

CHAPTER 47
CITY OF MAPLE LAKE

ORDINANCE REGULATING CURRENT SERVICES ASSESSMENT

47.01 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 463.26; installation or repair of water service lines; repairs of sidewalks and alleys; and trimming and care of trees and removal of unsound and insect infected trees from the public streets or private property.

47.02 PUBLIC SIDEWALKS

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 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.
2. The utilities supervisor shall, at the direction of the council, remove from those public sidewalks as the council shall designate all snow, ice, dirt, and rubbish as soon as possible beginning 24 hours after any such matter has been deposited thereon or after the snow has ceased to fall. He/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.

47.03 WEED ELIMINATION

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.
2. On or before June 1 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 47.03 a 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 utilities supervisor 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.
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 utilities supervisor shall cut and remove such weeds. He/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.

47.04 **PUBLIC HEALTH AND SAFETY HAZARDS**

When the city removes or eliminates public health or safety hazards from private property under Ordinance No. 16, Public Nuisances; Ordinance No. 23, Open Burning; Ordinance No. 24, Water and Sewer Systems; and Ordinance No. 39, Garbage Collection, 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, Sections 463.15 to 463.26.

47.05 **INSTALLATION AND REPAIR OF WATER SERVICE LINES**

Whenever the city installs or repairs water service lines serving private property under Ordinance No. 24, Water and Sewer Systems, the utilities supervisor 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 September 15 as to each parcel of property on which the cost has not been paid.

47.06 **REPAIR OF SIDEWALKS AND ALLEYS**

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.
2. The utilities supervisor 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/she finds that any sidewalk or alley abutting on private property is unsafe and in need of repairs, he/she 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 sixty (60) days and stating that if the owner fails to do so, the utilities supervisor 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.
3. If the sidewalk or alley is not repaired within 60 days after receipt of the notice, the utilities supervisor shall report the facts to the council and the council shall, by resolution, order the utilities supervisor to repair the sidewalk or alley, and make it safe, or order the work done by contract in accordance with the law. The utilities supervisor 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.

47.07 **TREE CARE**

1. The council shall 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 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.

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 utilities supervisor or by contract. The utilities supervisor 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.

47.08 **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.

47.09 **ASSESSMENT**

On or before September 1st 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 Minnesota Statutes Section 429.061, the council may then spread the charges against property benefitted 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.

47.10 **PENALTY**

Any person who maintains a nuisance in violation of 47.02 or 47.03 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, costs of prosecution in either case may be added.

47.11 **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.