

Ordinance 94

An Ordinance Relating to the Establishment, Maintenance and Repair of Sidewalks and Alleys Within the City of Ashby.

This Ordinance Shall Replace Ordinance #20 Second Series - AN ORDINANCE RELATING TO THE ESTABLISHMENT, MAINTENANCE AND REPAIR OF SIDEWALKS IN THE CITY OF ASHBY THE ESTABLISHMENT OF TRUNK SIDEWALKS; ESTABLISHMENT OF SPECIFICATIONS FOR THE CONSTRUCTION, REPLACEMENT OR REPAIR OF SIDEWALKS; OTHERWISE PROVIDING REGULATION OF THE SIDEWALKS; PROVIDING FOR THE PENALTIES FOR VIOLATION OF THIS ORDINANCE

WHEREAS, the City Council finds that a substantial number of the sidewalks and alleys within Ashby are in need of maintenance and repair; and
WHEREAS, the City Council desires to provide long—term planning for the construction, repair, and maintenance of sidewalks; and
WHEREAS, Minnesota Statute 429.101 provides for the financing of sidewalk repair and maintenance through assessments to property.

Subd. 94.1. Purpose.

The City of Ashby intends to provide safe pedestrian walkways and alleyways throughout the community and, in particular, to provide for safe pedestrian traffic to and from schools and other services to the neighborhood and community.

Subd. 94.2. Definitions.

“**SIDEWALK**” means an improved area made of concrete designed for pedestrian traffic and located upon the public boulevards within the dedicated streets of the City of Ashby.

“**EXISTING SIDEWALK**” means sidewalks which are presently in place even though they do not conform to the specifications hereinafter provided for.

“**TRUNK SIDEWALK**” means specially designated sidewalks according to the provisions of this ordinance which are determined to be of greater importance by reason of the need of their use to gain access to various important locations within the City of Ashby, including but not limited to the downtown area, the school, and the churches within the community. Trunk sidewalks shall also provide for adequate handicap access where appropriate to be phased in according to a plan of implementation as from time to time the City of Ashby is able to develop and pay for within its budget constraints.

“**DEFECTIVE SIDEWALK**” Defective sidewalk means any of the following:

1. Vertical separations of three-fourths (3/4) inch or more;
2. Horizontal separations of three-fourths (3/4) inch or more;
3. Holes or depressions of three (3) inches or more in diameter and three-fourths (3/4) inch or more in depth;
4. Spalling over fifty percent (50%) of a single six foot by six foot (6' x 6') square or panel of the sidewalk with one or more depressions of three-fourths (3/4) inch or more;
5. A single square or panel of sidewalk cracked in such a manner that no part thereof has a piece greater than one square foot or is cracked in such a manner that it constitutes a danger or a potential danger to the public;
6. A sidewalk with any part thereof missing to the full depth;
7. A deviation on the staked and constructed grade of three-fourths (3/4) inch or more as to any sidewalk newly

constructed.

“**PERSON(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,

“**SIDEWALKMASTER PLAN**” “Sidewalk Master Plan” means a plan established by Resolution of the City Council which includes all sidewalks in the City which the City Council finds necessary or convenient for public pedestrian traffic.

Subd. 93.3. Repairs and Improvements

Inspection and Report. The owner of any private property within the City abutting a public alley, private alley, or sidewalk (whether or not such sidewalk is on the Sidewalk Master Plan) shall report any defective, unsafe, or broken sidewalk or unsafe alley to the Director of Public Works. The Director of Public Works shall cause inspections to be made throughout the City, at such times as are reasonably necessary, to determine whether public sidewalks, public alleys, and private alleys within the City are safe for pedestrians and/or vehicles.

Barricades and Signal Lights. Whenever any material of any kind is deposited on any alley when sidewalk improvements are being made, or when any sidewalk is in a dangerous condition, it is the duty of all persons having any interest in the property in front of or along which such material may be deposited, or where such dangerous condition exists, to put in conspicuous places at each end of such sidewalk and at each end of any pile of materials deposited in the street, a sufficient number of approved signal lights, and to keep them burning continuously to secure the same.

