

## 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.

**Subd. 1.** 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.

**Subd. 2.** Where the term “City Administrator” appears in this Chapter, it shall mean the individual carrying out the duties of the City Administrator or the Public Works Director.

Source: Ordinance No. 50, 2<sup>nd</sup> Series  
Effective Date: 11-21-2002

**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, 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.

Source: City Code

Effective Date: 03-15-1992

#### **SEC. 7.05. ICE AND SNOW ON PUBLIC SIDEWALKS.**

**Subd. 1.** All ice and snow remaining on public sidewalks is hereby declared to constitute a public nuisance. It shall be the responsibility of the owner of the abutting private property to abate the nuisance by removing such ice and snow within 48 hours after such ice and snow has ceased to be deposited. It is unlawful to violate the provisions of this Section.

**Subd. 2.** If any owner of abutting property fails to abate the nuisance by removing snow and ice within 48 hours after it has ceased to be deposited as required in Subdivision 1 of this Section, then notice of such failure shall be served by mail upon the property owner or the owner's agent. If the property owner has not taken the necessary action to abate the nuisance caused by ice and snow upon the public sidewalk within two (2) business days after the mailing of such notice, the City may cause the work to be done and the costs thereof shall be levied against the property as a special assessment against such lot or parcel of land, and be collected as in the case of other special assessments in the same manner as real estate taxes if the full balance is not paid within 30 days after a bill for the costs has been mailed to the property owner. The amount to be charged for removal of ice and snow shall be set by the City Council, adopted by Resolution, and uniformly enforced.

Source: Ordinance No. 147, 2<sup>nd</sup> Series

Effective Date: 01-03-2013

**SEC. 7.06. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, SIDEWALK, CURB AND GUTTER. (Repealed by Ordinance No. 10, 2<sup>nd</sup> Series, adopted 06-14-1995.)**

#### **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 permission from the City, 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 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.

Source: City Code  
Effective Date: 03-15-1992

**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 or his/her designee, to remove snow or ice from private property and place the same in any roadway or on a sidewalk. Provided, that where a building abuts upon a sidewalk and the roadway, and there is no boulevard, then the snow can be disposed of in the roadway.

**B.** Where permission is granted by the City Administrator or his/her designee, 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.

Source: Ordinance No. 51, 2<sup>nd</sup> Series  
Effective Date: 11-21-2002

**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.**

**Subd. 1. Unlawful Act.** It is a misdemeanor for any person, except (1) a City employee acting within the course and scope of his employment, (2) a contractor acting within the course and scope of a contract with the City, or (3) a franchisee acting within the course and scope of its franchise from the City, to make any excavation, opening or tunnel in, over, across or under a street or other public property without first having obtained a written permit from the City Administrator as herein provided.

**Subd. 2. 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. 3. Investigation and Payment of Estimated Costs.** Upon receipt of such application, the City Administrator shall cause such investigation to be made as he 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 may 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 may be required before the permit is issued.

#### **Subd. 4. 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 two hundred thousand dollars (\$250,000.00) for any person, five hundred thousand dollars (\$500,000.00) for any occurrence and property damage insurance of not less than one hundred thousand dollars (\$100,000.00), issued by an insurance company authorized to do business in the State of Minnesota on which the City is named as a co-insured. The City reserves the right to require higher liability limits in the event the City determines that the exposure is greater.

**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: 03-15-1992

**Subd. 5. Issuance of Permit.** The City Administrator or his/her designee, 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 such amounts as may be required by the City Administrator under Subdivision 3, above, and such investigation, inspection and permit fees as are fixed and determined by resolution of the Council.

Source: Ordinance No. 52, 2<sup>nd</sup> Series

Effective Date: 11-21-2002

**Subd. 6. 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.

## **SEC. 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 (1) or more traffic laws or regulations, if such movement is without a permit hereunder.

**Subd. 2. Permit Required.** It is unlawful to sponsor or participate in a parade for which no permit has been obtained from the City, and it is also unlawful 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 City Administrator at least fourteen (14) 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.

**Subd. 3. Investigation.** The City Administrator shall forthwith refer all applications for parades to the Chief of Police for his 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 is able to make arrangements for necessary direction and control of traffic, he shall endorse his acceptance and return the application to the City Administrator. If the Chief of Police finds the parade described in the application to be a hazard, a substantial inconvenience, or if he is unable to make adequate arrangements for direction or control of traffic, he shall return the same to the City Administrator with his findings.

**Subd. 4. Council Action.** The City Administrator 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 Administrator.

**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.

**SEC. 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, by resolution, 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 Park & Tree Board.

**Subd. 2. Permit Required.** It is unlawful for any person to plant or remove trees or other plants which are upon City property, including rights-of-way, without first procuring from the Park & Tree Board a permit in writing to do so.

