

CHAPTER 10-2 SNOW AND ICE REMOVAL

10-2-1

REQUIRED

It shall be the duty of the owner or occupant of any lot or parcel of land in the City abutting on any sidewalk to keep such sidewalk free from snow and ice accumulation. Within forty-eight (48) hours after the termination of any snowfall, the snow accumulation shall be removed. Where, however, it impossible to keep the sidewalk clear due to frozen conditions, then said owner or occupant shall sprinkle or spread some suitable material on the sidewalk to prevent it from becoming dangerous to travel.

Legislative History:

Ordinance No. 176, §7, 3/7/88, in part.
Ordinance No. 440, 3/17/09
Ordinance No. 574, 2/5/19

Authority:

SDCL § 9-30-5.

Opinions of the Attorney General: Statute on ordinance requiring abutting owner or occupant to remove snow and ice from sidewalk as affecting liability for injuries.

10-2-2

RESERVED FOR FUTURE USE

10-2-3

CITY TO REMOVE; COSTS

If the owner or person in charge of the lot fails or refuses to remove the snow and/or ice from the sidewalks within twenty-four (24) hours after written notice has been posted on the property, the City shall have the snow and/or ice removed and charge the costs thereof against the abutting property the sum established by the resolution of City Council.

Legislative History:

Ordinance No. 176, §8, 3/7/88 in part.
Ordinance No. 574, 2/5/19.

Authority:

SDCL § 9-30-5.

10-2-4

RESERVED FOR FUTURE USE

10-2-5

HEARING; LIEN

Upon the date so named, the City Council shall meet and, if it finds the estimate correct, it shall approve the same, or if not correct it shall correct or modify the same, and approve the same as modified or corrected and file such assessment with the City Finance Officer. From the date of such approval and filing, the same shall be and become a special lien against and upon the different pieces or parcels of property described in said assessment, and shall be collected in like manner that special assessments are now collected for public improvements.

Legislative History:

1990 Revisions.

Authority:

SDCL § 9-30-5.

10-2-6

DEFINITION OF "STREET"

"Street" shall mean the entire width of any public roadway within the City and it shall not be limited to those roadways designated as a street but include avenues and all other names by which public roadways are designated, but shall not include alleys or alleyways.

Legislative History:

Ordinance No. 176, §1, 3/7/88 in part.

Authority:

When this is combined with other sections try SDCL § 9-29-3; See Also SDCL § 2-14-4.

10-2-7

DEFINITIONS: REMOVAL ALERTS

SNOW REMOVAL ALERT: shall mean such times as there is a snow accumulation on the public streets of three (3) inches or more, or such times as the City Administrator or mayor declares that snow removal operations on the public streets will commence and that the provisions of this article in regard to parking on public streets during snow removal operations are effective and will be enforced.

Legislative History:

Ordinance No. 176, §1, 3/7/88.
1997 Revision,
Ordinance No. 259 2/18/97

Authority:

SDCL §§ 9-29-3, 9-31-1;
See Also SDCL § 9-14-4.

10-2-8

DECLARATION OF SNOW REMOVAL ALERT

A snow alert will occur automatically with the accumulation of three (3) inches of snow on the public streets or when the person designated determines that snow removal from the public streets will commence, that person will announce through local news media and whatever other sources are available that there has been declared a snow removal alert and that the provisions of this chapter will be effective and be enforced, designating a particular date and time when such alert shall commence. The determination to declare a snow removal alert will be based on the then existing weather conditions and the amount of snow then on the ground or expected according to forecasts for the national weather service.

Legislative History:

Ordinance No. 176, §2, 3/7/88.
1997 Revision, Ordinance No. 259, 2/18/97

Authority:

SDCL §§ 9-29-3, 9-31-1;
See Also SDCL § 9-14-4.

10-2-9

PARKING DURING SNOW REMOVAL ALERT IN ALL AREAS OF THE CITY

Parking on any public street of the City will be completely prohibited, on both sides and regardless of the directional run of that street, during the existence of a snow removal alert.

Legislative History:

Ordinance No. 176, §3, 3/7/88.

Authority:

SDCL §§ 9-29-3, 9-31-1;
See Also SDCL § 9-14-4.

10-2-10

VIOLATION DEEMED PROHIBITED PARKING

Parking contrary to and in violation of Section § 10-2-9 shall be deemed prohibited parking.

Legislative History:

Ordinance No. 176, §4, 3/7/88.

