

ORDINANCE NO. 102, 2<sup>nd</sup> Series

AN ORDINANCE OF THE CITY OF ADRIAN, MINNESOTA, AMENDING ADRIAN CITY CODE, CHAPTER 7, ENTITLED "STREETS AND SIDEWALKS GENERALLY" BY AMENDING SECTIONS RELATING TO DEFINITIONS; APPLICATION; SCOPE, VIOLATION; SIDEWALK SNOW AND ICE REMOVAL; CITY STREETS SNOWPLOWING AND ICE CONTROL; OBSTRUCTIONS IN STREETS; REGULATION OF GRASS, WEEDS & TREES; AND SIDEWALK MAINTAINANCE AND REPAIR; AND, BY ADOPTING BY REFERENCE, CITY CODE CHAPTER I AND SECTION 7.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF THE CITY OF ADRIAN, MINNESOTA, DOES ORDAIN AS FOLLOWS:

Section 1. City Code, Section 7.01 through 7.03 is hereby amended to read:

**SEC. 7.01. DEFINITIONS.** Except as otherwise defined in the City Code, or where the context clearly indicates the contrary intent, the words and terms defined in Minnesota Statutes, Chapter 169, shall be applicable to City Code, Chapters 7, 8, and 9.

**SEC. 7.02. APPLICATION.** The provisions of this Chapter shall be applicable to all the Chapters, Sections, Subdivisions, Paragraphs and Provisions in the City Code and shall apply to all persons, property, vehicles, animals, etc. within the City of Adrian. This shall include, but not limited to, those owned or operated by the United States, the State of Minnesota, or any County, Town, City, District, or any other political subdivision.

**SEC. 7.03. SCOPE, VIOLATION, PENALTIES.**

Subd. 1. **SCOPE.** The provisions of chapters 7, 8, and 9 relate exclusively to the streets, sidewalks, and alleys in the city, and the operation and parking of vehicles upon such streets and alleys and they shall apply to all persons, property, vehicles, animals, etc. within the city of Adrian.

Subd. 2. **VIOLATION AND PENALTIES.** A violation of any chapter, section, subdivision, paragraph, or provision occurs when an individual performs an act herein declared prohibited or unlawful and each of the acts constitutes a misdemeanor offense. This includes the failure to follow the order or direction of a peace officer directing, controlling, or regulating traffic.

Subd. 3. **OTHERWISE UNLAWFUL.** The City of Adrian does not authorize an act or omission otherwise prohibited by law.

**SEC. 7.04. TRAFFIC AND PARKING CONTROL.**

Subd. 1. **COUNCIL ACTION.** No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this Section; provided, that when traffic and parking control is marked or sign-posted, such marking or sign-posting shall attest to Council action thereon.

Subd. 2. **TEMPORARY RESTRICTIONS.** The City, acting through the Chief of Police, may temporarily restrict traffic or parking for any private, public, or experimental purpose. It is the duty of the Chief of Police to so restrict traffic or parking when a hazardous condition arises or is observed.

Subd. 3. **TRAFFIC RESTRICTIONS AND PROHIBITIONS.** It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 4. **PARKING RESTRICTIONS AND PROHIBITIONS.** It is unlawful for any person to park a vehicle, except an emergency vehicle, contrary to lane restrictions or prohibitions painted on any curb, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 5. **DAMAGING OR MOVING MARKERS.** It is a misdemeanor for any person to deface, mar, damage, move, remove, or in any way tamper with any structure, work, material, equipment, tools, sign, signal, barricade, fence, painting or appurtenance in any street unless such person has written permission from the City or is an agent, employee or contractor for the City, or other authority having jurisdiction over a particular street, and acting within the authority or scope of a contract with the City or such other authority.

Section 2. City Code, Section 7.05 is hereby amended to read:

**SEC. 7.05.A SIDEWALK SNOW AND ICE REMOVAL.**

Subd. 1. **PURPOSE.** The purpose of this Ordinance is to require Owners and Occupants of property to be responsible for snow and ice removal from public sidewalks that are adjacent and abutting the public street, to prevent a public nuisance that may affect the health and safety of the general public.

