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CHAPTER 7

STREET AND SIDEWALKS GENERALLY

(THIS CHAPTER CONTAINS PROVISIONS AS TO SCOPE AND APPLICATION RELATING TO CHAPTERS 8 AND 9 AS WELL AS THIS CHAPTER)

SECTION 7.01. APPLICATION.

Subd. 1. The provisions of Chapters 7, 8, and 9, applicable to the drivers of vehicles upon the streets shall apply to the drivers of all vehicles including, but not limited to, those owned or operated by the United States, this State, or any county, city, town, district or any other political subdivision of the State, subject to such specific exemptions as set forth in Chapters 7, 8 and 9 with reference to authorized emergency vehicles.

Subd. 2. Every person riding a bicycle or an animal or driving an animal drawing a vehicle upon a roadway shall be subject to the provisions of Chapters 7, 8 and 9 applicable to the driver of a vehicle, except those provisions which by their nature can have no application. Provisions specifically referring to bicycles shall be in addition to other provisions of these Chapters applying to vehicles.

SEC. 7.02. SCOPE AND ORDERS OF PEACE OFFICER.

Subd. 1. Scope. The provisions of Chapters 7, 8 and 9 relate exclusively to the streets, alleys and private roads in the City, and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon such streets, alleys and private roads.

Subd. 2. Orders of a Peace Officer. It is a misdemeanor for any person to wilfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control or regulate traffic.

SEC. 7.03. TRAFFIC AND PARKING CONTROL.

Subd. 1. Council Action. No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this Section; provided, that when traffic and parking control is marked or sign-posted, such marking or sign-posting shall attest to Council action thereon.

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Source: City Code
Effective Date: 10-1-76

Subd. 2. Temporarily Restricting or Directing Traffic and Parking; Curb Painting.

A. When clearly marked, barricaded or sign-posted, traffic and parking may be temporarily restricted for any public or private use. All such restrictions shall be in accordance with the uniform policy promulgated by the Council which may act through the City Manager or the Chief of Police.

B. Restricted or prohibited use of parking and traffic lanes may be designated by painting the same upon streets and curbs. Such work shall be done under the direction of the City Manager or the Chief of Police and in compliance with the provisions of Chapters 7, 8 and 9.

C. It is unlawful to use traffic or parking lanes contrary to sign-posting or marking authorized and described in this Section.

D. Experimental restrictions and directions may be placed on traffic and parking by the City Manager and the Chief of Police, and it shall be their duty to do so when an extra hazardous condition is observed or arises. It is unlawful to violate any restriction or direction when the same has been duly marked, barricaded or sign-posted.

Source: Ordinance No. 32, 2nd Series
Effective Date: 1-1-82

SEC. 7.04. ICE AND SNOW ON PUBLIC SIDEWALKS AND OTHER PUBLIC PROPERTY.

Subd. 1. Ice and Snow a Nuisance. All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within twelve (12) hours after such snow or ice has ceased to be deposited.

Subd. 2. City to Remove Snow and Ice. The City may cause to be removed from all public sidewalks, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

Subd. 3. Cost of Removal to be Assessed. The City Clerk-Treasurer shall, upon direction of the Council, and on receipt of the information provided for in the preceding Subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcels of ground abutting on walks which were cleared, and such special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

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Subd. 4. Civil Suit for Cost of Removal. The City Clerk-Treasurer shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in Subdivision 2 hereof, the cost of such clearing and the cost and disbursements of a civil action therefor.

Subd. 5. Placing Snow or Ice in Public Street or on Other City Property. It is a misdemeanor for any person, not acting under a specific contract with the City, to remove snow from private property or alleys and place the same on a public street in such quantity, or in such manner, as to cause a hazard to travel, without adequate arrangements for the immediate removal thereof; and it is also a misdemeanor for any person not acting under a contract with the City to dump snow on other City property.

SEC. 7.05. REGULATION OF GRASS, WEEDS AND TREES IN STREETS.

Subd. 1. City to Control Tree Planting (Standards.) The City shall have control and supervision of planting shrubs and trees upon, or overhanging, all streets or other public property. The City may establish and enforce uniform standards relating to the species and types of trees to be planted, placement and the maintenance and removal thereof. Such standards shall be kept on file in the office of the City Clerk-Treasurer and may be revised from time to time by action of the Council upon the recommendation of the Superintendent of Public Works.

Subd. 2. Permit to Plant or Remove Trees. It is a misdemeanor for any person to plant or remove any tree upon or overhanging streets, without first procuring from the City a permit in writing to do so.

