

CHAPTER 92: STREETS AND SIDEWALKS

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Cross-reference:

Public utility franchises required to place and maintain fixtures on public ways, see Charter Ch. 10

Vacation of streets, see Charter § 12.06

Street Department, see § 32.33
Bicycles; riding on sidewalks, see § 72.13
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Subdivisions; provisions related to streets, § 153.36 inter alia

GENERAL PROVISIONS

§ 92.01 RUBBISH AND REFUSE.

(A) *Depositing of rubbish and refuse.* No person shall place or deposit earth, dirt, ashes, paper, refuse, offal, garbage, or any other offensive matter or substance in or upon any street, alley, or public ground, railroad, right-of-way, or vacant lots within the limits of the city without permission of the Council. Fresh ashes may be placed in any alley during months from September to the following April inclusive. ('75 Code, § 6.101)

(B) *Receptacle requirement.* No person shall permit or suffer letters, paper, rubbish, and other offensive matter subject to being carried by the wind to remain upon premises owned or occupied by him or her except that they be confined in a suitable receptacle which will prevent their being scattered by the wind or other means upon the public grounds or streets of the city. ('75 Code, § 6.102)

(Penalty, see § 10.99)

Cross-reference:

Solid waste, see Ch. 51

§ 92.02 WATER DISCHARGE.

No person, firm, or corporation shall construct or maintain any water pipe or conductor of any kind in such manner that the same shall conduct or discharge the waters from the roof or other parts of any building upon or over any sidewalk in the city. ('75 Code, § 6.103) Penalty, see § 10.99

Cross-reference:

Sewers; storm water, unpolluted water, and the like, see § 52.50

§ 92.03 OBSTRUCTIONS; EXCEPTIONS.

(A) No person shall place or suffer to remain any farming implements or any agricultural or other machinery in or upon any street, lane, alley, sidewalk, or other public place in the city. No person shall in any manner or with any article or thing encumber or obstruct any street, lane, alley, sidewalk, or other public place in the city, provided, however, that any person owning or operating a business establishment for the retail sale of merchandise in the city may use the sidewalk adjacent to his or her business premises for the purpose of displaying and selling

merchandise, and also, a person or organization may use all or a portion of a street, lane, alley, sidewalk, or other public place in the city for temporary use for special events, but only after such person or organization first obtains a written permit allowing such use from the City Manager. The City Manager shall have the authority to grant or deny such permit and if granted he or she shall have the authority to determine the terms, conditions, and duration of such special use permit. The City Council may revoke such permit at any time if such person receiving the permit violates the terms and conditions thereof. The person receiving such permit shall be required to pay a fee as may be adopted from time to time by Council resolution or ordinance to the city upon receipt thereof.

(B) Construction material may be stored in the public right-of-way pursuant to the provisions of § 150.17. ('75 Code, § 6.104) Penalty, see § 10.99

Cross-reference:

Public nuisances affecting peace and safety; obstruction of streets and sidewalks, see § 93.04

Building code; permit for deposit of building materials, see § 150.17

§ 92.04 GASOLINE PUMPS.

No person shall install, operate, or maintain curb pumps or other gasoline dispensing devices on the public streets, alleys, or other public property of the city.
(‘75 Code, § 6.105) Penalty, see § 10.99

§ 92.05 ALTERATIONS.

No person, firm, or corporation shall make any change in the sidewalks, curb, gutters, or driveways or construct new ones without first obtaining a permit therefor from the City Council.
(‘75 Code, § 6.106) Penalty, see § 10.99

§ 92.06 RECEIVING AND DELIVERING GOODS.

No person receiving or delivering goods, wares, or merchandise in the city shall take or keep upon any sidewalk goods, wares, or merchandise without leaving a clear passageway not less than three feet wide for the use of pedestrians. ('75 Code, § 6.107) Penalty, see § 10.99

§ 92.07 AWNINGS.

It shall be unlawful for any person, firm, or corporation to put up, erect, or maintain on the front or side of any building in the city any awning of any kind or description which extends over any part of a sidewalk unless such awning is so constructed that the lowest part thereof is at all times not less than seven feet above the sidewalk. Any such awning now put up, placed, or maintained on the front or side of any building which does not comply with the foregoing

provisions shall be removed by the owner or person in control thereof. ('75 Code, § 6.108) Penalty, see § 10.99

Cross-reference:

Public nuisances affecting health and safety; awnings and the like, see §93.04

§ 92.08 HANDBILLS ON POLES.