All Sidewalks. Duty to repair. The owner of any private property within the City abutting a sidewalk (whether or not such sidewalk is on the Sidewalk Master Plan) shall keep the sidewalk in repair and safe.

Sidewalk Repair. If the Director of Public Works finds that any sidewalk abutting on private property is unsafe, defective, or in need of repairs, he shall cause a notice to be served. The notice shall be served upon the recorded owner by personal service, or upon the recorded owner and occupant by registered or certified mail to their last known address if the owner does not reside *within* the City or cannot be found therein. The notice shall order the owner to have the sidewalk repaired and made safe within thirty (30) days, and state that if the owner fails to do so, the City Council may order the work to be done, 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. If the sidewalk is not repaired within thirty (30) days after service of the notice, the Director of Public Works shall report the facts to the City Council. The City Council may, by resolution, order the construction or repairs to be made. If the City Council orders construction or repairs to be made, the Director of Public Works 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. At any time during the year, the City Clerk shall list the total unpaid charge for each type of repair service against each separate lot or parcel to which they are attributable under this section. After notice and hearing as provided in Minnesota Statutes’Section 429,061 , the City Council may then spread the charges against the 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, as the City Council may determine in each case.

Alleys. Duty to repair and Maintain. The owner of any private property within the City abutting a public or private alley shall keep the alley in repair, safe and free of obstructions including snow.

Alley Repair & Maintenance. If the Director of Public Works finds that any alley abutting on private property is unsafe, defective, or in need of repairs, he shall cause a notice to be served. The notice shall be served upon the record owner by personal service, or upon the record owner and occupant by registered or certified mail to their last known address if the owner does not reside within the City or cannot be found therein. The notice shall order the owner to have the alley repaired and made safe within thirty (30) days, and state that if the owner fails to do so, the City Council may order the work to be done, 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.

If the alley is not repaired within thirty (30) days after service of the notice, the Director of Public Works shall report the facts to the City Council. The City Council, may, by resolution, order the construction or repairs to be made. If the City Council orders construction or repairs to be made, the Director of Public Works 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.

At any time during the year, the City Clerk shall list the total unpaid charges for each type of repair service against separate lot or parcel to which they are attributable under this section. After notice and hearing as provided in Minnesota Statutes Section 429.061, the City Council may then spread the charges against the 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, as the City Council may determine in each case.

Subd. 93.4. Repair and Construction Requirements

Permits Required. No person shall make any sidewalk repair or improvement, or repair or improvement to a public or private alley, whether ordered by the City or not, until such person has submitted a plan, has obtained the required permits from the City, and has paid all applicable fees. The fee, if any, for permits, shall be established by Resolution of the City Council.

When the requirements of this subdivision have been met and the plan approved, the permit shall be issued, and a copy thereof shall be filed and preserved. The permit shall state when the work is to be commenced and when the work is to be completed.

Specifications. All repairs and improvements to sidewalks and alleys, whether undertaken by the owner of the abutting property or by the City, shall be performed under the supervision and inspection of the Director of Public Works and in accordance with the plans and specifications attached to this ordinance.

Notice to Stop Work. The Director of Public Works or the City Clerk may stop work at the site upon written notice served personally, or by registered or certified mail, to the property owner, the property owner's agent; or to the contractor or party doing the work; for any of the following reasons:

1. Failure to obtain a permit.
2. Failure to perform work in accordance with the specifications established by Subd. 93.4 hereof.

When a property owner, agent of the property owner, contractor, or party performing work receives the notice, such person shall cause the work to stop. Work may resume when a permit is obtained or when the Director of Public

Works or his designee has confirmed that corrections have been made to conform the work to the required specifications.

Subd. 5 Removal Without Replacement

Removal of a sidewalk designated on the Sidewalk Master Plan, without replacement, shall occur only by the following:

1. The owner of the abutting property petitions the City Council and the City Council determines by Resolution that it is in the interest of the public to remove the sidewalk without replacing it.
2. The City Council, on its own motion, seeks the removal of a sidewalk without replacement by Resolution, and the motion passes by a four-fifths vote.

