

Chapter 20 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES [\[1\]](#)

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State Law reference— General power relative to streets, Minn. Stats. § 412.221, subds. 6, 7, 10, 18.
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DIVISION 1. REGULATING USE OF RIGHT-OF-WAY

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Sec. 20-1. Findings, purpose, and intent.

The primary objectives of this division are to protect public safety, reduce interferences with public travel, protect the public's interest in its rights-of-way, and to provide for the efficient and uniform administration of the city's rights-of-way. The city council finds that the regulations, requirements, and restrictions, as set forth in this division, are in the best interests of the health, safety, and welfare of the city's citizens.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned facility means a facility no longer in service or physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service.

Facility or facilities means any tangible asset in the right-of-way required to provide utility service.

Local representative means a local person or persons, or designee of such person or persons, authorized by a registrant to accept service and make decisions for that registrant regarding all matters within the scope of this chapter.

Obstruct means to place any object in a right-of-way that hinders free and open passage over any part of the right-of-way.

Pavement means any type of improved surface that is within the public right-of-way and that is paved or otherwise constructed with bituminous, concrete, aggregate, or gravel.

Permit has the meaning given "right-of-way permit" in Minn. Stat. § 237.162.

Public right-of-way means the area on, below, or above a public roadway, highway, street, alley, cartway, bicycle lane, public sidewalk, or trail in which the city has an interest, including other dedicated rights-of-way for travel purposes and utility easements of the city. Public right-of-way includes parks and drainage and utility easements.

Service or utility service includes (1) those services provided by a public utility as defined in Minn. Stat. § 216B.02 subd. 4 and 6; (2) services of a telecommunications right-of-way user including transporting of voice, or data information; (3) services of cable communications systems as defined in Minn. Stat. ch. 238; (4) natural gas or electric energy or telecommunications services provided by the city; (5) services provided by a cooperative electric association organization under Minn. Stat., ch. 308A; and (6) water and sewer, including service laterals, steam, cooling or heating services.

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Service lateral means an underground facility that is used to transmit, distribute, or furnish gas, electricity, communications, water, or sanitary sewer from a common source to an enduse customer or that is used in the removal of wastewater from a customer premises.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-3. Administration.

The city administrator is the principal city official responsible for the administration of the city rights-of-way, right-of-way permits, and the related ordinances. The city administrator may delegate any or all of these duties.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-4. Permit requirement.

- (a) *Permit required.* Except as otherwise provided in this chapter, no person may obstruct or excavate any right-of-way without first having obtained the appropriate right-of-way permit from the city. A permit is required to excavate or directionally bore that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.
- (b) *Permit extensions.* No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless (i) such person makes a supplementary application for another right-of-way permit before the expiration of the initial permit; and (ii) a new permit or permit extension is granted.
- (c) *Permit display.* Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the city.
- (d) All permitted work shall be done in a manner that will cause the least inconvenience to the public.
- (e) *Exceptions.*
 - (1) This section shall not apply to landowners working within the right-of-way adjacent to their lot. See section 20-25 for regulation of landowners.
 - (2) This section shall not regulate contractors connecting to city sanitary sewer and water lines to privately owned structures. However, nothing herein relieves a person from complying with the provisions of Minn. Stat. ch. 216D (Gopher State One Call).
 - (3) Since the following activities are routine and typically non-intrusive, utility service providers need not apply for a permit unless traffic will be blocked. However, any damage to the right-of-way shall be repaired by the utility service provider. The following is a list of activities that shall not require a permit if traffic is not blocked:
 - a. Tree trimming within the right-of-way.
 - b. Street light bulb or pole replacement.
 - c. Routine maintenance to existing street lights or other above grade transformers and inverters.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

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Sec. 20-5. Permit applications.

