

CITY OF ROSE CREEK

ORDINANCE #94-1998

ORDINANCE RELATING TO THE ESTABLISHMENT; MAINTENANCE AND REPAIR OF SIDEWALKS IN THE CITY OF ROSE CREEK

THE CITY COUNCIL OF THE CITY OF ROSE CREEK ORDAINS:

SECTION 1. DEFINITIONS

- A. "SIDEWALK" means an improved area made of concrete designed for pedestrian traffic and located upon the public boulevard within the dedicated streets of the City of Rose Creek.
- B. "EXISTING SIDEWALK" means sidewalks which are presently in place even though they do not conform to the specifications hereinafter provided for.
- C. "PERSONS(S)" means any natural person, firm, corporation, partnership, organization or legal entity whatsoever, including such entities that are acting through employees, servants, agents, or others.

SECTION 2. The City Council declares that the retention, repair and replacement of existing sidewalks within the City of Rose Creek is in the public interest and that as far as possible, the existing sidewalk system should be maintained, repaired and replaced, except in such circumstances where the Council determines it is unnecessary, unfair or not in the public interest to continue the sidewalk system.

SECTION 3. The Superintendent of the Street Department will make an inventory of all of the existing sidewalks **in the business section** within the City of Rose Creek and as soon as possible thereafter report to the city council his findings with particular reference to the following:

- A. The location of all existing sidewalks.
- B. Identify any obvious gaps in existing sidewalk systems.
- C. Identify any deteriorated condition upon any particular portion of any sidewalks causing it to be unsafe or otherwise unusable.

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SECTION 4. *Any sidewalks within the City of Rose Creek, which are determined to be deteriorated or otherwise in a condition unsafe or unfit for use shall be remedied by replacement or repair according to the provisions of this ordinance, and according to the specifications for the replacement or repair of sidewalks provided for in this ordinance.*

SECTION 5. *The cost of installation, maintenance and repair of sidewalks within the City of Rose Creek shall be the responsibility of the abutting property owner. Such installation, maintenance and repair may be undertaken by such property owner, privately or through privately retained contractors, provided such installation, maintenance and repair is in strict conformity with the specifications adopted by the City Council. The City Council shall have the authority to install sidewalks and to assess the costs as to the benefited property owner in the mode and manner provided by Minnesota Statutes Chapter 429 as may be amended from time to time. The City Council shall have the authority to expend City funds towards the installation, maintenance and repair of sidewalks, in circumstances as the City council determine fairness and justice requires in the sole and exclusive discretion of the City Council.*

SECTION 6. *No person shall remove, deface, damage, destroy or otherwise alter the condition of any sidewalk within the City of Rose Creek without authorization from the City Council of the City of Rose Creek*

SECTION 7. *As new subdivisions and areas of the City are developed, the City Council shall review as a part of the platting process such areas and determine whether or not the installation of sidewalks are appropriate, and shall require or waive the installation of sidewalks in each area on a case by case basis.*

SECTION 8. *The abutting property owner of any sidewalk within the City of Rose Creek, upon which any person is injured by reason of a defect upon the sidewalk, any object whatsoever left upon the sidewalk, or any unauthorized use of a sidewalk by the property owner or property owners' licensee or lessee or theirs residing within or upon the property owners premises, shall be responsible for any damages that result, and shall hold the City of Rose Creek harmless and indemnify the City for such losses that the City may be required to pay to any third person.*

SECTION 9. *Any violation of this ordinance shall constitute a misdemeanor subject to the penalties according to the uniform penalty for misdemeanor violations adopted by the City of Rose Creek.*

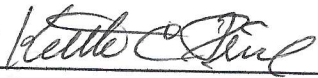
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SECTION 10. *In addition to any criminal penalty the City Council shall have the power to enforce this ordinance by the means of injunctive relief and any other remedy available to law.*

SECTION 11. *This ordinance shall take force and be in effect from and after its passage and publication.*

ADOPTED THIS 10th DAY OF September, 1998.

APPROVED:



MAYOR

ATTEST:



CITY CLERK.

CITY OF ROSE CREE
ORDINANCE #94-1998

ORDINANCE RELATING TO THE ESTABLISHMENT;
MAINTENANCE AND REPAIR OR SIDEWALKS IN
THE CITY OF ROSE CREEK

The following is the official summary of Ordinance #94-1998, approved by the city council of Rose Creek, Minnesota, on September 10, 1998.

THE CITY COUNCIL OF THE CITY OF ROSE CREEK ORDAINS:

SECTION 1. DEFINITIONS

- A. "SIDEWALK"
- B. "EXISTING SIDEWALK"
- C. "PERSONS(S)"

SECTION 2., 3., 4., 5., 6., 7., 8., 9., 10., 11.

A PRINTED COPY OF THIS ORDINANCE IS AVAILABLE FOR INSPECTION BY ANY PERSON AT THE OFFICE OF THE CITY CLERK.

THIS ORDINANCE SHALL TAKE FORCE AND BE IN EFFECT FROM AND AFTER ITS PASSAGE AND PUBLICATION.

ATTEST:



JANET NELSEN, CITY CLERK



KEITH PRICE, MAYOR