Subd. 2. **DEFINITIONS.**

- A. "Owner" shall mean the person(s) listed on tax records for said property in the County.
- B. "Occupant" shall mean, but not limited to the tenant or tenants, property manager, custodian, etc. having control of said premises.
- C. "Sidewalk(s)" shall mean the area adjacent to or a portion of a street or highway which is designated for pedestrian use, and which is adjacent to the side or front yard of a lot, constructed of asphalt or concrete.
- D. "City Department" shall mean the City of Adrian Department of Public Works or any other person or persons designated for enforcement and given by the City Council and/or City Administrator.

Subd. 3. **REQUIREMENTS FOR REMOVAL OF SNOW AND ICE.**

- A. The Owner or Occupant having the care, custody, and control of any one and two-family structure shall have snow and/or ice removed from sidewalks within **forty-eight (48) hours** after such snow or ice incident has ceased to be deposited.
- B. The Owner or Occupant having the care, custody, and control of any structure(s) that are not designated as a one or two-family dwelling shall have snow and/or ice removed from sidewalks within **twenty-four (24) hours** after such snow or ice incident has ceased to be deposited.
- C. Snow and Ice shall be removed from the sidewalk in its entirety (width and length).

Subd. 4. **NUISANCE.** Snow and/or ice which are allowed to remain on sidewalks for a period longer than allowed in this section is subject to being declared a nuisance by the City of Adrian and/or City Department. The City Department is authorized to remove snow/ice or arrange for removal and charge incurred costs to the Owner or Occupant of abutting property.

Subd. 5. **NOTICE OF REMOVAL.** Before the City Department arranges to, or removes snow and/or ice, it shall first serve a written "Notice of Removal" to the Owner or Occupant of the abutting property. Such a notice shall describe the location of the property in question, applicable dates/times, and when the Department will re-inspect for compliance. If compliance is not satisfactory at the time of reinspection than the Department shall immediately schedule removal.

Subd. 6. **SERVICE OF NOTICE.** The City Department reserves the right to serve notices either by personal service, by mail, or postings.

Subd. 7. **CITY DEPARTMENT REMOVAL, COSTS.** If the City Department or private contractor hired by the City is tasked with removal, the Costs shall be charged to the Owner or Occupant. The City's total cost of removal shall include, but is not limited to removal costs, as well as administrative costs. If said costs/charges are not paid within thirty (30) days after the post-marked invoice, the City Council may assess costs against properties involved as per MN. Statue 429.101.

Subd. 8. **CITY LIABILITY.** At no time shall a claim be made against the City or its Departments due to the failure of any Owner or Occupant to comply with this section.

**SEC. 7.05.B CITY STREETS SNOWPLOWING AND ICE CONTROL.**

Subd. 1. PURPOSE. The City of Adrian continually reviews snow removal policies to efficiently remove snow and ice in a timely manner. The policies set forth are to ensure safe travel conditions.

Subd. 2. PROCEDURES. The Public Works Department, in collaboration with the Police Department will monitor street conditions for snow and ice and determine cleaning plans. The streets will be cleaned in an order based on function, traffic volume, and the level of importance to the community's welfare. Department supervisors retain latitude to adjust priorities based on conditions.

Subd. 3. COMMENCEMENT OF SNOW/ICE REMOVAL. Snow/ice removal operations shall commence under the direction of the department supervisors.

- A. A snow event with an accumulation of more than two inches (+2") with continual snowfall warrants the commencement of operations.
- B. A snow event under two inches (2") may warrant commencement of partial operations or full operations to minimize ice pack.
- C. Drifting of snow may warrant commencement of partial or full operations as needed to clear roadways.
- D. Icing of pavement would warrant the commencement of partial or full operations. The use of salt and/or gravel may be deployed.
- E. At any time, the City reserves the right to declare a Snow Emergency.

Subd. 4. SNOW EMERGENCY. In an event of snowfall in excess of two inches (2") with continual snowfall, or widespread hazardous road conditions, the City may issue a Snow Emergency. The public can be made aware of Snow Emergencies by contacting the City Offices. The city may also make residents aware of Snow emergencies by, but not limited to the following: emails, calls, radio announcements, postings. It shall be the obligation of City residents to be aware of the issuance of Snow Emergencies.

