

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: Tom Bergeson, Director of Public Works

SUBJECT: Sidewalk Inspection Policy

DATE: September 19, 2017

BACKGROUND

The City was notified by the League of Minnesota Cities to have a Sidewalk Inspection Policy in place because of some recent reports of people tripping/falling on the downtown sidewalks. The Public Works Commission met and approved of the attached policy.

REQUESTED COUNCIL ACTION

Motion to approve the Sidewalk Inspection Policy.

City of Cannon Falls Minnesota Sidewalk Inspection Policy

1. Introduction

The city of Cannon Falls Minnesota has 8.25 miles of public sidewalks. Public sidewalks vary in age and in quality of condition. Not every mere inequality or irregularity in the surface of the sidewalk rises to the level of a defect. The city recognizes that some sidewalk conditions create unreasonable hazards for pedestrians and other sidewalk users.

The city has limited employee and financial resources and cannot reasonably replace all sidewalks needing replacement or repair in the same year the sidewalk is identified as needing replacement and repair. Sidewalk replacement and repair can be costly. Comprehensive sidewalk surveys are expensive and require the use of limited city personnel and other resources. Under appropriate circumstances, some or all of the cost of sidewalk replacement may be passed to the adjacent property owner.

Accordingly, the city and its Public Works Department must exercise both discretion and professional judgment in determining whether and when sidewalks need to be replaced or repaired. The city expects that its agents, employees, and city officials will exercise discretion in identifying conditions requiring replacement and repair, in the scheduling of replacement and repair and in establishing priorities for replacement and repair.

2. Sidewalk inspection procedures

The Public Works Director shall establish procedures for regular sidewalk inspection. Those procedures will include:

- A. An initial city wide sidewalk survey to be completed by: April 1, 2018
- B. A schedule for routine sidewalk inspections on a regular basis
- C. Criteria for determining whether a particular sidewalk condition is in need of replacement or repair. Those criteria will include, but not necessarily be limited to, a deviation or difference in elevation greater than $\frac{3}{4}$ inch, as determined at the time of inspection.

3. Sidewalk replacement and repair policy

Upon completion of the initial sidewalk survey, the Public Works Department shall establish a replacement and repair schedule. This schedule is subject to modification based both on sidewalk conditions and the availability of resources for sidewalk replacement and repair.

The sidewalk replacement and repair schedule will:

- A. Divide the city into sections or otherwise prioritize replacement of the sidewalks identified as needing replacement or repair so all sidewalks identified in the initial sidewalk survey as needing replacement or repair are replaced or repaired by July 1, 2018
- B. Take into consideration and weigh the following factors:

1. Sidewalk location and amount of pedestrian traffic
2. Proximity of sidewalk identified as needing replacement or repair to other sidewalks also needing replacement or repair
3. The nature and severity of the condition needing replacement or repair
4. The city's budget for replacement or repair of sidewalks
5. Whether, or to what extent, the cost of repair can be recovered from adjacent property owners
6. Availability of employees, equipment, and other resources for sidewalk replacement or repair
7. Public safety
8. History of prior accidents or complaints
9. Schedules of independent contractors and work necessary to prepare bids and bid specifications if work is to be performed by independent contractors

4. Sidewalk maintenance policy

City employees will be responsible for removing snow from sidewalks that abut city-owned buildings or parking lots. Adjacent property owners, including other public entities, are responsible for removing snow and ice from sidewalks that abut their property (see City Ordinance No. 97.018). The city may, as a public service and for reasons of public safety, remove snow and ice from sidewalks. The Public Works Director will identify sidewalks from which the city will remove ice and snow.

All side walk repairs will be the responsibility of the property owner (see City Ordinance 97.001 and all snow not removed may be removed and billed under City Ordinance 90.016)

5. Review and modification of policy

The City Council may modify or clarify this policy at any time. Where the city council has delegated responsibility or authority to any city employee or official for development or implementation of any portion of this policy, that employee or official shall have full authority to modify that portion of the policy at any time.

6. Review of policy

The Public Works Department will keep on file comments and complaints received regarding this policy. The policy will be reviewed periodically. Any review will consider comments and complaints since the last review and any other factors affecting the policy or its implementation.

7. Effective date of policy

This policy shall be effective as of September 19, 2017. Modifications of the policy shall be effective on the date said modifications are approved by city council resolution or the date city employee or official (with authority granted by the city council) has approved the policy modification or change.

Cannon Falls - General Regulations

- 97.064 Permit application for open burning; permit fees
- 97.065 Permit process for open burning
- 97.066 Permit holder responsibility
- 97.067 Revocation of open burning permit
- 97.068 Denial of open burning permit
- 97.069 Burning ban or air quality alert
- 97.070 Rules and laws adopted by reference
- 97.071 External solid fuel-fired heating devices (outdoor wood burning stoves)

General Nuisances

- 97.085 Junk cars, furniture, household furnishings and appliances stored on public or private property
- 97.086 Abandoning a motor vehicle
- 97.087 Prohibited use of mobile homes and recreational camping vehicles
- 97.088 Maintenance of private property
- 97.089 Open pits, basements and other excavations
- 97.090 Radio and television interference

- 97.999 Penalty

GENERAL PROVISIONS

§ 97.001 ASSESSABLE CURRENT SERVICES.

(A) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

CURRENT SERVICE. 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 M.S. §§ 463.15 through 463.26, as they may amended from time to time; 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.

(B) *Snow, ice, dirt and rubbish.*

(1) *Duty of owners and occupants.* The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep the walk safe for pedestrians. No owner or occupant shall

allow snow, ice, dirt or rubbish to remain on the walk longer than 24 hours after its deposit thereon. Failure to comply with this section shall constitute a violation.

(2) *Removal by city.* The City Administrator or other person designated by the City Council may cause removal from all public sidewalks all snow, ice, dirt and rubbish as soon as possible beginning 24 hours after any matter has been deposited thereon or after the snow has ceased to fall. The City Administrator or other designated person shall keep a record showing the cost of removal adjacent to each separate lot and parcel.

(C) *Public health and safety hazards.* When the city removes or eliminates public health or safety hazards from private property under the following provisions of this chapter, the administrative officer responsible for doing the work shall keep a record of the cost of the removal or elimination against each parcel of property affected and annually deliver that information to the City Administrator.

(D) *Installation and repair of water service lines.* Whenever the city installs or repairs water service lines serving private property, the City Administrator shall keep a record of the total cost of the installation or repair against the property.

(E) *Repair of sidewalks and alleys.*

(1) *Duty of owner.* 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 City Council and on file in the office of the City Administrator.

(2) *Inspections; notice.* The City Council or its designee may make 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 it is found that any sidewalk or alley abutting on private property is unsafe and in need of repairs, the City Council may cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property, ordering the owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the city will do so and that the expense thereof must be paid by the owner, and if unpaid it will be made a special assessment against the property concerned.

(3) *Repair by city.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the City Administrator may report the facts to the City Council and the City Council may by resolution order the work done by contract in accordance with law. No person shall enter private property to repair a sidewalk, except with the permission of the owner or after obtaining an administrative warrant. The City Administrator shall keep a record of the total cost of the repair attributable to each lot or parcel of property.

(F) *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 the service. As soon as the service has been completed and the cost determined, the City Administrator, 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