

**SUB-ANALYSIS**

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

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**CHAPTER 7 STREETS AND SIDEWALKS GENERALLY**

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

**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.

**SEC. 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.

**SEC. 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.

**SEC. 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 may temporarily restrict traffic or parking for any private, public or experimental purpose.

**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.

**SEC. 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 24 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 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 City Administrator 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 City Administrator 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 stabilize.

**Subd. 5. City Administrator to Report Sidewalks Cleared.** The City Administrator shall present to the Council at its first meeting after snow or ice has been cleared from the sidewalks as provided in Subdivision 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 Subdivisions 3 or 4 of this Section.

**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 or curb and gutter in accordance with this Section if advance payment is made stabilize 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 Administrator. 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 City Administrator 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 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 Administrator 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.

**7.06, Subd. 4**  
**(Rev. 2008)**

**Subd. 4. Inspection.** The Public Works Superintendent 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 Public Works Superintendent 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.

**SEC. 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 permanent 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. A sign in place for more than ten days shall be considered a permanent sign.

**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 Administrator, 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 Administrator 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.

**SEC. 7.08. STREET OPENINGS OR EXCAVATIONS.** It is a misdemeanor for any person, except a City employee acting within the course and scope of their 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 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 City Administrator.

**Subd. 2. Investigation and Payment of Estimated Costs.** Upon receipt of such application, the City Administrator shall cause such investigation to be made as the City Administrator 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. Payment of such estimated costs shall be made before the permit is issued.

**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, \$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.

**7.08, Subd. 4**  
**(Rev. 2008)**

**Subd. 4. Issuance of Permit.** The City Administrator 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 Administrator and an accurate account of costs thereof shall be kept.

**Subd. 6. Cost Adjustment.** Within 60 days following completion of such permanent repairs the City Administrator 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.

**SEC. 7.09. REGULATION OF GRASS, HEEDS 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 City Administrator and may be revised from time to time by action of the Council upon the recommendation of the City Administrator.

**Subd. 2. Permit Required.** It is unlawful 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.

**7.09, Subd. 3**  
**(Rev. 2008)**

**Subd. 3. Duty of Property Owners to Cut Grass and Weeds.** (Ord. 63; Repealed, Ord. 89, Second Series, 3-18-08; Added, Ord. 89, Second Series, 3-18-08)

**A.** Every owner of a parcel of property totaling less than two acres and abutting a street shall cut and maintain the grass and weeds on such parcel to a height not exceeding six inches.

**B.** Every owner of a parcel of property totaling two or more acres and abutting a street shall cut and maintain the grass and weeds on such parcel to a height not exceeding six inches in the front yard of such parcel, and 20 inches on the remainder of such parcel.

**C.** The foregoing requirements shall not apply to:

1. gardens;
2. agricultural land that is actively farmed;
3. areas that are infeasible to mow, cut and maintain due to natural conditions such as rock outcroppings, excessive slope, wet soils or lands with pervasive moisture, or other similar conditions as determined by the weed inspector.

**D.** Every owner of a parcel of property abutting on a street, sidewalk or other public right-of-way shall trim, cut or otherwise maintain trees and shrubs located thereon from the abutting property line to the center of such street or right-of-way provided, however, that the City may complete such work without advance notice in order to protect the public health, safety or welfare or to ensure safe and convenient travel on streets, sidewalks or other public rights-of-way.

**E.** The weed inspector, or designated representative, is authorized to carry out enforcement of this Section 7.09, Subdivision 3.

**Subd. 4. City May Order Work Done.** In the event of failure to comply with this Section 7.09, the City may perform grass and weed mowing, cutting and maintenance work keeping an accurate account of the cost thereof for each lot or parcel of land. Prior to the City's completion of the work, the weed inspector must send written notice of non-compliance to the property owner, or property taxpayer identified in current County records. If the owner or taxpayer does not comply within ten business days of the date of notice, the weed inspector may post notice at the property and proceed with completion of the work. (Repealed, Ord. 89, Second Series, 3-18-08; Added, Ord. 89, Second Series, 3-18-08)

**7.09, Subd. 5  
(Rev. 2008)**

**Subd. 5. Assessment.** The City may assess the cost of mowing, cutting or otherwise maintaining property under this Section 7.09 in accordance with Section 10.42, Subdivision 5 of the City Code. (Repealed, Ord. 89, Second Series, 3-18-08; Added, Ord. 89, Second Series, 3-18-08)

**SEC. 7.10. LOAD LIMITS.** The City 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 a misdemeanor for any person to operate a vehicle on any street in violation of the limitation so posted.

**SEC. 7.11. 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.

**SEC. 7.12. 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 Administrator.

(3-18-08)

**7.12, Subd. 3  
(Rev. 2008)**

**Subd. 3. Notice - No Emergency.** Where, in the opinion of the City Administrator, 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 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.

**Subd. 4. Notice - Emergency.** Where, in the opinion of the City Administrator, 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 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.

**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 Administrator 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.

**Subd. 6. Inspection.** The Public Works Superintendent shall make such inspections as are necessary to determine that sidewalks are kept in safe and serviceable condition.

**SEC. 7.13. ALLEY REPAIR.**

**Subd. 1. Alley Defined.** For the purpose of this Section, the term "alley" means a street abutting upon the rear of any lot or parcel of land.

**Subd. 2. Primary Responsibility.** It is the primary responsibility of each owner of property abutting upon any alley to bear the cost of repair of such alley.

**Subd. 3. Charges.** Cost for the repair or reconstruction of an alley may be assessed by the City against abutting owners. (7-1-90)

**(Sections 7.14 through 7.98, inclusive, reserved for future expansion.)**

(3-18-08)

**SEC. 7.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.** Every person violates a section, subdivision, paragraph or provision of this Chapter when they perform an act thereby prohibited or declared unlawful, or fail 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, they 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, they shall be punished as for a misdemeanor; where they stand 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, they shall be punished as for a misdemeanor.

**Subd. 2.** As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, they shall be punished as for a petty misdemeanor. (7-1-90)