

ORDINANCE NO. 45

AN ORDINANCE PROVIDING FOR THE REMOVAL OF SNOW, ICE, DIRT
AND RUBBISH FROM THE 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, SECTIONS 463.15 TO 463.26;
INSTALLATION OR REPAIR OF WATER SERVICE LINES;
THE REPAIR OF SIDEWALKS AND ALLEYS;
SPRINKLING AND OTHER DUST TREATMENT OF STREETS;
THE TRIMMING AND CARE OF TREES AND REMOVAL OF UNSOUND AND
DISEASED TREES;
THE OPERATION OF A STREET LIGHTING SYSTEM;
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 UNDERWOOD DOES ORDAIN:

Section 1. 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 Section 463.15 to 463.25; installation or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets, repair of sidewalks and alleys; trimming and care of trees and removal of unsound and insect-infected trees from the public streets or private property and the operation of a street lighting system.

Section 2. Public Sidewalks

Subd. 1. All snow, ice, dirt and rubbish remaining on a public sidewalk more than twelve (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 twelve (12) hours after its deposit thereon.

Subd. 2. The City Council or other designated official shall remove from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning twelve (12) hours after any such matter has been deposited thereon or after the snow has ceased to fall. He 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

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 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 about June 1 of each year and at such other times as ordered by resolution of the council, the City Clerk shall publish one in the official newspaper a notice directing owners and occupants of property within the city to destroy all weeds declared by Subd. 1 to be a nuisance and stating that if not so destroyed within ten (10) days after publication of the notice, the weeds will be destroyed by the City Council or other designated official 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 (10) days after its publication, the City Council or other designated official shall cut and remove such weeds. He 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 4. Public Health and Safety Hazards

When the City removes or eliminates public health or safety hazards from private property under Ordinance No. 45, 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, Minnesota Statutes Section 463.15 to 43.26.

Section 5. Installation and Repair of Water Service Lines.

Whenever the city installs or repairs water service lines serving private property under Ordinance No. 45, the City Council or other designated official 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 6. 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 City Council or other designated official shall 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 shall 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 30 days and stating that if the owner fails to do so, the City Council or other official will 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 30 days after receipt of the notice, the City Council or other designated official shall report the facts to the council and the council shall by resolution order the City Council or other designated official to repair the sidewalk or alley and make it safe or order the work done by contract in accordance with the law. The City Council or other official 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 7. Street Sprinkling, Street Flushing, Tree Care, Etc.

Subd. 1. The council shall each year determine by resolution what streets and alleys shall be sprinkled or flushed, oiled, or given other dust treatment during the year and the kind of work to be done on each. The council shall also determine by resolution from time to time the streets on which trees shall be trimmed and cared for, the kind of work to be done, and what unsound trees shall be removed. Before any work is done pursuant to either of these resolutions, the City 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 streets affected and the particular projects proposed, and the estimated cost of each project, either in total or on the basis of the proposed assessment per front foot or otherwise.

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 shall thereupon adopt a resolution confirming the original projects with such modifications as it considers desirable and shall provide for the doing of the work by day labor through the City Council or other designated official or by contract.

The City Council or other designated official 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 8. Street Lighting System

The City Clerk shall keep a record of the cost of operation of the street lighting system for the twelve (12) months preceding September 1 of each year and the portion of the cost properly attributable during that period to each lot and parcel of property abutting on the street or alley in which the system is located. All such costs shall be collected in the manner provided by this ordinance.

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 September 1st of each year, 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 ordinance. After notice and hearing as provided in Minnesota Statutes Section 429.061, the council may then spread the charges against property benefited as a special assessment under Minnesota Statutes, Section 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. Penalty

Any person who maintains a nuisance in violation of Sections 2 and 3 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, but a prosecution shall be brought for such violation only on the direction of the council. If convicted of such violation, such person shall be subject to a fine of not more than \$300.00 or

imprisonment for not more than ninety (90) days, and the costs of prosecution in either case may be added.

Section 12. Separability.

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 in full force and effect.

Section 13. Effective Date.

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

THIS ORDINANCE was introduced on the 5th day of February, 1990, and adopted by the City Council of the City of Underwood, Minnesota on the 5th day of February, 1990.

Attest:

Approved:

/s/ Katy Johansen
City Clerk

/s/ Clarence A. Jensen
Mayor

Published in the Battle Lake Review on the _____ day of _____, 1990.