

Ordinance No. 2002-3

AN ORDINANCE PROVIDING FOR THE MAINTENANCE AND REPAIR OF SIDEWALKS AND THE MAINTENANCE OF PROPERTY.

THE CITY COUNCIL OF ALTURA, MINNESOTA DOES ORDAIN AS FOLLOWS;

SECTION 1. Definitions:

Sidewalk. The term "Sidewalk" means an improved area of concrete designed for pedestrian traffic and located upon the public boulevards within the dedicated right of way of the City of Altura.

Current service. The term "Current service" in this ordinance means one or more of the following: Snow, ice, dirt or rubbish removal from sidewalks; weed elimination from the street grass plots adjacent to sidewalks or from private property repair of sidewalks; mowing of vacant lots and lawns; and mowing of private property which is not maintained to specifications or private property in poor maintenance condition.

SECTION 2.

Subdivision 1. All snow, ice, dirt, and rubbish remaining on a public sidewalk more than 24 hours after its deposit thereon is a public nuisance. The owner and/or occupant of any property adjacent to a public sidewalk shall use diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 24 hours after its deposit thereon.

Subdivision 2. The City may arrange to remove from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 24 hours after such matter has been deposited thereon or after the snow has ceased to fall. The City shall keep a record showing the cost of such removal adjacent to each separate lot and parcel and shall deliver such information to the city clerk.

SECTION 3. Weed Elimination and mowing.

Subdivision 1. Any weeds growing upon any lot or parcel of land outside the traveled portion of any street or alley in the City of Altura, other than areas zoned or used as Agricultural, to a greater height than 8 inches or which have gone or about to go to seed are a nuisance. The owner or occupant shall abate such nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property. Lawns, which exceed 6 inches in height, are considered a nuisance.

Subdivision 2. As ordered by resolution of the council, the city clerk shall post or notify by letter directing owners and occupants to destroy all weeds and conduct mowing declared by this ordinance to be a nuisance and stating that if not destroyed or mowed within ten (10) days after posting or notification by letter the weeds will be destroyed and /or mowing conducted by City at the expense of the owner and if not paid, the charge for such work will be made a special assessment against the property concerned.

SECTION 4. Repair of Sidewalks.

Subdivision 1. The owner of any property within the city abutting a public sidewalk shall keep the sidewalk in repair and safe for pedestrians. Repairs shall be made in accordance with standard specifications approved by the council and on file in office of the city clerk.

Subdivision 2. It shall be the duty of the City to make such inspections as are necessary to determine that public sidewalks within the city are kept in repair and safe for pedestrians. If the City finds that any sidewalk abutting on private property is unsafe and in need of repairs the City shall mark the area and serve a notice by postal mail or by personal service to the owner of the property and the occupant. The owner must have the sidewalk repaired and made safe within 60 days. If the owner fails to do so, the City will do so and all expenses thereon must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

Subdivision 3. If the sidewalk is not repaired in accordance with standard specifications approved by the council and on file in office of the city clerk within 60 days after receipt of the notice, the Council shall by resolution order the repair of the sidewalk and make it safe for pedestrians. The City shall keep a record of the total cost of the repair attributable to each lot or parcel of property and report such information to the city clerk.

SECTION 5. Personal Liability.

Subdivision 1. The owner or property on or adjacent to which a current service has been performed shall be personally liable for cost of such services. As soon as the service has been completed and the cost determined, the city clerk shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable to the office of the city clerk.

SECTION 6. Assessment.

On or before September 1st of each year, the clerk shall list the total unpaid charges for each type of current service against each lot or parcel to which they are attributable under this ordinance. The council may then spread the charge against the property benefited as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification to the county auditor and collection the following year along with current taxes.

SECTION 7. Penalty.

Any person who maintains a nuisance in violation of Section 1 or 2 and any person who interferes with a city employee or other authorized person in the performance of any current service under this ordinance is guilty of a misdemeanor under the current penalty of law, but a prosecution shall be brought for such violation only on the direction of the council.

SECTION 8. Severability.

In case any section of this ordinance is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected and other sections of the ordinance shall continue to full force and effect.

SECTION 9. Effective date.

This ordinance shall be in full force and effect from and after its passage and publication.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

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Mayor

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City Clerk