No person shall attach or post any papers, bills, notices, tags, or any other matter or thing to or upon any lamppost, electric light or telephone pole, or any other pole or post set up, erected, or maintained by the city in any street, alley, or public place.

('75 Code, § 6.109) Penalty, see § 10.99

EXCAVATIONS

§ 92.20 PERMIT REQUIRED.

No person shall make an excavation in any street, alley, sidewalk, or other public ground for any purpose other than in fulfilling the obligations of a contract awarded by the city without first obtaining a permit as outlined in § 92.21 et seq. No permit shall be required for any excavation made by a public utility company for the sole purpose of installing a utility pole, anchor, or guy wire.

('75 Code, § 6.201) (Ord 1009.78, passed - -78) Penalty, see § 10.99

Cross-reference:

Parking regulations; construction of driveways, see §71.12

§ 92.21 PERMIT APPLICATION; EMERGENCIES.

Applications shall provide for the name and address of the applicant, shall state in detail the nature and character of the excavation to be made and the location thereof, and shall enable the city to fully evaluate the nature of the work to be accomplished and the extent to which it will conform to the requirements of this subchapter. In the event of an emergency, such work as is required to alleviate the emergency may be accomplished without benefit of permit. In this event, however, application for a permit shall be made during the next succeeding work day, and the applicant shall be subject to all of the remaining provisions of this subchapter.

('75 Code, § 6.202) (Ord. 1009.78, passed - -78) Penalty, see § 10.99

§ 92.22 PERMIT APPLICATION NOTICE.

Prior to the issuance of an excavation permit, the applicant shall present to the City Manager a written statement indicating that the applicant has contacted all the utilities and that adequate

provisions to prevent damage to any utility have been made.
(’75 Code, § 6.203) (Ord. 1009.78, passed - -78)

§ 92.23 PERMIT DEPOSIT.

(A) Each application shall be accompanied by a deposit fee as may be adopted from time to time by Council resolution or ordinance to be paid by the applicant.

(B) That deposit shall be held undeposited by the city for 45 days or until the excavation has been properly returned to the same condition it was in before work commenced, or a better condition, and has been inspected to ensure compliance with city standards. When compliance is achieved, the deposit shall be returned to the permit holder.

(C) Failure to completely restore the public right-of-way to city specifications within 45 days shall cause forfeiture of that amount of the deposit necessary to cover city expenses in restoring the street to city specifications.

(D) If in the judgment of the City Manager the excavation applied for shall constitute a major disturbance on any street, alley, or other public ground, the City Manager shall refer the application to the City Council which shall have the power to set a higher deposit fee than herein specified.

(E) If in the judgment of the City Manager the excavation applied for shall not involve a disturbance of any improved street, alley, or public ground and the excavation shall be done by trenching in underground lines and cables, the City Manager may allow the waiver of the deposit. However, all other provisions of this subchapter shall be binding upon the applicant.
(’75 Code, § 6.204) (Ord. 1009.78, passed - -78)

§ 92.24 PERMIT ISSUANCE.

The City Manager shall issue an excavation permit if he or she is satisfied that all conditions have been met and that the excavation shall be made in compliance with the law.
(’75 Code, § 6.205) (Ord. 1009.78, passed - -78)

§ 92.25 REGULATIONS FOR PUBLIC SAFETY.

Before commencing any excavation, the holder of the permit for a particular project shall set up an effective system to protect and safely guard vehicular traffic and pedestrians through the construction area, or detour them when necessary, and provide for the public safety in general. The contractor shall utilize signs, flags, flashers, barricades, fences, flange, and such other methods or devices as are necessary to adequately warn the public of the hazards involved. One or more warning lights, visible from all directions, must be fixed to such site-protective devices

from twilight to dawn to warn of the present obstruction. The public safety must be ensured at all times. No blasting shall be allowed except upon permission of the Council.
(‘75 Code, § 6.207) (Ord. 1009.78, passed - -78) Penalty, see § 10.99

Cross-reference:

Public nuisances affecting peace and safety; dangerous, unguarded machinery and unprotected excavations, see §93.04

§ 92.26 PROTECTION OF EXISTING IMPROVEMENTS.

The contractor holding the permit shall be responsible for the protection, repair, or replacement of all improvements which exist within the limits of the construction area. For the purpose of this section, the term **IMPROVEMENT** shall include, but shall not be limited to, the following: water lines, sanitary and storm sewer lines, white-way lighting, traffic signal systems, traffic signs, top soil, sod, trees, public utility lines and systems, and street improvements including subgrade, base pavement, or other surfacing, curbs, gutters, medians, sidewalks, and all of the various appurtenances of these improvements. All improvements and restoration shall be subject to the specifications and requirements imposed by the Council.
(‘75 Code, § 6.208) (Ord. 1009.78, passed - -78) Penalty, see § 10.99

§ 92.28 COMPLETION OF WORK.

All work covered under this code shall be accomplished expeditiously in order to avoid unnecessary inconvenience to traffic and pedestrians, and for the protection of other public interest. In the event that the work is not being accomplished expeditiously, or if the work on an excavation is ceased or abandoned without due cause, the city may, following notice to the holder of the permit, correct and/or complete the required work and effect all restoration as required by this subchapter. In the event city forces accomplish the work in accordance with the provisions herein, the entire cost of such work, including any materials used therefore, shall be a liability of the holder of the permit. Thereafter, if payment is not made within 30 days of the billing date for work involved, no additional permits shall be issued to that contractor until payment has been made by the contractor or by his or her bonding company.
(‘75 Code, § 6.209) (Ord. 1009.78, passed - -78)

§ 92.27 REPORT UPON COMPLETION OF WORK.

Within five working days after completing any work on or in connection with the city's water, sanitary storm, or sewage system or in installing underground lines or cables, including gas, CATV, and phone, the applicant shall file with the City Manager a complete record of the work done, together with a diagram showing the exact location of each curb box, meter, or other underground device with measurements sufficient to properly describe its location in the street, alley, or public ground.
(‘75 Code, § 6.206) (Ord. 1009.78, passed - -78) Penalty, see § 10.99

CURRENT SERVICES

§ 92.40 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CENTRAL BUSINESS SNOW REMOVAL AREA. That area designated as a B-1 zone according to the official Zoning Map of the city; all public sidewalks adjacent to the perimeter of the B-1 zone; public sidewalks on the north side of Atlantic Avenue and on the south side of Pacific Avenue between 11th and 12th Streets and between 14th and 15th Streets; and public sidewalks on the west side of 14th Street between Wisconsin Avenue and McGivney Avenue.

CURRENT SERVICE. One or more of the following: snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or streets or from private property; street sprinkling; street flushing, light street oiling, or dust treatment of streets and alleys; repair of curbs and sidewalks; and the trimming and care of trees and removal of unsound and insect-infested trees from the public streets and alleys or private property.

('75 Code, § 6.301) (Ord. 1054.86, passed - -86)

Cross-reference:

Zoning Map, see § 154.056

Zoning; "B-1" Central Business District, see § 154.100 et seq.

§ 92.41 SNOW AND RUBBISH AS NUISANCES; REMOVAL REQUIRED.

All snow, ice, dirt, and rubbish remaining on a public sidewalk located in the central business snow removal area after 12:01 p.m. of the day following cessation of its deposit thereon or on any other public sidewalk more than 72 hours after its deposit thereon is a public nuisance. The owner and the occupant of any property adjacent to a public sidewalk shall use due diligence to keep such walk safe for pedestrians. No owner or occupant shall allow snow, ice, dirt, or rubbish to remain on a public sidewalk adjacent to his or her property located in the central business snow removal area after 12:01 p.m. of the day following the cessation of its deposit thereon or on a public sidewalk adjacent to his or her property located anywhere else within the city longer than 72 hours after its deposit thereon. However, the city may suspend snow removal requirements in certain areas where the walking traffic is light and unusually severe conditions make snow removal or ice removal unreasonable.

('75 Code, § 6.302) (Ord. 1054.86, passed - -86) Penalty, see § 10.99

Cross-reference:

Public nuisances affecting peace and safety; snow and ice on sidewalks, see § 93.04

§ 92.42 SNOW AND RUBBISH REMOVAL BY CITY.

