

Section 820 - Maintenance and Repair of Walks, Aprons and Vegetation

820.01. Definitions.

Subd. 1. "Current Service". The term means the removal from sidewalks accumulation of snow, ice, dirt and rubbish; cut or eliminate weed growth, grass or other rank vegetation.

Subd. 2. Driveway Apron. The term means a driveway area providing access to the property of an owner or occupant extending from a public street to the boundary of the property of said owner or occupant. (Amended ord. 98-810)

Subd. 3. Central Business District. For the purposes of this City Code section, this term means the properties abutting Mainstreet from the Park Lane intersection to 17th Avenue and the properties abutting 8th through 12th Avenues between 1st Street South and 1st Street North. (Amended Ord. 06-974)

820.03. Walks And Weeds. The owner or occupant of property adjacent to a public sidewalk, carriage walk, or driveway apron, shall maintain such areas in a clean and safe condition for pedestrians at all times and shall not allow snow, ice, dirt or rubbish to remain thereon longer than 12 hours after its deposit. (Amended Ord. 2006-975)

820.05. Public Nuisance. Failure of the owner and occupant to comply with the requirements of Section 820.03 by allowing such accumulations or growth shall be deemed to be a public nuisance.

820.07. Notice. Whenever the owner or occupant permits the continuance of a public nuisance as defined in Section 820.05, the City shall serve notice upon said owner or occupant by registered mail or personal service ordering such maintenance or removal within 48 hours following receipt of the notice and further notice that noncompliance will be followed by such maintenance or removal by the City at the expense of the owner or occupant and if unpaid, shall be made a special assessment against the property concerned as hereinafter provided. (Amended Ord.98-810)

820.08 Central Business District Notice. Whenever the owner or occupant of a Central Business District property fails to remove snow/ice accumulation from abutting sidewalks and therefore permits the continuance of a public nuisance as defined in Section 820.05, the City shall serve notice upon said owner or occupant by registered mail or personal service ordering such maintenance or removal within 24 hours following receipt of the notice and further notice that noncompliance will be followed by such maintenance or removal by the City at the expense of the owner or occupant and if unpaid, shall be made a special assessment against the property concerned as hereinafter provided. (Amended Ord. 2006-974)

820.09 Assessment. On or before September 1 of each year, the City shall list the total of all unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this Section. The City may then spread the charges against the benefited property as a special assessment pursuant to Minnesota Statute Section 429.101 and other pertinent statutes for certification to the County Auditor and collection for the following year with current real estate taxes due on said lots or parcels.

820.11 The City shall repair or replace carriage walks and driveway aprons when, in the opinion of the City Engineer and subject to Council approval, such facilities are found to be in a state of disrepair and pose a danger to the health and safety of the Public. Costs incurred shall be assessed against benefited property as a special assessment pursuant to Minnesota Statute 429.

820.13. Unused or abandoned curb cuts and driveway aprons shall be removed by the City and street, curb, gutter and boulevard restored in the event of street reconstruction, development or redevelopment of real property adjacent to such curb cut and apron or upon determination by the City that such unused or abandoned curb cut and apron impose a hazard to the health and safety of the public. Costs incurred shall be assessed against the benefited property as a special assessment pursuant to Minnesota Statute 429.

820.15. Notwithstanding the above provisions to the contrary, the City shall repair or replace public sidewalks at its own expense without cost to the owner or occupant of adjacent property.

820.17. Violation. Continuation of a public nuisance as defined in Section 820.05 in violation of this Ordinance or to interfere with a City employee or other authorized person in the performance of any current service following due notice to the owner or occupant of such lots or parcels is a misdemeanor violation of this Ordinance.

(This Section was amended in its entirety by Ordinance No. 95-772)(Amended by Ordinance 98-810)