

Title 12

STREETS, SIDEWALKS, AND PUBLIC PLACES

Chapters:

<u>12.04</u>	<u>Use of Streets</u>
<u>12.08</u>	<u>Sidewalks</u>
<u>12.12</u>	<u>Excavations</u>
<u>12.14</u>	<u>Parking During Snow Removal Season</u>
<u>12.16</u>	<u>Snow Removal</u>

2007-5-9

Chapter 12.04

USE OF STREETS

Sections:

- 12.04.010 Obstructions on streets.
- 12.04.020 Material in streets--Permits.
- 12.04.030 Street cleaning.
- 12.04.040 Street excavations.
- 12.04.050 Building in street.
- 12.04.060 Eave pipes.
- 12.04.070 Garbage in streets.
- 12.04.080 Animals and vehicles on sidewalks.

12.04.010 Obstructions on streets. No person shall place, leave or keep on any public street, road, alley, sidewalk or other public ground in the city any wagon, automobile, cart, truck sleigh or other vehicle, except when the same shall be in actual use, nor shall any person place, leave or keep on any public street, road, alley, sidewalk, or other public ground in the city, any other article, substance or material which may obstruct the free use of said street, road, alley, sidewalk or public ground, except as hereinafter provided. (1957 Rev. Ord. §8.0501)

12.04.020 Material in streets--Permits. The council is authorized to grant permission in writing to any person to deposit and keep lumber, stone, brick or other materials for building, in any public sidewalk, street, road or alley adjacent to the building to be erected or repaired, but such permission shall not excuse the obstruction or occupancy with

such materials of more than one-third in width of any carriage way of any street or road. (1957 Rev. Ord. §8.0502)

**12.04.030 Street cleaning.** Every person to whom permission may be granted, as in Section 12.04.020, to place and keep building material in the street, road, alley, shall cause all such material and the rubbish resulting therefrom, to be removed from such sidewalk, street, road or alley at the expiration of the time limited in the permit, unless the time shall for good cause be extended by the council; and any person depositing and keeping any building material on such sidewalk or in such street, road or alley under a permit from the council, shall during every night while the material shall there remain, keep one or more lighted lanterns or flares so placed that such material may be easily seen by persons passing along such sidewalk, street, road or alley. (1957 Rev. Ord. §8.0503)

**12.04.040 Street excavations.** It is unlawful for any person, owner or occupant of any lot or parcel of land within the city, to make or cause to be made any excavation on said lot or parcel of land, except the same be securely guarded so as to prevent the injury of any person or persons or animals passing upon or along said sidewalks, streets, alleys or public grounds or traveled path or roadway. (1957 Rev. Ord. §8.0504)

**12.04.050 Building in street.** No person shall erect or maintain any building in such a position that the same shall stand in whole or in part upon any public street, road, alley or sidewalk, or so constructed that any part of the building proper shall project into or over such street, road, alley, or sidewalk; provided, that jut windows, cornices, and other projections from the buildings above the first story may extend over an adjoining street, road, alley or sidewalk, not exceeding eighteen inches; and no person shall construct any step, area, or other appurtenance to any building extending over or upon the sidewalk, nor shall any person erect in any public street or road any flight of stairs or step leading to any floor of any building. (1957 Rev. Ord. §8.0505)

**12.04.060 Eave pipes.** No person shall place or maintain any pipe leading from the eaves of any building or any part of any building in such a position that the water discharged from the roof of said building will flow upon or over any public sidewalk in the city. (1957 Rev. Ord. §8.0506)

**12.04.070 Garbage in streets.** It is unlawful for any person, firm, or corporation to throw, or deposit any ashes, offal, dirt, garbage, decaying vegetables, fish, meat, manure, filthy water, slops or any other offensive or putrid matter or thing into or upon any street, avenue, lane, alley or public ground within the corporate limits of the city or into any stream of water within the limits of the city or forming the boundaries thereof. (1957 Rev. Ord. §8.0507)

