

revocation, or fee imposition reviewed, upon written request, by the Council. A decision by the Council affirming the denial, revocation, or fee imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

**Subd. 20. Severability.** If any portion of this Section is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this Section precludes the City from requiring a franchise agreement with the applicant, as allowed by law, in addition to requirements set forth herein.

## **SECTION 302.01 CURRENT SERVICES ASSESSMENTS.**

**Subd. 1. Definition of “Current Service Work”.** The term “Current Service Work” includes the following:

- A. Snow, ice or rubbish removal from any sidewalk or other area within the public right-of-way or adjacent to a public street.
- B. Weed elimination from the right-of-way or from private property. For purposes of this Section, “weeds” shall mean any plant vegetation that is noxious, as defined by law or not, any vegetation that reaches a height greater than 10 inches, and any other vegetation that constitutes a nuisance as defined in City Code Chapter 8.
- C. Removal or elimination of public health or safety hazards from private property, excluding any hazardous or substandard building included under the provisions of Minn. Stat. §§463.15 to 463.26.
- D. Installation and repair of water service lines, street sprinkling, and other dust treatment of streets.
- E. The trimming and care of trees and the removal of unsound trees from any right-of-way.
- F. The treatment and removal of insect infested or diseased trees on private property.
- G. The repair of sidewalks and alleys.
- H. The operation of a street lighting system
- I. The operation and maintenance of a fire protection system.

**Subd. 2. Primary Duty of Owners and Occupants.** Primary responsibility for all Current Service Work shall be the responsibility of the property owner and occupant (except in the case of street sprinkling or other street dust treatment, alley repair, public right-of-way tree trimming and the maintenance, removal or operation of a street lighting system).

**Subd. 3      Inspections and Notice of Need for Current Service Work.** The Council or the City Administrator may designate such inspections as they deem necessary to determine owner and occupant compliance with the requirements of this Section. If it is found that any Current Service Work that is the primary responsibility of the owner and occupant is not being performed, the City Administrator or the City Administrator's designee shall cause a notice to be served, by certified mail or personal service, upon the record owner of the property and the occupant, ordering such owner and occupant to perform the Current Service Work within a specified period of time, and stating that if the owner and occupant fail to do so, the City will do so and all expenses of such Current Service Work shall be assessed against the property. Notice by certified mail is complete upon mailing.

**Subd. 4.      City Performance of Work.** In the event the owner or occupant do not perform the Current Services Work within the time specified in the notice described in Subd. 3 herein, the City may thereafter perform such work, at the owner's expense, in accordance with the notice, and assess all costs of doing such work pursuant to Subdivision 6 herein.

**Subd. 5.      Street and Right-of-Way Tree Care.**

A.    Notice. The Council may each year determine what streets and alleys shall be sprinkled, flushed, or given other maintenance or cleaning treatment during the year, and the kind of work to be done on each. The Council may also determine from time to time the rights of way on which trees shall be trimmed and cared for and what unsound trees shall be removed. Before any work is done, the Clerk shall, under the Council's direction, publish notice that the Council will meet to consider such projects. The notice shall be published in the official newspaper at least once no less than 2 weeks prior to the meeting. The notice shall contain the rights of way affected and the particular projects proposed, and the estimated cost of each project, either in total or on the basis of the proposed assessment per front foot or otherwise.

B.    Hearing. The Council shall hear property owners concerning the scope and desirability of any proposed projects set forth in this Subdivision. The Council shall thereupon adopt a resolution confirming the original projects with such modification as it deems desirable, and shall provide for completion of the work. The Clerk shall keep a record of the cost and the portion of the cost properly attributable to each lot and parcel of property abutting on the street or alley on which the work is done.

**Subd. 5. Personal Liability.** The owner of property on or adjacent to which Current Service Work has been performed shall be personally liable for the cost of such service. As soon as the service is completed and the cost determined, the Clerk shall prepare a bill and mail it to the owner. Thereupon, the amount shall be immediately due and payable at the Clerk's office.

**Subd. 6. Assessment.** On or before November 1 of each year, the Clerk shall list the total unpaid charges for each type of Current Service Work against each separate lot or parcel to which they are attributable. The Council may then levy the charges against property benefited as a special assessment under Minnesota Statute, Chapter 429 and other pertinent statutes, for

certification by the Clerk and collection along with current taxes the following year or in annual installments, not exceeding ten, as the Council may determine in each case.

**Subd. 7. Owner Care.** Property owners may undertake improvements to adjacent public property only after submitting a proposal to the Public Works Director who shall recommend approval or rejection to the Council who in turn shall approve or reject the proposed improvement.

## **SECTION 303.01 PARKS AND PLAYGROUNDS.**

**Subd. 1. Purpose.** The City parks and playgrounds shall be available for all of the people in the area for organized sports and activities, recreation, relaxation and picnics.

### **Subd. 2. Regulations.**

- A. Overnight Use. The City parks, playgrounds, grandstand, and picnic shelters shall not be used or occupied between one-half hour after dusk and one-half hour before dawn. Except by special permit, overnight camping and parking is prohibited. The Council may allow extended time or special use and occupancy by permit granted upon such reasonable conditions relating to health, safety, and welfare as the Council shall determine. Violation of such conditions shall be a misdemeanor, and shall be cause for refusal to use or occupy on subsequent occasions. Use of trail systems within the City shall not be subject to the time restrictions described in this Subdivision.
- B. Vandalism. No person shall remove, break, destroy, injure, mutilate, deface or damage in any way any structure, monument, statue, facade, fountain, bleacher, backstop, playing field portion of the grandstand, fence, railing, flag pole, vehicle, bench, tree, shrub, fern, plant, flower, fireplace, or other property in the City parks and playgrounds.
- C. Noise. Noise or obnoxious behavior tending to annoy other persons within or throughout the City parks and playgrounds is prohibited.
- D. Beverage and Food Containers. Glass, plastic, metal and any food and beverage containers of any kind shall be disposed of promptly in refuse receptacles. No alcoholic beverages shall be consumed in City parks or playgrounds without a permit.
- E. Open Burning Restricted. It shall be unlawful to light or maintain an open fire, in any City park or playground, except that a charcoal grill may be used in an area designated therefor.
- F. Traffic and Parking. It shall be unlawful for any motorized vehicle or equipment to be parked or operated in any City park or recreation area other than on established roadways and designated parking areas.