

SUB-ANALYSIS

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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)

SECTION 7.01. APPLICATION.

Subd. 1. The provisions of Chapter 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.

SEC. 7.02. SCOPE AND ORDERS OF POLICE 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 Police Officer. It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or discretion of any police officer invested by law with authority to direct, control or regulate traffic.

SEC. 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 Council.

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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 Public Works Director 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 City Administrator, and it shall be his/her 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.

SEC. 7.04. ICE AND SNOW ON PUBLIC SIDEWALKS.

Subd. 1. Ice and Snow a Nuisance. All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and the owner or tenant of such property shall cause said nuisance to be abated within the time specified on a Notice of Snow Removal which shall be in the form of a red tag citing this section and affixed prominently to the premises. The owner or tenant of such property must remove all snow and ice the full width of the sidewalk. If the abutting property is without the Central Business District, as defined in Chapter 11, such snow and ice shall be removed within twenty-four (24) hours after it has ceased to be deposited.

Subd. 2. City to Remove Snow and Ice. The City may cause to be removed from all public sidewalks, all snow or ice the full width of the sidewalks which may be discovered thereon after it should have been removed therefrom in accordance with Subdivision 1, 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 bill the property owner, and if payment is not received within forty-five (45) days, upon direction of the Council, extend the cost of such removal of snow and ice as a special assessment against the lots or parcels of ground abutting the walks which were cleared, and such special assessments shall be at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

Subd. 4. Placing Snow and 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 and place the same on a public street in such quantity, or in such manner, as to obstruct vision or 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.

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

Subd. 1. City to Control Tree Planting. The City shall have control and supervision of planting shrubs and trees upon, or overhanging, all streets and other public property. The City may establish and enforce uniform standards relating to the species and types of trees to be planted, placement and the maintenance and removal thereof.

Subd. 2. Definitions. As used in this Section, the following words and terms shall have the meanings stated:

A. “Public Tree” – A tree, shrub, bush or other woody vegetation growing on any public property owned and/or managed by the City.

B. “Private Tree” – A tree, shrub, bush or other woody vegetation growing on private property within the City.

C. “Street Tree” – A tree, shrub, bush or other woody vegetation growing on land lying between property lines on either side of all streets, avenues and boulevards within the City.

D. “Park Tree” – A tree, shrub, bush or other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

E. “Small Tree” – Any plant material that will grow to a height of no more than 30 feet.

F. “Medium Tree” – Any plant material that will grow to a height of no more than 50 feet.

G. “Large Tree” – Any plant material that will grow to a height of over 50 feet.

H. “Public Utility” – Any public private or cooperatively owned line, facility of system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, waste or stormwater, which directly or indirectly serves the public or any part thereof within the corporate limits of the City.

Subd. 3. Tree Planting Requirements; Species; Location.

A. Landscaping Plan Review. In conjunction with issuing a building permit for a new dwelling, or when the development of a new subdivision or commercial property occurs, the Tree Inspector will review landscaping plans and may require trees to be planted in any of the streets, parking lots, parks and other public places abutting the lands developed and/or subdivided, in accordance with guidelines established by the Tree Board.

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B. Tree Species. The Tree Board shall develop and maintain a list of desirable trees for planting along streets in three size classes: small, medium and large. Tree Species list includes: Sugar Maple, Green & Black Maple, Hackberry, Thornless Hawthorne Elite, American Sentry Linden, Red Oak, Flowering Crab and Green Ash. A list of trees not suitable for planting will also be created and enforced by the Tree Board.

C. Spacing Between Trees. The spacing of street trees will be in accordance with the three species and size classes listed in this Section, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special planting designed or approved by the Tree Inspector.

D. Planting Near Utilities. No street trees other than those species listed herein as small trees may be planted under or within 10 lateral feet of any overhead utility wire.

E. Planting Near Curbs and Sidewalks. The distance street or private trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in this Section, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

F. Distance From Corners, Fire Hydrants and Driveways. No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curblines. No street or private trees shall be planted closer than 15 feet to any fire hydrant, nor 5 feet from any driveway.

G. Special Planting Arrangements. The Board may grant a permit for special planting arrangements that deviate from the requirements of this Subdivision, when special circumstances exist.

Subd. 4. Public Trees; Planting, Care and Removal.

A. Care of Public Trees. The City shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to insure the public safety or to preserve or enhance the symmetry and beauty of public grounds. No other planting may be done without consent of the Tree Inspector.