**12.04.080 Animals and vehicles on sidewalks.** No person shall ride, drive or lead any horse or mule or drive or lead any cow or any other animal, upon any public sidewalk in the city, or draw or propel or cause to be drawn or propelled thereon any vehicle ordinarily drawn by horses; or drive or operate, or cause to be driven or operated, any motor vehicle upon any sidewalk in the city, except that the same may be driven across any sidewalk in entering or leaving the premises of any person if there is constructed a driveway across the sidewalk at the premises. (1957 Rev. Ord. §8.0508)

## **Chapter 12.08**

### **SIDEWALKS**

#### **Sections:**

- 12.08.010 Grades, sidewalks, curb and gutter.**
- 12.08.020 Grades--Sidewalks.**
- 12.08.030 Grades--Curb.**
- 12.08.040 Grades--Streets.**
- 12.08.050 Grades--Method of calculation.**
- 12.08.060 Grades--Changes.**
- 12.08.070 Construction supervision.**
- 12.08.080 Construction specifications.**
- 12.08.090 Permit required.**
- 12.08.100 Bond required.**
- 12.08.110 Sidewalk widths.**

**12.08.010 Grades, sidewalks, curb and gutter.** The grades for sidewalks, curb and gutter as heretofore established by the city and as shown on the plat or set of plans entitled "Street Grade Survey, Gettysburg, South Dakota", dated June 1956, and now on file in the office of the city finance officer be and the same are established as the

official grades for sidewalks, curb and gutter and the necessary drainage of streets. (1957 Rev. Ord. §8.0301)

**12.08.020 Grades--Sidewalks.** The grade elevations given by a single dark line and written above this line on the profile of each street are the grade heights of the sidewalks for the street. (1957 Rev. Ord. §8.0302)

**12.08.030 Grades--Curbs.** The grade elevations given by two parallel lines and written below these lines on the profile of each street are the grade heights of the top of the curbs for the street. The bottom line gives the grade height of the gutter which shall be six inches below the top of the curb. (1957 Rev. Ord. §8.0303)

**12.08.040 Grades--Streets.** The grade elevations given by a single line and the elevation written above this line on the centerline profile of each street are the grade heights of the crown or centerline of the street. (1957 Rev. Ord. §8.0304)

**12.08.050 Grades--Methods of calculation.** A. All grades between the elevations as written on the plans shall be at the grade as shown on the plans by the profile of the sidewalks, curb and gutter, or centerline as the case may be.

B. The grade elevation as shown upon the set of plans are calculated in feet and decimals of feet above a certain horizontal plane called the datum plane. Bench marks shall be those given on the plans and located on every other street intersection through the city. These bench marks are established at the elevations given on the plans above the datum plane. (1957 Rev. Ord. §8.0305)

**12.08.060 Grades--Changes.** Any grades for curb, sidewalks or streets as shown on plat on file in the city finance office shall be changed by ordinance and any additional grades to be established in the city shall be by ordinance. (1957 Rev. Ord. §8.0306)

**12.08.070 Construction supervision.** The building and construction of all sidewalks and curbing within the limits of the streets and alleys of the city shall be done under direct supervision of the city and its duly appointed officers and agents and all such sidewalks shall be constructed on the grades as determined by the city. (1957 Rev. Ord. §8.0307)

**12.08.080 Construction specifications.** The construction of all sidewalks and curbing whether to be done by direct contract with the city or by contract with the abutting property owners, shall be done strictly in accordance with the specifications for sidewalks and curbing adopted by the council and on file in the office of the city finance officer. The council shall have full power to condemn work and material not in accordance with the requirements of the specifications. (1957 Rev. Ord. §8.0308)

**12.08.090 Permit required.** Before any sidewalk or curbing is constructed within the limits of the streets and alleys in the city by any contractor or person or the owner or owners of abutting property, the contractor or person must first secure a permit therefor from the city finance officer. (1957 Rev. Ord. §8.0309)

