

Chapter 24

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***Cross reference(s)**--Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the city saved from repeal, § 1-9(a)(5); buildings and building regulations, ch. 6; peddlers, solicitors and transient merchants, § 8-571 et seq.; environment and public health, ch. 12; parks and recreation, ch. 20; placing receptacles on street curbs and other areas, § 22-133; sweeping litter into gutters, § 22-134; merchants' duty regarding clearing sidewalks of litter, § 22-135; throwing or distributing commercial handbills in public places, § 22-140; street improvements for subdivisions, § 26-193; future street improvements for subdivisions, § 26-194; telecommunications, ch. 28; traffic and vehicles, ch. 30; snowmobiles on public streets and lands, § 30-201; utilities, ch. 32; vegetation, ch. 34; zoning, ch. 36.

State law reference(s)--Authority to regulate, open, change, etc., streets and sidewalks, M.S.A. § 412.221, subd. 6.

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ARTICLE I. IN GENERAL

Secs. 24-1--24-10. Reserved.

ARTICLE II. WATERWAYS

Sec. 24-11. Right of passage.

It shall be unlawful for any person to obstruct the passage of waters in the city, to place any artificial obstruction therein, to obstruct the passage of watercraft, or to interfere with the use by the public of the bed, banks, water of a creek, or its channel.

(Code 1976, § 6-301)

Sec. 24-12. Encroachment on bank or floodplain.

No obstruction shall be placed upon the bank or floodplain of a creek unless done in compliance with the zoning and subdivision chapters of this Code.

(Code 1976, § 6-302)

Sec. 24-13. Artificial obstruction declared a nuisance.

Any artificial obstruction of the bed, banks or floodplain of a creek is declared to be and to constitute a public nuisance, unless a permit to construct and maintain such obstruction has been obtained in the manner provided in the zoning chapter of this Code.

(Code 1976, § 6-303)

Sec. 24-14. Removal of natural obstructions.

As to obstructions in a floodplain for which permits have not been obtained, the city shall have the right of reasonable entry upon any lands or waters for the purpose of removing natural obstructions including, but not limited to, fallen trees, silt, debris and similar items.

(Code 1976, § 6-304)

Sec. 24-15. Removal of artificial obstructions.

If an artificial obstruction is found after investigation by the city, an order shall be issued to the owner, following ten days' written notice and hearing thereon, for removal of the obstruction within such reasonable time as may be required considering the condition and type of artificial obstruction. If the owner shall fail to remove the artificial obstruction or if the owner cannot be found or determined, the city shall have the power to make or cause such removal to be made, the cost of which shall be borne by the owner or specially assessed against the lands in the same manner as prescribed by law for the levy of special assessments for municipal improvements. The special assessment shall be certified to the county auditor for collection in the same manner as the special assessments of the city for local improvements.

(Code 1976, § 6-305)

Secs. 24-16--24-40. Reserved.

ARTICLE III. OBSTRUCTIONS**Sec. 24-41. Damaging unfinished paving.**

No person shall walk upon, drive or ride over or across any pavement, in course of construction, or any uncompleted grading or sidewalk construction which has not been opened for travel.

(Code 1976, § 12-1301)

Sec. 24-42. Barriers and guards.

Every person who shall have charge of the construction of any excavation or obstruction in or adjacent to, or under, any sidewalk or street, during the progress of such work, shall cause such excavation to be securely guarded by a fence. From one-half hour after sunset to one-half hour before sunrise, such excavation or obstruction shall be illuminated with lights or electric flashing lights sufficient in number and so placed as to show the full extent of the excavation.

(Code 1976, § 12-1302)

Sec. 24-43. Obstructing sidewalks and public ways.

No person shall leave or allow to be left any vehicle which obstructs any sidewalk or other public way of this city longer than is necessary for loading or unloading the same, unless granted a permit to do so by the city. Except for vehicles, no person shall leave or allow to be left any object on any street or other public way. Violation of this provision is declared a nuisance under section 12-31.

(Code 1976, § 12-1303; Ord. No. 2260-03, 12-1-03)

Sec. 24-44. Removing barricades.

No person shall remove, throw down, run over or interfere with any barricade lawfully erected, placed to guard and protect any grading, paving, sidewalk, construction or other work.