Source: City Code

Effective Date: 03-15-1992

**Subd. 3. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs.**

**A. Grass and Weeds.** Every owner of property abutting on any street shall cause the grass and weeds to be cut on such property and from the point of the property nearest to any abutting street to the centerline of such street. If the grass and 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. Notice of failure to comply shall be served by mail upon the owner of the property. If the owner of the

property has not completed within five (5) days after the mailing of such notice, the City may cut the grass and the cost thereof shall be levied against the property as a special assessment and collected as in the case of other special assessments in the same manner as real estate taxes if the full balance of the cost is not paid within 30 days after a bill for the costs has been mailed to the property owner.

**B. Trees and Shrubs.** Every owner of property abutting on any street or sidewalk shall maintain by trimming or removal of any trees, shrubs or other vegetation which overhands or otherwise obstructs a public street, alley, right of way or sidewalk, and where such overhand or obstruction may interfere with vehicular or pedestrian traffic and/or visibility, regardless of whether such tree, shrub or vegetation is located upon the property owner's property or between the line of such property nearest the street or sidewalk and the center of such street or sidewalk. Notice of an obstruction requiring trimming or removal shall be served by mail upon the owner of the property. If the obstruction is not removed by trimming or removal of the tree, shrub or other vegetation within five (5) days after the mailing of such notice, the obstruction may be corrected by the City, and the cost of such corrective action shall be levied against the property as a special assessment and collected as in the case of other special assessments in the same manner as real estate taxes if the full balance of the cost is not paid within 30 days after a bill for the costs has been mailed to the property owner.

Source: Ordinance No. 143, 2<sup>nd</sup> Series  
Effective Date: 10-18-2012

**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 City Administrator shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The City Administrator 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. 7.11. LOAD LIMITS.** The City Administrator, upon the recommendation of the Public Works Superintendent, 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. 7.12. 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. 7.13. 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 Administrator.

**SEC. 7.14. 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 the City to bear the cost of maintenance of alleys. It shall be the responsibility of each owner of property abutting upon any alley to bear the cost of repairs or reconstruction of such alley.

**Subd. 3. Charges.** Cost for the repair or reconstruction of an alley may be assessed by the City against abutting owners.

Source: City Code

Effective Date: 03-15-1992

**SEC. 7.15. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACES, INCLUDING ALLEYS, 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 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 or reconstruct 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 City Administrator to the Public Works Director and no permit shall be issued until approval has been received from the Public Works Director. 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 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.

**Subd. 4. Inspection.** The City Administrator 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 City Administrator 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. 7.16. CONSTRUCTION, REPAIR AND MAINTENANCE OF SIDEWALKS.**

**Subd. 1. Purpose.** The goal of the City is to provide safe pedestrian walkways within the City and, in particular, to provide for safe pedestrian traffic to and from schools, school bus stops and in other high pedestrian traffic areas in the neighborhoods in the community.

### **Subd. 2. Repairs and Improvements.**

**A. Inspection and Report.** The owner of any private property within the City abutting a sidewalk shall report any sidewalks that are defective, broken or otherwise in need of repair to the Director of Public Works. The Director of Public Works shall cause inspection to be made at such times as is reasonably necessary to determine whether public sidewalks within the City are in need of repair. The Public Works Director shall have the authority to gather all information that is deemed necessary to make a determination as to whether a sidewalk is in need of repair. Ultimately, the decision as to whether a sidewalk is in need of repair is in the discretion of the Public Works Director. If the City has limited funds for the repair of conditions that are identified, the Public Works Director shall have the authority to prioritize repairs needed and to make those repairs for which the City has available funds and see that any unsafe conditions which cannot be repaired immediately are properly identified, appropriately marked or, if necessary, barricaded.

**B. Barricades and Signal Lights.** Whenever any materials of any kind are deposited on any sidewalk or improvements are being made, or when any sidewalk is in a dangerous condition, it is the duty of all persons having any interest in the property in front of or along which such material may be deposited, or where such dangerous condition exists, to put in conspicuous places on each side of such sidewalk and at each end of any pile of materials a sufficient number of signal lights to secure the area.

**C. Sidewalks.**

**1. Duty to Repair.** The owner of any private property within the City abutting a sidewalk shall keep the sidewalk in repair and safe.

**2. Repair.**

(a) If the Director of Public Works finds that any sidewalk abutting on private property is unsafe, defective or in need of repairs, he/she shall cause a notice to be served. The notice shall be served upon the record owner of the abutting property by personal service, or upon the record owner and occupant by registered or certified mail to their last known address of the owner does not reside within the City or cannot be found therein. The notice shall order the owner to have the sidewalk repaired and made safe within ten (10) days, and shall state that if the owner fails to do so, the Council may order the work done, and that the expense thereof (or the owners proportionate share, if applicable) must be paid by the owner, and, that if unpaid, it will be made a special assessment against the property concerned.

(b) If the sidewalk is not repaired within ten (10) days after service of the notice, the Director of Public Works shall report the facts to the Council. The Council may, by resolution, order the construction or repair to be made. If the Council orders construction or repair to be made, the Director of Public Works shall keep record of the total costs of the repair attributable to each lot or parcel of property and report such information to the City Administrator.