**12.08.100 Bond Required.** Before any such contractor or person shall receive a permit for the construction of any sidewalk or curbing within the limits of the streets or alleys of the city, such contractor or person must first execute a guaranty bond in an amount equal to the total amount of the work to be performed by him under the contract therefor, with good and sufficient surety approved by the city council; or may give a bond in the amount of one thousand dollars covering all work to be done by such contractor during the year in which the bond is given. All such bonds shall require that the contractor or person receiving such permit shall replace all sidewalks and curbing constructed by him at any time within the period of three years, from the time of completion of the sidewalks or curbing which, in the opinion of the city engineer, were not laid in accordance with the required specifications; provided, however, that no bond shall be required where the owner of the abutting property does his own work. (1957 Rev. Ord. §8.0310)

**12.08.110 Sidewalk widths.** Except as otherwise provided, all sidewalks on all side streets shall not be less than four or more than eight feet in width and shall conform to the width, grade and curb lines of the adjoining sidewalks. (1957 Rev. Ord. §8.0311)

## Chapter 12.12

### EXCAVATIONS

#### Sections:

- 12.12.010 Permit required.
- 12.12.020 Application and bonds.
- 12.12.030 Deposit forfeited.
- 12.12.040 Supervision of excavations.
- 12.12.050 Guarding excavations.
- 12.12.060 Refilling excavations.
- 12.12.070 Cutting pavements.
- 12.12.080 Excavations near streets.

12.12.010 Permit required. No person shall make or cause to be made any excavation in or under any street, parking, sidewalk, alley, or public ground, or remove any earth, soil, paving, gravel, or material therefrom without having first obtained a permit therefor as hereinafter provided. (1957 Rev. Ord. §8.0101)

12.12.020 Applications and Bonds. A. Application for such permit shall be made to the City Finance Officer, who shall secure the approval of the superintendent of streets before issuing any such permit. Such application shall be accompanied by a non-refundable fee of twenty dollars, which amount shall be considered compensation to the City for the granting of such permit and the necessary investigation prior thereto. This permit shall be valid for ten working days, after which a new permit must be obtained. Before any such permit is issued, the person requiring the same shall state in this application where such excavation is to be made, the extent thereof, in front of what lot or lots, for what purpose the excavation is to be made, and whether or not such person has a bond on file with the City Finance Officer for making such excavation. If such applicant has not filed such bond, then before a permit shall be issued, such applicant shall furnish a bond or make the deposit as stated below with the City Finance Officer as a guaranty for the proper refilling of and guarding of such trenches and excavations while in the course of excavating or refilling and the maintenance of the same in good condition for one year thereafter.

B. All contractors shall show proof of liability insurance, in an amount equal to the City's coverage, to be

*changed  
Ordinance  
2017-4-1*

## ORDINANCE 2017-4-1

### AN ORDINANCE AMENDING CHAPTER 12.12 EXCAVATION SECTIONS OF THE GETTYSBURG MUNICIPAL CODE

**BE IT ORDAINED** by the City of Gettysburg Common Council that Section 12.12.020. entitled "EXCAVATIONS –Applications and Bonds is amended to read as follows:

#### Title 12.12.020

#### EXCAVATIONS

#### 12.12.020 Applications and Bonds.

A. Application for such permit shall be made to the City Finance Office, who shall secure the approval of the superintendent of streets before issuing any such permit. Such application shall be accompanied by a non-refundable fee of **four hundred dollars (\$400.00)**, which amount shall be considered compensation to the City for the granting of such permit, the necessary investigation prior thereto and for the replacement surface material for any excavations up to and including forty-five (45) square feet. This permit shall be valid for ten working days, after which a new permit must be obtained. Before any such permit is issued, the person requiring the same shall state in this application where such excavation is to be made, the extent thereof, in front of what lot or lots, for what purpose the excavation is to be made, and whether or not such person has a bond on file with the City Finance Office for making such excavation. If such applicant has not filed such bond, then before a permit shall be issued, such applicant shall furnish a bond or make the deposit as stated below with the City Finance Office as a guaranty for the proper refilling of and guarding of such trenches and excavations while in the course of excavating or refilling and the maintenance of the same in good condition for one year thereafter.

