ORDINANCE NO. 770

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES, CHAPTER 12.04 STREETS AND SIDEWALKS GENERALLY SECTIONS 12.04.040 SIDEWALKS SUBSECTION E USE OF SIDEWALKS NUMBER THREE SNOW AND ICE OF THE CITY OF CUSTER CITY MUNICIPAL CODE AND AMENDING, REPLACING, AND SUPERSEDING ALL PRIOR ORDINANCES OR AMENDMENTS, BY WHICH AMENDING AND SUPERSEDING SAID ORDINANCE AS FOLLOWS, TO WIT:

3. Snow and Ice. Snow and ice permitted to gather and remain upon the sidewalks of the city is dangerous to the safety of its citizens and others using the sidewalks and is declared a public nuisance. .It shall be the duty of the owner, occupant, 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 of snow and ice to the width of the sidewalk. . If the ice is not removable by ordinary means, the owner, occupant, or person in possession or in charge shall take necessary precautions to render the sidewalk safe for passage by treating the ice with salt or sand.

The following enforcements shall apply in accordance with this ordinance:

1. The central business district, and highway commercial districts with sidewalks not directly abutting SD-DOT highway, shall have snow accumulations of greater than one inch (1") and any accumulation of ice or packed snow removed to the width of the sidewalk to the gutter by ~~9:00~~ 10:30 am on weekdays and 12:00 pm on weekends and holidays.
2. ~~The highway commercial district with non-DOT sidewalks shall have snow and ice removed to the width of the sidewalk by 9:00 am.~~
3. The City shall be responsible for the highway commercial district with SD-DOT sidewalks directly abutting SD-DOT highways and shall have snow and ice removed to the width of the sidewalk by 9:00 am on the day following the plowing or clearing of the street.
4. The residential district shall have snow and ice removed to the width of the sidewalk within 24 hours after the cessation of snowfall.

'SD-DOT sidewalk' shall mean the sidewalks within the highway commercial district that the City is responsible for maintaining in accordance with the Maintenance and Encroachment agreement between the South Dakota Department of Transportation and the City of Custer City.

If the owner, occupant, person in possession or in charge of any lot, parcel or plot of ground fronting or abutting upon any sidewalk fails or neglects to remove the snow or ice from such sidewalk in accordance with this ordinance , or shall fail to treat and remove ice with salt or sand, then the superintendent of streets or any other officer of the city may proceed and remove the same and the expenses for removing such snow and ice shall include the cost of equipment, labor, materials and a penalty shall be invoiced to the property

owner and may be assessed against the abutting property from which the snow or ice was removed or it may be collected by suit against the owner or occupant of said lot or building.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance.

Dated this 2nd day of November, 2015.

City of Custer City

_____

Jared Carson, Mayor

Attest _____

Laurie Woodward, Finance Officer

(SEAL)

First Reading: October 19th, 2015

Seconding Reading: November 2nd, 2015

Publication: November 11th, 2015

Vote:

Schleining:	Maciejewski:
Heinrich:	Herman:
Nielsen:	Fischer: