

CHAPTER 7

**STREETS AND SIDEWALKS GENERALLY  
(THIS CHAPTER CONTAINS PROVISIONS AS TO SCOPE  
AND APPLICATION RELATING TO CHAPTERS 8 AND 9  
AS WELL AS THIS CHAPTER)**

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## CHAPTER 7

### STREETS AND SIDEWALKS GENERALLY

(THIS CHAPTER CONTAINS PROVISIONS AS TO SCOPE  
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AS WELL AS THIS CHAPTER)

#### SECTION 7.01. APPLICATION

Subd. 1. The provisions of Chapters 7, 8 and 9 applicable to the drivers of vehicles upon the streets shall apply to the drivers of all vehicles including, but not limited to, those owned or operated by the United States, this State, or any county, city, town, district or any other political subdivision of the State, subject to such specific exemptions as may be set forth in Chapters 7, 8 and 9.

Subd. 2. Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of Chapters 7, 8 and 9 applicable to the driver of a vehicle, except those provisions which by their nature can have no application. Provisions specifically referring to bicycles shall be in addition to other provisions of these Chapters applying to vehicles.

#### SECTION 7.02. SCOPE AND ORDERS OF PEACE OFFICER.

Subd. 1. Scope. The provisions of Chapters 7, 8 and 9 relate exclusively to the streets, alleys and private roads in the City, and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon such streets, alleys and private roads.

Subd. 2. Orders of a Peace Officer. It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control or regulate traffic.

#### SECTION 7.03. TRAFFIC AND PARKING CONTROL.

Subd. 1. Council Action. No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this Section; provided, that when traffic and parking control is marked or sign-posted, such marking or sign-posting shall attest to Council action thereon.

Subd. 2. Temporarily Restricting or Directing Traffic and Parking; Curb Painting.

A. When clearly marked, barricaded or sign-posted, traffic and parking may be temporarily restricted for any public or private use. All such restrictions shall be in accordance with the uniform policy promulgated

by the Chief of Police who shall be ultimately responsible to the Council for the proper enforcement thereof.

B. Restricted or prohibited use of parking and traffic lanes may be designated by painting the same upon streets and curbs. Such work shall be done under the direction of the Chief of Police and in compliance with the provisions of Chapters 7, 8 and 9.

C. It is unlawful to use traffic or parking lanes contrary to sign-posting or marking authorized and described in this Section.

D. Experimental restrictions and directions may be placed on traffic and parking by the Chief of Police, and it shall be his duty to do so when an extra-hazardous condition is observed or arises. It is unlawful to violate any restriction or direction when the same has been duly marked, barricaded or sign-posted.

#### SECTION 7.04. ICE AND SNOW ON PUBLIC SIDEWALKS.

Subd. 1. Ice and Snow a Nuisance. All snow and ice remaining upon public sidewalks in the business district is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within twenty-four (24) hours after such snow or ice has ceased to be deposited.

Subd. 2. City to Remove Snow and Ice. The City may cause to be removed from all public sidewalks in the business district, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

Subd. 3. Cost of Removal to be Assessed. The City Clerk shall, upon direction of the Council, and on receipt of the information provided for in the preceding Subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcels of ground abutting on walks which were cleared, and such special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

Subd. 4. Civil Suit for Cost of Removal. The City Clerk shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in Subdivision 2 hereof, the cost of such clearing and the cost and disbursements of a civil action therefor.

Subd. 5. City Clerk to Report Sidewalks Cleared. The City Clerk shall present to the Council at its first meeting after snow or ice has been cleared from the sidewalks as provided in Subdivision 2 hereof the report of the City thereon, and shall request the Council to determine by resolution the manner of collection to be used as provided in Subdivisions 3 or 4 of this Section.

Subd. 6. Placing Snow or Ice in Public Street or on Other City Property. It is a misdemeanor for any person, not acting under a specific contract with the City, to remove snow from private property or alleys outside the business district and place the same on a public street in such quantity, or in such manner, as to cause a hazard to travel, without adequate arrangements for the immediate removal thereof; and it is also a misdemeanor for any person not acting under a contract with the City to dump snow on other City property.

