

ORDINANCE NO. 147

AN ORDINANCE REGULATING THE CONSTRUCTION AND MAINTENANCE
OF SIDEWALKS

The City Council of Adams do ordain as follows:

Section 1. Purpose: The City of Adams finds that a continuing program for the construction, repair and maintenance of sidewalks is necessary and in the best interest of the City, and the City Council may, in its discretion and for the public good require the construction of sidewalks, or require the removal of existing sidewalks, upon due notice and opportunity for hearing to the public and the affected property owners in the same manner as established for other improvements to be assessed to the abutting property owners.

Section 2. Permit Required: No person shall construct, repair or replace any sidewalk on any street, avenue or other public property in the City without first obtaining a permit; provided, however, that no permit shall be required for any construction or repair ordered by or made by the City. Every person desiring to construct, repair or replace any sidewalk shall make application for a permit to do so to the City Clerk on a form provided by the City Clerk, which form shall contain the name and address of the applicant and describe the location of the sidewalk and shall also describe the type of construction, repair or replacement thereof. Such application shall be accompanied by a five dollar (\$5.00) fee, as established by the City Council.

Section 3. Construction, Replacement or Repair: The City shall have the right to refuse the granting of any permit felt by the City Council not to be in the best interest of the public, considering public convenience, health and welfare, and property values. All sidewalks shall be constructed to the specifications established by the City and shall require that, inter alia: all new and replaced sidewalks shall be five (5) feet in width; all sidewalks shall slope one-fourth (1/4) inch per foot away from property line and the profile grade shall not exceed six (6) percent; all sidewalks shall be placed in the public right-of-way, near the property line; all sidewalks shall be concrete of four (4) inch thickness and placed on a four (4) inch gravel base; and all sidewalks at intersections shall be handicap accessible. If repairs to a sidewalk exceed eighty percent (80%) of total sidewalk area, then the entire sidewalk should be replaced.

Section 4. Duty of Adjoining Property Owner: It shall be the duty of the owner of any property within the City adjoining a public sidewalk to keep the sidewalk in repair and safe for pedestrians and this shall be understood to include the

obligation of replacing sidewalk previously removed. Furthermore, it shall be the duty of the owner and occupant of any such property to use diligence so as to remove snow, ice, dirt or rubbish from such sidewalk in accordance with Section 9 herein. Construction, repair, or removal of sidewalks shall be done at the cost of the adjoining property owner, who shall have the opportunity to pay for the project at any time before the next tax assessment roll is prepared by the City for submission to the County Auditor. Any such cost not paid for prior to the submission of the next annual assessment roll shall be placed on said roll for assessment against the adjoining property pursuant to Minn. Stat. §429.101 and other pertinent statutes for certification to the County Auditor for collection along with current real estate taxes.

Section 5. Duty of City: 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 or replacement, it shall cause a notice to be served, by registered 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 repaired or replaced and made safe within thirty (30) days and stating that if the owner fails to do so, the City will do so and the expense thereof must be paid by the owner, and that if unpaid, will be made a special assessment against the property concerned.

If the sidewalk is not repaired within thirty (30) days after receipt of the notice, the City Council shall repair the sidewalk and make it safe for pedestrians or order the work done by contract in accordance with law. The City Clerk shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

Section 6. Special Circumstances: Under special circumstances, such as the awarding of grants to the City for the purpose, or for projects of benefit to the City as a whole, or in other special cases in the discretion of the City Council, the City may share in the cost of creation or repair of sidewalks. Any such cost sharing by the City shall not obligate the City to maintain or repair said sidewalks at any future time.

Section 7. Owner Liability for Cost: The owner of property on which, or adjacent to which, a sidewalk has been constructed or repaired by the City shall be personally liable for the cost of such construction or repair. As soon as the service has been completed and the cost determined, the Clerk 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 Clerk.

Section 8. Removal of Public Sidewalks: No person or persons, firm, business, corporation or other entity shall remove a public sidewalk, or any section thereof, within the corporate limits of the municipality without the written consent of the City Council and in accordance with the permit requirement of Section 2 herein.

Section 9. Maintenance: All snow, ice, dirt and rubbish remaining on a public sidewalk more than forty-eight (48) hours after its deposit thereon is a public nuisance. The owner and 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 forty-eight (48) hours after its deposit thereon.

In the event that the owner and the occupant of any property adjacent to a public sidewalk fails to remove any snow, ice, dirt or rubbish from the sidewalk within forty-eight (48) hours after its deposit thereon, the City shall remove said nuisance as soon as possible beginning forty-eight (48) hours after any such matter has been deposited thereon. Additionally, the owner and occupant of any property shall keep tree branches which hang over sidewalks trimmed up to seven (7) feet in height above the sidewalk, for pedestrian safety.

The City Clerk shall keep a record showing the cost of such removal adjacent to each separate lot and parcel and shall prepare a bill and mail it to the owner and thereupon the amount due shall be immediately due and payable at the office of the Clerk.

Section 10. Vehicle Parking: No person shall park motor vehicles on sidewalks or any portion thereof within the City.


Section 11. Penalties: Any person violating any provision of this Ordinance is guilty of a petty misdemeanor, but a prosecution shall be brought for such violation only on the direction of the City Council. If convicted of such violation, such person shall be subject to a fine of not more than three hundred dollars (\$300.00) plus costs of prosecution in any case.

Section 12. Separability: In the event 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 according to law.

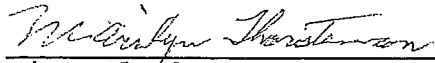
Passed by the Council this 6th day of December, 1994.

APPROVED:



Mayor

ATTEST:



City Clerk