

## **CHAPTER 7. STREETS AND SIDEWALKS**

### **Section 700 - GENERAL PROVISIONS AND DEFINITIONS**

700.01 Definitions. Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in Minnesota Statutes Chapter 169 shall be applicable to this Code, Chapters 7, 8 and 9.

700.02 Application. The provisions of this Code, Chapters 7, 8 and 9, are applicable to the drivers of all vehicles and animals upon streets, including but not limited to those owned or operated by the United States, the State of Minnesota, or any county, town, city, district, or other political subdivision. -

700.03 Scope and Orders of Officers.

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 an Officer. It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any police or peace officer invested by law with authority to direct, control or regulate traffic.

700.04 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 has approved and directed the action, except as otherwise provided in this Section.

Subd. 2 Temporary Restrictions. The City, acting through the Chief of Police, may temporarily restrict traffic or parking for any private, public or experimental purpose. It is the duty of the Chief of Police to so restrict traffic or parking when a hazardous condition arises or is observed.

Subd. 3 Traffic Restrictions and Prohibitions. It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 4 Parking Restrictions and Prohibitions. It is unlawful for any person to park a vehicle contrary to lane restrictions or prohibitions painted on any curb, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 5 Damaging or Moving Markings. It is a misdemeanor for any person to deface, mar, damage, move, remove, or in any way tamper with any structure, work, material, equipment, tools, sign, signal, barricade, fence, painting or appurtenance in any street unless such person has written permission from the City or is an agent, employee or contractor for the City, or other authority having jurisdiction over a particular street, and acting within the authority or scope of a contract with the City or such other authority.

## Section 705 – MAINTENANCE ON AND ABOUT PUBLIC WAYS

### 705.01 Regulation of Grass, Weeds and Trees in Streets, Alleys, Boulevards and Other Public Rights-of-Way.

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

Subd. 2 Permit Required. It is a misdemeanor for any person to plant, spray, trim or remove trees or other plants which are upon City property, including rights-of way, 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 a 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 provision in this Section requiring a permit, trim, cut and otherwise maintain all trees and shrubs from the line of the property nearest to the street to the center of the street. Provided, however, that the duty of abutting property owners under this Subdivision shall not extend to trimming or removing diseased or unsafe trees which shall be done in the discretion and at the expense of the City.

Subd. 4 City May Order Work Done. The City may, in cases of failure to comply with this Section, perform such work with employees of the City, keeping an accurate account of the cost of the work for each lot, piece or parcel of land abutting upon the street.

Subd. 5 Assessment. If such maintenance work is performed by the City as set forth in Subd. 4, the City Clerk shall ascertain the cost attributable to each lot, piece or parcel of abutting land upon completion of the work. The City Clerk shall submit a certificate of cost to the Council on an annual basis for Council approval. When such certificate has been approved, the cost shall be extended as a special assessment against the abutting land. The special assessment shall be certified to the County Auditor, for collection as other special assessments are certified and collected.

### 705.02 Obstructions in Streets.

Subd. 1 Obstructions. It is a misdemeanor for any person to place, deposit, display or offer for sale any fence, goods or other obstructions over, upon, across or under any street 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. An electrical cord or device of

any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

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

Subd. 3 Dumping in Streets. It is a misdemeanor for any person to throw or deposit on a street any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemical on a street or, between the dates of November 1 and March 15, to discharge or permit the discharge of water from a roof, a sump pump, or other ground waters from the premises occupied by the person. It is a violation of this Section to haul any such material, inadequately enclosed or covered, thereby permitting the same to fall upon streets. It is also a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on any street without first obtaining a written permit from the Council.

Subd. 4 Signs and Other Structures. It is a misdemeanor for any person to place or maintain a sign, advertisement, or other structure in any street without first having obtained a written permit from the Council. 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.

Subd. 5 Placing Snow or Ice in a Roadway.

A. It is a misdemeanor for any person not acting under a specific contract with the City or without special permission from the City Clerk, to remove snow or ice from private property and place the same in any roadway.

