

## CHAPTER 72. MAINTENANCE AND REPAIR OF SIDEWALKS

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### 72. MAINTENANCE AND REPAIR OF SIDEWALKS

72.01. Definitions. The term "current service" as used in this chapter means one or more of the following: snow, ice, or rubbish removal from sidewalks; repair of sidewalks; or cutting and removal of weeds and grass.

72.02. Responsibility and Penalties. 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 the occupant of any property adjacent to a public sidewalk shall use due 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.

Subd. 2. Any person violating this section shall be issued an administrative citation under chapter 5.

Subd. 3. The administrative civil fine provided in this section is in addition to the cost recovery provisions in sections 72.10 and 72.11.

(3902, 1/5/09; 4046, 1/4/12)

72.03. Removal by City Engineer. The city engineer may remove from all public sidewalks all snow, ice, dirt, and rubbish beginning 24 hours after any such matter has been deposited thereon or after the snow has ceased to fall. The city engineer 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.

72.04. Owner to Repair Sidewalks. The owners 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 the permit requirements of Chapter 70 and the standard specifications approved by the council and on file in the office of the city clerk.

72.05. Inspections by City Engineer. The city engineer shall 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 engineer finds that any sidewalk abutting on private property is unsafe and in need of repairs, the city engineer shall physically mark the portion or portions of sidewalk that need repair and cause a sidewalk repair notice to be served by United States Postal Service upon the record owner of the property and the occupant if the owner does not reside within the city or cannot be found therein. The notice shall advise the owner that it is owner's responsibility to repair the marked sidewalk panels and shall order the owner to respond in writing to the city engineer within 30 days their intended option for repair of the

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marked sidewalk. If a property owner elects to undertake the sidewalk repair without city involvement, the repairs must be completed within 60 days of the date contained in the notice. The notice shall also state that if the owner fails to respond to the city engineer within the 30 days or fails to make the needed repairs within the time given, the city engineer will do so on behalf of the city at owner's expense. Finally, the notice shall state that the cost of any sidewalk repair work performed by the city shall be billed to owner and shall be made a special assessment against the property benefited thereby if not paid by owner. (3871, 6/2/08)

72.06. Repair by City Engineer. If the property owner fails to respond to the city engineer within the 30 days or fails to make the needed repairs within 60 days from the date on the notice, the city engineer shall repair the sidewalk and make it safe for pedestrians or order the work done by contract in accordance with law. The total cost of the repair attributable to each lot or parcel of property shall be reported to the city clerk. (3871, 6/2/08)

72.07. Section Repealed by Ordinance #3339 6/20/00

72.08. Section Repealed by Ordinance #3339 6/20

72.09. Section Repealed by Ordinance #3339 6/20

72.10. Owner Liability for Cost. The owner of property on which or adjacent to which a current service has been performed shall be personally liable for the greater of the actual cost of such service or such other service charge that the council may approve from time to time by resolution. As soon as the service has been completed and the cost determined by the city clerk with the assistance of appropriate city staff, a bill shall be prepared and mailed to the owner and thereupon the amount shall be immediately due and payable at the office of the city clerk. (3952, 1/20/10)

72.11. Assessment or Certification of Cost. From time to time the city clerk shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this chapter. The council may then spread the charges against property benefited as a special assessment under Minnesota Statutes, section 429.101 or certify unpaid charges to the county auditor for collection with the following year along with current taxes as otherwise provided for by state law or the charter. When unpaid charges are certified to the auditor for collection with taxes, the Council may use the notice, hearing and appeal provisions provided by Minnesota Statutes, chapter 429. In any appeal of unpaid charges certified to the auditor for collection with taxes, the sole issue to be determined by the court is the reasonableness of the charges. (3995, 11/15/10)

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(1133, 3/7/62; 1770, 7/1/74; 3293, 11/16/99; 33275/2/00; 3339, 6/20/00; 3871, 6/2/08; 3902, 1/5/09; 3952, 1/20/10; 3995, 11/15/10; 4046, 1/4/12)