SECTION 7.05. REGULATION OF GRASS, WEEDS AND TREES IN STREETS.

Subd. 1. Duty of Property Owners to Cut Grass and Weeds and Maintain Trees and Shrubs. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such place attain a height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provisions herein requiring a permit therefor, trim, cut, remove, and otherwise maintain all trees and shrubs in un Hazardous and healthy condition, from the line of such property nearest to such street to the center thereof.

Subd. 2. City May Order Work Done. The City may in cases of failure to comply with this Section, perform such work with employees of the City, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

Subd. 3. Assessment. If maintenance work described in the foregoing Subdivision is performed by the City, the City Clerk shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The City Clerk shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments are certified and collected.

SECTION 7.06. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, SIDEWALK, CURB AND GUTTER.

Subd. 1. Methods of Procedure.

A. Abutting or affected property owners may contract for, construct or reconstruct roadway surfacing, sidewalk or curb and gutter in accordance with this Section.

B. With or without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, presently beginning with Section 429.011, as the same may from time to time be amended.

Subd. 2. Permit Required. It is a misdemeanor to construct a sidewalk, curb and gutter, driveway, or roadway surfacing in any street or other public property in the City without a permit in writing from the City Clerk. Application for such permit shall be made on forms approved and provided by the City and shall sufficiently describe the contemplated improvements, the contemplated date of beginning of work, and the length of time required to complete the same, provided, that no permit shall be required for any such improvement ordered installed by the Council. All applications shall be referred by the City Clerk to the City Engineer and no permit shall be issued until approval has been received from the City Engineer. All such applications shall contain an agreement by the applicant to be bound by this Chapter and plans and specifications consistent with the provisions of this Chapter and good engineering practices shall also accompany the application. A permit from the City shall not relieve the holder from damages to the person or property of another caused by such work.

Subd. 3. Specifications and Standards. All construction and reconstruction of roadway surfacing, sidewalk and curb and gutter improvements, including curb cuts, shall be strictly in accordance with specifications and standards on file in the office of the City Clerk and open to inspection and copying there. Such specifications and standards may be amended from time to time by the City, but shall be uniformly enforced.

Subd. 4. Inspection. The Council shall designate a suitable and competent person to perform inspections required herein and such other inspection of such work as deemed necessary. Any work not done according to the applicable specifications and standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the Inspector if found to be unsatisfactory or not in accordance with the specifications and standards, but this shall not place a continuing burden upon the City to inspect or supervise such work.

SECTION 7.07. STREET OPENINGS OR EXCAVATIONS. It is a misdemeanor for any person, except a City employee acting within the course and scope of his employment or a contractor acting within the course and scope of a contract with the City, to make any excavation, opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the City Clerk as herein provided.

Subd. 1. Application. Application for a permit to make a street excavation shall describe with reasonable particularity the name and address of the applicant, the place, purpose and size of the excavation, and such other information as may be necessary or desirable to facilitate the investigation hereinafter provided for, and shall be filed with the City Clerk.

Subd. 2. Investigation and Payment of Estimated Costs. Upon receipt of such application the City Clerk shall cause such investigation to be made as he may deem necessary to determine estimated cost of repair, such as back-filling, compacting, resurfacing and replacement, manner or procedure and time limitation upon such excavation. The foregoing estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of such investigation shall be included in such estimate.

Subd. 3. Issuance of Permit. The City Clerk shall issue such permit after (1) completion of such investigation; (2) payment by the applicant in advance of all estimated costs as aforesaid; (3) agreement by the applicant to the conditions of time and manner as aforesaid; and, (4) agreement in writing by the applicant to pay all actual cost of repairs over and above such estimate, including cost of such investigation.