B. All contractors shall show proof of liability insurance, in an amount equal to the City's coverage, to be filed with a permit before work may start. All excavations must be done as set forth in the Municipal and State Codes.

C. In addition to the hereinbefore described fee, the applicant shall deposit with the City Finance Office the amount specified in the following schedule:

1. BITUMINOUS - The city will replace this material. A deposit in the amount of nine dollars (\$9.00) per each square foot, exceeding forty-five (45) square feet, shall be made before excavation. All bituminous must be saw cut.

2. CONCRETE - The city will replace this material. A deposit in the amount of nine dollars (\$9.00) per each square foot, exceeding forty-five (45) square feet, shall be made before excavation. All concrete must be saw cut.

ATTEST:

\_\_\_\_\_  
Daniall Ablott, Finance Officer  
First Reading: April 3, 2017  
Second Reading: May 1, 2017  
Date Published: \_\_\_\_\_, 2017

WITNESS:

\_\_\_\_\_  
William Wuttke, Mayor



filed with a permit before work may start. All excavations must be done as set forth in the Municipal and State Codes.

C. All excavations shall require a deposit of five dollars per linear foot to be held by the City Finance Officer for one year. In the case where hard surface materials have been replaced (bituminous, concrete), the deposit shall be released immediately upon approval of the maintenance supervisor/staff. In addition to the hereinbefore described fee and deposit, the applicant shall deposit with the City Finance Officer the amount specified in the following schedule:

1. BITUMINOUS - The city will replace this material. A deposit in the amount of one hundred dollars per cubic yard shall be made before excavation. All bituminous must be saw cut.
2. CONCRETE - The contractor shall make a deposit in the amount of two hundred twenty five dollars per cubic yard. In the event that the contractor has the concrete replaced within the permit time allowed, the deposit will be refunded, in total, upon approval by the maintenance supervisor. The replaced concrete must be 3500 lb. test and saw cut.
3. GRAVEL - All gravel streets and alleys must have the excess dirt removed and the top one foot of such excavation refilled with gravel. The City will provide this material at cost plus labor and machine fees for the top one foot of coverage only. A deposit shall be made as specified by the City maintenance supervisor/staff.

D. In lieu of such deposit, a bond for the same purpose in the amount of one thousand dollars to be approved by the Council may be given covering all excavations for which such bond is given.

E. All boring shall be charged a fee of one dollar per linear foot. Proof of liability insurance, in an amount equal

to the City's coverage, must be submitted with a permit before work may begin. (Ord. 1997-4-1; 1957 Rev. Ord. 8.0102)

**12.12.030 Deposit forfeited.** A. If at any time within one year after the issuance of the permit referred to in this chapter the superintendent of streets shall find that the work for which the bond deposit was made does not stand a satisfactory test or has not been properly refilled, he shall notify the depositor in writing that the work must be put in satisfactory condition within three days, and if the depositor fails to comply with the terms of the notice, then the superintendent of streets shall have authority to cause such work to be put in proper and satisfactory condition and charge the expense thereof to the sum deposited. The balance unexpended at the expiration of one year from the date of such permit shall upon order of the city council be returned by the finance officer to the depositor.

B. In cases where a deposit is put up for all work done by any person as provided in this chapter, the superintendent of streets shall have power to cause the repairing or refilling of any excavations made by such person if he fails to do so upon three days' written notice, and the expense thereof shall be charged to his deposit, and such depositor shall immediately replenish such deposit to the original amount. (1957 Rev. Ord. §8.0103)

**12.12.040 Supervision of excavations.** The superintendent of streets shall supervise all excavations made for any purpose in the streets, alleys, or public grounds, and the superintendent of streets shall require that all excavations be backfilled in the manner specified. (1957 Rev. Ord. §8.0104)

**12.12.050 Guarding excavations.** Any person receiving a permit to make excavations in or upon any street, alley, sidewalk or public ground shall, during the progress and continuance of the work, erect and maintain around the same both by day and night suitable guards, fences, flares, and signals so as to prevent injury to persons, animals or vehicles on account of such excavations. Such flares shall kept lighted from sundown until sunrise. (1957 Rev. Ord. §8.0105)

**12.12.060 Refilling excavations.** A. Any person making such excavation shall, when the same shall be completed, promptly and without delay, refill the same as herein provided.

