

CHAPTER 7

STREETS AND SIDEWALKS GENERALLY

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CHAPTER 7

STREETS AND SIDEWALKS GENERALLY

SECTION 7.01. 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 City Code, Chapters 7, 8 and 9.

SECTION 7.02. APPLICATION. The provisions of City 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.

SECTION 7.03. SCOPE AND ORDERS OF OFFICERS.

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

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.

SECTION 7.04. 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 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.

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, except an emergency 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 7.05. ICE AND SNOW ON PUBLIC SIDEWALKS.

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 or 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 Clerk 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 parcel 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.

Subd. 4. Civil Suit for Cost of Removal. The Clerk 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 disbursement of a civil action therefore.

Subd. 5. Clerk to Report Sidewalks Cleared. The Clerk shall present to the Council at its first meeting after snow or ice has been cleared from the sidewalks as provided in Subd. 2 hereof the report of the City thereon, and shall request the Council to determine by resolution the manner of collection to be used as provided in Subd. 3 or 4 of this Section.

SECTION 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 or curb and gutter in accordance with this Section if advance payment is made therefore 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 or reconstruct a sidewalk, curb and gutter, driveway, or roadway surfacing in any street or other public property in the City without a permit in writing from the City. 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 applications shall be referred by the Clerk to the City Engineer and no permit shall be issued until approval has been received from the City Engineer. 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 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 Engineer 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.

Subd. 4. Inspection. The Clerk shall inspect such improvements as deemed necessary or advisable. 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 hereunder may be stopped by the Clerk if found to be unsatisfactory or not in accordance with the specifications and standards, but this shall not place a continuing burden upon the City to inspect or supervise such work.

SECTION 7.07. 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 upon, over, 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 in any 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 thereon. 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 having obtained 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 or on a Sidewalk.

- A. It is a misdemeanor for any person, not acting under a specific contract with the City or without special permission from the City, to remove snow or ice from private property and place the same in any roadway or on a sidewalk.
- B. Where permission is granted by the City 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 or sidewalk. 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 thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

SECTION 7.08. 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 within first having obtained a written permit from the Clerk 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, and shall be filed with the Clerk.

Subd. 2. Investigation and Payment of Estimated Costs. Upon receipt of such application, the Clerk 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.

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 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, \$200,000.00 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 there from.

Subd. 4. Prior To Issuance of Permit. The Clerk shall issue such permit after (1) completion of such investigation, (2) determination of all estimated costs as aforesaid, (3) agreement by the applicant to the conditions of time and manner as aforesaid; (4) agreement in writing by the applicant to pay all actual cost of repairs over and above such estimate, and, (5) agreement in writing by the applicant to be bound by

all of the provisions of this Section. No permit shall be issued until the applicant has paid all of the foregoing together with such investigation, inspection and permit fees as are fixed and determined by resolution of the Council.

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 City and an accurate account of costs thereof shall be kept.

Subd. 6. Cost Adjustment. Within sixty days following completion of such permanent repairs the Clerk 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 (without interest) to, the permit holder, as the case may be.

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.

SECTION 7.09. PARADES.

Subd. 1. Definition. The term “**parade**” means any movement of vehicles, persons or animals, or any combination thereof, which either moves together and as a body so as to in some way impede or affect the free and unobstructed flow of vehicular or pedestrian traffic, or which moves so that some part thereof is in violation of one or more traffic laws or regulations, if such movement is without a permit hereunder.

Subd. 2. Permit Required. It is a misdemeanor to sponsor or participate in a parade for which no permit has been obtained from the City, and it is also a misdemeanor to obtain a parade permit and not conduct the same in accordance with the permit granted by the City. Application for such permit shall be made to the Clerk at least thirty (30) days in advance of the date on which it is to occur and shall state the sponsoring organization or individual, the route, the length, the estimated time of commencement and termination, the general composition, and such application shall be executed by the individuals applying therefore or the duly authorized agent or representative of the sponsoring organization. No fee shall be required for such permit.

Subd. 3. Investigation. The Clerk shall forthwith refer all applications for parades to the Chief of Police for his/her consideration which shall take no longer than seven (7) days. If any State trunk highways are in the route the Chief of Police shall make all necessary arrangements with the Minnesota Department of Public Safety for alternate routes or whatever may be necessary. If the Chief of Police finds that such a parade will not cause a hazard to persons or property, and will cause no great inconvenience to the public, and if he/she is able to make arrangements for necessary direction and control of traffic, he/she shall endorse his/her acceptance and return the application to the Clerk. If the Chief of Police finds the parade described in the

application to be a hazard, a substantial inconvenience, or if he/she is unable to make adequate arrangements for direction or control of traffic, he/she shall return the same to the Clerk with his findings.

Subd. 4. Council Action. The Clerk shall refer the application and results of investigation to the Council at its next regular meeting. The Council may either, (1) deny the permit, (2) grant the permit, or (3) grant the permit on condition that a date, time or route are acceptable to applicant which differ from such as stated in the application. Applicant shall have three (3) days within which to communicate his acceptance to the City.

Subd. 5. Unlawful Acts.

- A. It is unlawful for any person to hamper, obstruct, or impede or interfere with any parade, parade assembly or any person, animal or vehicle participating in the parade.
- B. It is unlawful for any person to drive a vehicle between the vehicles or persons comprising a parade when such parade is in motion.
- C. It is unlawful for any person to enter into a parade without prior authorization from the parade chairman.

Subd. 6. Exceptions. This Section shall not apply to (1) funeral processions, or (2) a governmental agency acting within the scope of its functions.

SECTION 7.10. REGULATION OF GRASS, WEEDS, AND TREES.

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 thereof. Such standards shall be kept on file in the office of the Clerk and may be revised from time to time by action of the Council upon the recommendation of the 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 one foot 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 herein

requiring a permit therefore, trim, cut and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.

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 thereof for each lot, piece or parcel of land abutting upon such street.

Subd. 5. Assessment. If such maintenance work is performed by the City as set forth in the foregoing Subdivision, the Clerk shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The Clerk 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.

SECTION 7.11. 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.

SECTION 7.12. MOTORIZED VEHICLES PROHIBITED ON SIDEWALKS. It is unlawful for any person to drive or operate a motorized vehicle on any public sidewalk or public property designated for use as a pedestrian walkway or bicycle trail, except when crossing the same for ingress and egress to private property lying on the other side thereof.

SECTION 7.13. CHARGE FOR SERVICES. The Council may provide, by ordinance, that the cost of any services such as street cleaning, street flushing or oiling, and tree trimming on streets, sidewalks, boulevards, nuisance abatement or other public or private property undertaken by the city may be charged against the property benefited. Service charges shall be collected and levied like special assessments or in such other manner as the council determines. The council shall have the power to abate nuisances on any particular property and shall have the power to collect the costs of such abatement as a special assessment in the manner provided in this chapter.

SECTIONS 7.14 THROUGH 7.98, INCLUSIVE, RESERVED FOR FUTURE EXPANSION.

SECTION 7.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter

when he/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. Violations Resulting In Misdemeanor. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he/she 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/she shall be punished as for a misdemeanor; where he/she 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/she shall be punished as for a misdemeanor.

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