Application for a permit is made to the city. Right-of-way permit applications shall contain, and will be considered complete only upon compliance with, the requirements of the following provisions:

- (1) Submission of a completed permit application form, including all required attachments, and scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities.
- (2) Payment of money due the city for:
 - a. Permit fees, estimated restoration costs and other management costs;
 - b. Prior obstructions or excavations;
 - c. Any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city; and
 - d. Franchise fees or other charges if applicable.
- (3) Designation of a local representative if the permit is for the purpose of installing utility service facilities.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-6. Issuance of permit; conditions.

- (a) *Permit issuance.* If the applicant has satisfied the requirements of this chapter, the city shall issue a permit.
- (b) *Conditions.* The city may impose reasonable conditions upon the issuance of the permit to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use or future planned use.
- (c) *Surety.* The city in its sole discretion may require a bond, letter of credit, or other acceptable surety for permits involving significant work.
- (d) *Notice.* The applicant must provide ten days written notice to any landowners lying adjacent to any permitted work. Mailed notice to the address used for tax purposes as shown at the Stearns County Auditor's office shall suffice for notice.
- (e) *Timing.* The work to be done under the permit must be completed within the dates specified in the permit.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-7. Permit fees.

- (a) *Permit fee.* The city shall establish a permit fee in the city fee schedule in an amount sufficient to recover the city management costs and any city labor and engineering costs.
- (b) *Payment of permit fees.* No permit shall be issued without full payment of the permit fees.
- (c) *Non-refundable.* Permit fees that were paid for a permit that a city has revoked for a breach are not refundable. If permittee cancels the permit, the permit fees are not refundable.

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- (d) *Application to franchises.* Unless otherwise agreed to in a franchise, permit fees may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-8. Right-of-way patching and restoration.

- (a) *Timing.* The patching and restoration work must be completed within the dates specified in the permit.
- (b) *Patch and restoration.* Permittees shall patch and restore their own work. The city may choose to restore the right-of-way itself if the work is not completed in accordance with the deadlines outlined in the permit. If the city restores the right-of-way, the permittee shall pay the costs thereof within thirty days of billing. If, following such restoration, the pavement settles due to permittee's improper backfilling and compaction, the permittee shall pay to the city, within thirty days of billing, all costs associated with correcting the defective work.
- (c) *Duty to correct defects.* The permittee shall correct defects in patching or restoration performed by permittee or its agents. The permittee, upon notification from the city, shall correct all restoration work to the extent necessary, using the method required by the city. Such work shall be completed within five calendar days of the receipt of the notice from the city, not including days during which work cannot be done because of inclement weather.
- (d) *Delay penalty.* The city shall establish a daily delay penalty for unreasonable delays in right-of-way patching or restoration in the city fee schedule.
- (e) *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the city, or fails to satisfactorily and timely complete all restoration required by the city, the city, at its option, may do such work. In that event, the permittee shall pay to the city, within 30 days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights to collect from any surety or pursue all other legal collection methods.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-9. Joint trench applications.

- (a) *Joint application.* Applicants may jointly apply for permits to excavate or obstruct the right-of-way at the same place and time.
- (b) *Shared fees.* Applicants who jointly apply for permits for the same excavation, which the city does not perform, may share in the payment of the permit fee. In order to obtain a joint permit, registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.
- (c) *With city projects.* Applicants who join in a scheduled excavation performed by the city are not required to pay the permit fee, but a permit is required.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-10. Permit extensions.

- (a) *Limitation on area.* A permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed

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or excavated must, before working in that greater area (i) make application for a permit extension and pay any additional fees; and (ii) be granted a new permit or permit extension.

- (b) *Limitation on dates.* A permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-11. Other obligations.

- (a) *Compliance with other laws.* Obtaining a right-of-way permit does not relieve a permittee of its duty to obtain all other necessary permits, licenses, and authority and to pay all fees required by the city or other applicable rule, law or regulation. A permittee shall comply with all requirements of local, state and federal laws, including, but not limited to, Minn. Stat., ch. 216D (Gopher State One Call) and Minnesota Rules Chapter 7560. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations, and is responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work. A permittee's failure to comply with all other laws, regulations, and permits is a violation of the city right-of-way permit.
- (b) *Prohibited work.* Except in an emergency or by approval of the city, no right-of-way obstruction or excavation may be done when seasonally prohibited or when conditions are unreasonable for such work.
- (c) *Interference with right-of-way.* A permittee shall not obstruct a right-of-way in a manner that interferes with the natural free and clear passage of water through the gutters or other drainage. Private vehicles of those doing work in the right-of-way may not be parked within or next to a permit area, unless parked in conformance with city parking regulations. The loading or unloading of trucks must be done solely within the defined permit area unless specifically authorized by the permit. Open excavations shall be guarded with substantial barriers and marked with red flags and at night with red lights or flashing devices. Pipes or mains exposed to freezing temperatures shall be protected so as to prevent freezing. Any person responsible for exposing a city main or pipe so that it might be damaged by freezing shall be liable to the city and all impacted parties for all damages caused by such freezing.
- (d) *Trenchless excavation.* As a condition of all applicable permits, permittees employing trenchless excavation methods, including, but not limited to, Horizontal Directional Drilling, shall follow all requirements set forth in Minn. Stat., Ch 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-12. Denial of permit.

The city administrator may deny a permit for failure to meet the requirements and conditions of this chapter, or if work is not completed on a previous permit issued to the same applicant, or if the city determines that the denial is necessary to protect the health, safety, and welfare, or when necessary to protect the right-of-way and its current or planned use.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

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Sec. 20-13. Installation requirements.

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and the city of Richmond's policies, in so far as they are not inconsistent with Minn. Stat., §§ 237.162 and 237.163. Installation of service laterals shall be performed in accordance with Minnesota Rules Chapter 7560 and these ordinances. Service lateral installation is further subject to those requirements and conditions set forth by the city in the applicable sewer and water permits.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-14. Inspection.

- (a) *Notice of completion.* When the work under any permit involves the installation or expansion of facilities is completed, the facility owner shall furnish a completion certificate in accordance with Minnesota Rule 7819.1300.
- (b) *Site inspection.* Permittee shall make the worksite available to the city and to all others as authorized by law for inspection at all reasonable times during and upon completion of the work.
- (c) *Authority of city administrator.*
 - (1) At the time of inspection, the city administrator or designee may order the immediate cessation of any work that poses a threat to the life, health, safety, or well-being of the public.
 - (2) The city administrator or designee may issue a correction order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions or regulations. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten days after issuance of the order, the permittee shall present proof to the city administrator that the violation has been corrected. If such proof has not been presented within the required time, the administrator may revoke the permit.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-15. Work done without a permit.

- (a) *Emergency situations.* Each owner or representative of a facility shall immediately notify the city administrator of any event regarding its facilities that it considers to be an emergency. The owner or representative of a facility may proceed to take whatever actions are necessary to respond to the emergency. Excavators' notification to Gopher State One Call regarding an emergency situation does not fulfill this requirement. Within two business days after the occurrence of the emergency, the owner or representative of a facility shall apply for the necessary permits, pay the fees associated, and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the emergency. If the city becomes aware of an emergency regarding any facilities, the city will attempt to contact the local representative of each facility affected or potentially affected by the emergency. In any emergency, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the owner of the facility whose facilities caused the emergency.
- (b) *Non-emergency situations.* Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way, must subsequently obtain a permit and, as a penalty, pay double the normal fee for said permit, and pay double all the other required city fees.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

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Sec. 20-16. Revocation of permits.

- (a) *Substantial breach.* The city reserves its right to revoke any permit without a fee refund if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation or any material condition of the permit including but shall not be limited to the following:
- (1) The violation of any material provision of the right-of-way permit; or
 - (2) An evasion or attempt to evade any material provision of the right-of-way permit; or
 - (3) Any material misrepresentation of fact in the application for a right-of-way permit; or
 - (4) The failure to complete the work in a timely manner, unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittee's control; or
 - (5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued by the city.
- (b) *Notice of breach.* If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit, the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations may be cause for revocation of the permit. The city may place additional or revised conditions on the permit to mitigate and remedy any substantial breach.
- (c) *Response to notice of breach.* Within 24 hours of receiving notification of the breach, permittee shall provide the city with a plan acceptable to the city that will cure the breach. Permittee's failure to contact the city, or permittee's failure to timely submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.
- (d) *Reimbursement of city costs.* If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorney's fees incurred in connection with such revocation.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-17. Location and relocation of facilities.

- (a) Placement, location, and relocation of facilities must comply with Minn. Stat. Chs. 216D, 237, 238, and Minnesota Rules 7819.3100, 7819.5000 and 7819.5100 and shall not disrupt or impede any city utility or road project previously installed or planned to be installed.
- (b) *Limitation of space.* To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current or planned use, the city shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making such decisions, the city shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

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Sec. 20-18. Pre-excavation facilities location.

In addition to complying with the requirements of Minn. Stat. ch. 216D (Gopher State One Call), before the start date of any right-of-way excavation, each owner or representative of a facility who has facilities or equipment in the area to be excavated shall mark the horizontal and vertical placement of all said facilities.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-19. Damage to other facilities.

When the city does work in the right-of-way and finds it necessary to maintain, support, or move a facility to protect it, the city shall notify the local representative as early as is reasonably possible. If the facility owner does not maintain, support or move the facilities at the city's request and the city maintains, supports or moves the facilities, the costs will be billed to that facility owner and must be paid within 30 days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damage. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another facility caused during the city's response to an emergency occasioned by that facility owner's facilities.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-20. Right-of-way vacation.

If the city vacates a right-of-way that contains the facilities of a registrant, the facility owner's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-21. Indemnification and liability.

By accepting a permit under this chapter, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rule 7819.1250.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-22. Abandoned and unuseable facilities.

- (a) *Discontinued operations.* A facility owner who has determined to discontinue all or a portion of its operations in the city must provide the city with written notice. If the owner's obligations for the facilities are to be assumed by another party, the owner must provide information satisfactory to the city.
- (b) *Removal.* Any facility owner who has abandoned facilities in any right-of-way shall remove it from that right-of-way if required in conjunction with other right-of-way repair excavation or construction unless this requirement is waived by the city.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

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Sec. 20-23. Appeal.

A right-of-way user that: (1) has been denied a permit; (2) has had a permit revoked; (3) believes that the fees imposed are not in conformity with Minn. Stat. § 237.163, Subd. 6; or (4) disputes a determination of the city administrator regarding the denial, revocation, fee imposition, or decision may have the action reviewed upon written request to the city council. The written request shall be filed with the city within ten days after the notice, order, or determination for which review is sought. Upon receipt of the request, the city administrator shall set a date for the hearing and give the petitioner at least five days' prior written notice of the date, time, and place of the hearing. At the hearing, the petitioner shall be given an opportunity to show cause why the notice, order, or determination should be modified or withdrawn. The hearing shall be conducted by the city council and it shall make written findings of fact and conclusions based upon the applicable section of the city Code. A decision by the city council, shall be in writing and supported by written findings establishing the reasonableness of the decision.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-24. Severability.

If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions. Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant as allowed by law.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

Sec. 20-25. Landowners.

Landowners shall not be required to obtain a permit to work within the right-of-way as set forth in section 20-4. Work within the right-of-way by landowners shall be regulated as follows:

