

CHAPTER 6
STREETS AND SIDEWALKS GENERALLY

Section 6.01. Definition of Terms. The following terms shall have the meanings stated:

Subd. 1. The term "authorized emergency vehicle" means any of the following vehicles when equipped and identified according to law: (1) a vehicle of the Fire Department; (2) a publicly-owned police vehicle or privately-owned vehicle used by a police officer for police work under agreement, express or implied, with the City; (3) an ambulance, whether publicly or privately owned.

Subd. 2. The term "bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels and including any device generally recognized as a bicycle though equipped with two front or rear wheels.

Subd. 3. The term "bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons, and every motor vehicle other than a taxicab designed and used for the transportation of persons for compensation.

Subd. 4. The term "commercial driver" means every person who is employed for the principle purpose of operating a motor vehicle, and every person who drives a motor vehicle in use as a carrier of persons or property for hire.

Subd. 5. The term "Commissioner" means the Minnesota Commissioner of Highways, acting directly or through his or her duly authorized officers and agents.

Subd. 6. The term "crosswalk" means (1) that portion of a roadway ordinarily included with the prolongation or connection of the lateral lines of sidewalks at intersections; (2) any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Subd. 7. The term "Department" means the Minnesota Department of Highways, acting directly or through its duly authorized officers and agents.

Subd. 8. The term "driver" means every person who drives or is in actual physical control of a vehicle.

Subd. 9. The term "driver's license law" means that portion of the Statutes of this State relating to the licensing of drivers of motor vehicles.

Subd. 10. The term "explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purposes of producing an explosion and which contains any oxidizing and combustive units or other ingredients in which proportions, quantities, or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

Subd. 11. The term "farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

Subd. 12. The term "flammable liquid" means any liquid which has a flash point of 70 degrees Fahrenheit, or less, as determined by a Tagliabue or equivalent closed cup test device.

Subd. 13. The term "laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

Subd. 14. The term "licensee" means any person to whom a driver's license has been issued under the driver's license law, or the holder of a chauffeur's license.

Subd. 15. The term "metal tire" means every tire the surface of which is in contact with the highway is wholly or partly of metal or other hard non-resilient material.

Subd. 16. The term "motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on no less than two nor more than three wheels in contact with the ground, including motor scooters and bicycle with motor attached, but excluding a tractor.

Subd. 17. The term "motor vehicle" means every vehicle which is self-propelled and not deriving its power from overhead wires.

Subd. 18. The term "non-resident" means every person who is not a resident of this State.

Subd. 19. The term "official traffic control devices" means all signs, signals, markings, and devices not inconsistent with these Chapters placed or erected by authority of the Council, for the purpose of regulating, warning, or guiding traffic.

Subd. 20. The term "one-way roadway" means a street or roadway designated and sign-posted for one-way traffic and on

which all vehicles are required to move in one indicated direction.

Subd. 21. The term "owner" means a person who holds the legal title of a vehicle, or in the event of a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of these Chapters.

Subd. 22. The term "pedestrian" means any person afoot.

Subd. 23. The term "pneumatic tire" means every tire in which compressed air is designed to support the load.

Subd. 24. The term "private road" and "private driveway" mean every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Subd. 25. The term "railroad" means a carrier of persons or property upon cars, other than street cars, operated upon stationary rails.

Subd. 26. The term "railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

Subd. 27. The term "railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

Subd. 28. The term "right of way" means the privilege of the immediate use of a street.

Subd. 29. The term "road tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Subd. 30. The term "school bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

Subd. 31. The term "semi-trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Subd. 32. The term "snowmobile" means a self-propelled vehicle designed for travel on snow, ice or other natural terrain and steered by wheels, skis or runners.

Subd. 33. The term "solid tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load.

Subd. 34. The term "stand" or "standing" mean the halting of a vehicle, whether occupied or not, otherwise than temporarily for the purposes of and while actually engaged in receiving or discharging passengers.

Subd. 35. The term "stop" means complete cessation from movement.

Subd. 36. The term "stopping" means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control sign or signal.

Subd. 37. The term "through street" means every street or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected as provided in these Chapters.

Subd. 38. The term "traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together, while using any highways for purposes of travel.

Subd. 39. The term "traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Subd. 40. The term "trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Subd. 41. The term "truck" means every motor vehicle designed, used or maintained primarily for the transportation of property.

Subd. 42. The term "truck-tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Subd. 43. The term "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails and tracks.

