

ORDINANCE NO. 647

AN ORDINANCE OF THE CITY OF SALEM, SD, AMENDING CHAPTER 6.03 OF THE REVISED ORDINANCES OF THE CITY OF SALEM REGARDING SNOW AND ICE REMOVAL

BE IT ORDAINED BY THE CITY OF SALEM, SD:

Section 1. That Chapter 6.03 Sections 6.0301, 6.0302 and 6.0303, of the Revised Ordinances of Salem, South Dakota, is hereby amended in its entirety to read as follows:

Chapter 6.03. SNOW AND ICE REMOVAL

Sec. 6.0301. Duty to remove.

It shall be the duty of the owner or person in possession or in charge of any lot, parcel or plot of ground fronting or abutting upon any sidewalk to keep the sidewalk free from snow and ice and to cause any accumulated snow and ice to be removed within twenty-four (24) hours after the termination of any snowfall, or snow accumulation. Upon the failure, neglect or refusal of any owner or person in possession or in charge of any lot, parcel or plot of ground fronting or abutting any sidewalk to comply with the provisions of this Section, the City Finance Officer or his or her designee, is authorized and empowered to cause such work as may be necessary to provide for compliance. The penalty for violation of this Section shall be the actual cost of removal of said snow and ice, plus \$50.00, to be paid within thirty days. If the penalty for violation is not received, the City may defray the cost of the work by special assessment against the property. In addition to the abatement remedies provided in this Section, any person violating this Section shall be subject to the general penalty provision as set forth in Chapter 12.01.

Sec. 6.0302. Disposal of snow and ice.

It shall be the duty of the property owner, tenant, or person in possession of any public or private driveway, parking lot, parking area or boulevard to dispose of accumulated snow and ice upon such property in such manner that any snow and ice when removed shall not be deposited upon any sidewalk or within or upon any public street or alley or in a manner that will obstruct or interfere with the passage or vision of vehicle or pedestrian traffic. In addition, it is a violation of this ordinance for any person to place or pile snow onto the property of another without the owner's permission. Absentee owners are subject to this requirement and shall arrange for the removal of snow and ice accordingly.

Snow and ice which is removed from a sidewalk, parking lot, driveway or other areas shall be placed on the abutting boulevard or yard. It is unlawful for any person to dispose of or move snow and ice from private property or abutting public areas onto a public street, alley or sidewalk. An exception applies to certain defined properties located within the Central Business & Residential Districts that are adjacent to Main Street and lying between Washington Avenue and Drake Avenue; Washington Avenue and lying between to Main Street and Minnesota Street; Minnesota Street and lying between Washington Avenue and Essex Avenue; Essex Avenue and lying between Minnesota Street and Nebraska Street; Vermont and Norton Avenues and lying between Nebraska Street and alley east of Main Street. These defined properties are granted the authority to move such accumulated sidewalk snow and ice onto the abutting City Street **prior** to the complete removal and clearing of snow and ice by the grading of such snow and ice away from the curb or by the picking up and carrying away such snow and ice by the City or it's private contractors.

Business lots, parking lots, etc. It shall be unlawful for the owner, occupant, or operator of a business, apartments, mobile home park, parking lot, or other vacant space to blade, push, plow, blow, shovel or deposit the snow from said area into the public street in any manner that would hamper pedestrian or vehicle travel and/or onto a public boulevard right-of-way in any manner that could create as sight obstruction by unduly impairing visibility at any intersection or that would effectively block street signage.

Driveways, mailboxes, and fire hydrants. City policy shall be not to remove snow deposits left by snowplows at private driveways, mailboxes or vehicle delivery, and fire hydrants. Property owners are responsible for clearing snow as deemed necessary near mailboxes and fire hydrants located in the boulevard areas. City policy will be to eventually return and clear and widen streets to near the curb line as much as practical after the snow emergency has been terminated. Widening operations may unfortunately produce blocked/plugged driveway conditions for property owner/tenants.

Sec. 6.0303. Removal Notice.

No penalty or special assessment shall be imposed under this article unless the City causes notice to be given to all owners or occupants of property abutting sidewalks in said City to keep such sidewalks free of snow and ice, and to remove the same within the twenty-four (24) hours after the termination of every snowfall, or snow accumulation. Such notice shall be published in the official newspaper twice a year, the first being on or around November 1 and the second to be published consecutively thereafter.

Adopted this 9th day of December 2019.

Robin Westhoff, Mayor

ATTEST:

Lori Heumiller, Finance Officer

(SEAL)

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