B. Protection of Public Trees Near Construction Activities. Any tree located on City property in the immediate vicinity of any excavation, demolition or construction site of any building, structure, street or utilities work which has potential for injury, shall be protected from such injury.

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C. Tree Topping Prohibited. It is unlawful for any person to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section, as determined by the Tree Board.

D. Permits Relating to Public Trees. It is unlawful for any person to plant, remove, cut above ground, or disturb any tree on any street, park, or other public place without first filing an application and procuring a permit from the Tree Inspector. The person receiving the permit shall abide by the standards set forth in this Section.

E. Adjacent Landowner Responsibility. Owners of property adjacent to street trees shall maintain the trees by periodic watering and fertilization of street trees as necessary to maintain good health and vigor and protect the trees against damage caused by lawnmowers, weed trimmers, snowblowers and similar equipment.

1. Public Trees – Private Property Owner Requests – Financial Responsibility. In cases where an owner of private real property abutting City property requests City actions on street trees or public trees, the requesting owner shall be financially responsible for the following:

(a) Removal of trees, limbs, or roots preventing house moving or other construction activities;

(b) Removal of trees, limbs, or roots for the alteration of tree or abutting property appearance where not hazard or nuisance exists;

(c) Spraying, fertilizing, or treatment other than may be regularly conducted on a City-wide basis by the City.

2. Financial Responsibility. Financial responsibility does not eliminate the requirement of obtaining necessary permits required by this Section.

SEC. 7.06. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, CURB AND GUTTER.

Subd. 1. Methods of Procedure.

A. Abutting or affected property owners may contract for, construct or reconstruct roadway surfacing or curb and gutter in accordance with this Section if advance payment is made therefore or arrangements for payment considered adequate by the City are completed in advance.

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

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Subd. 2. Permit Required. It is a misdemeanor to construct or reconstruct a 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. 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 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 may be referred to the City Engineer and no permit shall be issued until approval has been received. 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 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 Administrator and open to inspection and copying there. Such specifications and standards may be amended from time-to-time by the Council, but shall be uniformly enforced.

Subd. 4. Inspection. The Building Official, Public Work Director or the City Engineer shall inspect such improvements as deemed necessary or advisable. Any work not done according to the applicable specifications and standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the Building Inspector of the City Engineer if found to be unsatisfactory or not in accordance with the specifications and standards, but this shall not place a continuing burden upon the City to inspect or supervise such work.

SEC. 7.07. EXCAVATIONS IN ANY STREET, ALLEY OR EASEMENT. No person, firm or corporation shall make an excavation within any street, alley or easement on the City of Pipestone for the purpose of installing steam or gas pipes, electric or telephone conduits, or for any other purpose without first obtaining a permit for such excavation from the City. A permit shall not be required for any work undertaken in behalf of the City. All permittees shall meet the requirements as specified by the City Engineer. A permit shall be required for individual home hook-ups, only where excavation in the street or alley is necessary.

Subd. 1. Application. Application for permits shall be made in writing to the City. Said application shall contain pertinent information applicable to the proposed project and may be reviewed by the City Engineer.

Permits shall be issued in writing and shall be kept on the site of the work while it is in progress and in the custody of the individual in charge. It shall be exhibited upon the request by any City Official.

Before any permit is issued, the applicant requesting the permit, except those holding utility franchises, shall pay a fee as fixed and determined by the Council, and adopted by

ordinance, and uniformly enforced, for each location covered by the permit. Each transverse excavation and each 300 feet or portion thereof on longitudinal excavation shall be deemed a location.

Subd. 2. Work Progress. Work shall progress in an expeditious manner until completion in order to avoid unnecessary inconvenience to traffic. In the event that the work shall not be performed in accordance with requirements of this Ordinance, shall cease, or shall be abandoned without due cause, the City may, after six hours notice in writing to the holder of said permit, cause said work to be completed. In any such event the entire cost of the City of said work shall be a liability of, and shall be paid, by the person, firm or corporation to whom the permit is issued.

Subd. 3. City Held Harmless. All permit holders shall indemnify and save harmless the City from all damage caused in the execution of such work or costs in connection with the repair of the streets, alleys or easements excavated, and that the holder will pay any and all damages that will be suffered by the City by reason of the failure of the person securing the permit to observe the terms of this Ordinance or by reason of negligence in the execution of the work.

Subd. 4. The provisions of this Ordinance are not in lieu of but in addition to all utility connection permits that may be required by ordinance, or by the rules and regulation of the City Engineer.