- A. Garbage/Recycling Containers. During a Snow Emergency, Garbage and/or Recycling containers shall be placed off street, via driveways or boulevard to allow for snow removal. It is the responsibility of the resident to see that containers are located so not to interfere with Snow Emergency Operations. If the City Department or private contractor hired by the City is tasked with removal of containers, the Costs shall be charged to the Owner or Occupant. The City's total cost of removal shall include, but is not limited to removal costs, as well as administrative costs.
- B. Street Vehicle Parking. Upon the City declaring a Snow Emergency, all public street parking is prohibited unless otherwise authorized. Vehicles or objects not removed during a Snow Emergency will be issued a parking ticket in an amount established by the City and authorized by MN Statute 169.999. If the vehicle is not removed within twelve (12) hours of posted notice, said vehicle is subject to towing/removal at the Owners expense.

**SEC. 7.06. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, SIDEWALK, CURB AND GUTTER.**

Subd. 1. METHODS OF PROCEDURE.

- A. Abutting or affected property owners may contract for, construct or reconstruct roadway surfacing, sidewalk or curb and gutter in accordance with this Section if advance payment is made therefor or arrangements for payment considered adequate by the City are completed in advance.
- B. With or without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, presently beginning with Section 429.011, as the same may from time to time be amended.

Subd. 2. PERMIT REQUIRED. It is a misdemeanor to construct or reconstruct a sidewalk, curb

and gutter, driveway, or roadway surfacing in any street or other public property in the City without a permit in writing from the City. Application for such permit shall be made on forms approved and provided by the City and shall sufficiently describe the contemplated improvements, the contemplated date of beginning of work, and the length of time required to complete the same, provided, that no permit shall be required for any such improvement ordered installed by the Council. All such applications shall contain an agreement by the applicant to be bound by this Chapter and plans and specifications consistent with the provisions of this Chapter and good engineering practices shall also accompany the application. A permit from the City shall not relieve the holder from damages to the person or property of another caused by such work.

Subd. 3. SPECIFICATIONS AND STANDARDS. All construction and reconstruction of roadway surfacing, sidewalk and curb and gutter improvement, including curb cuts, shall be strictly in accordance with standards prescribed by the City.

Subd. 4. INSPECTION. The City shall inspect such improvements as deemed necessary or advisable. Any work not done according to the applicable standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the City if found to be unsatisfactory or not in accordance with the standards, but this shall not place a continuing burden upon the City to inspect or supervise such work.

Section 3. City Code, Section 7.07 is hereby amended to read:

**SEC. 7.07. OBSTRUCTIONS IN STREETS.**

Subd. 1. OBSTRUCTIONS. It is a misdemeanor for any person to place, deposit, display or offer for sale, any fence, goods, or other obstructions upon, over, across or under any street without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measure for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

Subd. 2. FIRES. It is a misdemeanor for any person to build or maintain a fire upon a street.

Subd. 3. DUMPING IN STREETS. It is a misdemeanor for any person to throw or deposit in any street any nails, dirt, glass or glassware, cans, discarded cloth, clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease, or other petroleum products, or to empty any water containing salt or other injurious chemical thereon. It is a violation of this Section to haul any such material, inadequately enclosed or covered, thereby permitting the same to fall upon the streets. It is also a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the Council.

Subd. 4. SIGNS AND OTHER STRUCTURES. It is a misdemeanor for any person to place or maintain a sign, advertisement, or other structure in any street without first having obtained a written permit from the Council. In a district zoned for commercial or industrial enterprises special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon such terms and conditions as may be set forth in the zoning or construction provisions of the City Code.

Subd. 5. PLACING SNOW OR ICE IN A ROADWAY OR ON A SIDEWALK.

A. It is a misdemeanor for any person, not acting under the specific contract with the City or without special permission from the City, to remove snow or ice from private property and place it in any roadway or on a sidewalk.

B. Where permission is granted by the City the person to whom such permission is granted shall be initially responsible for payment of all direct or indirect costs of removing the snow or ice from the

street or sidewalk. If not paid, collection shall be by civil action or assessment against the benefited property as any other special assessment.

Subd. 6. CONTINUING VIOLATION. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.