Subd 93.6 Maintenance

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 twenty-four (24) hours after its deposit thereon.

If the Director of Public Works finds that any snow, ice, dirt or rubbish has remained on a public sidewalk more than twenty-four (24) hours after its deposit thereon, he shall cause a notice to be served upon the record owner of the property by personal service, or upon the occupant if the owner does not reside within the City or cannot be found therein, ordering the owner or occupant to have the snow, ice, dirt or rubbish removed and made safe within 24 hours and stating that if the owner or occupant fails to do so, the Director of Public Works 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.

If the snow, ice, dirt or rubbish is not removed within twenty-four (24) hours after service of the notice, the Director of Public Works shall cause the snow, ice, dirt or rubbish to be removed. The Director of Public Works shall keep a record of the total cost of the removal attributable to each lot or parcel of property and report such information to the City Clerk.

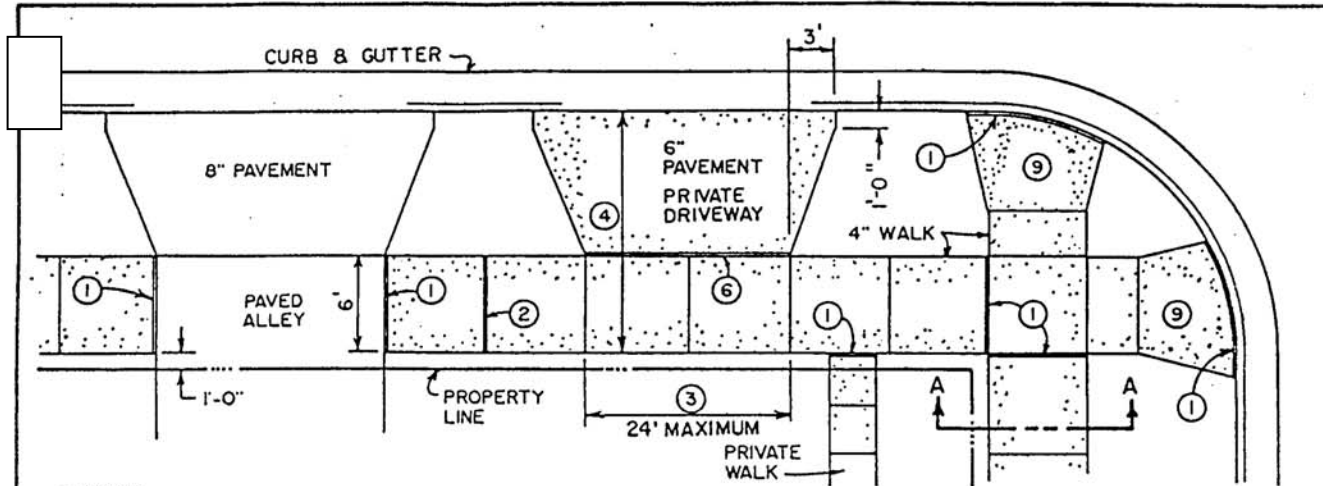
At any time during the year, the City Clerk shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this ordinance. After notice and hearing as provided in Minnesota Statutes Section 429.061, the City Council may then spread the charges against the 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 City Council may determine in each case.

