



**ORDINANCE NO. 6058**

**AN ORDINANCE AMENDING SECTIONS 28-85, 28-86 AND REPEALING AND REENACTING SECTION 28-87 OF CHAPTER 28 (STREETS, SIDEWALKS, AND PUBLIC GROUNDS), ARTICLE III (USE AND CARE OF SIDEWALKS, STREETS, AND FLOOD CONTROL WORKS), DIVISION 1 (SIDEWALKS), CODE OF ORDINANCES, CITY OF MINOT, NORTH DAKOTA AND ALLOW THE CITY COUNCIL REGULATE SNOW AND ICE ON PUBLIC RIGHT-OF-WAYS AND SIDEWALKS.**

WHEREAS, the City of Minot is a political subdivision lawfully recognized in the state of North Dakota as a home rule city and possessing municipal powers and authority pursuant to its home rule charter and the provision of North Dakota Century Code (NDCC) § 40-05.1, as well as statutory provisions codified in NDCC 40-05-01; and

WHEREAS, the City of Minot has the authority, through its home rule charter, to adopt, amend, and repeal ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare, and penalties for a violation thereof, including the power to fix fees in the exercise of its governmental police powers; and

WHEREAS, The City Council desires to amend the existing Sections 28-85, 28-86 and 28-87, Chapter 28, Article III, Division 1, Code of Ordinances, to update and add enforcement provisions and penalties, clarify owner or occupant responsibilities, and remove abatement and assessment provisions; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINOT:**

**§1. That Section 28-85 of Chapter 28 (Streets, Sidewalks, and Public Grounds), Article III (Use and Care of Sidewalks, Streets, and Flood Control Works), Division 1 (Sidewalks) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended as follows:**

**Sec. 28-85. Sidewalks to be cleared of snow and ice; piling on public right-of-way restricted.**

- (a) The owner or occupant of any building, home, grounds, or premises abutting a street, shall keep the sidewalk, including any pedestrian curb ramps, abutting such premises reasonably clear of snow and ice. If the premises in question also abut on an alley, then the abutting sidewalk will be deemed to include the sidewalk crossing the alleyway (if any), up to the centerline of the alley.
- (b) When the premises abutting a street is owned by the city, any sidewalk, including any pedestrian curb ramps, abutting such premises shall be reasonably clear of snow and ice, in accordance with the city council approved snow plan.

**§2. That Section 28-86 of Chapter 28 (Streets, Sidewalks, and Public Grounds), Article III (Use and Care of Sidewalks, Streets, and Flood Control Works),**

**Division 1 (Sidewalks) of the Code of Ordinances, City of Minot, North Dakota, is hereby amended to enact section 28-86(d):**

**Sec. 28-86. Piling of snow and ice on public right-of-way restricted.**

- (a) No person shall deposit or cause any snow or ice to be deposited upon any city street or sidewalk; nor shall snow or ice be deposited or moved upon public or private property so as to create a traffic hazard or to interfere in any manner with the vision or view of a driver of a motor vehicle or pedestrian at or near street intersections or where traffic merges or near school/pedestrian crossings.
- (b) No person shall deposit any snow or ice removed from any parking lot, filling station area, driveways, or from any other private property upon any public or city property or city street or sidewalk.
- (c) No person shall deposit or cause any snow or ice to be deposited on or against any fire hydrant or traffic-signal-control device or traffic sign or appurtenance; or any loading and unloading area of a public transportation system or emergency access land.
- (d) The penalty for a violation of section 28-86 shall be a criminal infraction punishable with a fine of one hundred fifty dollars (\$150.00), except that if the violation is the second violation by the defendant within the previous twelve (12) months, then the fine shall be two hundred fifty dollars (\$250.00), or if the violation is the third violation by the defendant within the previous 12 months, then the fine shall be three hundred fifty dollars (\$350.00). The penalty for a fourth violation within the previous twenty-four (24) months, shall be a class b misdemeanor in accordance with section 1-8 of the Minot Code of Ordinances.

**§3. That Section 28-87 of Chapter 28 (Streets, Sidewalks, and Public Grounds), Article III (Use and Care of Sidewalks, Streets, and Flood Control Works), Division 1 (Sidewalks) of the Code of Ordinances, City of Minot, North Dakota, is hereby repealed and reenacted to read as follows:**

**Sec. 28-87 Failure to remove snow or ice from sidewalks; penalty.**

The owner or occupant of a property shall remove snow and ice within seventy-two (72) hours after the conclusion of a snow storm from any sidewalks and pedestrian curb ramps along or in front of any building, home, grounds, or premises. The penalty for a violation of section 28-87 shall be a criminal infraction punishable with a fine of one hundred fifty dollars (\$150.00).

**§4. This Ordinance shall become effective upon final passage and approval.**

PASSED FIRST READING: February 3, 2025

PASSED SECOND READING: February 18, 2025

ATTEST:

APPROVED:

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Mikayla McWilliams, City Clerk

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Tom Ross, Mayor