

ORDINANCE NO. 1055

AN ORDINANCE OF THE CITY OF WILLISTON AMENDING ARTICLE VII OF CHAPTER 5 OF THE WILLISTON CODE OF ORDINANCES TO AMEND THE ORDINANCE GOVERNING THE DUTY TO REMOVE SNOW BY MOVING IT FROM CHAPTER 20 TO CHAPTER 5, ABOLISH THE SECTIONS IN CHAPTER 20, AND AMEND THE ORDINANCE CONCERNING THE DUTIES OF PROPERTY OWNERS.

WHEREAS, the City of Williston previously enacted Ordinance 845 which, among other things, provided for an ordinance concerning the duty of a property owner or occupant to remove snow, and

WHEREAS, it is the intent of the City of Williston to establish new guidelines and procedures outlining the duty of owners and occupants to remove snow, and the remedies of the city therein; due to difficulty in enforcement of the current program; and

WHEREAS, it be declared that snow remaining on sidewalks for a period of time can be hazardous to the welfare and safety of the occupants of our city; and

WHEREAS, it is the intent of the City of Williston to move the ordinance governing the enforcement of snow removal from Chapter 20 to Chapter 5 of the city code of ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF WILLISTON, NORTH DAKOTA:

Article V of Chapter 20 of the Williston Code of Ordinances is hereby abolished and 5-288 is amended to read as follows:

Section 5-288. Duty of lot owners or occupants.

- (a) It shall be the duty of the occupant of every lot or parcel of land, and the owner of every unoccupied lot or parcel of land in the city adjoining any street, and along which sidewalks have been built, within the commercial business district to clear, the sidewalks on or along such parcels of land of all accumulations of snow and ice within ten (10) hours after the same has fallen or accumulated, or by 2:00 p.m. in the afternoon of the following day if the same shall have fallen or accumulated in the nighttime, and to keep such sidewalks free from accumulations of snow and ice.
- (b) It shall be the duty of each such occupant or owner that are not in the commercial business district to clear the sidewalks on or along the lots or parcels of land occupied or owned by him, of all snow and accumulations of ice within seven (7) days.
- (c) It shall be the duty of the owner of a lot or parcel of land where the sidewalk runs to an alley or other public way to clear snow and ice from said surface for one-half of the distance across the alley or public way or to the gutter line of the street.
- (d) No person shall dispose of snow removed from private property by placing it on any public street unless you are located in the downtown district. Persons cleaning or causing to be cleaned any parking lot, service station, yard or court shall remove snow to a suitable disposal point not on any public right-of-way, at his own expense.

Section 5-289. Violations and penalties.

Violations.

- (a) Any person, whether owner or occupant, who refuses or fails to keep sidewalks upon the property free from snow and ice shall be guilty of an offense and shall be subject to a penalty as follows:
- (b) Upon failure of the property owner to remove snow and ice, the city may take action to remove snow and ice and assess the property, as provided in N.D.C.C. § 40-29-18 through 40-29-21, and further described below.
 1. If snow and ice are not removed from sidewalks within the time and in the manner provided by the ordinances of the municipality, the snow and ice may be removed by or under the direction of the street commissioner and the necessary expense thereof shall be chargeable against the abutting property. Annually, on or before May first, the street commissioner shall make and file in the office of the city auditor a list showing separately the amount chargeable and assessed against each lot and tract and stating the name of the owner of each such lot or tract so far as known to the street commissioner.
 2. The city auditor shall give notice of the hearing and confirmation of the report of snow and ice removal and of the assessment therefor at the first regular June meeting of the governing body. Such notice shall notify all persons objecting to the report and assessment to appear and present their objections. The notice shall be published once each week for two consecutive weeks in the official municipal newspaper and the last publication shall not be less than eight days before the date set for the hearing.
 3. At the meeting of the governing body in June or at such later meeting as the hearing and confirmation of such assessment may be adjourned to, the governing body shall consider and hear any objection to the snow and ice removal assessment, or to any part thereof, and after revising or correcting the assessment, if revision or correction is necessary, it shall approve and confirm the same. The city auditor shall attach to the assessment list the city auditor's certificate that the list is correct as confirmed by the governing body and shall file the same in the city auditor's office, and shall certify the assessment in the manner provided in section 40-24-11 of the North Dakota Century Code.
 4. From the time any assessment list provided for in this chapter is approved by the governing body, the assessment, with interest and penalties thereon, shall be and remain a permanent lien upon the property upon which the assessment is levied until the assessment is paid in full, and it shall have precedence over all other liens except general taxes. Such lien shall not be divested by any judicial sale, and no mistake in the description of the property assessed nor in the name of the owner thereof shall defeat such lien if the property assessed can be identified by the description in the assessment list.

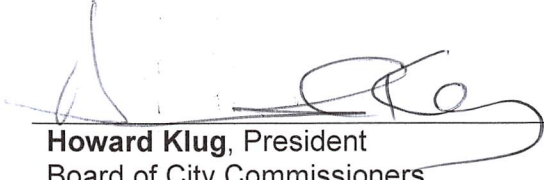
Penalties.

Any person who interferes with or hinders the removal of said snow and ice by the city, shall be guilty of a class B misdemeanor.

This ordinance shall be in full force and effect upon its final passage and approval.

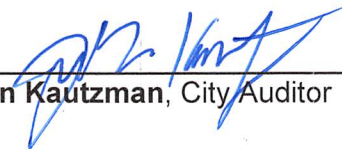
Commissioner Piesik moved the adoption of the foregoing Ordinance. The Motion was seconded by Commissioner Cymbaluk. On roll call vote of the Commissioners vote "AYE": Piesik, Cymbaluk, Brostuen, and Klug, and the following Commissioners vote "NAY": None. Absent and not voting: Bekkedahl.

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 27th day of December, 2016.



Howard Klug, President
Board of City Commissioners

ATTEST:



John Kautzman, City Auditor

First Reading: September 27, 2016

Second Reading: December 27, 2016

Published: January 4, 2017