The City Council may designate an official of the city who shall cause the removal from all public sidewalks of snow, ice, dirt, or rubbish as soon as possible beginning not sooner than 12:01 p.m. of the day following the cessation of its deposit thereon for public sidewalks located in the central business snow removal area and not sooner than 72 hours for any other public sidewalks after any such matter has been deposited thereon or after the snow has ceased to fall. He or she shall keep a record showing the cost of such removal adjacent to each separate lot and parcel and shall deliver such information to the City Manager.

('75 Code, § 6.303) (Ord. 1054.86, passed - -86)

Cross-reference:

Motor vehicles impeding city services or traffic as nuisances, see §95.04

Parking; snow emergencies, see §71.14

§ 92.43 WEEDS AND GRASSES AS NUISANCES; ELIMINATION REQUIRED.

Any weeds or grasses, whether noxious as defined by law or not, growing upon any lot or parcel of land within the city to a height greater than 12 inches on the average or which have gone or are about to go to seed are a nuisance. The owner or occupant shall abate or prevent such nuisance on such property and on the land outside the graveled portion of the street or alley abutting on such property.

('75 Code, § 6.304) Penalty, see § 10.99

Cross-reference:

Public nuisances affecting health; weeds, see §93.02

§ 92.44 WEED AND GRASS ELIMINATION NOTICE; REMOVAL BY CITY.

On or before June 1 of each year and at such other times as ordered by resolution of the Council, the City Manager shall publish once in the official newspaper notice directing owners and occupants of property within the city to destroy or mow all weeds or grasses declared to be a nuisance and stating that if not mowed or destroyed before they are 12 inches in height the city shall cause the weeds or grasses to be destroyed at the expense of the owner and if not paid, the charge for such work will be made a special assessment against the property concerned. The Council shall cause records to be kept showing the cost of such work attributable to each separate lot or parcel and shall deliver said information to the City Manager.

('75 Code, § 6.305)

§ 92.45 STREET SPRINKLING, TREE CARE, AND THE LIKE; NOTICE OF PROPOSED PROJECTS.

The Council may each year determine by resolution what streets and alleys shall be sprinkled or flushed, oiled, or given dust treatment during the year and the kind of work to be done on each. The Council shall also determine by resolution from time to time the streets on

which trees shall be trimmed and cared for, the kind of work to be done, and what unsound trees shall be removed. Before any work is done pursuant to either of these resolutions, the City Manager shall, under the Council direction, publish notice that the Council will meet to consider such projects. Such notice shall be published in the official newspaper at least once no less than one week prior to such meeting of the Council and the notice shall state the date, time, and place of such meeting, the streets affected, the particular projects proposed, and the estimated cost of each project either on a total project basis or on the basis of the proposed assessment per front foot or otherwise.

('75 Code, § 6.306)

§ 92.46 STREET SPRINKLING, TREE CARE, AND THE LIKE HEARINGS; COMPLETION OF PROJECT.

At a hearing or at any adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed projects. The Council may thereupon adopt a resolution confirming the original projects with such modifications as it considers desirable and shall provide for the doing of the work by day labor through a designated city official or by contract. The designated official shall keep a record of the cost and the portion of the cost properly attributed to each lot or parcel of property abutting the street or alley on which the work is done and shall report such information to the City Manager.

('75 Code, § 6.307)

§ 92.47 LIABILITY FOR COSTS OF CURRENT SERVICES.

The owner of property on which or adjacent to which snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or streets or from private property; street sprinkling; street flushing, light street oiling, or dust treatment of streets and alleys has been performed shall be personally liable for the cost of such service. As soon as the service has been completed and the cost determined, the City Manager shall prepare a bill and mail it to the owner or occupant and thereupon the amount shall be immediately due and payable at the office of the City Manager. ('75 Code, § 6.308)

§ 92.48 ASSESSMENT.

On or before October 1 of each year, the City Manager shall list the total unpaid charges for snow, ice, or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or streets or from private property; street sprinkling; street flushing, light street oiling, or dust treatment of streets and alleys against each separate lot or parcel to which they are attributable under this code. The Council may then spread the charges against the property benefited as a special assessment under M.S. § 429.101 and other pertinent statutes for certification to the County Auditor and collection the following year along with the current taxes.

