ORDINANCE 2038 PUBLIC WALKS; SNOW, ICE AND MUD REMOVAL FROM SIDE-WALKS

Winter weather will soon be upon us. The Gering City Council recently updated an ordinance that originated in 1929. The new amended ordinance allows 12 hours after the cessation of a storm to clear public walks; the previous ordinance was more restrictive. However, residents are still encouraged to follow the ordinance to provide a clear walk way for pedestrians. Thank you for your cooperation!

SECTION 1. SNOW, ICE AND MUD.
It shall be unlawful for the occupant of any lot or lots, or the owner of any vacant lot or lots within the corporate limits of the City of Gering, Nebraska, to allow snow, sleet, mud, ice or other substance to accumulate on the sidewalk contiguous thereto, or to permit any hard trodden snow, sleet, ice, mud or other substances to remain upon said sidewalk; ***but such sidewalk shall be cleaned within twelve (12) hours after the cessation of a storm.*** In addition, any snow, sleet, ice, mud or other substance which remains on a sidewalk contrary to the provisions of this section is hereby declared to be a public nuisance, in the discretion of Gering Street Superintendent or other agent of the City.

SECTION 2. NOTICE TO REMOVE.
Notice to remove such substance shall be made upon the owner or occupant of the premises, or their agent. If the person owning or occupying such premises be unknown or cannot be found, or if any reasonable service cannot be had upon any such owner, agent or occupant within this City, then such service of said notice shall be made by posting a notice in a conspicuous place on the premises; and in case the owner, agent or occupant shall fail to remove the ice, snow, mud or other substance forthwith, then it shall be the duty of the Street Superintendent, or other agent of the City to remove such substance, and the expense thereof shall be charged against the property and the owner thereof, and may be recovered by proper action in the name of the City or be chargeable against the property as a special assessment.

SECTION 3. EMERGENCY.
If the Street Superintendent or another agent of the City shall determine that an accumulation of snow, sleet, ice or mud is so unsafe, or is unsafe in a respect such that a delay in removal thereof would result in undue danger or other hazard to the persons or property, he or she may declare in writing that there exists an emergency requiring that the snow, sleet, ice or mud be removed immediately and order the appropriate city employees to remove the snow, sleet, ice or mud. The costs and expenses of such removal may be assessed as provided in this Chapter. The remedy provided in this section shall be cumulative with any other remedy provided in this Municipal Code, or otherwise available at law or in equity.

SECTION 4. REMOVAL BY STREET SUPERINTENDENT; VIOLATION, PENALTY.
In addition to the owners or occupants of any lot, lots or parcels of land being liable for the removal of such snow, ice, sleet, mud or other substance from the walks or paths abutting their property, upon complaint by the Street Superintendent or Transportation Coordinator, they may be charged by an officer of the City with committing an infraction, and, upon conviction thereof, shall be fined in any sum for each offense according to law (§ 10.99 GENERAL PENALTY).