Subd. 3. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such place attain a height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provisions herein requiring a permit therefor, trim, cut, remove, and otherwise maintain all trees and shrubs in unharmed and healthy condition, from the line of such property nearest to such street to the center thereof.

Subd. 4. City May Order Work Done. The City may in cases of failure to comply with this Section, perform

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such work with employees of the City, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

Subd. 5. Assessment. If maintenance work described in the foregoing Subdivision is performed by the City, the Superintendent of Public Works shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land to the City Clerk-Treasurer who shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected.

SEC. 7.06. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, SIDEWALK, CURB AND GUTTER.

Subd. 1. Methods of Procedure.

A. Abutting or affected property owners may contract for, construct or reconstruct roadway surfacing, sidewalk, curb or gutter in accordance with this Section if advance payment is made therefor or arrangements for payment considered adequate by the City are completed in advance.

B. With or without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, presently beginning with Section 429.011, as the same may from time to time be amended.

Subd. 2. Permit Required. It is a misdemeanor to construct a sidewalk, curb, gutter, driveway, or roadway surfacing in any street or other public property in the City without a permit in writing from the Superintendent of Public Works. Application for such permit shall be made on forms approved and provided by the City and shall sufficiently describe the contemplated improvements, the contemplated date of beginning of work, and the length of time required to complete the same, provided, that no permit shall be required for any such improvement ordered installed by the Council. All such applications shall contain an agreement by the applicant to be bound by this Chapter and plans and specifications consistent with the provisions of this Chapter and good engineering practices shall also accompany the application. A permit from the City shall not relieve the holder from damages to the person or property of another caused by such work.

Subd. 3. Specifications and Standards. All construction and reconstruction of roadway surfacing, sidewalk, curb or gutter improvements, including curb cuts, shall be strictly in accordance with specifications and standards on file in the office of the City Clerk-Treasurer and open to inspection and copying there. Such specifications and standards may be amended from time to time by the City, but shall be uniformly enforced.

Source: City Code
Effective Date: 10-01-1976

Subd. 3a. Time Limitations on Construction. All construction, reconstruction, resurfacing and repair of any sidewalks done in conformance with this Section shall be completed within sixty (60) days of the commencement of said construction, reconstruction or repair, unless a waiver of said time requirement, based upon substantial hardship, is granted by the Building Inspector.

Source: Ordinance No. 212, 2nd Series
Effective Date: 02-01-2008

SEC. 7.07. STREET OPENINGS OR EXCAVATIONS. It is a misdemeanor for any person, except a City employee acting within the course and scope of his/her employment or a contractor acting within the course and scope of a contract with the City, to make any excavation, opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the Superintendent of Public Works as herein provided.

Subd. 1. Application. Application for a permit to make a street excavation shall describe with reasonable particularity the name and address of the applicant, the place, purpose and size of the excavation, and such other information as may be necessary or desirable to facilitate the investigation hereinafter provided for, shall be signed by the property owner and contractor, if any, and filed with the City Clerk-Treasurer

Subd. 2. Investigation and Payment of Estimated Costs. Upon receipt of such application, the City Clerk-Treasurer shall refer the application to the Superintendent of Public Works who shall cause such investigation to be made as he/she may deem necessary to determine estimated cost of repair, such as back-filling, compacting, resurfacing and replacement, and the conditions as to the time of commencement of work,

manner of procedure and time limitation upon such excavation. The foregoing estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of such investigation shall be included in such estimate.

Source: Ordinance No. 32, 2nd Series

Effective Date: 01-01-1982

Subd. 3. Protection of the City and the Public.

A. Non-Completion or Abandonment. Work shall progress expeditiously to completion in accordance with any time limitation placed thereon so as to avoid unnecessary inconvenience to the public. In the event that work is not performed in accordance therewith, or shall cease or be abandoned without due cause, the City may, after six (6) hours' notice in writing to the holder of the permit of its intention to do so, correct the work, fill the excavation and repair the public property, and the cost thereof shall be paid by the person holding the permit.

B. Insurance. Prior to commencement of the work described in the application, the applicant shall furnish the City satisfactory evidence in writing that the applicant will keep in effect public liability insurance of not less than \$100,000.00 for any person, \$300,000.00 for any occurrence and property damage insurance of not less than \$25,000.00, issued by an insurance company authorized to do business in the State of Minnesota on which the City is named as a co-insured.

C. Indemnification. Before issuance of a permit, the applicant shall, in writing, agree to indemnify and hold the City harmless from any liability for injury or damage arising out of the action of the applicant in performance of the work, or any expense whatsoever incurred by the City incident to a claim or action brought or commenced by any person arising therefrom.