Subd. 44. The term "wrecker" means a motor vehicle equipped with a crane and winch and further equipped to control the movement of the towed vehicle.

Section 6.02. **Traffic Control.**

Subd. 1. **Council Action.** No device, sign or signal shall be erected or maintained for traffic control unless the Council shall first have approved and directed such erection and maintenance by a resolution thereof, except as otherwise provided in this Section, and shall have the consent therefor of the Commissioner when required under the law of this State.

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

A. When clearly marked or sign-posted, traffic and parking may be temporarily restricted for reasons not hereinbefore stated, such as cleaning, washing, repairing, etc. The Chief of Police is authorized to temporarily restrict traffic and parking in accordance herewith.

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 by the Street Department under the direct supervision of the Chief of Police and in compliance with provisions of the City Code.

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

D. By agreement between the Street Commissioner and the Chief of Police, experimental restrictions and directions may be placed on traffic and parking; and it shall be their 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 sign-posted.

Section 6.03. **Scope.** The provision of Chapters 6 and 7 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.

Section 6.04. **Application.**

Subd. 1. The provisions of Chapters 6 and 7 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 set forth in Chapters 6 and 7 with reference to authorized emergency vehicles.

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 6 and 7 applicable to the drive 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 6.05. **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 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 except along Broadway Street, from Third Avenue to Eighth Avenue, where all snow and ice shall be removed no later than 3:30 a.m. each day of the week, and where accumulations of snow and ice shall not be allowed in excess of (1) inch.

Source: Ord. 739-2nd Series
Effective Date: 10/26/15

Subd. 2. **City to Remove Snow and Ice.** The City may cause to be removed from all public sidewalks, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, except on Broadway Street as noted in Subd. 1 of this Section 6.05, 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.

Source: Ord. 739-2nd Series
Effective Date: 10/26/15

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. **Placing Snow or Ice in Public Street or on Other City Property.** It is unlawful for any person, not acting under a specific contract with the City, to remove snow from private property 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 unlawful for any person not acting under a contract with the City to dump snow on other City property.

Subd. 6. **Removal of Snow Creating Visual Obstructions.** The City Chief of Police shall, upon finding that snow piled upon private parking facilities constitutes a nuisance to traffic on adjacent public streets by causing visual obstructions, have authority to order removal of the said snow piles. The Chief of Police shall thereupon give written notice of such a finding to the property owner or tenant, and if such snow and ice is not removed by the owner within a period of 24 hours from the notice herein provided for, the City may remove the snow or snow piles. The cost for snow removal shall be recovered from the owner of the property upon which the snow is located. The costs shall be recovered by either payments directly to the City or as a special assessment and such assessments shall be certified to the County Auditor for collection as other special assessments are certified and collected.

Section 6.06. **Regulation of Grass, Weeds and Trees in Streets.**

Subd. 1. **City to Control Trees and Grass Plats.** The City shall have control and supervision over all shrubs and trees upon, or overhanging all streets or other public property, and all grass plats upon streets or other public property.

Subd. 2. **Authority to Plant, Remove and Trim Trees.** No person shall trim, cut or remove any part of any tree which is under the supervision of the City without first procuring from the City an authorization in writing to do so, nor shall the authority

conferred by such authorization be exceeded. No person shall plant a tree or trees in a street or upon other public property under the supervision of the City or upon a boulevard between a sidewalk and curb without first procuring from the City an authorization in writing to do so, nor shall the authority conferred thereby be exceeded.

Subd. 3. Authority of Street Commissioner to Issue Permits and Authorizations. Any person desiring a permit or authorization as herein required shall make application therefor to the City Clerk, upon a form supplied by the City. Forthwith upon receipt of any such application, the City Clerk shall refer the same to the Street Commissioner, or some other suitable and competent person, for investigation. Such application shall state with reasonable particularity the purpose therefor and the intent of the applicant. Upon completion of the investigation, the Street Commissioner, or such other designated person, shall indicate approval or disapproval thereof, whereupon the Street Commissioner shall issue or deny such permit or authorization indicating with reasonable certainty the extent of the authority thereby conferred.

Subd. 4. 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 this line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six (6) inches, it shall be prima facie evidence of 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 and otherwise maintain all trees and shrubs from the line of such property nearest to such street to the center of such street.

