

**Ordinance No. 106**

**An Ordinance Providing for the Removal of Snow, Ice, Dirt, and Rubbish from Sidewalks; the Elimination of Weeds from Public and Private Property; Removal or Elimination of Public Health or Safety Hazards from Private Property, Excluding Any Hazardous Building Included in Minnesota Statutes 463.15 to 463.26; Installation or Repair of Water Service Lines; the Repair of Sidewalks and Alleys; Removal of Unsound and Diseased Trees; and the Collection of the Costs of Such Work or Service when Done by the Municipality as a Special Assessment Against Property Benefited; and Providing Penalties for Violation**

**The City Council of the City of Nicollet does hereby ordain:**

**Section 1. Short Title.**

This Ordinance shall be known, cited, and referred to as the *Current Services Ordinance* except as referred to herein, where it shall be known as "this Ordinance."

**Section 2. Definition.**

The term "Current Service" as used in this ordinance means one or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in Minnesota Statutes 463.15 to 463.26; installation or repair of water service lines; repair of sidewalks and alleys; and removal of unsound and insect-infected trees from the public streets or private property.

**Section 3. Removal of snow, ice, dirt, and rubbish.**

**Subd. 1.** All snow, ice, dirt and rubbish remaining on a public sidewalk more than 12 hours after its deposit thereon is a public nuisance. The owner and the 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 12 hours after its deposit thereon.

**Subd. 2.** On or before November 1<sup>st</sup> of each year and at such other times as ordered by resolution of the Council, the city clerk shall publish once in the official newspaper a notice directing owners and occupants of property within the city to clear snow and ice declared by Subdivision 1 to be a nuisance and stating that if not so cleared within ten days after publication of the notice, the snow and ice will be cleared by the maintenance superintendent 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.

**Subd. 3.** The maintenance superintendent may remove from all public sidewalks all snow, ice, dirt, and rubbish beginning 12 hours after any such matter has been deposited thereon or after the snow has ceased to fall. He or she 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 4. Weed elimination.**

**Subd. 1.** Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the city to a greater height than six (6) inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent such nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property.

**Subd. 2.** On or before May 1<sup>st</sup> of each year and at such other times as ordered by resolution of the Council, the city clerk shall publish once in the official newspaper a notice directing owners and

occupants of property within the city to destroy all weeds declared by Subdivision 1 to be a nuisance and stating that if not so destroyed within ten days after publication of the notice, the weeds will be destroyed by the maintenance superintendent 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.

**Subd. 3.** If the owner or occupant of any property in the city fails to comply with the notice within ten days after its publication, the maintenance superintendent may cut and remove such weeds. He or she shall keep a record showing the cost of such work attributable to each separate lot and parcel and shall deliver such information to the city clerk.

**Section 5. Public health and safety hazards.**

When the city removes or eliminates public health or safety hazards from private property under the Public Nuisance Ordinance the administrative officer responsible for doing the work shall keep a record of the cost of such removal or elimination against each parcel of property affected and annually deliver such information to the city clerk. This section does not apply to hazardous buildings under the hazardous building law, Minn. Stat. §§ 463.15 to 463.26.

**Section 6. Installation and repair of water service lines.**

Whenever the city installs or repairs water service lines serving private property, the utility superintendent shall keep a record of the total cost of the installation or repair against the property and deliver such information to the city clerk annually by August 15 as to each parcel of property on which the cost has not been paid.

**Section 7. Repair of sidewalks and alleys.**

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

**Subd. 2.** The maintenance superintendent may make such inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If he finds that any sidewalk or alley abutting on private property is unsafe and in need of repairs, he or she may cause a notice to be served, by registered or certified mail or by personal 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, ordering such owner to have the sidewalk or alley repaired and made safe within fifteen (15) days and stating that if the owner fails to do so, the maintenance superintendent may do so on behalf of the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

**Subd. 3.** If the sidewalk or alley is not repaired within fifteen (15) days after receipt of the notice, the maintenance superintendent may report the facts to the Council and the Council may by resolution order the maintenance superintendent to repair the sidewalk or alley and make it safe or order the work done by contract in accordance with the law. The maintenance superintendent 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 8. Removal of unsound or diseased trees.**

**Subd. 1.** The Council shall determine by resolution from time to time what unsound or diseased trees shall be removed. Before any work is done pursuant to such resolution, the clerk shall, under the Council's direction, publish notice that the Council will meet to consider such projects. Such notice shall be published in the official newspaper at least once no less than two weeks prior to such meeting of the Council and shall state the date, time, and place of such meeting, the properties affected and the particular projects proposed, and the estimated cost of each project.

**Subd. 2.** At such hearing or at any adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed projects. The Council may thereupon adopt a resolution confirming the original projects with such modifications as it considers desirable and may provide for the doing of the work by day labor through the maintenance superintendent or by contract. The maintenance superintendent shall keep a record of the cost and the portion of the cost properly attributable to each lot and parcel of property abutting on the street or alley on which the work is done and shall report such information to the city clerk.

**Section 9. Personal liability.**

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

**Section 10. Assessment.**

On or before the Council's first regular September meeting of each year, the 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 ordinance. After notice and hearing as provided in Minn. Stat. § 429.061, the Council may then spread the charges against property benefited as a special assessment under Minn. Stat. § 429.101 and other pertinent statutes for certification to the county auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.

**Section 11. Severability.**

Every section, provision, sentence, or phrase of this Ordinance is separate from every other section, provision, sentence, or phrase of this Ordinance. If any section, provision, sentence, or phrase is adjudicated to be invalid by a court of competent jurisdiction, preempted by state or federal law, or otherwise held invalid, such judgement shall not invalidate any other section, provision, sentence, or phrase of this Ordinance.

**Section 12. Repeal.**

Ordinance No. 17, dated January 7, 1907, and entitled "An Ordinance Relating to Streets, Sidewalks, and Alleys" is hereby repealed.

**Section 13. Effective date.**

This ordinance shall be in full force and effect from and after its passage and publication of it or a duly approved summary.

**Adopted by the City Council of the City of Nicollet this 24<sup>th</sup> day of October, 2001.**

Signed:



R. Mark Blais, Mayor

Attested:



Claus Peukert, City Clerk