Source: City Code
Effective Date: 10-1-76

Subd. 4. Issuance of Permit. The Superintendent of Public Works shall issue such permit after (1) completion of such investigation, (2) payment by the applicant in advance of all estimated costs as aforesaid; (3) agreement by the applicant to the conditions of time and manner as aforesaid; and, (4) agreement in writing by the applicant to pay all actual cost of repair over and above such estimate, including cost of such investigation.

Source: Ordinance No. 32, 2nd Series
Effective Date: 1-1-82

Subd. 5. Repairs. All temporary and permanent repairs, including back-filling, compacting and resurfacing shall be made, or contracted for, by the City in a manner prescribed by the Superintendent of Public Works, and an accurate account of costs thereof shall be kept.

Subd. 6. Cost Adjustment. Within sixty (60) days following completion of such permanent repairs the Superintendent of Public Works shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder an itemized statement thereof and claim additional payment from, or make refund to, the permit holder, as the case may be.

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Subd. 7. Alternate Method of Charging. In lieu of the above provisions relating to cost and cost adjustment for street openings, the City may charge on the basis of surface square feet removed, excavated cubic feet, or a combination of surface square feet and excavated cubic feet, on an established unit price uniformly charged.

SEC. 7.08. OBSTRUCTIONS, FIRE, DUMPING, SIGNS AND OTHER STRUCTURES.

Subd. 1. Obstructions. It is a misdemeanor for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon any street, public sidewalk, or other public property without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public.

Subd. 2. Fires. It is a misdemeanor for any person to build or maintain a fire upon a roadway.

Subd. 3. Dumping in Streets. It is a misdemeanor for any person to throw or deposit in any street, public sidewalk, or any other public place any nails, dirt, glass, tin cans, metal scraps, garbage, leaves, grass or tree limbs, shreds or rubbish, or to empty any water containing salt or other injurious chemical thereon. It is a violation of this Section to haul any soil or material, not adequately enclosed or covered, thereby permitting the same to fall upon the streets.

Source: City Code
Effective Date: 10-1-76

Subd. 4. Signs and Other Structures. It is a misdemeanor for any person to place or maintain a sign or other structure in the traveled or untraveled portion of any street, public sidewalk, or other public property without first having obtained a written permit from the Council, and then only under such conditions as the Council may by resolution impose. In a district zoned for commercial or industrial enterprises special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon such terms and conditions as may be set forth in the zoning or construction provisions of the City Code.

Source: Ordinance No. 32, 2nd Series
Effective Date: 1-1-82

SEC. 7.09. LIMITING TIME OF RAILWAY-STREET CROSSING OBSTRUCTION. It is unlawful for any person operating or in charge of a railroad train, car, engine, or other railroad equipment, or combination of such equipment, to permit the same to be parked or left standing upon any street crossing so as to close such crossing to vehicular traffic for a longer period than ten (10) minutes.

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SEC. 7.10. REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.

Subd. 1. Requirement of Sewer and Water Laterals. No petition for the improvement of a street shall be considered by the Council if such petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb, if the area along such street will be served by such utilities installed in the street.

Subd. 2. Sewer System Service and Water Main Service Laterals. No sewer system shall be hereafter constructed or extended unless service laterals to platted lots and frontage facing thereon shall be extended simultaneously with construction of mains.

Subd. 3. Waiver. The Council may waive the requirements of this Section only if it finds the effects thereof are burdensome and upon such notice and hearing as the Council may deem necessary or proper.

Source: City Code
Effective Date: 10-1-76

SEC. 7.11. LOAD LIMITS. The City Manager upon the recommendation of the Superintendent of Public Works, may from time to time impose upon vehicular traffic on any part or all of the streets such load limits as may be necessary or desirable. Such limits, and the specific extent or weight to which loads are limited, shall be clearly and legibly sign-posted thereon. It is unlawful for any person to operate a vehicle on any street in violation of the limitation so posted.

Source: Ordinance No. 32, 2nd Series
Effective Date: 1-1-82

SEC. 7.12. CURB SET-BACK.

Subd. 1. Permit Required. It is a misdemeanor for any person to hereafter remove, or cause to be removed, any curb from its position abutting upon the roadway to another position without first making application to the Council, obtaining Council approval and a permit therefor. Such permit may be issued upon such conditions as the Council may prescribe.

Subd. 2. Agreement Required. No such permit shall be issued until the applicant, and abutting landowner if other than applicant, shall enter into a written agreement with the City agreeing to pay all costs of constructing and maintaining such set-back area in at least as good condition as the abutting roadway, and further agreeing to demolish and remove such set-back and reconstruct the area as was at the expense of the landowner, his

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heirs or assigns, if the area, in the Council's opinion, is or may become a public hazard. Such agreement shall be recorded in the office of the Register of Deeds (County Recorder), and shall run with the adjoining land.