(Code 1976, § 12-1305)

Sec. 24-45. Sidewalks; erosion debris.

The property owner shall be responsible for promptly removing any debris which may accumulate on any sidewalk, pathway, trail, roadway or any other affected public facility or right-of-way abutting the property owner's land caused by erosion from that land. The existence of erosion debris on the sidewalk shall be declared a nuisance under section 12-34 of this Code.

Sec. 24-46. Throwing balls, stones or other items in streets.

No person shall throw or bat any ball, stone or other hard substance into, on or across any street or alley, or in any public place or at or against any building or vehicle, or at or toward any person.

(Code 1976, § 12-1307)

Sec. 24-47. Visual obstructions at intersections.

- (a) Walls, fences, structures, trees, shrubs, vegetation or other obstructions shall be permitted in any yard as regulated in this section except when it poses a danger to traffic by obscuring the view from any street, roadway or alley.
- (b) Visibility from any street or roadway shall be unobstructed above the height of 2 1/2 feet and below five feet within the triangle described as beginning from a point at the intersection of the extension of the existing curblines of the two streets, and extending a distance of 50 feet along the edge of each street. This defines two sides of the triangle. The third side is a line connecting the end points of the two sides described above.
- (c) Visibility from the intersection of any street or roadway and an alley shall be unobstructed above the height of 2 1/2 feet and below five feet within the triangle described as beginning from a point at the intersection of the extension of the existing curblines or pavement edges or if unpaved, the edge of the traveled surface, of the street and alley, and extending a distance of 15 feet along the edge of each street. This defines two sides of the triangle. The third side is a line connecting the end points of the sides described above.
- (d) Visibility from the intersection of any two alleys shall be unobstructed above the height of 2 1/2 feet and below five feet within the triangle described as beginning from a point at the intersection of the extension of the existing curblines or pavement edges of the two alleys, and extending a distance of ten feet along the edge of each alley. This defines two sides of the triangle. The third side is a line connecting the end points of the two sides described above.

(Code 1976, § 14:4-6)

Cross reference(s)--Traffic and vehicles, ch. 30.

Sec. 24-48. Visual obstructions declared a nuisance.

Obstructions to vision described in section 24-47 are hereby defined as and declared a nuisance.

(Code 1976, § 12-1311)

Sec. 24-49. Failure to abate after notice.

The city manager or designee are hereby authorized and directed to give by mail addressed to the last known address of owners or occupants of premises regulated under this article, a notice to abate such nuisance. Failure to remove such obstructions, within ten days after delivery of such written notice, shall be a separate violation of this article.

(Code 1976, § 12-1312)

Sec. 24-50. Public property; defacing or injuring.

No person shall cut, carve, mark, etch or engrave any character, figure, letter or name upon any building owned, occupied or used by the city, or shall in any manner mar, deface or injure any tree, shrub, plant, vine, or any other public property, in, on or around the grounds upon which such building is situated.

(Code 1976, § 12-1313)

Sec. 24-51. Sweeping leaves into street prohibited.

No person shall sweep or otherwise deposit leaves, grass clippings or other yard waste onto any sidewalk, public property or public way. Violation of this provision is declared a nuisance under section 12-31.

(Ord. No. 2260-03, 12-1-03)

Secs. 24-52--24-90. Reserved.**ARTICLE IV. DEDICATION OF STREETS AND ALLEYS****Sec. 24-91. Procedure required.**

The following procedure is hereby established to govern the acceptance by the city council of conveyances for the purpose of dedicating public streets or alleys within the city when such dedication is not in connection with the filing of a subdivision plat:

- (1) *Auditor's subdivisions and registered land surveys.* No street or alley designated as such on a county auditor's subdivision plat, or a registered land survey, shall be deemed to be a public street or alley of the city until a conveyance dedicating the same to the city shall have been accepted by the city council and filed for record in the office of the register of deeds or registrar of titles.
- (2) *Application to dedicate.* Any person proposing to dedicate any street or alley by conveyance to the city shall make a request in writing for the same to the city manager, who shall investigate the necessity and desirability for the proposed street or alley and report recommendations to the city council. The application shall be accompanied by a plat or map of the proposed street or alley. The council may refer the application to the planning commission for its advice.
- (3) *Title documents.* The applicant for dedication of a street or alley shall submit with the application an abstract of title, owner's duplicate certificate of title, or such other evidence of the ownership of the premises as shall be satisfactory to the city attorney.
- (4) *Reference to engineer.* The city manager shall furnish the city engineer with a copy of the application and plat, and the city engineer shall investigate and determine the existing grade of the land to be dedicated and shall report to the council in writing recommendations with respect to drainage, establishment of permanent grade and surfacing of the proposed street or alley, and any other public improvements deemed appropriate.
- (5) *Grading and stabilizing may be required.* The city council, as a condition to acceptance of a conveyance of a street or alley, may require that the owner shall cause the street or alley to be graded and stabilized to such grade as shall be established by the council, and to cause such other improvements for streets in a subdivision plat as the council shall deem proper, or in lieu thereof may require the owner to enter into a contract for such grading and stabilizing and other improvements at no cost to the city, and that the owner furnish a public contractor's bond to guarantee performance of the contract. In addition thereto, the city council may require releases from adjoining property owners for any damage that may result from any change of grade to the street or alley.

- (6) *Not applicable to certain dedications.* The foregoing regulations will not be applicable with respect to conveyances dedicating streets or alleys secured at the request of the city, or in cases where streets or alleys are acquired by condemnation proceedings, or by dedication on subdivision plats approved by the city council.
- (7) *Fee.* The fee required by section 24-92 shall be paid to the city treasurer.

(Code 1976, § 6-101)

Sec. 24-92. Street dedications.

Upon acceptance of any deed transferring title of property to the city for street or alley purposes when initiated by a private property owner, the city council may require the grantor to pay the city treasurer the cost of recording such deeds, plus the sum set from time to time by the city and listed in appendix A of this Code.

(Code 1976, § 6-102)

Secs. 24-93--24-120. Reserved.

ARTICLE V. VACATION OR DISCONTINUANCE

Sec. 24-121. Required procedure.

No public utility easement, public highway, street or alley within the corporate limits of the city shall be vacated or discontinued except in conformity with the following procedural requirements:

- (1) *Petition.* Proceedings to vacate a public utility easement, highway, street or alley shall be commenced by action of the city council on its own motion, or by recommendation of the planning commission or by a petition in writing filed with the city clerk signed by a majority of the owners of property fronting upon the portion of the public utility easement, highway, street or alley to be vacated. If the petition requests vacation of a public utility easement or an alley, the petition shall be signed by a majority of the owners of property adjacent to the easement or alley in the block where the easement or alley is situated, whether or not the petition requests vacation of the entire easement or alley.
- (2) *Reference of petition to manager and planning commission.* The city clerk shall furnish copies of the petition to the city manager. The city council or the city manager may refer the petition to the city planning commission for recommendation.
- (3) *Notice of hearing.* A notice shall be published in the official newspaper specifying the date and place of a hearing, which shall not be less than ten days after publication of the notice, and stating that the petition has been filed, or that the council on its own motion, or on recommendation of the planning commission, proposes to vacate, and the description of the public utility easement, highway, street or alley, or portion thereof, the vacation or discontinuance of which is to be considered.

- (4) *Hearing.* At the time and place specified in such notice, the city council shall conduct a public hearing on the petition or proposal, and, at any time following such hearing, the city council may vacate or discontinue the public utility easement, highway, street or alley, or portion thereof, in accordance with the petition or proposal, upon adoption of an ordinance to that effect by vote of at least five members of the council.
- (5) *Notice of completion.* Upon the adoption of such an ordinance, the city clerk shall prepare and file with the county register of deeds a notice as required by law.
- (6) *Fee.* The fee required by section 24-122 shall be paid to the city treasurer.

(Code 1976, § 6-110)

Sec. 24-122. Street, alley and utility easement vacations.

No petition to vacate a street, alley or utility easement, or portion thereof, shall be filed with the city clerk until those petitioning therefor shall pay to the city treasurer a fee established by resolution by the city council. If the council denies the petition, that portion of the fee that covers recording costs shall be refunded to the petitioner.

(Code 1976, § 6-111)

Secs. 24-123--24-150. Reserved.

ARTICLE VI. CURBS AND GUTTERS

Sec. 24-151. Permits required to construct or remove sidewalk or curb.