Subd. 5. City May Order Work Done. The City shall, in cases of failure to comply with the foregoing Subdivision, 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. 6. Assessment. If such maintenance work is performed by the City as set forth in the foregoing Subdivision, 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 6.07. Construction and Reconstruction of Roadway Surfacing, Sidewalk and 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 the Section if advance payment is made therefor or arrangements for payment considered adequate by the Council 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.

Subd. 2. Permit Required. It is unlawful to construct a sidewalk, curb and gutter, or roadway surfacing in any street or other public property in this 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 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 City. All such applications shall contain an agreement by the applicant to be bound by 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 Regulations. All sidewalks and curb and gutter constructed in or upon any street or other public property shall be constructed according to the specifications herein provided. Before any such construction work is begun, the City, at its own expense, will furnish stakes for the establishment of grade and for the lines of the improvement and all construction therein shall be in accordance with such established grades and lines.

Subd. 4. The Sub-Grade. Sub-grade for sidewalks and curb and gutter shall be firm, compact and of uniform density. All soft or spongy material and vegetable matter must be removed and replaced with suitable material. The sub-grade shall be finished to a uniform surface at the required depth below the established grade of the improvement and shall be approved by the

City before the improvement proceeds.

Subd. 5. **Forms.** All forms shall be made of rigid material or straight and sound lumber not less than one and one-half inches in thickness. Forms must be free from warp and of sufficient strength to resist springing out of shape. All forms shall be thoroughly cleaned and oiled before the concrete is placed. The forms shall be securely staked to the established line and grade. Forms shall be of such strength that when tested as a single beam with a load equal to the weight of the finishing machine to be used, the deflection shall not exceed one-quarter inch in ten feet. The form shall be sufficiently rigid to resist the impact and vibration of the finishing machine without springing, weaving or settling. Forms shall be straight and free from warp and shall not vary on the upper edge more than one-eighth inch in ten feet. Forms with battered top surfaces and distorted faces or bases shall not be used and shall be removed from the project. Flexible forms or curbed forms of proper radius shall be used on curves.

Subd. 6. **Materials.** All materials used in curb and gutter and sidewalk construction shall be as follows:

A. **Cement:** Portland cement shall be used and shall be Type I and conform to the requirements of the American Society of Testing Materials, Serial Designation C-150.

B. **Aggregate:** The fine aggregate shall be sand consisting of sound durable rock washed clean and free from any injurious amount of organic matter, lumps of clay or other deleterious substances and shall make up from thirty percent to fifty percent of the aggregate. The coarse aggregate shall be screened gravel or crushed quarry rock of the proper size and shall make up fifty percent of the aggregate.

C. **Admixtures:** Air-entraining admixtures shall conform to American Society Testing Materials, Serial Designation C-260. The total air content of air-entraining concrete shall be within the limits of from three percent to eight percent by volume.

D. **Water:** The water used in the concrete shall be reasonably clear, and shall be free from oil, acid, injurious alkali or vegetable matter. Not more than 5 1/2 gallons of water per 94 pound bag of cement shall be used.

Subd. 7. **Methods.** The method of construction of sidewalk and curb and gutter shall be as follows:

A. **The Mixture:** The materials used in each batch shall be weighted or accurately measured so as to get an

uniform product. The materials shall be proportioned so as to produce a uniform, dense, workable concrete which shall have a compressive strength in 28 days of not less than 3,500 pounds per square inch. In no case will a mixture be used which has less than five 94 pound bags of cement for each cubic yard of concrete.

B. Mixing and Placing: The mixing shall be done in an approved batch mixer until the cement is uniformly distributed, and the mass is uniform in color and consistency. The mixing period shall be not less than 90 seconds after all ingredients are in the mixer. The concrete shall be placed in the forms before it begins to set, tamped or vibrated and struck off to the proper grade.

C. Curing: The concrete shall be cured by use of membrane curing compounds which shall be of the surface membrane type in conformance with A.A.S.H.O. Serial Designation M-148, which compounds shall be non-toxic and shall contain a fugitive dye which will not permanently alter the natural color of the concrete, but which will impart sufficient color at the time of application to indicate readily the areas covered. The work shall not be placed during freezing weather or when freezing temperatures may be expected without written permission from the City. Under no circumstances shall salt, chemicals or other foreign materials be mixed with the concrete to prevent freezing. The sides of concrete slabs exposed by the removal of forms shall be protected immediately to provide continuance of curing and prevent injury of the curb and gutter edges and the underlying sub-grade.