B. Where permission is granted by the City Clerk the person to whom such permission is granted shall be initially responsible for payment of all direct or indirect costs of removing the snow or ice from the street. If not paid, collection shall be by civil action or assessment against the benefited property as any other special assessment.

Subd. 6 Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.

Subd. 7 Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions on the permit as it deems proper for safeguarding persons and public and private property from projected danger. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

## Section 710 - CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS

710.01 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 or curb and gutter in accordance with this Section if advance payment is made for such construction, 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, Chapter 429.

Subd. 2 Permit Required. It is a misdemeanor to construct or reconstruct a sidewalk, curb and gutter, driveway or roadway surfacing in any street or other public property in the City without a written permit from the City Clerk. 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 work. However, no permit shall be required for any improvement ordered installed by the Council. All applications shall be referred by the City Clerk to the Public Works Superintendent and no permit shall be issued until approval has been received from the Public Works Superintendent. All such applications shall contain an agreement by the applicant to be bound by this Chapter, and by plans and specifications consistent with the provisions of this Chapter, and by good engineering practices. 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 and curb and gutter improvements, including curb cuts, shall be strictly in accordance with specifications and standards on file in the office of the City Clerk. These standards shall be open to inspection and copying. Such specifications and standards may be amended from time to time by the City, but shall be uniformly enforced.

Subd. 4 Inspection. The Council shall designate a suitable and competent person to perform inspections required in this Section and such other inspection of such work as deemed necessary. Any work not done according to the applicable specifications and standards shall be removed and corrected at the expense of the permit holder. Any work done under this Section may be stopped by the inspector if found to be unsatisfactory or not in accordance with the specifications and standards; however, this shall not place a continuing burden upon the City to inspect or supervise such work.

710.02 Street Openings or Excavations. It is a misdemeanor for any person, except a City employee acting within the course and scope of his or 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 City Clerk as provided in this Subsection.

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 provided for in Subd. 2. The application shall be filed with the City Clerk.

Subd. 2 Investigation and Payment of Estimated Costs. Upon receipt of such application, the City Clerk shall cause an investigation to be made as the Clerk deems necessary to determine estimated cost of repair such as back-filling, compacting, resurfacing and replacement, manner of procedure and time limitation upon such excavation. The estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of the investigation shall be included in such estimate.

Subd. 3 Issuance of Permit. The City Clerk shall issue a permit after (1) completion of an investigation; (2) payment by the applicant in advance of all estimated costs, or the submission of a performance bond or letter of credit for the full amount of the estimated cost; (3) agreement by the applicant to the conditions of time and manner as applicable; and, (4) agreement in writing by the applicant to pay all actual cost of repairs over and above such estimate, including cost of such investigation.

Subd. 4 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 City Clerk. All compacting will be done at least after each twelve (12) inches of back-fill. An accurate account of costs of repairs shall be kept.

Subd. 5 Cost Adjustment. Within sixty (60) days following completion of permanent repairs the City Clerk shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to the permit holder an itemized statement and claim additional payment from, or make refund to, the permit holder, as the case may be. In the case of a bond or letter of credit, all costs owed to the City shall be first deducted from the bond or letter of credit.

Subd. 6 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.

#### 710.03 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.

Subd. 3 Notice-No Emergency. Where in the opinion of the City Clerk 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. The notice shall be mailed to the owner or owners as shown in the records of the County Officer who mails tax statements.

Subd. 4 Notice-Emergency. Where in the opinion of the City Clerk 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. The notice shall be mailed to the owner or owners as shown in the records of the County Officer who mails tax statements.

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

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

#### Section 715 – PRIVATE USE OF PUBLIC WAYS

715.01 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 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 may be approved by the City Clerk.

#### Section 720 - VIOLATIONS

720.01 Violation a Misdemeanor or Petty Misdemeanor. Every person violates a section, subdivision, paragraph or provision of this Chapter when he or she 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 Misdemeanor. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, the person 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, the person shall be punished as for a misdemeanor; where the person 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, the person shall be punished as for a misdemeanor.

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