B. In refilling any excavation the earth shall be thoroughly settled as the refilling progresses by using water to compact the earth; the earth shall be thoroughly tamped in successive layers of approximately six inches, in such a manner that all the earth shall be replaced in the excavation leaving the surface in its original condition.

C. In making connection to fire hydrants for flushing excavations, all rules and regulations of the water department relating thereto shall be observed.

D. In all cases where excavations are made in the paved district, the earth shall be replaced in the manner above specified, and the pavement shall be replaced by the department of streets. (1957 Rev. Ord. §8.0106)

**12.12.070 Cutting pavements.** Where it is necessary to cut the street pavement in making any street excavation, there shall be deposited with the city finance officer before permit is issued an amount equal to thirty dollars for each square yard of pavement removed. Upon failure of the contractor to replace the pavement, the deposit will be forfeited. The deposit shall be credited to the permanent street fund and be used by the department of streets in replacing the pavements. (Ord. 1999-5-1, 1999; 1957 Rev. Ord. §8.0107)

**12.12.080 Excavations near streets.** It is unlawful for any person, owner, or occupant of any lot to make or cause to be made any excavation on the lot adjacent to any street, alley, public ground, or traveled road, or roadway, except the same be securely guarded so as to prevent the injury of any person or animal passing upon or along the same. (1957 Rev. Ord. §8.0108)

Chapter 12.14

PARKING DURING SNOW REMOVAL SEASON

Sections:

- 12.14.010 Parking of vehicles on streets after snow prohibited.
- 12.14.020 Parking in central business district prohibited during snow season.
- 12.14.030 Towing of vehicles in violation.
- 12.14.040 Unauthorized removal of impound vehicles.
- 12.14.050 Fines authorized.

12.14.010 Parking of vehicles on streets after snow prohibited. A. Whenever more than two inches of snow have fallen in the city, it shall be unlawful for any person to park any vehicle upon the streets or alleys of the city for a twenty-four hour period following such snowfall, or until snow removal operations have been completed, whichever event shall first occur. Such parking, if otherwise lawful, may resume on any portion of any such street or alley on which snow removal operations have been completed.

B. For purposes of this article, vehicles shall mean any device in, upon, or by which, any person or property is or may be transported or drawn upon a public highway. For purposes of this article, motor vehicles shall mean every vehicle which is self-propelled. (Ord. 1997-12-4, 1997; Ord. 366, 1994)

12.14.020 Parking in central business district prohibited during snow season. It shall be unlawful to park any vehicle or motor vehicle upon the street of the central business district of the city between the hours of 2:00 o'clock AM and 6:00 o'clock AM. This restriction shall go into effect on October 1 of each year and shall continue until May 15 of the following year. The purpose of this prohibition is to facilitate and expedite the snow removal operations in the central business district. For purposes of this article, the central business district shall consist of the following: (Ord. 1997-12-4, 1997; Ord. 366, 1994)

*- see  
new  
Ordinance  
2009-12-13*

- A. Blaine Avenue from East Street to Main Street
- B. Logan Avenue from East Street to Main Street
- C. Commercial Avenue from East Street to Main Street

**ORDINANCE # 2009-12-13**

AN ORDINANCE AMENDING CHAPTER 12.14. PARKING DURING SNOW REMOVAL SEASON .SECTION 12.14.050 ENTITLED FINES AUTHORIZED OF THE GETTYSBURG MUNICIPAL CODE

12.01420 ( this ordinance is not changing just for informational purposes)