D. Moistening: The sand base for concrete walks and the sub-grade for curb and gutter shall be moistened before concrete is placed.

Subd. 8. Sidewalk Specifications. The general specifications for sidewalks shall be as follows:

A. Width. The sidewalks along streets where a majority of the abutting property is used for commercial purposes shall not be less than ten feet in width and the sidewalks along streets where a majority of the abutting property is used for residential purposes shall not be less than four (4) feet in width, except that where extenuating circumstances exist the Council may by resolution vary such widths in accordance with proof of such extenuating circumstances. In such extenuating circumstance might be the width of an adjacent or contiguous sidewalks.

B. **Thickness:** The sidewalks shall consist of two parts, referred to as "base" and "surfacing". The surfacing of the sidewalk shall not be less than three and one-half (3 1/2) inches thick where used by pedestrians only and not less than five and one-half (5 1/2) inches in thickness where crossed by vehicles.

C. **Base:** The base of the sidewalk shall consist of a layer of pit run sand or gravel not less than four (4) inches in thickness, except that due to the nature of the soil the city may order thicker base, and shall be thoroughly tamped to a uniform grade.

D. **Surface:** The surfacing of the sidewalk shall be concrete having not less than the thickness provided herein, laid to a transverse slope of not less than one-eighth inch per foot downward toward the roadway in the street, composed of material and placed in accordance with the methods described above.

E. **Joints:** Contraction joints, not less than one-half inch in depth, shall be made not more than five (5) feet apart, perpendicular to the center line and to the surface of the sidewalk and shall, where possible, align with joints of abutting or adjacent work. Expansion joints may be performed or poured type. They shall be at least one-half inch wide, placed on all property lines, and at uniform intervals not to exceed fifty (50) feet apart. Expansion joints shall also be placed between the walk and all abutting curbs, buildings and other masonry and concrete work.

F. **Finishing:** The top surface of the sidewalk shall be checked and variations of more than one-eighth inch in ten (10) feet shall be corrected; thereafter the sidewalk shall be finished with floats and steel trowels followed by a light transverse brushing to a smooth, true and slightly granular surface. The edges along the side and at transverse joints shall be carefully rounded and marked with the proper edging tools.

Subd. 9 **Curb and Gutter Specifications:** The general specifications for curb and gutter shall be as follows:

A. **Width:** The width of all curb and gutter shall be at least 24 inches from the back of the curb to the face of the gutter, but the city may require a wider installation if the circumstances suggest necessity therefor.

B. **Thickness:** The thickness of the gutter shall not be less than 12 inches at the back of the curb and not less than 6 inches at the face of the gutter. Drop curb openings shall be constructed at driveway opening subject to written approval from the city as to location and width of opening.

C. **Surface:** The transverse back slope from the face of the gutter to the face of the curb shall not be less than one inch. The minimum slope parallel to the curb shall not be less than 0.30 per cent.

D. **Joints:** All joints shall be perpendicular to the finished grade of the pavement, and when tested with a straight-edge placed at right angles across the joints, the surface of the adjacent slabs shall not vary from a straight-edge by more than one-eighth inch. All transverse expansion and contraction joints shall be cut or placed at a maximum spacing of ten feet and shall be at least one and one-half inches deep. Expansion joints, three-fourths inch thick, shall be placed at the end of return sections, but their maximum spacing shall not exceed eighty feet, and at points where curb and gutter butt against the side of intakes.

E. **Finishing:** The concrete shall be vibrated, struck off true to cross section after which it shall be finished smooth and even by means of a steel trowel followed by a light carpet drag or soft brush. Face forms shall be left in place until the concrete has set sufficiently so that they can be removed without injury to the curb. A concrete finishing mule may be used only upon the written approval of the city. The exposed surface shall then be finished smooth and even as specified. The gutter surfaces shall be checked and re-checked with a ten foot straight-edge and level just before the concrete attains initial set to insure drainage. Curb and gutter sections which do not drain properly shall not be accepted by the inspector designated by the City. The edges of the slabs shall be rounded with an edging tool after the dividing plate has been removed. Any deviation in line or grade of more than one-fourth inch in ten feet will cause for rejection by the Inspector.

Subd.10 **Inspection.** The City shall designate a suitable and competent person to perform inspection required herein and such other inspection of such work as deemed necessary. Any work not done according to the plans and specifications, including the specifications herein set forth, 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, but this shall not place a burden upon the City to continually inspect or supervise such work.