No person shall construct, install or repair any sidewalk, curb, or curb and gutter, nor cut or remove any sidewalk, curb, or curb and gutter in any public street or right-of-way within the corporate limits of the city without first obtaining a permit for the same from the city.

(Code 1976, § 6-120)

Sec. 24-152. Permit required for driveway.

No person shall construct or lay out any driveway providing for access by vehicles from a public street of the city onto adjacent private property unless there shall have first been issued a permit by the city for such driveway access to the public street.

(Code 1976, § 6-121)

Sec. 24-153. Application for permit.

Application for a permit to construct, repair or remove a sidewalk, curb, or curb and gutter, or driveway shall be made to the city on forms, provided by the city. No such permit shall be granted until the applicant shall have paid a fee to the city as set from time to time by the city and listed in appendix A of this Code. In all cases where it is necessary for the city to make a survey and set grade stakes, the permit fees shall be as set from time to time by the city and listed in appendix A of this Code. Permits shall expire six months after issuance.

(Code 1976, § 6-122)

Sec. 24-154. Driveway width.

No driveway from private property crossing a public sidewalk and entering a public street of the city shall be constructed in excess of 22 feet in width for single-family dwellings and 30 feet in width for other uses, measured at the center of the sidewalk line or at the property line in cases where a sidewalk does not exist. Upon a showing of necessity and public convenience, the city council may grant a variance permit allowing a greater width. The city shall determine at what angles the driveway may approach the curbline from the sidewalk in order to provide for safe ingress and egress to the driveway.

(Code 1976, § 6-123)

Sec. 24-155. Driveways over sidewalks.

Wherever it is proposed to construct a private driveway across a public sidewalk, the city shall determine whether the thickness of the existing walk is sufficient to withstand its use by vehicles using the driveway, and if it is not so sufficient, the city may require the applicant to replace the sidewalk with a sidewalk in accordance with city specifications for such sidewalks. If there is no concrete sidewalk at the place where the driveway is to be constructed, such driveway shall be constructed in accordance with city specifications for sidewalk construction. The area of all private driveways between curbline and sidewalk shall be paved and kept paved with concrete.

(Code 1976, § 6-124)

Sec. 24-156. Permit required to cut curb.

No existing curb on city streets shall be cut for driveway purposes unless a driveway permit under this article shall have been issued by the city, and, if such curb is cut pursuant to such permit, the curb shall be returned from the curbline to the sidewalk line in accordance with direction given by the city and attached to the permit. No such permit shall be issued except for a bona fide driveway access from the street to adjacent property. A permit shall terminate if the driveway is no longer used for such access purposes, and the curb shall be restored upon notice in writing by the city engineer.

(Code 1976, § 6-125)

Sec. 24-157. Work to be done per city specifications.

No person shall construct, install or repair any sidewalk or curb and gutter or driveway in any public street or right-of-way of the city, unless the same shall conform to standard specifications for the same prepared by and on file with the city engineer, copies of which shall be available to such persons at the time permit is issued.

(Code 1976, § 6-127)

Secs. 24-158--24-190. Reserved.

ARTICLE VII. EXCAVATIONS*

DIVISION 1. GENERALLY

Sec. 24-191. 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:

Open pits or excavations means any artificial excavation of the earth, within the city, dug, excavated or made by the removal from the natural surface of the earth of sod, soil, sand, gravel, stone or other matter, creating a depression or depressions, exceeding in any one place 200 square feet or surface area, the bottom or lowest point of which shall be two feet or more below, or lower than, the level of the adjoining unexcavated land; in which depression, pit or excavation water may fall, gather, collect and remain stagnant, putrid or polluted; or which depression may be or become dangerous, from the standpoint of public safety or health, or to children playing therein or thereby; or which depression may become a public nuisance, or deteriorate the value of adjacent property. Depressions, pits or excavations made for the purpose of the foundation, cellar or basement of some immediately pending superstructure to be erected, built or placed thereon contemporaneously with, or immediately following, such excavating, and covering or to cover such excavated pit or depression when completed, are excepted, if a building permit has been issued.

(Code 1976, § 13-630)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 24-192. Permit.

