

VILLAGE OF NASHVILLE

SNOW REMOVAL ORDINANCE

Ordinance # 9-9-1999-D

1. **Clearing of sidewalks.** Any owner or occupants of any property located within the Village of Nashville, shall clear any accumulations of ice or snow from the public sidewalks adjoining the property within 24 hours of the accumulation or placement of snow or ice on the sidewalks.

2. **Notice of violation and order to abate.** Any person determined by the Police Department to be in violation of section (1) shall be given notice of the violation and ordered to abate the violation, as follows:

(a) **Service of notice and order.** The notice and order may be served by any one of the following means:

(i) In writing, by first-class mail, addressed to the owner of the property at the last know address as shown by the village tax records. The notice and order shall at the same time also be mailed to the occupants of the property, if different than the owner. If the notice and order are served by mail, they shall be deemed received by the addressee two mail delivery days after deposit in the United States mail.

(ii) In writing, posted at the property. The notice and order shall be deemed to have been served to the owner and/or occupant, as applicable, at the time the notice and order is posted at the property.

(iii) By providing the notice and order orally, either in person or by telephone. The oral notice and order shall be deemed to have been served to the owner and/or occupant, as applicable, at the time the oral notice and order are given. A written confirmation of the oral notice and order shall be mailed by the village to the person served within 5 days of the oral notice and order, provided that the failure to do so shall not affect the person's obligation to comply with the oral notice and order and shall not constitute a defense to a violation of section (1).

3. **Contents of notice and order.** To the extent known by the village, and as applicable under the circumstances, a notice and order under this section shall include:

(a) The date and time the notice was served.

(b) The name and address of the person (or persons) responsible for the violation.

(c) A description of the nature and location of the violations, and the provisions of this section violated.

(d) The minimum corrective actions required to abate the violation.

(e) A statement that the violation must be abated within 48 hours from the time notice was served.

(f) An order to abate the violation by the time specified in the order (which shall be 48 hours from the time notice and order are deemed to have been received as provided by this section).

(g) A statement indicating that if the violation is not abated as ordered, then the village may unilaterally act to abate the violation; that the costs to the village of any action by the village to abate the violation, plus an administrative fee and any applicable fines, shall be a personal debt of the person to the village which may be assessed by the village as a lien against the property until paid; and that the refusal to allow the village to abate an uncorrected violation shall constitute a separate and additional violation of this section.

4. **Abatement required.** Any person served with a notice and order as provided by this section shall abate the violation as specified by the order.

5. **Noncompliance with order; Abatement by village.**

(a) **Abatement by village.** If a person served with a notice and order fails or refuses to abate the violation as required by the order under this section within 48 hours of being notified of the violation, the village or its authorized representatives may enter the property and take any reasonable actions necessary to remove the ice and snow from the sidewalks and abate the violation.

(b) **Costs of Abatement: Delinquent payments: Lien.** The costs, including an administrative fee of \$25.00, as incurred by the village in abating the violation shall be immediately due and payable to the village by the owner of the property where the violation occurred. The village shall notify the property owner that the costs are due and owing by certified mail (return receipt requested), addressed to the property owner's last known address as shown by the city tax records. If the costs are not paid in full within 30 days of mailing the notification, they shall be delinquent. The amount of the costs plus any administrative fee shall be certified by the treasurer to the assessor for inclusion upon the next village tax roll. The amount included in the village tax roll shall be in a lien against the property which may be enforced and discharged by the village in the same manner as a tax lien. The costs of abatement, if any, recovered by the village shall be in addition to any civil fines, damages, expenses or costs payable to the village as a result of a violation.

(c) **Abatement by Village Not Defense to Violation.** The abatement by the village of a violation of this section and subsequent recovery of abatement costs

incurred by the village shall not be a defense to any action by the village against any person for the violation, including without limitation, any action by the village to collect civil fines, damages, expenses or costs as authorized by law.

6. **Nuisance per se; injunctive relief.** A violation of this section is deemed to be a nuisance per se. In addition to any other remedy available at law, the village may bring an action for an injunction or other process against a person, to restrain, prevent or abate any violation of this section.

7. **Severability.** The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court or competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

8. **Effective Date.** This Ordinance shall be in full force and effect within twenty days from its passage and publication according to law.

Ayes: Wheeler, White, Wolff, Kenyon, Pash, Dunham, Mapes.

Nays: none.

Passed - September 9, 1999

Effective - October 4, 1999

Dennis Mapes
Village President

Cathy Lentz
Village Clerk