

ORDINANCE NO. 178

AN ORDINANCE REGULATING THE REMOVAL ICE AND SNOW ON PUBLIC SIDEWALKS

THE CITY COUNCIL OF THE CITY OF ARLINGTON, MINNESOTA TO PROMOTE THE PUBLIC SAFETY, HEALTH AND WELFARE, HEREBY ORDAIN AS FOLLOWS:

Section 1. Public Nuisance. Any accumulation of snow or ice upon any public sidewalk is hereby declared to constitute a public nuisance, which shall be abated, by the owner or occupant of the property abutting such sidewalk within twelve (12) hours after such snow or ice has ceased to be deposited upon such sidewalk.

Section 2. City Removal. If the owner or occupant of the property abutting any public sidewalk upon which snow or ice has accumulated fails to abate the nuisance thereby created within twenty-four (24) hours after such snow or ice has ceased to be deposited upon such sidewalk, the City Administrator or a designated agent may cause the removal of such snow or ice. The agent causing such removal shall maintain a record showing the cost of such removal attributable to each separate lot and parcel and shall deliver such information to the City Administrator.

Section 3. Assessment. Upon receipt of the information required by the preceding subdivision, the City Administrator shall forward to the Council a statement setting forth the unpaid charge for the cost of the removal of any snow or ice pursuant to subdivision 2 hereof for each separate lot or parcel. The Council may then, pursuant to the provisions of Minnesota Statutes, Chapter 429, assess any such charge against the property benefited, and any such assessment shall, at the time at which taxes are certified to the County Auditor, be certified for collection in the manner that other special assessments are so certified.

Section 4. Civil Suit for Cost of Removal. The City Administrator may, as an alternative to the assessment procedure set forth in subdivision 3, initiate a civil suit in a court of competent jurisdiction to recover from the owner of land adjacent to which sidewalks have been cleared as provided in subdivision 2 hereof, the cost of the removal of snow or ice, together with allowable costs and disbursements.

Section 5. Placing Snow or Ice on Public Street or City Property. It is unlawful for any person, not acting under contract with the City, to remove snow or ice from private property and place such snow or ice upon a public street, in such quantity or manner as to cause a hazard to travel, without proper arrangements for the immediate removal thereof. It is unlawful for any person, not acting under contract with the City to place or deposit any snow or ice upon City property.

This ordinance shall become effective immediately upon publication.

For the City of Arlington

/s/ David Czech

By David Czech

It's Mayor

First Reading: January 5, 2004

Second Reading: January 21, 2004

Adopted: January 21, 2004

Published: January 29, 2004

/s/ David L. Krueger

By David L. Krueger

It's City Administrator