Subd. 4. Repairs. All temporary and permanent repairs, including back-filling, compacting and resurfacing shall be made, or contracted for, by the City in a manner prescribed by the City Clerk, and an accurate account of costs thereof shall be kept.

Subd. 5. Cost Adjustment. Within sixty (60) days following completion of such permanent repairs the City Clerk shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder an itemized statement thereof and claim additional payment from, or make refund to, the permit holder, as the case may be.

Subd. 6. Alternate Method of Charging. In lieu of the above provisions relating to cost and cost adjustment for street openings, the City may charge on the basis of surface square feet removed, excavated cubic feet, or a combination of surface square feet and excavated square feet, on an established unit price uniformly charged.

#### SECTION 7.08. OBSTRUCTIONS, FIRE, DUMPING, SIGNS AND OTHER STRUCTURES.

Subd. 1. Obstructions. It is a misdemeanor for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any street or other public property without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

Subd. 2. Fires. It is a misdemeanor for any person to build or maintain a fire upon a roadway.

Subd. 3. Dumping on Streets. It is a misdemeanor for any person to throw or deposit in any street or any other public place any nails, dirt, glass, tin cans, metal scraps, garbage, leaves, grass or tree limbs, shreds or rubbish, or any water containing salt or other injurious chemical therein; the effect of this Subdivision shall extend, but not by way of limitation, to depositing grease, oil and other fuel or lubricants in such places, and to place a motor vehicle with essential parts (as defined in Minnesota Statutes) removed, except such vehicles as are temporarily disabled for a period not in excess of twelve hours.

Subd. 4. Signs and Other Structures. It is a misdemeanor for any person to place or maintain a sign or other structure in the traveled or untraveled portion of any street or other public property without first having obtained a written permit from the Council. In a district zoned for

commercial or industrial enterprises special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon such terms and conditions as may be set forth in the zoning or construction provisions of the City Code.

Subd. 5. Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense, and punishable as such.

SECTION 7.09. SHOD ANIMALS PROHIBITED.

Subd. 1. Unlawful Act. It is unlawful to ride, drive or lead any horse upon any street.

Subd. 2. Exception.

A. This Section shall not apply to a horse ridden or driven along a parade route when a written permit has been applied for and received from the Chief of Police.

B. This Section shall not apply to a horse ridden or driven along a direct route to or from the Kittson County Fairgrounds upon the following described streets: \_\_\_\_\_

SECTION 7.10. LIMITING TIME OF RAILWAY-STREET CROSSING OBSTRUCTION. It is a misdemeanor for any person operating in or in charge of a railroad train, car, engine, or other railroad equipment, or combination of such equipment, to so operate, park or leave the same standing upon the railroad with its intersection with a street, so as to prevent unobstructed vehicular traffic on such street for a period longer than ten (10) minutes.

SECTION 7.11. LOAD LIMITS. The Chief of Police may, from time to time, impose upon vehicular traffic on any part or all of the streets such load limits as may be necessary or desirable. Such limits, and the specific extent or weight to which loads are limited, shall be clearly and legibly sign-posted thereon. It is a misdemeanor for any person to operate a vehicle on any street in violation of the limitation so posted. Provided, however, that this Section shall not apply to authorized emergency or City-owned maintenance vehicles.

(Sections 7.12 through 7.14, inclusive, reserved for future expansion.)

SECTION 7.15. REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.

Subd. 1. Requirement of Sewer and Water Laterals. No petition for the improvement of a street shall be considered by the Council if such petition contemplates construction therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb, if the area along such street will be served by such utilities installed in the street.

Subd. 2. Sewer System Service and Water Main Service Laterals. No sewer system shall be hereafter constructed or extended unless service laterals to platted lots and frontage facing thereon shall be extended simultaneously with construction of mains.

Subd. 3. Waiver. The Council may waive the requirements of this Section only if it finds the effects thereof are burdensome and upon such notice and hearing as the Council may deem necessary or proper.

(Sections 7.16 through 7.19, inclusive, reserved for future expansion.)