- (1) *Signs.* The regulation of signs within the right-of-way is set forth in the city's zoning ordinance.
- (2) *Mailboxes.* Mailboxes, including newspaper boxes, are permitted within a right-of-way if they do not interfere with, obstruct, or render a road dangerous for passage. All mailboxes placed within a right-of-way must comply with all of the standards in Minnesota Rules Chapter 8818, regardless of the speed limit of the road on which the mailbox is located. Any mailbox which does not comply with Minnesota Rules Chapter 8818 is presumed to be a hazard to the traveling public. The Board may remove and replace mailboxes that do not comply with the standards as provided in Minn. Stat. § 169.072 or this chapter, regardless of the date the mailbox was installed.
- (3) *Lawns and sprinkler systems.* Landowners may install and maintain lawn sprinklers within the right-of-way without permit or city review. However, the city, in its sole discretion, may have to disturb or damage said lawn or sprinkler system from time to time to properly maintain the right-of-way or enable necessary utility use within the right-of-way. Landowners install such sprinkler systems at their own risk and shall not have a claim against the city or any utility, working within its rights under a properly issued city permit, for the destruction or disturbance of lawns or sprinkler systems within the right-of-way. Landowners must call Gopher State One Call before installing sprinklers within the right-of-way.
- (4) *Trees.* Trees planted within the right-of-way may be subject to the ongoing right of the city, its agents, and permittees to either trim or remove said tree if, in the city's sole discretion, the tree is obstructing sight lines or hindering utilities. Landowners must call Gopher State One Call before planting trees within the right-of-way.

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- (5) *Nuisances.* Nuisances within the right-of-way shall be regulated by the city's nuisance ordinance.
- (6) *Landscaping, structures and fences.* No landscaping rocks, fences or other structures shall be allowed within the right-of-way unless specifically authorized by the city.
- (7) *Street lights.* The regulation of street lights shall be as set forth in the city's zoning ordinance.
- (8) *Existing nonconforming structures or uses in the right-of-way.* Nonconforming uses or structures within the right-of-way after the passage of this chapter shall be presumed to be a public nuisance.

(Ord. No. 2010-104, Exh. 1, 10-21-2010)

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Sec. 20-26. Reserved.

Editor's note— Ord. No. 2010-104, Exh. 2, adopted Oct. 21, 2010, repealed § 20-26, in its entirety and enacted new provisions to read as herein set out. Prior to this amendment, § 20-26 pertained to definitions. See Code Comparative Table for derivation.

Sec. 20-27. Penalty.

In addition to the removal of items placed on sidewalks in violation of this article, any violation of the provisions of this article shall constitute a petty misdemeanor.

(Ord. No. 800, § 805.24, 1-31-2001)

Sec. 20-28. Snow, ice, dirt and rubbish, duty of owners and occupants.

The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than 24 hours after its deposit thereon.

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(Ord. No. 800, § 805.03, 1-31-2001)

Sec. 20-29. Weed elimination.

- (a) *Weeds as a nuisance.* Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the city to a greater height than 12 inches to which have gone, or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent such nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property.
- (b) *Removal by city.* If the owner or occupant of any property in the city fails to comply with the notice within ten days after receiving notice from the city to destroy the weeds declared by subsection (a) of this section to be a nuisance, the director of public works or other designated official shall cut and remove such weeds, shall keep a record showing the cost of such work attributable to each separate lot and parcel, and shall deliver such information to the city administrator/clerk.

(Ord. No. 800, § 805.05, 1-31-2001)

Sec. 20-30. Repair of sidewalks and alleys.

- (a) *Duty of owner.* The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be made in accordance with the standard specifications approved by the council and on file in the office of the city administrator/clerk.
- (b) *Inspections; notice.* The sidewalk inspector shall make such inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If the inspector finds that any sidewalk or alley abutting on private property is unsafe and in need of repairs, he shall cause a notice to be served, by registered or certified mail or by personal service, upon the owner of record for the property and the occupant, if the owner does not reside within the city or cannot be found therein within 30 days and stating that if the owner fails to do so, the sidewalk inspector 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) *Repair by city.* If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the sidewalk inspector shall report the facts to the council and the council shall by resolution order the sidewalk inspector to repair the sidewalk or alley and make it safe or order the work done by contract in accordance with law. The sidewalk inspector shall keep a record of the total cost of the repair attributable to each lot or parcel of property and report such information to the city administrator/clerk.

(Ord. No. 800, § 805.09, 1-31-2001)

Sec. 20-31. Personal liability.