- (a) *Required.* No person shall hereafter dig, excavate, make or maintain, within the city, any open pit or excavation, or enlarge the same, without first obtaining from the city a permit to do so.
- (b) *Application.* Application for such permit shall be made in such form, and the applicant shall furnish such information, as shall be required by the city and, among other things, shall state the full and true name and address of the applicant; the description of the location of the land where such pit or excavation is, or is to be dug, excavated, made or maintained; what the purpose, area and depth of such pit or excavation is or is to be; the estimated quantity of excavated matter to be removed (if any) from the premises; the highway, streets or other public ways in the city upon and along which such material for removal is to be hauled or carried; and the time, as near as may be, when such new excavating will commence, and be finished. The city may require a map or plat of such proposed pit or excavation to be made and filed with the application, before acting on the same, showing its confines or limits, together with its proposed depth at different parts.

***State law reference(s)**--Authority to regulate dangerous excavations, M.S.A. § 471.92.

- (c) *Fee.* The fee for an excavation permit in an amount as set from time to time by the city and listed in appendix A of this Code shall accompany the application.

(Code 1976, §§ 13-631--13-633)

Sec. 24-193. Regulations.

The city, as a prerequisite to the granting of a permit, or after a permit has been granted, may require the applicant to whom such permit issues, to:

- (1) Properly fence any pit or excavation;
- (2) Slope the banks, and otherwise guard and keep any pit or excavation in such condition as not to be dangerous from caving or sliding banks;
- (3) Properly drain, fill in or level any pit or excavation so as to make the same safe and healthful, as the city shall determine;
- (4) Keep any pit or excavation within the limits for which the particular permit is granted; and
- (5) Remove excavated material from any such pit or excavation, away from the premises, upon and along such highways, streets or other public ways as the city shall order and direct.

(Code 1976, § 13-634)

Sec. 24-194. Nuisances.

- (a) Each permit issued under this article is issued upon condition that no nuisance shall be permitted upon the licensed premises, and when any such open pit or excavation, or operation in connection therewith, shall be such as to interfere materially with health or ordinary physical comfort of people living in the neighborhood, because of dust, dirt, noise, stagnant or deep accumulations of water, or vibration, or shall be such as to materially depreciate the value of residences, homes or vacant land for use as residences and houses, then such open pit, excavation, or operation in connection therewith, shall be deemed a nuisance. The city may cancel any permit issued to dig, excavate, make or maintain any open pit, excavation or operation in connection therewith, when the same is deemed a nuisance.
- (b) Whenever application is made for permit to dig, excavate, make or maintain any open pit or excavation, or operation in connection therewith, and the city shall determine that at the time or place for which application is made, that which is contemplated by the applicant, shall become a nuisance, the city may deny such a permit.

(Code 1976, § 13-636)

Cross reference(s)--Nuisances, § 12-31 et seq.

Secs. 24-195--24-250. Reserved.

DIVISION 2. WORK IN PUBLIC RIGHT-OF-WAY

Sec. 24-251. Permit to work in right-of-way.

- (a) *Required.* No person shall dig up, break, excavate, tunnel under, undermine or in any other manner break up any street, alley, sidewalk or other public place, or make or cause to be made any excavation in or under the surface for any purpose, or leave upon the surface any earth or other excavated material obstructing or tending to interfere with the free use of the public, or perform other work in or on the public right-of-way without a permit.
- (b) *Application.* Application for a permit to work in the public right-of-way shall be submitted to the city. The written application shall state such data as may be required for review by the city.
- (c) *Issuance.* If the applicant has satisfied the requirements of the city, and if the applicant can comply with the current regulations of the department of public works governing work in the public right-of-way and has satisfied conditions set for work in the public right-of-way, a permit may be issued. If, within the past three years, the applicant has demonstrated an inability to comply with regulations and conditions set forth by the city related to the issuance of permits, the city may deny issuance of a permit.
- (d) *Revocation.* The city manager is authorized to revoke any permit upon failure to comply with the provisions of this division or with the current regulations or conditions set by the department of public works. Revocation of permits shall be in the manner provided by ordinance for the revocation of licenses.
- (e) *Fees.* Permit fees must be paid prior to issuance of the permit and shall be as set from time to time by the city and listed in appendix A to this Code. Should any work for which a permit is required begin prior to issuance of the permit, all fees associated with that permit will double. This provision does not apply to work done in accordance with section 24-254.

