

Section 805 – Special Assessment for Charges for Current Services

Section 805:00.      Definition.      The term “current service” as used in this section means one or more of the following: Snow, ice, dirt or rubbish removal from sidewalks; repair of sidewalks; and trimming and care of trees and removal of unsound trees from the public streets or private property.

Section 805:02.      Snow, Ice and Dirt, and Rubbish.

Subd. 1.      Snow, Ice, Dirt and Rubbish a Nuisance.      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 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 twelve (12) hours after its deposit thereon.

Subd. 2.      Removal.      The street commissioner 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 805:04.      Sidewalks.

Subd. 1.      Keep Sidewalks in Repair and Safe.      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 the office of the City Clerk.

Subd. 2.      Notice to Repair.      It shall be the duty of the street commissioner to make such inspections as are necessary to determine that public sidewalks within the City are kept in repair and safe for pedestrians. If he finds that any sidewalk abutting on private property is unsafe and in need of repairs, he shall cause a notice to be served, by 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 repaired and made safe within sixty (60) days and stating that if the owner fails to do so, the street commissioner 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.       Repair by City.       If the sidewalk is not repaired within sixty (60) days after receipt of the notice, the street commissioner shall report the facts to the Council and the Council shall by resolution order the street commissioner to repair the sidewalk and make it safe for pedestrians or order the work done by contract in accordance with law. The street commissioner 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.

Subd. 4.       Sidewalk Removal.   The removal of an existing sidewalk, in the City of Foley, is prohibited, unless it is replace with another sidewalk in accordance with standard specifications approved by the City Council, however in unusual circumstances and upon prior approval of the Foley City Council, a sidewalk may be removed and replaced with another material.

Section 805:04 Subd. 4 of the 1974 Code of Ordinances was amended by Ordinance Number 258, passed and adopted September 27, 1994.