

**CITY OF EDEN PRAIRIE
HENNEPIN COUNTY, MINNESOTA**

ORDINANCE NO. 24-2007

AN ORDINANCE OF THE CITY OF EDEN PRAIRIE, MINNESOTA AMENDING CITY CODE CHAPTER 6 BY ADDING SECTION 6.21 RELATING TO SNOW AND ICE REMOVAL AND ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 6.99 WHICH AMONG OTHER THINGS CONTAIN PENALTY PROVISIONS.

The City Council of the City of Eden Prairie, Minnesota, ordains:

Section 1. City Code Chapter 6 is amended by adding Section 6.21 which shall read as follows:

SECTION 6.21. SNOW AND ICE REMOVAL.

Subd. 1. Purpose. The purpose of this ordinance is to require Owners and Occupants of real property to remove snow and ice from public Sidewalks and Trails that are adjacent to and abutting the public street system to prevent a public nuisance affecting the safety of the general public.

Subd. 2. Definitions. The following words, terms and phrases, when used in this section shall have the meanings ascribed to them in this subsection, except when the context clearly indicates a different meaning:

- A. "Daytime" for purposes of this section shall be the period of time from 8:00 a.m. to 5:00 p.m.
- B. "Owner" shall mean the fee owner and/or manager/agent of the building or lot as listed on the records of the Hennepin County Taxpayer's Services Department.
- C. "Occupant" shall mean the tenant or tenants with respect to one or two family dwellings, the manager or person having care, custody or control of the building or lot with respect to three family or larger dwellings, commercial premises, industrial premises, vacant lots or unoccupied buildings.
- D. "Sidewalk" shall mean that 5-foot strip adjacent to or a portion of a street or highway right of way which is improved for pedestrian use and which is adjacent to the side yard or the front yard of a lot, constructed of concrete.
- E. "Trail" shall mean that 8 or 10-foot strip adjacent to or a portion of a street or highway right of way which is designated as a public recreational Trail for use by pedestrians and

bicyclists, constructed of asphalt.

- F. “Last known address” shall mean the address for the Owner or Occupant as shown on the records of the Hennepin County Taxpayer’s Services Department.
- G. “Department” shall mean the City of Eden Prairie Department of Public Works.

Subd. 3. Requirements for Removal of Snow and Ice.

- A. The City shall be responsible for removal of snow and/or ice from Sidewalks or Trails abutting the following streets:

Anderson Lakes Pkwy.	Golden Triangle Drive
Braxton Drive	Hennepin Town Road
Bryant Lake Drive	Holly Road
Candlewood Pkwy.	Homeward Hills Road
Charlson Road	Mitchell Rd / Baker Rd
CSAH 1	Prairie Center Drive
Columbine Road	Preserve Blvd.
County Road 62	Riley Lake Road
Dell Road	Rowland Road
Duck Lake Road	Scenic Heights Road
Duck Lake Trail	Spring Road
Eden Prairie Road	Staring Lake Pkwy.
Edenvale Blvd.	Valley View Road
Flying Cloud Drive	Wallace Road
Franlo Road	West 78 th Street

- B. The Owner or Occupant having the care, custody and control of any building that is a one-or two-family dwelling shall cause snow and/or ice to be removed from the public Sidewalk or Trail abutting or adjoining the lot upon which such building is situated, within the first twenty four (24) hours after the cessation of the precipitation, except from Trails or Sidewalks with the street rights of way listed in “A” above.
- C. The Owner or Occupant having the care, custody or control of any building or lot (except one-and two-family dwellings) shall cause snow and/or ice to be removed from the public Sidewalk or Trail abutting or adjoining the lot upon which such building is situated, within the first eight (8) hours of daytime after the cessation of precipitation, except from Trails or Sidewalks with the street rights of way listed in “A” above.
- D. Snow and ice shall be removed from the entire 5-foot width of Sidewalks. A width of 5-foot of snow and ice shall be removed from 8-foot width Trails.
- E. Trails that are behind and/or between homes are specifically excluded from Owner or Occupant responsibility for snow and ice removal.

F. The location of Sidewalks and Trails and the snow and ice removal requirements established by this ordinance are identified on the map entitled “Sidewalk and Trail Plowing Designation”. The map is on file and open for public inspection in the office of the City Engineer. An unofficial image of the map is available on the City’s website at www.edenprairie.org.

Subd. 4. Nuisance. Snow and/or ice which are allowed to remain upon any Sidewalk or Trail within the City referred to in Subdivision 3, B and C above for a period longer than is allowed by this section shall be declared a nuisance. The Department is authorized to remove the snow and/or ice or arrange for the removal of the same and charge the costs incurred against the abutting property Owner or Occupant.

Subd. 5. Notice. Before the Department removes the snow and/or ice, it shall serve or cause to be served upon the Owner or Occupant of the abutting property a written notice informing the Owner or Occupant that the snow and/or ice has not been removed from the Sidewalk or Trail pursuant to this section. Such notice shall describe the location of the snow and/or ice and inform the Owner or Occupant that the Department will inspect the property no earlier than twenty four (24) hours from the date of the notice to ascertain whether a nuisance exists. If upon inspection by the Department the Sidewalk or Trail is found to be in violation of this section, the Department may immediately schedule removal of the snow and/or ice by the Department or private contractor.

Subd 6. Service of Notice. Service of the notice may be completed by personal service, service by mail or by posting.

A. Personal service. Service of the notice may be completed by personal delivery of a copy to the Owner or Occupant or, in situations where the Owner or Occupant is not available, by leaving a copy of the notice with some person of suitable age and discretion at the Owner’s or Occupant’s last known address or, if applicable, by leaving a copy with the person of suitable age and discretion at the premises where the nuisance exists.

B. Service by Mail. Service of the notice may also be accomplished by mailing the notice to the last known address of the Owner or Occupant. Service by mail is complete upon mailing.

C. Service by Posting. Service of the notice may also be completed by posting a copy thereof in a conspicuous place upon the premises where the nuisance exists.

Subd. 7. Removal by City; Assessment of Costs.

If after twenty four (24) hours following service of such notice the snow and/or ice has not been removed, the City may cause its removal by the Department or private contractor. An accurate record of the costs incurred therein shall be kept by the Department. The total cost of this removal, including administrative costs, shall be charged to the Owner or Occupant of the lot abutting the Sidewalk or Trail from which the City has removed snow and/or ice. If said charges are not paid within thirty (30) days after a bill of the charges has been mailed to the last known address of Owner or Occupant, the City Council may assess and levy, and cause to be collected,

the amount of such charges as a special assessment upon and against the property and buildings involved, in the manner as provided by Minn. Stat. § 429.101 or any similar provision hereafter enacted. Such assessments shall be paid in a single installment.

Subd. 8. Non-liability of City. No claim shall be made against the City due to failure of any Owner or Occupant to comply with this section.

Section 2. City Code Chapter 1 entitled “General Provisions and Definitions Applicable to the Entire City Code including Penalty for Violation” and Section 6.99 entitled “Violation a Misdemeanor” are hereby adopted in their entirety by reference as though repeated verbatim herein.

Section 3. This ordinance shall become effective from and after its passage and publication.

FIRST READ at a regular meeting of the City Council of the City of Eden Prairie on the 2nd day of October, 2007, and finally read and adopted and ordered published at a regular meeting of the City Council of said City on the 16th day of October, 2007.

Kathleen Porta, City Clerk

Phil Young, Mayor

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