Authority:

SDCL §§ 9-29-3, 9-31-1;
See Also SDCL § 9-14-4.

10-2-11

TERMINATION OF SNOW REMOVAL ALERT

After a snow removal alert has been declared, there will be no declaration of its termination, but such alert shall terminate and the provisions of Section § 10-2-9 become not effective nor enforceable as to any particular street or portion of a street, as soon as that street or portion thereof has been plowed and cleared of snow accumulation, curb to curb, after which normal parking may be resumed until the next declared snow removal alert.

Legislative History:

Ordinance No. 176, §5, 3/7/88.

Authority:

SDCL §§ 9-31-1, 9-32-1, 9-30-5.

10-2-12

DISPOSAL OF SNOW

- A. It shall be the duty of the property owner, tenant or person in possession of any public or private driveway, parking lot or parking area to dispose of accumulated snow upon such property in such a manner that any snow when removed shall not be deposited upon any sidewalk, within or upon any public street or alley, or in any manner that will obstruct or interfere with the passage or vision of vehicle or pedestrian traffic.
- B. It shall be the duty of the property owner, tenant or person in possession of any property abutting on any sidewalk to dispose of accumulated snow upon such sidewalk in such a manner that any snow when removed shall not be deposited within or upon any public street or alley, after such public street or alley has been cleared of snow by the grading of such snow away from the curb or the picking up and carrying away of such snow by the City.
- C. It shall be the duty of any person who removes snow from any public or private driveway, parking lot or parking area, to dispose of accumulated snow upon the property from which it was removed in such a manner that such snow shall not be deposited upon any sidewalk, within or upon any public street or alley, or in a manner that will obstruct or interfere with the passage or vision of vehicle or pedestrian traffic.

Legislative History:

1997 Revision, Ordinance No. 259
2/18/97

Authority:

SDCL 9-31-1
SDCL 9-29-13,

10-2-13

DISPOSAL OF SNOW FROM AROUND MAILBOXES

It shall be the duty of the property owner, tenant or person in possession of any mailbox located upon a driveway, parking lot or public right-of-way to remove and dispose of accumulated snow from the immediate area around the mailbox in such a manner so as

not to obstruct or interfere with the delivery or collection of the United States mail.

Legislative History:
Ordinance No. 176, §9, 3/7/88.

Authority:
SDCL §§ 9-31-1, 9-32-1,
9-30-5; Also try § 9-29-3.

10-2-14

VIOLATIONS CITED BY POLICE OFFICERS

In the event any owner, tenant, person in possession of any property or any person who removes snow from any public or private property is found to be in violation of any provision of this ordinance, any police officer may issue a citation for such violation.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-31-1.

10-2-15

RESTRICTED PARKING IN ALLEYS

In the event of a snow removal emergency as defined by section § 10-2-7, parking in alleys shall be permitted; provided, however, no person shall park or allow to remain parked any motor vehicle or trailer on any public alley in the City so as to obstruct emergency traffic.

Legislative History:
1990 Revisions.

Authority:
SDCL § 9-31-1.

10-2-16

NO AUTHORIZATION FOR OTHERWISE PROHIBITED OR RESTRICTED PARKING

Nothing in this chapter authorizes parking of a vehicle where otherwise prohibited or restricted by signs or otherwise.

Legislative History:
1990 Revisions.

Authority:
SDCL §§ 9-31-1, 9-29-3.

10-2-17

FINES

The fine for prohibited or restricted parking as set forth in section § 10-2-8 and section § 10-2-9 in a street or alley shall be as established by resolution of the City Council.

The fine for violation of 10-2-12 (a), (b), and (c) shall be established by resolution of the City Council.

All fines for violations of 10-2-8, 10-2-9, and 10-2-12 (a), (b), and (c) shall be payable at the Brandon City Hall within seventy-two (72) hours from issuance. In the event of a failure to pay such fine within seventy-two (72) hours or in the event of a not guilty plea the matter shall be heard by the magistrate court of the Second Judicial Circuit which shall impose a fine not to exceed that amount permitted by the laws of the State of South Dakota.

In addition to any fine or fines provided herein, any vehicle or trailer parked in violation of section § 10-2-8 or section § 10-2-9 is hereby declared to be a public nuisance and may

be removed the owner's expense.

Legislative History:

1997 Revision; Ordinance No. 259;
1990 Revisions.
Cross-reference: SDCL 9-19-3.
Ordinance No. 344, 3/30/04

Authority:

SDCL §§ 9-31-1, & 9-29-13.