The owner of property on which, or adjacent to which, a current service has been performed shall be personally liable for the cost of such service in such amount as the city shall determine prior to commencing the work. As soon as the service has been completed and the cost determined, the city administrator/clerk or other designated official, shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the city administrator/clerk.

(Ord. No. 800, § 805.11, 1-31-2001)

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Sec. 20-32. Assessment.

On or before September 1 of each year, the city administrator/clerk shall list the total unpaid charges for, each type of current service against each separate lot or parcel to which they are attributable under this article. The council may then spread the charges against property benefited as a special assessment under Minn. Stats. § 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, as the council may determine in each case.

(Ord. No. 800, § 805.13, 1-31-2001)

Sec. 20-33. Prohibition against obstructions on sidewalks.

- (a) With the exception of merchandise or shelving placed in a two-foot-wide area immediately adjacent to buildings (located in areas zoned for business or industrial use) constructed along such sidewalk and limited to the months of April through October, it shall be unlawful for any person or business to place or store, or to allow to be placed or stored on any sidewalk of the city, any articles obstructing such sidewalks any longer than is reasonably necessary for the loading or unloading of the same by the occupants of the buildings adjacent thereto or their employees or agents, unless a special permit authorizing such use has been obtained from the city. Further providing that, with the exception of benches secured to the adjacent building or benches placed on the sidewalk by the city or an entity which has been specifically authorized by the city, all merchandise and shelving placed in the aforementioned two-foot area shall be removed by 6:00 p.m. of any day and such articles may not be placed on such sidewalks prior to 7:00 a.m. In the event any such special permit is obtained, the permit shall be specifically subject to any conditions contained thereon and shall be limited to a period of time based upon normal daylight hours and may be summarily revoked in the event of a change in conditions requiring the termination of the permit for the public's safety or in the event of the violation of any of the conditions of the permit. Any obstructions placed on the sidewalk in violation of the aforementioned provisions may be summarily removed by an officer of the city without notice.
- (b) For all permits, the decisions shall be made by the council.

(Ord. No. 800, § 805.15, 1-31-2001)

Sec. 20-34. Illegal obstructions.

With the exception of obstructions placed within two feet of an adjoining building (as specified in section 20-33) or obstructions placed upon the sidewalk pursuant to a special permit obtained from the city (as specified in section 20-33), no person shall encumber or obstruct any sidewalk, lane, alley, street, public ground, public landing, wharf or pier, or other public place by placing or manufacturing thereof or therein any building materials, carriages, carts, wagons, sleighs, boxes, lumber firewood, posts, poles, awnings, or any other materials or substance whatever or by stringing, suspending, placing or maintaining any wires, ropes, timbers, signs, awnings, structures, projections, material or substance whatsoever over, along or across any of the same, except as provided by ordinance.

(Ord. No. 800, § 805.17, 1-31-2001)

Sec. 20-35. Obstructions on sidewalks.

- (a) Except in a two-foot area located immediately adjacent to any buildings located along a sidewalk (as specified in section 20-33), no person shall at any time place or cause to be placed any goods, wares,

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or merchandise such that same shall lie or project over or upon any sidewalk within the city, except by special permit issued pursuant to section 20-33.

- (b) Except in a two-foot area located immediately adjacent to any buildings located along a sidewalk (as specified in section 20-33), no person shall pile, deposit, place or cause or permit to be deposited, piled, or placed any rubbish, wood, coal, dirt, impediment, or obstruction of any kind upon or over any sidewalk or crossing or occupy or obstruct any sidewalk or crossing, except by special permit as authorized in section 20-33.
- (c) Except in a two-foot area located immediately adjacent to any buildings located along a sidewalk (as specified in section 20-33), no person shall sell or attempt to sell at public auction any chattels or property whatsoever to any person upon the sidewalks or streets within the city so as to collect a crowd upon such sidewalks or streets whereby the free passage thereof to any person or team is prevented or hindered and, in no event, without first obtaining permission from the chief of police, pursuant to section 20-33.

(Ord. No. 800, § 805.19, 1-31-2001)