Passed by the Ashby City Council on this day: February 5, 2008

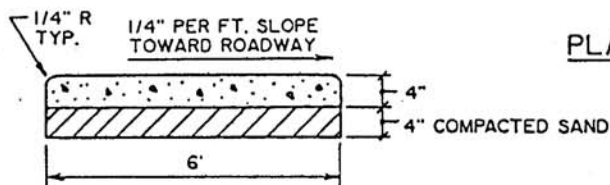
_____ Mayor

_____ Clerk/Treasurer

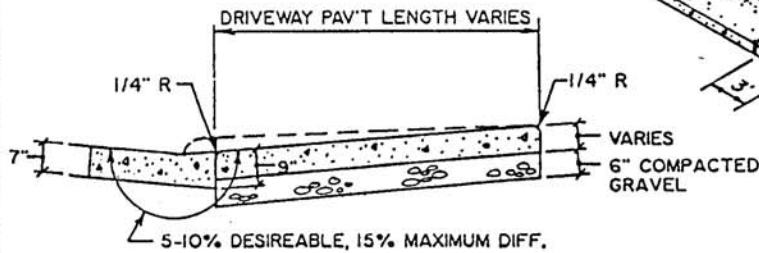
Attachment – Sidewalk Specifications



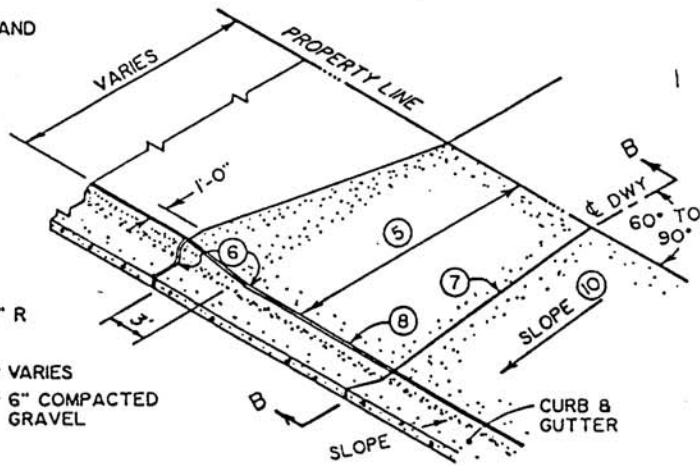
PLAN



SECTION A-A THROUGH WALK



SECTION B-B THROUGH DRIVEWAY



DRIVEWAY ISOMETRIC

- ① 1/2" PREFORMED JOINT FILLER MATERIAL - AASHTO M213 (NOT REQUIRED WHEN CURB AND GUTTER OR WALK ARE ADJACENT TO BITUMINOUS PAVING.)
- ② 1/2" EXPANSION JOINTS AT 50' (APPROX.) MAXIMUM INTERVALS.
- ③ SAME THICKNESS AS DRIVEWAY.
- ④ WITH SIDEWALK PAVE TO BACK EDGE OF SIDEWALK.
- ⑤ WITHOUT SIDEWALK PAVE TO PROPERTY LINE.
- ⑥ 1/2" EXPANSION JOINT.
- ⑦ CONTRACTION JOINT (FORMED OR SAWED)
- ⑧ DRIVEWAY IS NOT TO BE POURED MONOLITHICALLY WITH CURB AND GUTTER. DRIVEWAYS MAY BE CONCRETE, ASPHALT OR GRAVEL.

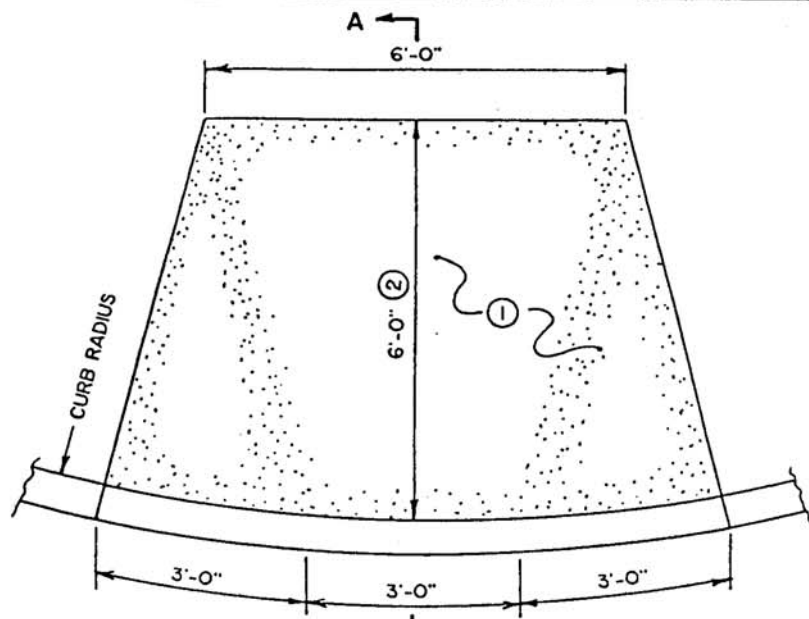
- ⑨ SEE "PEDESTRIAN CURB RAMP" STANDARD AND PLANS FOR PLACEMENT OF PEDESTRIAN CURB RAMP.
 - ⑩ SLOPE OF DRIVEWAY TO PROPERTY LINE MAY VARY IF NO SIDEWALK IS REQUIRED.
- NOTE: MINNESOTA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION SHALL APPLY. CONCRETE MIX 3A32 WILL BE REQUIRED.

