

## **Wabasha County Sidewalk Ordinance**

**The County Board of Wabasha County ordains:**

### **1. General Provisions**

**1.1 Title:**

This Ordinance shall be known as the Wabasha County Sidewalk Ordinance. Wherever the word "Ordinance" is used herein, such word refers to the Wabasha County Sidewalk Ordinance.

**1.2 Purpose:**

This Ordinance provides for the maintenance, repair, replacement and construction of sidewalk constructed within Wabasha County Highway right of way in all municipalities and other areas of Wabasha County.

**1.3 Authority:**

This Ordinance is enacted in accordance with Minnesota Statutes 429.

**1.4 Definitions:**

Unless specifically defined herein, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and to facilitate the most reasonable application of this Ordinance.

Property Owner: underlying fee title property owner of highway easement or adjacent property owner of record to highway right of way containing sidewalk

Sidewalk: a public sidewalk within County Highway right of way

**1.5 Administration:**

This Ordinance shall be administered by the Wabasha County Engineer.

**1.6 Separability:**

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, except that part so declared to be invalid.

**1.6 Property Owner Costs:**

Invoices of charges to property owners sent by the County for work required under this Ordinance that remain unpaid after ninety (90) days of the date of the invoice shall be added to the property taxes payable of the applicable property and/or otherwise collected as allowed for under law.

## **2. Snow, Ice, Dirt or Rubbish removal**

- 2.1 The Property Owner shall use due diligence to keep such sidewalk free from snow, ice, dirt and rubbish. No Property Owner shall allow snow, ice, dirt or rubbish to remain on the sidewalk longer than 24 hours after its deposit thereon or after such snow or ice has ceased to fall. All snow, ice, dirt and rubbish remaining on a sidewalk more than 24 hours after its deposit thereon is considered a public nuisance.
- 2.2 If the Property Owner fails to remove all snow, ice, dirt, and rubbish within 24 hours after its deposit thereon or after such snow or ice has ceased to fall, than the County may remove such snow, ice, dirt, and/or rubbish. All costs of such removal by the County shall be the responsibility of the Property Owner.

## **3. Maintenance and Repair**

- 3.1 The Property Owner shall keep the sidewalk in good repair and safe for pedestrians. Repairs shall be made in accordance with the standards and specifications required by the County, and shall be approved by the County prior to the work being performed, including meeting required accessibility requirements.
- 3.2 County shall make inspections as determined necessary by the County. If the County finds that any Sidewalk is in need of repair, the County shall physically mark the portion or portions of Sidewalk that need repair and serve a notice by United States Postal Service mail upon the Property Owner. The Property Owner shall respond in writing to the County's notice within 30 days with the Property Owner's plan to repair. If the Property Owner fails to respond to the County notice within 30 days or fails to make the complete the repairs by the date contained in the notice, the County will make the repairs at the Property Owner's expense.
- 3.3 Sidewalk that is required by the County to be repaired where accessibility requirements require the area or scope of repair to be substantially increased, the County will participate in those costs determined by the County to be applicable to the accessibility requirements of the public's pedestrian access route.
- 3.4 Under this Ordinance, the County will not require Property Owners to make repairs or replacement of Sidewalk solely for the purpose of improving of Sidewalk to current accessibility standards.

## **4. New Sidewalk, and Improvements or Removal of Existing Sidewalk**

- 4.1 Construction of new Sidewalk, the replacement of existing Sidewalk, or removal of existing Sidewalk shall be approved by the County prior to removal and/or construction.
- 4.2 All costs for replacement of Sidewalk affected by a County construction project whether deficient or not, shall be paid by the County.
- 4.3 All costs of construction of new Sidewalk, the replacement of existing Sidewalk, or removal of existing Sidewalk proposed by a Property Owner or other party are the sole responsibility of such Property Owner or other party.