

ORDINANCE #100
MCVILLE, ND STREET AND SIDEWALK ORDINANCE
PROHIBITING THE REMOVAL OF SNOW, SLUSH OR ICE FROM PRIVATE PROPERTY
BY PLACING THE SAME UPON CITY STREETS, PUBLIC ALLEYS OR OTHER PROPERTY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCVILLE, NELSON COUNTY, NORTH DAKOTA,
PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF MCVILLE, NORTH DAKOTA.

Section 1. Removal of snow, slush or ice from private property by placing the same upon streets,
public alleys or other property prohibited

- a. **Generally.** It shall be unlawful for any party or entity, other than municipal employees in the performance of their duties, to throw, move, dump, deposit or permit to be deposited or scattered any snow or ice accumulated on private property, sidewalks or public passageway onto any street, public alley, or deliberately and directly upon the private property or abutting boulevard of another, except as otherwise permitted by this Ordinance.

To process citations for placing snow on the private property or abutting boulevard of another will require the signature of the complaining party and clear evidence of a violation.

- b. **Residential Exceptions.** Snow or ice may be deposited on the boulevard or area between the edge of the curb or paved surface of a street or alley and the sidewalk of the abutting property where the snow or ice is removed from. Snow or ice may also be deposited, in the event there is no boulevard, along the curb and gutter in the parking lane of the street or alley.
- c. **Commercial buildings.** In order to facilitate safe and adequate traffic flow and parking for customers and other business related activities, any person operating or conducting a business in any commercial building within the city shall be prohibited from depositing snow and ice from the premises along the curb and gutter in the parking or driving lanes of the street or public alley.
- d. **Commercial Exceptions** – subsection “c” of this section shall not apply to the sidewalk portions of the commercial building premises where a boulevard does not exist.
- e. **Violations and Fees** – For initial and subsequent violations thereof, any party violating any provision of this Ordinance shall have committed a noncriminal violation and shall pay the following fees:

- (1) Initial violation** – Written warning issued and copy of this Ordinance provided to the violator
- (2) Secondary violation** - \$100.00 fine
- (3) Third and subsequent violations** - \$250.00

Subject to the following procedures:

- (1) Any party who has been cited for a violation of this Ordinance may pay the statutory fee at the City Office within 15 days of the official violation notice. If stated fee is not paid after 15 days the city shall add this amount to the City Utility Statement. If a City Utility Statement for this party does not exist, thence the fine shall be applied and assessed onto the owner’s county property tax statement.
- (2) If the party cited for a violation under this Ordinance does not choose to follow any procedure provided under paragraph (1), that party may appear at the time scheduled in the citation at the next available city council meeting for a hearing. If the party does not appear at the designated city council meeting or hearing on the violation, the citation shall be deemed admitted and the amount shall be forfeited.

(f) – **Assessment of Costs** – In addition to the fees and fines imposed in Subsection “e”, if the City shall be forced to remove any snow, slush or ice so deposited, in violation of this section, the owner or occupant of the property from which the snow, slush or ice was removed shall be billed for the cost thereof by the City, and if such payment is not made when due, the same may be either be billed on the utility statement or assessed against the premise from which the snow, slush or ice was removed, and collected and returned in the same manner as other municipal taxes are assessed, certified, collected and returned, pursuant to Section 40-05-01.1 of the North Dakota Century Code.

Section 2. All ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be in full force and effect as respects the sections enacted herein after it’s final passage, approval and publication of it’s title and penalty clause applicable hereto.

APPROVED:

Robert Stanley, Mayor of McVile

ATTEST:

Renaë Arneson, City Auditor
Of McVile, Nelson County, ND

Introduction and First Reading March 7, 2011
Second Reading, Final Passage and Adoption April 12, 2011
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