Subd. 7. CONDITION. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

**SEC. 7.08. STREET OPENINGS OR EXCAVATIONS.** It is a misdemeanor for any person, except a City employee acting within the course and scope of his employment or a contractor acting within the course and scope of a contract with the City, to make any excavation, opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the City as herein provided.

Subd. 1. APPLICATION. Application for a permit to make a street excavation shall describe with reasonable particularity the name and address of the applicant, the place, purpose and size of the excavation, and such other information as may be necessary or desirable to facilitate the investigation hereinafter provided for, and shall be filed with the City.

Subd. 2. INVESTIGATION AND PAYMENT OF ESTIMATED COSTS. Upon receipt of such application, the City shall cause such investigation to be made as he may deem necessary to determine estimated cost of repair, such as back-filling, compacting, resurfacing and replacement, and the conditions as to the time of commencement of work, manner of procedure and time limitation upon such excavation. The foregoing estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of such investigation shall be included in such estimate.

Subd. 3. PROTECTION OF THE CITY AND THE PUBLIC.

- A. Non-Completion or Abandonment. Work shall progress expeditiously to completion in accordance with any time limitation placed thereon so as to avoid unnecessary inconvenience to the public. In the event that work is not performed in accordance therewith, or shall cease or be abandoned without due cause, the City may, after six hours notice in writing to the holder of the permit of its intention to do so, correct the work, fill the excavation and repair the public property, and the cost thereof shall be paid by the person holding the permit.
- B. Insurance. Prior to commencement of the work described in the application, the applicant shall furnish the City satisfactory evidence in writing that the applicant will keep in effect public liability insurance of not less than \$200,000.00 for any person, \$400,000.00 for an occurrence and property damage insurance of not less than \$50,000.00, issued by an insurance company authorized to do business in the State of Minnesota on which the City is named as a co-insured.
- C. Indemnification. Before issuance of a permit, the applicant shall, in writing, agree to indemnify and hold the City harmless from any liability for injury or damage arising out of the action of the applicant in performance of the work, or any expense whatsoever incurred by the City incident to a claim or action brought or commenced by any person arising therefrom.

Subd. 4. ISSUANCE OF PERMIT. The City shall issue such permit after (1) completion of such investigation, (2) payment by the applicant in advance of all estimated costs as aforesaid; (3) agreement by the applicant to the conditions of time and manner as aforesaid; (4) agreement in writing by the applicant to pay all

actual cost of repairs over and above such estimate, including cost of such investigation, and, (5) agreement in writing by the applicant to be bound by all of the provisions of this Section.

Subd. 5. REPAIRS. All temporary and permanent repairs, including back-filling, compacting and resurfacing shall be made, or contracted for, by the City in a manner prescribed by the City and an accurate account of costs thereof shall be kept.

Subd. 6. COST ADJUSTMENTS. Within sixty days following completion of such permanent repairs the City shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder an itemized statement thereof and claim additional payment from, or make refund (without interest) to, the permit holder, as the case may be.

Subd. 7. ALTERNATE METHOD OF CHARGING. In lieu of the above provisions relating to cost and cost adjustment for the street openings, the City may charge on the basis of surface square feet removed, excavated cubic feet, or a combination of surface square feet and excavated cubic feet, on an established unit price uniformly charged.

Subd. 8. EMERGENCY. During an emergency occurring during non-business hours or days, the Police Department may inspect and, upon making a determination that an emergency exists, waive a permit on the condition that one will be applied for within two (2) hours after the City offices are next open for business.

**SEC. 7.09. REGULATION OF GRASS, WEEDS AND TREES.**

Subd. 1. CITY TO CONTROL TREE PLANTING (STANDARDS). The City shall have control and supervision of planting shrubs and trees upon, or overhanging, all the streets or other public property. The City may establish and enforce uniform standards relating to the kinds and types of trees to be planted and the placement thereof.

Subd. 2. PERMIT REQUIRED. It is unlawful for any person to plant, spray, trim or remove trees or other plants which are upon City property, including rights-of-way, without first procuring from the City a permit in writing to do so.

Source: City Code

Effective Date: 01-01-1985

Subd. 3. DUTY OF PROPERTY OWNERS TO CUT GRASS AND WEEDS AND MAINTAIN TREES AND SHRUBS. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street right-of-way. If the grass or weeds in such a place attain an average height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provision herein requiring a permit therefor, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street right-of-way.

