

Chapter 31

Snow Removal

Section 31-1 Snow removal.

No vehicle, trailer, boat, motorcycle, snowmobile, or other personal property shall be located between the sidewalk and street for a period in excess of seven (7) days without being moved during the months of November, December, January, February, and March.

Any vehicles parked on any street right-of-way during snow removal operations are parked at the risk of the owner or operator, and the city assumes no liability for any damage to such vehicles resulting from snow plowing or snow removal.

The city street department or any law enforcement official within the city is authorized to remove and tow away any vehicle, trailer, boat, motorcycle, snowmobile, or other personal property located in violation of this Section. The towed property shall be stored until such time as the owner makes payment for towing and storage charges set by resolution of the city council.

Section 31-2 Duty of owner or occupant - Removal by city - Cost assessed.

It shall be the duty of the owner 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 from snow and ice at all times. When it is impossible to take the snow and ice from such walk by reason of its being frozen to the sidewalk, the owner or occupant shall sprinkle or spread some suitable material upon the same to prevent the walk from becoming slippery and dangerous to travel. If the owner or person in possession or in charge of said lots, parcels or plots of ground, fails or refuses to remove the snow or ice from such sidewalks within six (6) hours after a snowfall or ice storm, the city may remove or cause to be removed said snow or ice, and assess the cost thereof against the fronting or abutting property.

Section 31-3 Duty of owner or occupant in business district - Removal by city - Cost assessed.

It shall be the duty of the owner or person in possession of or in charge of any sidewalk in the business district along Fifth Street to keep such sidewalk free from snow and ice during normal business hours. Normal business hours are defined as the hours of 8:00 a.m. to 6:00 p.m. from Monday to Saturday. When it is impossible to remove the snow and ice from such walk by reason of its being frozen to the sidewalk, the owner or person in possession or in charge shall sprinkle or spread some suitable material upon the same to prevent the walk from becoming slippery and dangerous to travel. If the owner or person in possession or in charge of said lots, parcels or plots of ground, fails or refuses to remove the snow or ice from such sidewalks during normal business hours the city may remove or cause to be removed said snow or ice, and assess the cost thereof against the fronting or abutting property.

Section 31-4 Method of assessment.

The mayor shall cause an account to be kept against each lot, parcel, or plot of ground, for the removal of snow from the sidewalk each year, and the same shall be certified to the finance officer on or before the 15th day of May each year. The finance officer shall prepare an estimate of the assessment against each lot for the removal of snow for the preceding year, winter and fall, and submit the same to the city council for its approval on or before the 1st day of June, each year, and shall publish in the official newspaper a notice to property owners of the time and place when the city council will meet for the purpose of approving such estimate.

Upon the day so named, the city council shall meet, and if they find said estimate correct, shall approve the same (as modified and corrected) and file such assessment with the 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 said assessment and shall be collected in like manner as special assessments are now collected for public improvements.

Section 31-5 Snow Creating Nuisance. (Added April 5, 2011)

No person shall remove snow from private property and place the same upon the streets, public ways or sidewalks of the city, except it shall be lawful for a person to remove snow which shall naturally be upon the sidewalks and place the same upon the streets and ways of the city. Nor shall any person move snow from the streets, alleys and ways of the city and pile or place it in such a manner as to create a public nuisance as that term is defined in Section 22-2.

Street as used in this section shall mean that portion dedicated to the public, including those areas adjoining the traveled portion of the street which are commonly used for parking.

In addition to the general penalty for violating an ordinance of the city as set forth in Section 1-9, such person causing a snow nuisance shall also be responsible for the cost of removing such nuisance. The cost of removing a nuisance shall be the actual cost incurred by the city or based upon the labor and equipment rental rates policy of the City of Menno, whichever shall be more. If such cost is not paid by such person causing the snow nuisance within 30 days of being presented with a statement for such cost, the cost may be assessed against the property abutting the location from where the snow originated.