

ORDINANCE # 177

ORDINANCE IMPOSING DUTY UPON ABUTTING PROPERTY OWNER TO KEEP SIDEWALKS FREE OF ICE AND SNOW AND, IN EVENT OF VIOLATION THEREOF, AUTHORIZING MUNICIPALITY TO REMOVE SAME AND TO ASSESS CHARGE AGAINST ABUTTING PROPERTY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HATTON, N DAKOTA.

SECTION 1; It is the duty of every abutting property owner to keep sidewalks free of ice and snow. Failure to reasonably do so is an offense punishable as a misdemeanor with a maximum fine of \$200.00.

Moreover, if snow and ice are not removed from sidewalks within five (5) days after written notification of the condition by the chairman of the streets committee to the abutting property owner, the snow and ice may be removed by or under the direction of the chairman of streets committee and the necessary expense thereof shall be chargeable against the abutting property. Annually, on or before May first, the chairman of the street committee 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 lot or tract so far as known to him.

SECTION 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 regular June meeting of the City Council. 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.

SECTION 3; At the meeting of the City Council in June or at such later meeting as the hearing and confirmation of such assessment may be adjourned to, the City Council 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 his certificate that the list is correct as confirmed by the City Council and shall file the same in his office, and shall certify the assessment in the manner provided in Section 40-24-11, NDCC.

SECTION 4; From the time any assessment list provided for is approved by the City Council, 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 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.

SECTION 5; This Ordinance shall take effect and be in force from and after its passage and acceptance.

1ST READING MAR 4-74

2nd reading & acceptance APR 11-74

L.A. Thompson
MAYOR

Attest: D. J. Hanson
Auditor