

ORDINANCE NO. 1772

AN ORDINANCE TO AMEND SECTION 24-18; TO PROVIDE FOR SNOW REMOVAL ON SIDEWALKS; TO REPEAL ORIGINAL SECTION 24-18 AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA, AS FOLLOWS:

Section 1. That Section 24-18 of the Lexington City Code is hereby amended to read as follows:

Section 24-18. Removal of Snow.

The owner, occupant and person having control of any lots or real estate, along which there is a sidewalk, or of any lots or real estate along which a sidewalk may be constructed, shall remove all snow and sleet from the sidewalk within 48 hours after the same have fallen. The owner, occupant and person having control of such lot or real estate shall each be severally liable under all provisions of this article for the performance of the things required herein. Whenever any owner, occupant or person having control of any lot shall fail to remove such snow or sleet, the same shall constitute a nuisance, and said owner, occupant or person in control shall be notified of the existence of such nuisance by the City Manager, and if the nuisance is not abated within 3 days from the service of the notice, he shall be guilty of creating a nuisance. The notice may be served by personally handing a copy thereof to the owner, occupant or person in control, or by leaving at his usual place of residence, or in the event the owner is a non-resident of the city, and his residence is known, notice may be served upon him by certified mail.

In addition to the foregoing remedies, the City may clear away any snow and ice from any sidewalk as hereinbefore provided, or cause this to be done. The actual cost of such snow and ice removal shall immediately become due and payable and shall be collectable against the owner, occupant or person in control of such property by a suit at law. The City shall also have the power and authority to assess the actual cost of such snow and ice removal against the property abutting such sidewalk, and collect such cost in the same manner as a special assessment, by sale and conveyance of such property.

The owner, occupant and person having control shall be severally liable for damages in favor of any person who is injured by the failure or neglect of such owner, occupant or person having control to comply with the terms of this article. The owner, occupant or person having control of the property shall be deemed to have waived all right or claim to damages for injury caused on such property as a result of snow and ice removal by the City.

Section 2. That original Section 24-18 and all ordinances of sections of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall be published in pamphlet form and take effect as provided by law.

PASSED AND APPROVED this 26th day of March, 1985.

CITY OF LEXINGTON, NEBRASKA

By Robert L. Hawks  
Mayor

ATTEST:

Jewell M. [Signature]  
City Clerk