It shall be unlawful to park any vehicle or motor vehicle upon the street of the central business district of the City between the hours of 2:00 o'clock am and 6:00 o'clock am. This restriction shall go into effect on October 1 of each year and shall continue until May of the following year. The purpose of the prohibition is to facilitate and expedite the snow removal operations in the central business district. For purposes of the article, the central business district shall consist of the following:

- Blaine Avenue from Harrison to Mannston
- Logan Avenue form East Street to Main Street
- Commercial Avenue from East Street to Main Street
- East Street from Garfield Avenue to Logan Avenue
- Main Street from Garfield Avenue to Logan Avenue
- King from Broadway to Mannston

**BE IT ORDAINED, by the City of Gettysburg Common Council that section 12.14.050 entitled Fines Authorized is amended to read as follows:**

12.14.050 Fines Authorized. Any person violating this article shall be punished by a fine of not less than **TWENTY FIVE DOLLARS (first offense) and additional violations can have fines up to FIFTY DOLLARS** , which shall be paid in addition to any other charges or fees assessed pursuant to this article. (Ord. 1007-12-4, 1997; Ord.366,1994)

ATTEST:

APPROVED:

\_\_\_\_\_  
Sharleen Eliason, Finance Officer

\_\_\_\_\_  
Bill Wuttke, Acting Mayor  
Council President

First Reading: December 31, 2009

Second Reading:

Published:

Published once at the approximate cost of \$

- D. East Street from Garfield Avenue to Logan Avenue
- E. Exene Street from Garfield Avenue to Logan Avenue
- F. Main Street from Garfield Avenue to Logan Avenue

12.14.025  
Added  
Ordinance  
2012-11-12

**12.14.030 Towing of vehicles in violation.** Vehicles in violation of this article may be removed to a garage or other place of safekeeping at the direction of a police officer or city maintenance worker designated by the City Council. Any towing or storage charge incurred by the city in connection with such towing and storage shall be assessed against such vehicle and paid by the owner thereof as a condition for the owner to remove or to claim or to recover such vehicle from the city. In the event the vehicle was stored on city property a storage charge of five dollars per day shall be assessed on each vehicle and in a like manner collected from the owner of such vehicle. (Ord. 1997-12-4, 1997; Ord. 366, 1994)

**12.14.040 Unauthorized removal of impounded vehicle.** No person shall remove a vehicle impounded by the city because of violation of this article until all fines, bonds, and towing and storage fees have been paid to the city. (Ord. 1997-12-4, 1997; Ord. 366, 1994)

Changed  
2012-11-12

**12.14.050 Fines authorized.** Any person violating this article shall be punished by a fine of not less than ten dollars, which shall be paid in addition to any other charges or fees assessed pursuant to this article. (Ord. 1997-12-4, 1997; Ord. 366, 1994)

Changed  
2009-12-17

**Chapter 12.16**

**SNOW REMOVAL**

**Sections:**

- 12.16.010 Duty of owner or occupant.
- 12.16.020 City removal.
- 12.16.030 Costs--Assessed.
- 12.16.040 Costs--Recovery.
- 12.16.050 Violation--Penalty.

**ORDINANCE 2012-11-21**

**AN ORDINANCE AMENDING CHAPTER 12.14 PARKING DURING SNOW REMOVAL SEASON SECTION 12.14.025 ENTITLED FINES AUTHORIZED OF THE GETTYSBURG MUNICIPAL CODE AND AMENDING CHAPTER 12.14.040 UNAUTHORIZED REMOVAL OF IMPOUNDED VEHICLE AND FINES IMPOSED. AND DELETING 12.14.050.**

**BE IT ORDAINED, by the City of Gettysburg Common Council that section 12.14.025 entitled Fines Authorized ( this previously was 12.14.050 )to read as follows:**