Sec. 24-252. Regulations.

In order to protect public health, safety and welfare, and to preserve the property of the city, the director of public works is authorized and directed to establish written regulations which shall define in precise detail the technical procedures to be followed in various types of work in the right-of-way. Such regulations shall cover such matters as the handling of pedestrian and vehicular traffic, the protection of adjoining property, watercourses and utilities, and the manner of excavating, backfilling and restoring the surface.

(Code 1976, § 6-131)

Sec. 24-253. Completion and abandonment of work.

Work shall progress in an expeditious manner until completion in order to avoid unnecessary inconvenience to traffic. If the work shall not be performed in accordance with applicable regulations, or shall cease or be abandoned without due cause, the city may, after six hours notice

in writing to the permit holder of intent to do so, correct the work or fill the excavation, and repair the surface. In any such event, the entire cost to the city of such work shall be a liability of, and shall be paid by, the person to whom the permit was issued.

(Code 1976, § 6-134)

Sec. 24-254. Emergency action.

In the event of any emergency in which a sewer, a main, conduit or utility in or under any street breaks or otherwise is in such a condition as to endanger the property, life, health or safety of any individual, a person owning or controlling such sewer, main, conduit or utility shall immediately take proper emergency measures to cure or remedy the dangerous conditions without first applying for and obtaining an excavation permit as provided in this division. However, the person owning or controlling such utility shall apply for an excavation permit not later than the end of the next succeeding day during which city offices are open for business and shall not proceed with permanent repairs without first obtaining the permit to work in the right-of-way.

(Code 1976, § 6-138)

Sec. 24-255. Division not applicable to city work.

The provisions of this division shall not be applicable to any excavation work being performed by the city or pursuant to a contract with the city.

(Code 1976, § 6-139)

Sec. 24-256. Insurance.

Before a permit is issued, the applicant shall provide a certificate of insurance as evidence that the applicant has secured adequate liability insurance against claims which may arise out of or result from the applicant's operations within the city right-of-way. The insurance must afford coverage for damage to the property of others arising out of perils of explosion, collapse, and damage to underground facilities. The applicant shall indemnify and hold harmless the city from and against all claims, damages, losses and expenses, including attorney's fees incurred by the applicant or for which the applicant may be held liable due to death or injury sustained by any person or on account of damage to property in consequence of the performance or nonperformance of the work by the applicant.

Secs. 24-257--24-290. Reserved.

ARTICLE VIII. NUMBERING OF BUILDINGS***Sec. 24-291. Plat book.**

The official plat map shall be maintained as the official house and building number plat of the city, and the numbers therein designated are hereby approved and assigned as the numbers to be used and displayed on each and every house and other building situated on the respective tracts or lots as indicated on the plats in such book.

(Code 1976, § 6-105(1))

Sec. 24-292. Assignment of numbers.

The zoning administrator is hereby authorized and directed to designate and assign building numbers to each and every house and other buildings constructed in the city in accordance with the numbering plan used in such official plat book, such numbers to be appropriately entered on such plats and upon building permits issued.

(Code 1976, § 6-105(2))

Sec. 24-293. Change of numbers.

Any owner of property who considers that the city has erroneously designated a number for his property may petition the city manager to designate a different number, and the city manager may in such case consider the petition and either sustain the action or designate a different number. On notice to the owner or occupant of any premises, the city manager may change the number heretofore designated by the director of inspectional services or on such plat which does not conform to the plan of numbering appearing on the plat.

(Code 1976, § 6-105(3))

Secs. 24-294--24-340. Reserved.**ARTICLE IX. SNOW AND RUBBISH REMOVAL*****Sec. 24-341. 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:

Current service means one or more of the following activities by the city:

- (1) Removal of dangerous snow, ice or rubbish from public sidewalks and public rights-of-way; and

***Cross reference(s)**--Buildings and building regulations, ch. 6.

State law reference(s)--Authority to name and number streets, M.S.A. § 412.221, subd. 18.

***Cross reference(s)**--Solid waste management, ch. 22.

- (2) Repair of unsafe sidewalks.

(Code 1976, § 6-150)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 24-342. Snow, ice and rubbish a public nuisance on sidewalks; removal by owner.