SECTION 7.20. BICYCLE REGULATION.

Definition. The term "bicycle", as used in this Section, means every device propelled by human power upon which a person may ride, having two tandem wheels either of which is over 14 inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

SECTION 7.21. PARADES.

Subd. 1. Definition. The term "parade" means any movement of vehicles, persons or animals, or any combination thereof, which either moves together and as a body so as to in some way impede or affect the free and unobstructed flow of traffic, or which moves so that some part thereof is in violation of one or more traffic laws or regulations, if such movement is without a permit hereunder.

Subd. 2. Permit Required. It is unlawful to sponsor or participate in a parade for which no permit has been obtained from the City, and it is also unlawful to obtain a parade permit and not conduct the same in accordance with a permit granted by the City. Application for such permit shall be made to the City Clerk and accompanied by a fee of \$5.00, at least fourteen (14) days in advance of the date on which it is to occur and shall state the sponsoring organization or individuals, the route, the length, the estimated time of commencement and termination, the general composition, and such application shall be executed by the individuals applying therefor or duly authorized agent or representative of the sponsoring organization.

Subd. 3. Procedure and Granting. The City Clerk shall forthwith refer all applications for parades to the Chief of Police for his consideration which shall take no longer than seven (7) days. If any State trunk highways are in the route the Chief of Police shall make all necessary arrangements with the Minnesota Department of Highways for alternate routes or whatever may be necessary and the time for consideration shall be thirty (30) days. If the Chief of Police finds that such a parade will not cause a hazard to persons or property, and will cause no great inconvenience to the public, and if he is able to make arrangements for necessary direction and control of traffic, he shall endorse his acceptance and return the application to the City Clerk who shall then issue the permit. If the Chief of Police finds the parade described in the application to be a hazard, a substantial inconvenience, or if he is unable to make adequate arrangements for direction or control of traffic, he shall return the same to the City Clerk with his reasons for denial, and the permit shall not be granted unless all conditions and objections of the Chief of Police are met or removed by the applicant.

(Sections 7.22 through 7.29, inclusive, reserved for future expansion.)

SECTION 7.30. SIDEWALK MAINTENANCE AND REPAIR.

Subd. 1. Primary Responsibility. It is the primary responsibility of the owner of property upon which there is abutting any sidewalk to keep and maintain such sidewalk in safe and serviceable condition.

Subd. 2. Construction, Reconstruction and Repair Specifications. All construction, reconstruction or repair of sidewalks shall be done in strict accordance with specifications on file in the office of the City Clerk-Administrator.

Subd. 3. Notice - No Emergency. Where, in the opinion of the City Clerk-Administrator, no emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ninety (90) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

Subd. 4. Notice - Emergency. Where, in the opinion of the City Clerk-Administrator, an emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ten (10) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

Subd. 5. Failure of Owner to Reconstruct or Make Repairs. If the owner of the abutting property fails to make repairs or accomplish reconstruction as herein required, the City Clerk-Administrator shall report such failure to the Council and the Council may order such work to be done under its direction and the cost thereof assessed to the abutting property owners as any other special assessment.

Subd. 6. Duty to Inspect. In order to accomplish the purpose of this Section, it shall be the duty of the City Clerk-Administrator to inspect sidewalks within the City, or cause the same to be inspected under his direction.

SECTION 7.31. CURB AND GUTTER, STREET AND SIDEWALK PAINTING OR COLORING. It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes, or to paint or color any street, sidewalk or curb and gutter for any purpose, except as the same may be done by City employees acting within the course or scope of their employment. Provided, however, that this provision shall not apply to uniformly coloring concrete or other surfacing, or uniformly painted house numbers, as such coloring may be approved by the City Clerk-Administrator.

(Sections 7.32 through 7.98, inclusive, reserved for future expansion.)

SECTION 7.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he shall be punished as for a misdemeanor.

Subd. 2. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1. hereof, he shall be punished as for a petty misdemeanor.