



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

In control: City Council

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Title: Amending Chapter 113 of the Legislative Code as it pertains to snow and ice on sidewalks.

Sponsors: Russ Stark

Indexes: Ward - all

Code sections:

Attachments: 1. Proposed Snow Walk Ordinance Amendment, 2. Wetzels-Moore - Sidwalk Ord. email, 3. Smart Trips - Sidwalk Ord. Ltr of Support, 4. Schallberg - Sidwalk Ord. support email, 5. Hamline Midway Support email

Date	Ver.	Action By	Action	Result
9/24/2015	1	Mayor's Office	Signed	
9/23/2015	1	City Council	Adopted	Pass
9/16/2015	1	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
9/2/2015	1	City Council	Continue Public Hearing	Pass
8/26/2015	1	City Council	Laid Over to Third Reading/Public Hearing	
8/19/2015	1	City Council	Laid Over to Second Reading	

Amending Chapter 113 of the Legislative Code as it pertains to snow and ice on sidewalks.
THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

Chapter 113. - Snow and Ice on Sidewalks

Sec. 113.01. - Definitions.

Department. ~~The term "department," as defined in this chapter, shall mean~~ The department of public works or its designee.

Owner. ~~The term "owner" shall mean~~ The fee owner and/or contract purchaser of the building or lot as listed on the records of the Ramsey County Department of Property Taxation.

Occupant. ~~The term "occupant" shall mean~~ The tenant or tenants with respect to one- or two-family dwellings, the manager or person having care, custody or control of the building or lot with respect to three-family or larger dwellings, commercial businesses, industrial premises, vacant lots, or unoccupied buildings.

Last known address. ~~The term "last known address" shall be~~ That address for the owner or occupant as shown on the records of the Ramsey County Department of Property Taxation.

Verified abatement. A single complaint within the preceding 365 day period regarding a violation of 113.02 in which the procedures outlined in 113.04 (a) were followed and upon inspection, the sidewalk was found to be in violation of 113.02 and in which the snow and/or ice were abated by the department.

(Ord. No. 17187, 11-27-84)

Sec. 113.02. - Snow and ice removal from sidewalks.

The owner or occupant of any building or lot abutting a public sidewalk is responsible for and shall remove any accumulation of snow and/or ice from said public sidewalk within twenty-four (24) hours after the snow and/or ice has ceased to fall, gather or accumulate.

(Ord. No. 17187, 11-27-84)

Sec. 113.03. - Nuisance.

Snow and/or ice which is allowed to remain upon any public sidewalk in the City of Saint Paul for a period of longer than twenty-four (24) hours after the snow and/or ice has ceased to fall, gather or accumulate thereon is hereby declared to be a nuisance. The department is authorized to remove the snow and/or ice or arrange for the removal of same and charge the costs incurred against the abutting property.

(Ord. No. 17187, 11-27-84)

Sec. 113.04. - Notice.

(a) If no verified abatement within the preceding 365 day period exists, before the department shall abate such nuisance, it shall serve or cause to be served upon the owner or occupant of the abutting property a written notice informing the property owner or occupant that a complaint has been received by the city indicating the ice and/or snow has not been removed from the sidewalk within twenty-four (24) hours after the snow and/or ice has ceased to fall, gather or accumulate. Such notice shall describe the location of the snow and/or ice and inform the owner or occupant that the department will inspect the property no earlier than forty-eight (48) hours from the date of the notice to ascertain whether a nuisance exists. If upon inspection by the department the sidewalk is found to be in violation of Section 113.02, the department may immediately schedule abatement by the department or a private contractor.

(b) If a verified abatement within the preceding 365 day period exists, before the department shall abate such nuisance, it shall inspect the property and shall serve, or cause to be served upon the owner or occupant of the abutting property a written notice informing the property owner or occupant that a complaint has been received by the city indicating that the ice and/or snow has not been removed from the sidewalk within twenty four (24) hours after the snow and/or ice has ceased to fall gather or accumulate and that an inspection has verified that the nuisance condition exists. Such notice shall describe the location of the snow and/or ice and inform the owner or occupant that the department will be creating a work order directing the abatement of any remaining snow and/or ice within 24 hours from the date of the notice.

(Ord. No. 17187, 11-27-84; Ord. No. 17332, § 1, 2-27-86; Ord. No. 17710, § 1, 2-6-90)

Sec. 113.05. - Alternative abatement methods.

The department may, in cases of extreme hardship or difficulty, require in the notice an additional or alternative method of abatement including, but not limited to, sanding or salting of the sidewalk.

(Ord. No. 17187, 11-27-84; Ord. No. 17710, § 1, 2-6-90)

Sec. 113.06. - Service of notice.

Service of the notice may be completed by personal service, service by mail, or by posting.

(1) Personal service. Service of the notice may be completed by personal delivery of a copy to the owner or occupant or, in situations where the owner or occupant is not available, by leaving a copy of the notice with some person of suitable age and discretion at the owner's or occupant's last known address as defined in Section 113.01 or, if applicable, by leaving a copy with a person of suitable age and discretion at the premises where the nuisance exists.

(2) Service by mail. Service of the notice may also be accomplished by mailing the notice to the last known address of the owner or occupant. Service by mail is complete upon mailing.

(3) Service by posting. Service of the notice may also be completed by posting a copy thereof in a conspicuous place upon the premises where the nuisance exists.

(Ord. No. 17187, 11-27-84; Ord. No. 17710, § 1, 2-6-90)

Sec. 113.07. - Abatement assessment; lien.

If after forty-eight (48) hours following the service of such notice the nuisance has not been abated, the city shall cause its abatement by the department or a private contractor. An accurate record of the costs incurred therein shall be kept by the department and reported to the real estate section of the office of financial services. The total costs of this abatement, including the administrative costs incurred by the real estate section of the office of financial services in processing the abatement, shall be assessed as a special assessment against the abutting real property in the manner provided for in Chapter 14 of the City Charter and shall be collected in accordance with those applicable provisions of Chapter 64 of the Saint Paul Administrative Code.

(Ord. No. 17187, 11-24-84; Ord. No. 17710, § 1, 2-6-90; C.F. No. 04-182, § 1, 3-3-04; C.F. No. 09-348, § 1, 4-23-09)

Sec. 113.08. - Penalty.

Notwithstanding the above provisions, any owner or occupant who has been served an order to remove a nuisance pursuant to section 113.04 and has failed to abate the nuisance within the time specified in said order shall be guilty of a ~~petit~~ petty misdemeanor and may be fined up to a maximum of one hundred dollars (\$100.00).

(Ord. No. 17187, 11-27-84; Ord. No. 17332, § 2, 2-27-86)