expected according to forecasts from the National Weather Service. (Prior code § 6.0210)

**12.08.100 Parking restrictions.**

During a snow removal alert within the core area of the city, as that term is defined by Section 12.08.020, during the hours of eight a.m. to five p.m., no person shall park or allow to remain parked any vehicle on any public street which runs north and south, and during the hours of eight p.m. to five a.m., no person shall park or allow to remain parked any vehicle on any public street which runs east and west.

Parking on any public street outside the core area of the city is completely prohibited, on both sides and regardless of the directional run of that street, during the existence of a snow removal alert. Nothing in this chapter authorizes parking a vehicle where otherwise prohibited or restricted, by signs or otherwise, to include snow emergency route signs. (Prior code § 6.0211)

**12.08.110 Determining street direction.**

The street superintendent shall determine, when not obvious, which streets run north and south and which streets run east and west, and such information shall be available upon request from the city finance officer. (Prior code § 6.0212)

**12.08.120 After snow removal alert is declared.**

After a snow removal alert has been declared, there will be no declaration of its termination, but such alert shall terminate and the provisions of Sections 12.08.090 and 12.08.100 become not effective nor enforceable as to any particular streets or portion of a street, as soon as that street or portion thereof has been plowed and cleared of snow accumulation, curb to curb, after which normal parking as permitted under the ordinances of North Sioux City, may be resumed until the next declared snow removal alert. (Prior code § 6.0213)

**12.08.130 Prohibiting of parking.**

No person operating or owning a motor vehicle shall allow such vehicle to become wholly or partially stalled, parked or stranded so as to impede traffic or snow removal. Vehicles in violation of this section may be towed and stored at the expense of the owner of the vehicle. A person in violation of this section shall be punished by a fine not exceeding the sum of Five Hundred Dollars (\$500.00) per occurrence. (Prior code § 6.0214) (Amended 2007)

**12.08.140 Prohibiting travel on streets.**

Whenever in the opinion of the mayor, the chief of police and the superintendent of streets an emergency exists in the city because of snow, freezing rain, sleet, ice, snowdrifts or other natural phenomena which create, or are likely to create, hazardous road conditions resulting in stopped vehicles within the public right-of-way, the chief of police, the superintendent of streets and mayor may prohibit travel upon any or all of the public streets for a period up to forty-eight (48) hours for all vehicles except police, fire, health, snow removal, snowmobiles and other vehicles responding to emergencies. The declaration of such emergency shall be given to the local radio station within the North Sioux City area for broadcast to the public. Termination of such declaration shall be given in like manner. A person in violation of this section shall be punished by a fine of two hundred dollars (\$200.00) per violation. (Prior code § 6.0215)

**12.08.150 Violations--Penalty.**

It is unlawful to violate any provision of this chapter. In addition to any special assessment levied pursuant to this chapter, the city may assess a fine not to exceed Five Hundred Dollars (\$500.00) per occurrence. (Prior code § 6.0208) (Amended 2007)