(a) All snow, ice and rubbish being on a public sidewalk or public right-of-way in such quantities, or in such a manner, as to render the use of the sidewalk by a pedestrian unsafe, is hereby declared a public nuisance.

(b) The owner or occupant of any property abutting a public sidewalk shall remove and clear away all snow, ice and rubbish from so much of the sidewalk as is in front of or abuts on the property as follows:

- (1) Snow and ice shall be removed from all sidewalks in all business and industrial districts within four business hours after the cessation of any fall of snow, sleet or freezing rain or by the beginning of business hours of the next business day following such fall, whichever period is shorter. Snow and ice shall be removed from all other sidewalks on the same day of the cessation of any fall of snow, sleet or freezing rain when at least six hours of daylight remain after the cessation, or otherwise by noon on the following day, whichever period is longer.
- (2) Rubbish shall be removed from all sidewalks within 12 hours after its accumulation thereon.

(Code 1976, § 6-151)

Sec. 24-343. Sidewalk in disrepair a public nuisance; duty of owner.

(a) A public sidewalk in such a condition of disrepair as to render its use by a pedestrian unsafe is hereby declared a public nuisance.

(b) The owner or occupant of any property within the city abutting a public sidewalk shall keep the sidewalk in repair and safe for use by pedestrians. Repairs shall be made in accordance with standard specifications on file with the city.

(Code 1976, § 6-152)

Sec. 24-344. Abatement notices.

(a) *Snow, ice and rubbish removal.* When an owner or occupant permits a nuisance to exist in violation of section 24-342, the city may serve a notice on the owner of the property ordering removal, elimination or repair of the nuisance within one day after the service. The notice shall state that in the event of noncompliance, removal or elimination may be done by the city at the owner's expense, and, that if the expenses are not paid prior to the following September 1, the charge for the work will be made a special assessment against the property. When no owner or agent of the owner can be found, notice shall be sent by certified mail to the person who is listed on the records of the county auditor or county treasurer as the owner. Service will be complete upon mailing.

- (b) *Sidewalk repair.* When an owner or occupant permits a nuisance to exist in violation of section 24-343, the city shall serve a notice on the owner of the property ordering removal, elimination or repair of the nuisance within two days after the service of the notice. The notice shall state that in the event of noncompliance, removal or elimination will be done by the city at the owner's expense, and, that if the expenses are not paid prior to the following September 1, the charge for the work will be made a special assessment against the property. When no owner or agent of the owner can be found, notice shall be sent by certified mail to the person who is listed on the records of the county auditor or county treasurer as the owner. Service will be completed upon mailing.

(Code 1976, § 6-155)

Cross reference(s)--Vegetation, ch. 34.

Sec. 24-345. Abatement by city.

If the owner or occupant fails to comply with the notice within the period allowed for compliance after service, or if no owner, occupant or agent can be found, the director of public works may:

- (1) Cause the snow or ice or rubbish constituting the nuisance to be removed; or
- (2) In the case of a public sidewalk which is unsafe and in need of repairs, report the facts to the city manager who in turn shall report them to the city council. The council thereupon, by resolution, may order the city manager to cause the sidewalk to be repaired and made safe for pedestrians by city crews or by contract let in accordance with law.

Abatement by the city after failure of the owner or occupant to do so shall not relieve such owner or occupant of a violation of this Code.

(Code 1976, § 6-156)

Cross reference(s)--Vegetation, ch. 34.

Sec. 24-346. Personal liability.

The owner of property for which service under section 24-345 has been provided by the city shall be personally liable for the cost of such service. As soon as the current service has been completed and its cost determined, the city manager shall prepare a bill stating the amount due for such service, and stating that if the bill is not paid prior to September 1, the same will be made a special assessment against the property concerned, and shall mail the bill and notice to the owner, and thereupon the amount shall be immediately due and payable to the city.

(Code 1976, § 6-157)

Sec. 24-347. Assessment.

After September 1 of each year, the clerk shall list the total unpaid charges for each type of service provided under section 24-345 against each separate lot or tract of land to which they are attributable under this article. The council may then spread the charges against property benefited as a special assessment under M.S.A. § 429.101 and other pertinent statutes, for certification to the county auditor and collection for the following year along with current taxes.

(Code 1976, § 6-158)