**12.14.025 Fines Authorized.** Any person violating this article shall be punished by a fine of Twenty Five Dollars (First offense ) and additional violations fines are Fifty Dollars which shall be paid in addition to any other charges or fees assessed pursuant to this article. ( Ord. 1997-12-4, 1997 / ; Ord. 366,1994)

**BE IT ORDAINED, by the City of Gettysburg Common Council that section 12.14.040 Unauthorized removal of impounded vehicle and fines imposed. be amended as follows:**

No Person shall remove a vehicle impounded by the city because of violation of this article until all fines, bonds and towing and storage fees have been paid to the city. **Removal of any impounded vehicle without payment and permission of an authorized city representative shall be assessed an additional fine of \$100.00 due and payable in addition to any other charges or fees assessed pursuant to this article. ( Ord 1997-124, 1997; ord. 366, 1994)**

ATTEST:

APPROVED:

\_\_\_\_\_  
Sharleen Eliason, Finance Officer

\_\_\_\_\_  
Bill Wuttke, Mayor

First reading: 11-5-2012

Second Reading: 12-3-2012

Published:12-6-2012

Published once at the approximate cost of \$

**12.16.010 Duty of owner or occupant.** A. It shall be the duty of the owner or occupant or person in possession or in charge of any lot, parcel, or plot of ground fronting or abutting upon any sidewalk, to keep such sidewalk free and clear from snow and ice at all times. When it is impossible to take snow and ice from such walk by reason of its being frozen to the sidewalk, the owner or occupant or person in charge of such lot shall sprinkle or spread some suitable material upon the same to prevent the walk from becoming slippery and dangerous to travel, and in removing snow from said sidewalk, it shall be unlawful for any person to shovel or blade the snow so removed into the street after the street has been cleared of snow by the city snow removal equipment. X

B. It shall be unlawful to deposit snow so removed on boulevards within twenty-five feet of any intersection or alleyway or to pile snow higher than five feet on any portion of the boulevard. ( Ord. 1997-12-4, 1997; 1957 Rev. Ord. §8.0401)

**12.16.020 City removal.** If the owner or person in possession or in charge of any of said lots, parcels or plots of ground fails or refuses to remove the snow or ice from such sidewalk within twelve hours of the falling of said snow or the forming of said ice, the city shall remove or cause to be removed the snow or ice each time it is necessary, and assess the cost thereof against the fronting or abutting property. (1957 Rev. Ord. §8.0402)

**12.16.030 Costs--Assessed.** A. The officer in charge of streets shall cause an account to be kept against each lot for the removal of snow from the sidewalks each year and same shall be certified to the city finance officer on or before the fifteenth day of May of each year.

B. The finance officer shall prepare an estimate of the assessment against such lot for the removal of snow for the preceding winter and fall and submit the same to the council for its approval on or before the first day of June of each year, and shall publish in the official newspaper a notice to property owners of the time and place when and where the council will meet for the purpose of approving such estimate. Such notice shall be published at least one week prior to the date set for said hearing.

C. Upon the day so named, the council shall meet; and if they find the estimate correct, shall approve the same, with or without modification or amendments as they may deem



proper, and file the assessment with the city finance officer. From the date of such approval and filing, the same shall be a special lien against the various pieces of property described in the assessment and shall be collected in like manner as special assessments are now collected for public improvements. (1957 Rev. Ord. §8.0403)

**12.16.040 Costs--Recovery.** In lieu of spreading the cost of such snow removal as a special assessment against the property in the discretion of the council, the amount may be recovered in a civil action against the owner or occupant of the property. (1957 Rev. Ord. §8.0404)

**12.16.050 Violation--Penalty.** Any person whose duty it shall be to remove snow as set forth in Section 12.16.010, and who fails to remove such snow within the time therein set forth, shall be guilty of a misdemeanor; and upon conviction thereof shall be fined not exceeding one hundred dollars in addition to the other penalties prescribed in this chapter; and in addition thereto, shall be liable to the municipality for any damage caused by the neglect to keep such sidewalk clear and free of snow and ice as provided in this chapter. (1957 Rev. Ord. §8.0405)