

Chapter 9

**REMOVAL OF SNOW AND ICE**

- Sec. 9-1: Definitions
- Sec. 9-2: Public Nuisance
- Sec. 9-3: Owner to Remove
- Sec. 9-4: Notice
- Sec. 9-5: City May Abate
- Sec. 9-6: Public Offense

**Sec. 9-1. Definitions.**

A. *Owner.* Owner of record as determined from the records of the Latah County Assessor's office or such other records or information as the City may determine reasonable.

B. *Sidewalk.* Any concrete, asphaltic paving or brick material adjacent to a public right-of-way, whether within the public right-of-way or on private property, which is designed for pedestrian use.

**Sec. 9-2. Public Nuisance.**

The existence of snow and/or ice on sidewalks within the City which affect the safe pedestrian use of said sidewalks is hereby declared to be a public nuisance.

**Sec. 9-3. Owner to Remove<sup>1</sup>.**

It shall be the duty of every owner of any land, building, or lot within the City to remove snow and/or ice from adjacent sidewalks to permit the safe pedestrian passage upon said sidewalks bordering said property and to abate the nuisance set forth in this Chapter. This duty applies to natural snowfall; it does not extend to snow displaced onto sidewalks by City snowplows after an owner has removed natural snowfall.

(Ord. 83-5, 6/6/83)

**Sec. 9-4. Notice.**

Upon a determination that a parcel of property within the City is in violation of

this Chapter, the City or the Chief of Police shall cause notice, in writing, to be served upon the owner, tenant or person in control of said property, or to be posted upon property which is in violation of this Chapter.

Said notice shall require the owner, tenant and/or the person in control of said property, to abate said nuisance within twenty four (24) hours of the time of service or posting of notice.

**Sec. 9-5. City May Abate.**

If the property owner, tenant or person in control of the aforementioned property fails to abate the nuisance as provided in this Chapter within the twenty four (24) hour period provided in this Chapter, the City may cause the sidewalk adjacent to said property to be cleared of snow and ice. The City shall then bill the property owner for the City's reasonable costs in abating said nuisance.

Within ten (10) days of receipt of billing, the owner may request a hearing before the Council if the owner believes such billing was unjust. The Council shall confirm, modify or annul the charges made. Said charges may be collected in any manner consistent with the Idaho Code and shall constitute an outstanding lien on the property in violation.

**Sec. 9-6. Public Offense.**

A. The owner of any property who has allowed snow or ice to remain on the sidewalk abutting his or her property for a period of twenty four (24) hours, after notice as provided herein, shall be deemed guilty of a misdemeanor.

B. Where the City can demonstrate that tenant or individual other than the owner is responsible for maintaining the sidewalk free and clear of snow and ice and where such person has failed, after notice, to abate the nuisance as provided herein, such person shall be deemed guilty of a misdemeanor.

C. Each twenty four (24) hour period

---

<sup>1</sup> See also subsection 5-7-1(A) of this Code.

after notice during which said owner, tenant or person responsible for maintaining the property shall fail, refuse or neglect to remove snow or ice from the sidewalk adjacent to said property, shall give rise to a separate and distinct offense.

- D. Each violation of this Chapter shall be a misdemeanor. Any person(s) convicted of a violation of this Chapter shall be fined pursuant to this Code and the Idaho Code.

(Ord. 84-04, 1/23/84)