**3.** On or before September 1 of each year, the City Administrator shall list the total unpaid charges for each type of repair service against each separate lot or parcel to which they are attributable under this Section. After notice and hearing as provided by Minnesota Statutes, Section 429.061, the Council may then spread the charges against the property benefited as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent Statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10) such installments, as the Council may determine in each case.

**Subd. 3. Repair and Construction Requirements.**

**A. Permits Required.**

**1.** No person shall make any sidewalk repair or improvement, whether ordered by the City or not, until such person has submitted a plan, has obtained the required permit from the City, and has paid all applicable fees. The fee, if any, for permits shall be established by resolution of the Council.

2. When the requirements of this Subdivision have been met and the plans approved, the permit shall be issued and a copy thereof shall be filed and preserved. The permit shall state when the work is to be commenced and when the work is to be completed.

**B. Specifications.** All repairs and improvements to sidewalks, whether undertaken by the owner of abutting property or by the City, shall be performed under the supervision and inspection of the Director of Public Works and in accordance with the plans and specifications approved by resolution of the Council and on file in the office of the City Administrator.

**C. Notice to Stop Work.** The Director of Public Works or the Director of Building and Planning may stop work at the site upon written notice served personally, or by registered or certified mail on the property owner, the property owner's agent, or the contractor or party doing the work, for any of the following reasons:

1. Failure to obtain a permit; or
2. Failure to perform work in accordance with the specifications established under Subparagraph B, above.
3. When the property owner, agent of the property owner, contractor, or party performing work received the notice, such person shall cause the work to stop. Work may resume when a permit is obtained or when the Director of Public Works or his/her designee has confirmed that corrections have been made to conform the work to the required specifications.

**Subd. 4. Removal Without Replacement.** Removal of a sidewalk without replacement shall occur only by the following:

- A. The owner of the abutting property petitions the Council and the Council determines by resolution that it is in the interest of the public to remove the sidewalk without replacing it.
- B. The Council, by its own motion, seeks to remove the sidewalk without replacing and the motion passes.

**Subd. 5. Maintenance.**

A. The owner and the occupant of any property adjacent to a public sidewalk shall use due diligence to keep such sidewalk safe for pedestrians. No such owner or occupant shall allow dirt or rubbish to remain on the sidewalk for longer than twenty four (24) hours after it is deposited thereon. The removal of snow and ice is governed by the provisions relating to "Ice and Snow on Public Sidewalks" as contained in this Chapter.

**B.** If the Director of Public Works finds that dirt or rubbish has remained on a public sidewalk for more than twenty four (24) hours after its deposit thereon, he/she shall cause a notice to be served on the record owner of the property by personal service, or upon the occupant if the owner does not reside within the City or cannot be found thereon, ordering the owner or occupant to have the dirt or rubbish removed and made safe within twenty (24) hours and stating that if the owner or occupant fails to do so, the Director of Public Works will do so on behalf of the City, that the expense thereof must be paid by the owner, and that if unpaid, it will be made a special assessment against the property concerned.

**C.** If dirt or rubbish is not removed within twenty four (24) hours after service of the notice the Director of Public Works shall cause the dirt or rubbish to be removed. The Director of Public Works shall keep a record of the total cost of the removal attributable to each lot or parcel of property and report such information to the City Administrator.

**D.** On or before September 1 of each year, the City Administrator shall list the total unpaid charges for each type of current services against each separate lot or parcel to which they may be attributable under this Section. After notice and hearing as provided by Minnesota Statutes, Section 429.061, the Council may then spread the charges against the property benefited as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent Statutes for certification to the County Auditor and collection along with current taxes the following year, or in annual installments not to exceed ten (10), as the Council may determine in each case.

#### **Subd. 6. Payment of Cost of Sidewalk Construction and Repair.**

**A.** The Council recognizes that it is important for the payment of the costs of repair and construction of sidewalks to be a partnership between property owners and the City. The Council also recognizes that financial realities may require the City's contribution to the costs of construction and repair to vary from time to time. Therefore, although the Council anticipates that whenever possible, the City will participate in payment of a portion of the costs of construction and repair of sidewalks, the percentage that will be paid by the City will be set by the Council and fixed by its resolution from time to time. However, the City will not participate in the payment of the cost of installation of new sidewalk unless it is part of a planned extension of the existing sidewalk system.

**B.** A copy of the most recent resolution setting the percentage of costs of sidewalk repair, replacement and construction to be paid by the City shall be on file in the office of the City Administrator and uniformly enforced. The percentage of costs to be paid by the City may be limited to a percentage of a maximum dollar charge per square foot. Therefore, the Council may, in its resolution, indicate that the Council will pay, for example, fifty percent (50%) of the cost of construction, repair or replacement of sidewalk up to a maximum total per square foot charge on replacement of \$3.00 so that in such an example the City's maximum contribution to replacement would be \$1.50 per square foot.

Source: Ordinance No. 10, 2<sup>nd</sup> Series  
Effective Date: 06-21-1995

(Sections 7.17 through 7.98, inclusive, reserved for future expansion.)

(Pages 219 through 227 reserved)

**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 twelve (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: 03-15-1992