('75 Code, § 6.309)

§ 92.49 SIDEWALK, CURB, AND GUTTER REPAIR APPROPRIATIONS.

The city finds that a continuing program for the making of sidewalk, curb, and gutter repairs and maintenance is necessary and in the best interest of the city and that by reason thereof the City Council may appropriate funds for such purposes.
(‘75 Code, § 6.310) (Ord. 1050.84, passed 8-20-84)

§ 92.50 SIDEWALK, CURB, AND GUTTER REPAIR PROJECTS; NOTICE AND HEARING.

The City Manager or such other official as may be designated by the City Council shall have the duty to make such inspections as are necessary to determine that sidewalks, curbs, and gutters within the city are kept in repair and safe for pedestrians. Each year such official shall prepare a report specifying the sidewalks, curbs, and gutters which are scheduled to be repaired for that calendar year, which report shall include the name and address of each of the owners of property abutting upon any area of sidewalk, curb, or gutter to be repaired, the approximate length of such area to be repaired for each of said owners, the estimated cost thereof, as well as each owner's possessive share of such estimated cost, together with such other information as such official shall deem necessary. Said report shall be filed with the City Manager and be open to public inspection and shall be presented to the City Council on or before May 1 of each year for appropriate action. The City Council shall, upon final approval of the report, set a date for a public hearing thereon and shall publish notice of the hearing for one week in a newspaper designated by the city for such published notices and make service of said notice by certified mail or by personal service upon each owner. Publication and service of said notice shall be made at least two weeks prior to the date of the hearing. The notice shall state the date, time, and place of the hearing, the general nature of the repair, the area proposed to be assessed, that the report concerning such repairs is on file with the City Manager, and that written or oral objections to said repairs by any property owner will be considered. The notice shall further state that an owner may appeal an assessment to district court pursuant to M.S. § 429.081 by serving notice of the appeal upon the Mayor or City Manager within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after service upon the Mayor or City Manager, and shall inform property owners of the provisions of M.S. §§ 435.193 through 435.195 and the existence of any deferment procedure established pursuant thereto by the city. At said public hearing the City Council shall consider all matters presented for and against said proposed sidewalk, curb, and gutter repairs and then make a final determination as to which sidewalk, curb, and gutter repairs shall be made and such other determinations as may be necessary for the completion of and payment for said sidewalk, curb, and gutter repairs. (‘75 Code, § 6.311) (Ord. 1050.84, passed 8-20-84)

§ 92.51 SIDEWALK, CURB, AND GUTTER REPAIR LIABILITY; ASSESSMENT.

(A) The cost of all sidewalk, curb, and gutter repairs made under the provisions of this subchapter shall be shared in the following manner:

(1) All sidewalk, curb, and gutter repairs abutting upon residential property shall be fully paid for by the city along all side streets, and one-half thereof on all sidewalks, curbs, and gutters along front streets, and the owner of the property abutting thereon shall pay the remaining one-half of the cost thereof.

(2) All sidewalk, curb, and gutter repairs abutting upon property located in any business district which abuts upon commercial property shall be fully paid for by the city along side streets where the commercial building adjacent thereto has no entrance facing the street which entrance is normally used as a customer entrance to said building, but if said building has such customer entrance or entrances, then the city shall pay for one-half of the cost of said sidewalk, curb, and gutter repairs and the owner of the property abutting thereon shall pay for the remaining one-half thereof, and the city shall pay for one-half of the cost of said sidewalk, curb, and gutter repairs made along all front and back streets and the owner of the property abutting thereon shall pay the remaining one-half of the cost thereof.

(B) The cost assessed against each of said owners shall be required to be fully paid within 30 days after the date of the mailing of said notice setting forth his or her share of the cost thereof. If any owner fails to make full payment within said time, the City Council may spread the charges so unpaid against the real property of such owner as a special assessment under M.S. § 429.101 and other pertinent statutes for certification to the County Auditor for collection with current real estate taxes. At the time of such certification, the City Council shall direct that said special assessment shall be payable in a single installment or it may proceed that it be paid in up to five equal annual installments.

('75 Code, § 6.312) (Ord. 1050.84, passed 8-20-84)