Subd. 3. Sign-Posting ANGLE PARKING ONLY signs shall be purchased from the City and erected and maintained at the expense of the adjoining landowner in such set-back area as the Council may direct. It is a misdemeanor for any person to park other than at an angle in such designated set-back areas.

Subd. 4. Public Rights Preserved. Such set-back parking areas shall be kept open for public parking and the abutting landowner shall at no time acquire any special interest or control of or in such areas.

Source: City Code
Effective Date: 10-1-76

SEC. 7.13. PRIVATE USE OF PUBLIC STREETS, SIDEWALKS AND PARKING LOTS.

Subd. 1. Authority, Permission and Procedure. Upon an application duly made to the City Manager and reviewed and recommended by the Superintendent of Public Works, the Council may in its discretion, grant special permission whereby on-street parking or the use of City-owned parking lots or ramps or public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes (including, but not limited to, establishment of private or "leased" parking, "loading zones", "taxi parking", "bus stops" or display of merchandise on sidewalks) at such places, on such terms and for such compensation as the Council may deem just and equitable. In establishing the amount of such compensation to be paid to the City, the Council shall consider the amount of space, location thereof, loss of parking meter revenues, if any, public inconvenience, and hazards to persons or property. Upon complaint of any aggrieved person at any time and by reason of any specific special permission so granted, the Council shall at its next regular meeting after receipt of such complaint, call a hearing thereon to be held after ten days' notice in writing to applicant and complainant and published notice at least ten (10) days prior to such hearing. After such hearing the Council shall by resolution decide whether to terminate, continue or re-define the terms of such permission and such decision shall be final and binding on all persons directly or indirectly interested therein, except that the Council may, on its own motion, reconsider the same.

Source: Ordinance No. 32, 2nd Series
Effective Date: 1-1-82

Subd. 2. Public Vehicles. Free and reserved on-street parking shall be limited to City-owned and operated vehicles.

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Subd. 3. Forbidden Practices. It is unlawful for any person to park or otherwise infringe upon a grant of right under this Section, when clearly and distinctly marked or sign-posted. It is unlawful for any person not granted such right to assert the same, or for any grantee of such right to exceed the same under claim thereto.

Source: City Code
Effective Date: 10-1-76

SEC. 7.14. CURB AND GUTTER, STREET AND SIDEWALK PAINTING OR COLORING. It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes, or to paint or color any street, sidewalk or curb and gutter for any purpose, except as the same may be done by City employees acting within the course or scope of their employment. Provided, however, that this provision shall not apply to uniformly coloring concrete or other surfacing, or uniformly painted house numbers, as such coloring may be approved by the City Manager.

Source: Ordinance No. 32, 2nd Series
Effective Date: 1-1-82

SEC. 7.15. SIDEWALK MAINTENANCE AND REPAIR.

Subd. 1. Primary Responsibility. It is the primary responsibility of the owner of property upon which there is abutting any sidewalk to keep and maintain such sidewalk in safe and serviceable condition.

Subd. 2. Construction, Reconstruction and Repair Specifications. All construction, reconstruction or repair of sidewalks shall be done in strict accordance with specifications on file in the office of the City Clerk-Treasurer.

Subd. 3. Notice - No Emergency. Where, in the opinion of the Council, no emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ninety (90) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

Source: City Code
Effective Date: 10-1-76

Subd. 4. Notice - Emergency. Where, in the opinion of the City Manager, with the concurrence of the Mayor, an emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ten (10) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

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Subd. 5. Failure of Owner to Reconstruct or Make Repairs. If the owner of the abutting property fails to make repairs or accomplish reconstruction as herein required, the City Manager shall report such failure to the Council and the Council may order such work to be done under its direction and the cost thereof assessed to the abutting property owner as any other special assessment.

Source: Ordinance No. 32, 2nd Series
Effective Date: 1-1-82

Subd. 6. Duty to Inspect. In order to accomplish the purpose of this Section, it shall be the duty of the Superintendent of Public Works to inspect sidewalks within the City, or cause the same to be inspected under his direction.

Source: City Code
Effective Date: 10-1-76

(Sections 7.16 through 7.29, inclusive, reserved for future expansion.)

SEC. 7.30. (Repealed by Ordinance No. 32, 2nd Series, adopted 12-21-81.)

(Sections 7.31 through 7.98, inclusive, reserved for future expansion.)

SEC. 7.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he shall be punished as for a misdemeanor.

Subd. 2. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a petty misdemeanor.

Source: City Code
Effective Date: 10-1-76

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