Source: Ordinance No. 62, 2<sup>nd</sup> Series

Effective Date: 12-06-2007

Subd. 4. CITY MAY ORDER WORK DONE. The City may in cases of failure to comply with this Section, perform work with employees of the City, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

**Subd. 5. NOTICE AND ASSESSMENT.**

- A. Notice. Once a failure to comply with the requirements of this section are identified, notice of such failures shall be given by the City to the affected Property Owner or Occupant. The notice shall state the property affected, and describe on-site conditions found to be non-compliant. The City shall allow recipient seven (7) days to cause such violation to be corrected; if such correction is not completed in time allotted, the City shall cause such corrections; that all costs thereof will be billed to the property Owner or Occupant payable within thirty (30) days.
- B. Assessment. In all cases where the City has performed maintenance to ensure compliance with City Ordinance, the costs, if not paid by the Property Owner or Occupant shall be assessed against said property pursuant to and in accordance with M.S. 429.101.
- C. Damages. The City will not be responsible for damages resulting from enforcement of this section.

**SEC. 7.10. CURB SET-BACK.**

Subd. 1. PERMIT REQUIRED. It is a misdemeanor for any person to hereafter remove, or cause to be removed, any curb from its position abutting upon the roadway to another position without first making application to the council and obtaining a permit therefor.

Subd. 2. AGREEMENT REQUIRED. No such permit shall be issued until the applicant, and abutting landowner if other than applicant, shall enter into a written agreement with the City agreeing to pay all costs of constructing and maintaining such set-back area in at least as good condition as the abutting roadway, and further agreeing to demolish and remove such set-back and reconstruct the area as was at the expense of the landowner, his/her heirs or assigns if the area ever, in the Council's opinion becomes a public hazard. Such agreement shall be recorded in the office of the County Recorder, and shall run with the adjoining land.

Subd. 3. SIGN-POSTING. ANGLE PARKING ONLY signs shall be purchased from the City and erected and maintained at the expense of the adjoining landowner in all such set-back areas now in use or hereafter constructed. It is unlawful for any person to park other than at an angle in such set-back areas, as such angle parking is herein described and allowed.

Subd. 4. PUBLIC RIGHTS PRESERVED. Such set-back parking areas shall be kept open for public parking and the abutting landowner shall at no time acquire any special interest or control of or in such areas.

**SEC. 7.11. LOAD LIMITS.** The City may from time to time impose upon vehicular traffic on any part or all of the streets such load limits as may be necessary or desirable. Such limits, and the specific extent or weight to which loads are limited, shall be clearly and legibly sign-posted thereon. It is a misdemeanor for any person to operate a vehicle on any street in violation of the limitation so posted.

**SEC. 7.12. REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.**

Subd. 1. REQUIREMENT OF SEWER AND WATER LATERALS. No petition for the improvement of a street shall be considered by the Council if such petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb, if the area along such street will be served by such utilities installed in the street.

Subd. 2. SEWER SYSTEM SERVICE AND WATER MAIN SERVICE LATERALS. No sewer system shall be hereafter constructed or extended unless service laterals to platted lots and frontage facing thereon shall be extended simultaneously with construction of mains.

Subd. 3. WAIVER. The Council may waive the requirements of the Section only if it finds the effects thereof are burdensome and upon such notice and hearing as the Council may deem necessary or proper.

**SEC. 7.13. PRIVATE USE OF PUBLIC STREETS AND PARKING LOTS.**

Subd. 1. **AUTHORITY, PERMISSION AND PROCEDURE.** Upon an application duly made, the Council may in its discretion, grant special permission whereby on-street parking or the use of City-owned parking lots or ramps or public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes including, but not limited to, establishment of private or "leased" parking, "loading zones", or benches at such places, on such terms and for such consideration as the Council may deem just and equitable. In establishing the amount of such consideration to be paid to the City, the council shall consider the amount of space, location thereof, if any, public inconvenience, and hazards to person or property. Upon complaint of any aggrieved person at any time and by reason of any specific special permission so granted, the Council shall at its next regular meeting after receipt of such complaint, call a hearing thereon to be held after ten days' notice in writing to applicant and complainant and published notice at least ten days prior to such hearing. After such hearing the Council shall by resolution decide whether to terminate, continue or redefine the terms of such permission and such decision shall be final and binding on all persons directly or indirectly interested therein, except that the Council may, on its own motion, reconsider the same.

