

ORDINANCE NO. 290

AN ORDINANCE AMENDING CHAPTER 136.03 OF THE CODE OF ORDINANCES OF THE CITY OF ELY, IOWA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELY, IOWA:

Section 1. Purpose. The purpose of this Ordinance is to provide a consistent notice procedure prior to removing snow at the abutting owners' expense when the City is compelled to remove snow from public sidewalks, and prior to assessing the cost of snow removal against the property.

Section 2. Amendment. The Code of Ordinances of the City of Ely, Iowa is amended as follows:

Chapter 136.03 REMOVAL OF SNOW, ICE AND ACCUMULATIONS.

The abutting property owner shall remove snow, ice, and accumulations promptly from sidewalks. If a property owner does not remove snow, ice, or accumulations within 24 hours, the City may do so and assess the costs against the property owner for collection in the same manner as a property tax. The abutting property owner may be liable for damages caused by failure to remove snow, ice, and accumulations promptly from the sidewalk. Abutting property owners in violation of this ordinance shall receive one written notice by certified mail at the beginning of the snow season when the first violation is noted, and said notice shall be mailed at least three (3) calendar days prior to the City removing the snow. If the abutting owner fails to retrieve the certified mail, a notice by regular mail shall suffice as notice. Thereafter, during the remainder of the snow season, abutting owners shall received a posted notice on the door of the residence or other conspicuous place on the property at least twenty-four (24) hours prior to the City removing the snow. The abutting owner will be charged an administrative fee of fifty dollars (\$50), plus time and materials at a rate of seventy-five dollars (\$75) per hour, prorated to the actual time spent by the contractor performing snow removal. Said fees and rates may be changed from time to time by resolution of the City Council.

(Code of Iowa, Sec. 364.12[2b & e])

Section 3. Repealer. All other sections of this Ordinance in conflict with these provisions shall be repealed.

Section 4. Severability. If any section, provisions or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall have no effect on the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

Attest: Luanne K. Miller
Luanne Miller, City Clerk

Eldrew Miller
Eldrew Miller, Mayor

ADOPTED: