

CHAPTER 3

ASSESSABLE SERVICES

SECTION:

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7-3-1: **DEFINITION:** The term "current service" as used in this Chapter 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 substandard and hazardous buildings included in Minnesota Statutes sections 463.15 to 463.26; 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. (1986 Code § 313; 1997 Code)

7-3-2: **SNOW, ICE, DIRT AND RUBBISH:**

A. **Owner And Occupant Responsibility:** 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. (1986 Code § 313.1)

B. **Removal By City:**

1. The Mayor shall direct removal 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. (1986 Code § 313.2)

2. City maintenance employees 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. (1986 Code § 313.3; 1997 Code)

7-3-3: **WEEDS:**

- A. Nuisance Declared: 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 eight inches (8") or which have gone or are about to go to seed are a nuisance. (1986 Code § 313.3)

- B. Owner And Occupant Responsibility: The owner and/or 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. (1986 Code § 313.3; 1997 Code)

- C. Notice To Abate: When the owner and/or occupant permits a weed nuisance to exist in violation of this Section, the Clerk shall serve notice upon the owner of the property if he resides in the Municipality and can be found or upon the occupant in other cases, by registered or certified mail or by personal service, ordering such owner or occupant to have such weeds cut and removed within ten (10) days after receipt of the notice and also stating that in case of noncompliance such work will be done by the City at the expense of the owner and that if unpaid, the charge for such work will be made a special assessment against the property concerned. When no owner, occupant or agent of the owner or occupant can be found, the provision for notice shall not apply. (1986 Code § 313.4; 1997 Code)

- D. Removal By City:
 - 1. If the owner or occupant of any property in the City fails to comply with the notice within ten (10) days after receipt, or if no owner or occupant can be found, the City shall cut and remove such weeds.

 - 2. City maintenance employees 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. (1986 Code § 313.5; 1997 Code)

7-3-4: **COSTS OF REMOVAL OR ELIMINATION:** When the City removes or eliminates public health or safety hazards from private property under City 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, Minnesota Statutes sections 463.15 to 463.26. (1986 Code § 315)

7-3-5: **OWNER LIABILITY:** The owner of property on which a current service has been performed or whose property abuts land outside the traveled portion of the street or alley on 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. (1986 Code § 317; 1997 Code)

7-3-6: **ASSESSMENT OF COSTS:** On or before September 1 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 Chapter. 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 (10), as the Council may determine in each case. (1986 Code § 319)