Subd. 2. **PUBLIC VEHICLES.** Free and reserved on-street parking shall be limited to City-owned and operated vehicles.

Subd. 3. **FORBIDDEN PRACTICES.** It is unlawful for any person to park or otherwise infringe upon a grant of right under this Section, when clearly and distinctly marked or sign-posted. It is unlawful for any person not granted such right to assert the same, or for any grantee of such right to exceed the same under claim thereto.

Subd. 3. **CONDITION.** Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to person, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason thereof.

**SEC. 7.14. CURB AND GUTTER, STREET AND SIDEWALK PAINTING OR COLORING.** It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes, or to paint or color any street, sidewalk or curb and gutter for any purpose, except as the same may be done by City employees acting within the course or scope of their employment. Provided, however, that this provision shall not apply to uniformly coloring concrete or other surfacing, or uniformly painted house numbers, as such coloring may be approved by the City.

**SEC. 7.15. MOTORIZED VEHICLES PROHIBITED ON SIDEWALKS.** It is unlawful for any person to drive or operate a motorized vehicle, except sidewalk maintenance equipment, on any public sidewalk or public property designated for use as a pedestrian walkway or bicycle trail, except when crossing the same for ingress and egress to private property lying on the other side thereof.

**SEC. 7.16. SIDEWALK MAINTENANCE AND REPAIR.**

Subd. 1. **PRIMARY RESPONSIBILITY.** It is the primary responsibility of the owner of property upon which there is abutting any sidewalk to maintain such sidewalk in safe and serviceable condition.

Subd. 2. **NOTICE – NO EMERGENCY.** Where the City determines that no emergency exists, notice of the required repair, reconstruction, or removal shall be given to the owner of the abutting property. Such notice shall require completion of the work within ninety (90) days, and shall be mailed to the owner or owners shown to be such on the records of the Nobles County Auditor/Assessor's Office.

Subd. 3. **NOTICE – EMERGENCY.** Where the City determines that an emergency exists, notice of the required repair, reconstruction, or removal shall be given to the owner of the abutting property. Such notice



shall require completion of the work within ten (10) days, and shall be mailed to the owner or owners shown to be such on the records of the Nobles County Auditor/Assessor's Office.

Section 5. City Code, Section 7.16 is hereby amended to read:

Subd. 4. CONSENT TO REMOVE AND/OR REPLACE SIDEWALKS.

- A. Permit Required. All sidewalk removal and/or repairs require a zoning permit which is available at the City Office. It is a misdemeanor to construct, reconstruct, or remove a sidewalk, curb and gutter, driveway, or roadway surface without the written consent of the City Council.
- B. Design. Design criteria and standards shall be fixed, determined, and amended by the City.
- C. Inspection. Work performed is subject to inspection by City designee. Any work found to not comply shall be corrected at the expense of the permit holder.
- D. Violation(s). Any alterations, or removal of sidewalk without proper City approval and/or applicable permits shall be subject to doubled permit fees, special investigation/inspection(s) fee, and a fine of \$50.00 per day until resolve is established between persons found to be in violation and the City.

Subd. 5. FAILURE OF OWNER TO RECONSTRUCT, REPAIR, OR REMOVE. If the owner of the abutting Property fails to make repairs, accomplish reconstruction, or remove as herein required, the City Administrator/Clerk-Treasurer shall report such failure to the Council and the Council may order such work to be done under its direction and the cost thereof assessed to the abutting property owner as any other special assessment; including special assessment fees as noted in the annual fee schedule.

Section 6. City Code chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 7.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

**SEC. 7.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.** Every person violates a section, subdivision, or paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he shall be punished as for a misdemeanor.

Subd. 2. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a petty misdemeanor.

(Sections 7.17 through 7.98, inclusive, reserved for future expansion.)

Passed and adopted by the City Council of the City of Adrian this 2nd day of January 2024.

ATTEST:

  
Administrator/Clerk-Treasurer

  
Mayor