ADOPTED: _____ CITY COUNCIL

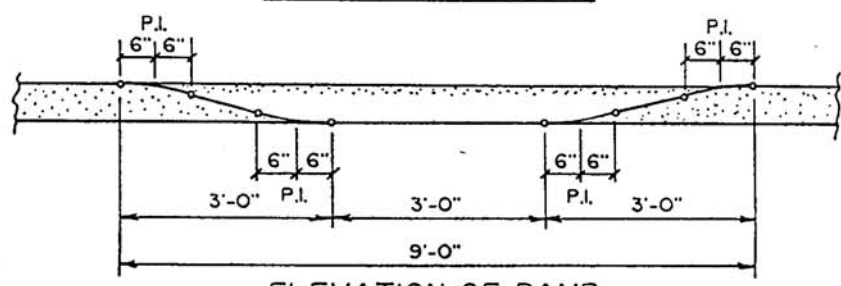
REVISOR: _____

REVISOR: _____

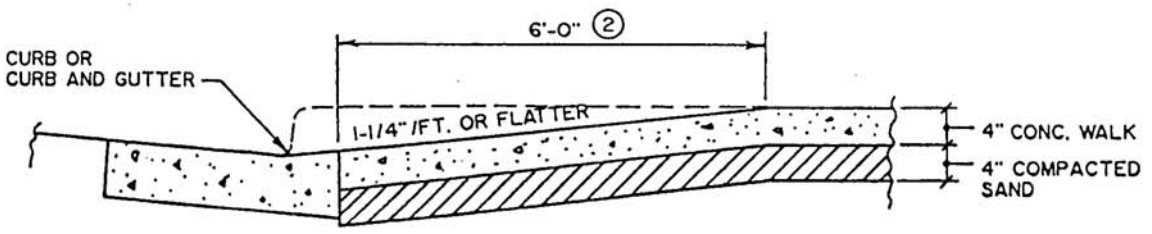
CITY OF ASHBY CONCRETE WALK, DRIVEWAYS & CURB RETURNS AT ENTRANCES



PLAN VIEW OF RAMP



ELEVATION OF RAMP



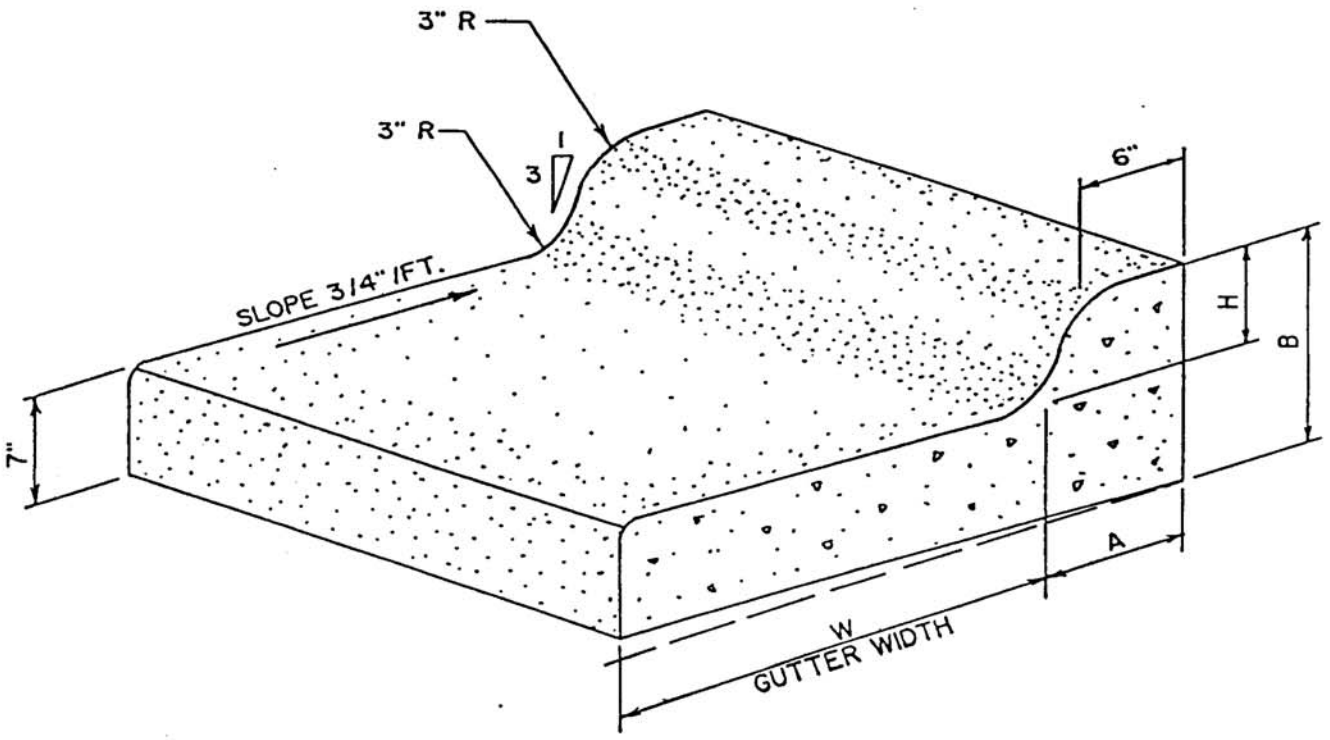
SECTION A-A

- ① SURFACE TREATMENT - THIS TREATMENT SHALL CONSIST OF AN AGGREGATE SURFACE FINISH. THE CONTRACTOR, AFTER NORMAL CONCRETE FINISHING, SHALL EMBED AGGREGATE, MEETING THE REQUIREMENTS OF MNDOT SPEC. 3137 CA-70 MODIFIED TO 100% OF THE MATERIAL 1/2" TO 3/8" IN SIZE, IN THE GREEN CONCRETE. THE EMBEDDED AGGREGATE SHALL PROTRUDE AT LEAST 3/16" ABOVE THE CONCRETE SURFACE. THE EXPOSED AGGREGATE MAY BE LIGHTLY RINSED TO WASH MORTAR OFF OF IT.
- ② 6'-0" DIMENSION WILL BE INCREASED TO INTERSECTING SIDEWALK OR 12 FT., WHERE FEASIBLE, TO PROVIDE A FLATTER SLOPE.

ADOPTED: _____ CITY COUNCIL

 REVISED: _____

CITY OF ASHBY.
**PEDESTRIAN CURB RAMP
 FOR THE HANDICAPPED**



DESIGN B

DIMENSIONS			W = 24"		
H	A	B	DESIGN NO.	CONCRETE	
				CU. YDS PER LIN. FT.	LIN. FT. PER CU. YD.
6"	8"	13-1/2"	B624	0.0690	14.5

ADOPTED: CITY COUNCIL

 REVISED: _____

CITY OF ASHBY
**CONCRETE CURB & GUTTER
 DESIGN B**