

AN ORDINANCE REQUIRING THE REMOVAL OF ACCUMULATIONS OF SNOW AND ICE FROM SIDEWALKS AND PROVIDING A METHOD OF PROCEDURE IN CASE OF FAILURE OF PROPERTY OWNER OR OCCUPANT TO COMPLY WITH THE PROVISIONS HEREOF.

The village council of Shelly do ordain as follows:

Sec. 1. Snow and Ice To Be Removed. It shall be unlawful for the owner or occupant of any building or the owner of any vacant lot in front of which, or adjacent to which, a sidewalk has been constructed for the use of the public, to allow any accumulation of snow or ice to remain upon said sidewalk longer than twelve (12) hours after said snow or ice has ceased to fall thereon, where it is deemed by the council to be reasonably possible to keep said walk clear of snow.

Sec. 2. Snow and Ice a Nuisance. All snow and ice remaining upon public sidewalks in violation of section 1 hereof, is hereby declared to constitute a public nuisance, and all persons owning vacant property adjacent to such public walks are hereby required to use due diligence to keep said walks safe for pedestrians; and to abate such nuisance or cause the same to be abated within twelve hours at the latest after said snow or ice has ceased to be deposited on said sidewalk.

Sec. 3. Duty of Street Commissioner. It shall be the duty of the street commissioner to cause to be removed from all public sidewalks, beginning twelve (12) hours after any snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and he shall keep a record of the cost of said removal and the lot or lots adjacent to which such accumulations were found and removed, and shall deliver such information to the recorder as soon as the work of removal is completed.

Sec. 4. Cost of Removal To Be Assessed. The recorder shall, upon direction of the council, on receipt of the information provided for in the preceding section from the street commissioner, extend the cost of said removal of snow or ice as a special tax against the lots or parcels of ground abutting on which walks were cleared, and such special tax shall at the time of certifying taxes to the county auditor be certified for collection as other special taxes are certified and collected.

Sec. 5. Civil Suit for Cost of Removal. The recorder shall, at the direction of the council, bring suit in the name of the village in any court of competent jurisdiction to recover from the person owning land adjacent to which sidewalks were cleared, as provided in Section 3 hereof, the cost of said clearing and the costs of suit in a civil action.

Sec. 6. Penalty for Failure To Remove Snow and Ice. If the council so directs, any person who violates section 1 of this ordinance shall be prosecuted, and if convicted of said violation shall be deemed guilty of a misdemeanor.

Sec. 7. Duty of Recorder. It shall be the duty of the recorder to present to the council at its first meeting after any snow or ice has been cleared from the sidewalks as provided in Section 2 hereof the report of the street commissioner thereon and to request said council to determine by resolution whether the procedure provided in Section 4, Section 5, or Section 6, of this ordinance shall be followed, or any combination of two or more of said procedures.

Passed the village council this 30th day of November, 1927.

A. B. Hanson
President

(Seal)

Attest:

A. E. Silver
Recorder