Subd. 5. Notification. Any person or firm to whom a street excavation permit or work contract has been issued shall notify all utility companies of the intent to excavate. This notification shall be given not less than 48 hours in advance of the commencement of the work and shall indicate the time, place and purpose of the street excavation. Any person or firm to whom a street excavation permit or work contract has been issued shall have the duty of determining the location and depth of all underground utility installations. If a utility line is broken or damaged in any way the permittee, or contractor, shall immediately notify the utility owner.

Subd. 6. Method of Refilling Excavation. Every street excavation shall be refilled as soon as possible after the work is completed and paving, sidewalks, and appurtenances shall be replaced in at least as good condition as before the excavation to the satisfaction of the city. All dirt and debris shall be removed immediately. Any person who fails to comply with these requirements within 24 hours after notice from the City shall be liable to the City for the full cost incurred by the City in remedying the defect and restoring the street, sidewalk, alley or public ground to its proper condition.

Subd. 7. Supervision. Refilling an excavation may not begin without four hours notice by the permittee to the City. Upon completion of the refilling and restoration of the street surface to the satisfaction of the City staff the permit shall be returned to the City with a certification of completion signed by the permittee.

Subd. 8. Map of Subsurface Installations. The City shall maintain a map showing the location of all utility and other installations made beneath the surface of any public street, grounds, or right-of-way. The information on the map shall be sufficiently complete and accurate to permit anyone making an excavation in a public place having any underground installation to avoid damage to any existing underground installation and to properly locate any new underground facilities shall be recorded on the map as soon as practicable upon the issuance of an excavation permit or the completion of a contract for the installation of city underground installations.

Subd. 9. Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$700.00 or by imprisonment of not more than ninety (90) days, or both, plus the costs of prosecution in either case.

Source: City Code
Effective Date: 09-15-2005

(Sections 7.08 through 7.29, inclusive, reserved for future expansion.)

(Pages 9 through 13 reserved)

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SEC. 7.30. REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.

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

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

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

SEC. 7.31. LOAD LIMITS. The Public Works Director may from time-to-time impose upon vehicular traffic on any part or all of the streets such load limits as may be necessary or desirable. Such limits, and the specific extent or weight to which loads are limited, shall be clearly and legibly sign-posted thereon. It is a misdemeanor for any person to operate a vehicle on any street in violation of the limitation so posted.

SEC. 7.32. CURB AND GUTTER, STREET AND SIDEWALK PAINTING OR COLORING. It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes, or to paint or color any street, sidewalk or curb and gutter for any purpose, except as the same may be done by City employees acting within the course or scope of their employment. Provided, however, that this provision shall not apply to uniformly coloring concrete or other surfacing, or uniformly painted house numbers, as such coloring may be approved by the City Administrator.

SEC. 7.33. 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 Administrator.

Subd. 3. Notice – No Emergency. Where, in the opinion of the City 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.

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Subd. 4. Notice- Emergency. Where, in the opinion of the City 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 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 owner 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 Public Works Director to inspect sidewalks within the City, or cause the same to be inspected under his/her direction.

Subd. 7. Agreement to Share Expense of Reconstruction or Repair. Where, in the opinion of the City Administrator, a section of sidewalk requires reconstruction or repair, the City, at its opinion, may enter into an agreement with the owner of the abutting property for the reconstruction or repair of the sidewalk. Under such an agreement, the City may perform the work and assess the abutting owner an agreed upon amount as his/her cost to reconstruct the sidewalk. In the event that the abutting owner should fail to pay the agreed upon amount, that amount shall be certified for collection as other special assessments are certified and collected.

If the owner of the abutting property does not wish to enter into such an agreement, he/she may hire a private contractor to reconstruct the sidewalk. In such cases, the City shall contribute \$2.00 per square foot toward the cost of reconstruction provided it is determined, in advance, by the City that reconstruction is required. In the event that a private contractor performs the work, the work must be performed according to specifications established by the City. In addition, the work must be approved by the City Building and Zoning Administrator before the City's contribution shall be made.

Source: City Code
Effective Date: 09-15-2005

(Sections 7.34 through 7.98, inclusive, reserved for future expansion.)

(09-15-2005)

SEC. 7.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Subd. 1. Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.

Subd. 2. Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.

Subd. 3. In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Subd. 4. The failure of any officer or employee of the City to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for violation.

Source: City Code
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