Section 6.08. **Street Openings or Excavations.** It is unlawful for any person, except a City Employee acting within the course and scope of their 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 Building Inspector 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 Building Inspector.

Subd. 2 **Investigation.** Upon receipt of such application the Street Commissioner shall cause such investigation to be made by the Street Commissioner as may be necessary to determine the type and extent of repair, such as back-filling, compacting, resurfacing an replacement, and the conditions as to the time of commencement of work, manner of procedure and time limitation upon such excavation.

Subd. 3 **Issuance of Permit.** The Street Commissioner shall issue such permit after (1) completion of such investigation by the Street Commissioner, (2) agreement by the applicant to the conditions of time and manner as such investigation determines, and, (3) agreement in writing by the applicant to pay all actual costs of repairs 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 Engineer, and an account of costs thereof shall be kept.

Subd. 5 **Cost.** Within thirty (30) days following completion of such permanent repairs the Street Commissioner shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder an itemized statement and claim for payment.

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

Section 6.09. **Vacation of Streets**

Subd. 1. No public grounds or streets shall be vacated except upon the Council's own motion or upon the petition directed to the Council of a majority of the owners of property on the line of such public grounds or streets residing within the City, and completion of the procedure hereinafter specified. Such petition shall set forth the reasons for such desired vacation, accompanied by a plat of such public grounds or streets proposed to be vacated, and such petition shall be verified by the oath of a majority of the petitioners residing within the City.

Subd. 2. If, in the discretion of the Council, it is expedient that the matter be proceed with, it may order the petition filed for record with the City Clerk, order a hearing on such petition and fix the time and place of such hearing.

Subd. 3. The City Clerk shall give notice of such hearing by publication once at least fifteen days in advance of such hearing, and by mail to the last known address of all the owners of property within the subdivision of the platted area containing the street proposed to be vacated at least ten days in advance of such hearing, such last known addresses to be obtained from the office of the County Recorder. Such notice shall state in brief the object of such hearing, the time, place and purpose thereof, and the fact that the Council, or the Planning Commission designated by them shall hear the testimony and examine the evidence of the parties interested.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Subd. 4. The Council, after hearing the same, or upon the report of the Planning Commission designated to hold such hearings, may by resolution passed by a four-fifths vote of all members, declare such public grounds or streets vacated, or deny such petition. The resolution, if granting the petition, shall be certified by the City Clerk and shall be filed for record and duly recorded in the office of the County Recorder in and for Douglas County, Minnesota.

Source: Ord. 653-2nd Series
Effective Date: 01/11/2010

Section 6.10. **Fires, Signs and Obstructions in Streets or Sidewalks.**

Subd. 1. **Obstructions.** It is unlawful for any person to place or deposit any fence or other obstruction upon any street or sidewalk without first having obtained permission from the City Street Commissioner subject to conditions and limitations imposed by the City Street Commissioner, and without first taking precautionary measures for the protection of the public.

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

Subd. 3. **Dumping in Streets.** It is unlawful for any person to throw or deposit in any street or sidewalk or any other public place any nails, dirt, glass, tin cans, metal scraps, garbage, shreds or rubbish, or to empty any water containing salt or other injurious chemical thereon.

Subd. 4. **Signs and Obstructions or Appurtenances.** It is unlawful for any person to place or maintain a sign or other obstruction or appurtenance in the traveled or untraveled portion of any street or sidewalk. In a district zoned for commercial or industrial enterprises, special permission allowing an applicant to erect and maintain signs overhanging the street or sidewalk may be granted upon such terms and conditions as may be set forth in the zoning or construction provisions of the City Code.

Source: Ord. 538-2nd Series
Effective Date: 8/9/04

Section 6.11. **Limiting Time of Railway-Street Crossing Obstruction.** It is unlawful for any person operating or in charge of a railroad train, car, engine, or other railroad equipment, or combination of such equipment, to permit the same to be parked or left standing upon any street crossing so as to close such crossing to vehicular traffic for a longer period than ten (10) minutes.

Source: Ord. 335-2nd Series
Effective Date: 12/28/92

Section 6.12. **Public Right-Of-Way**

Subd. 1. **Election to Manage the Public Right-of Way.**

In accordance with the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects pursuant to Minn. Stat. 237.163 subd. 2(b) and this section to manage right-of-ways within its jurisdiction.

Subd. 2. **Definitions.** The definitions included in Minnesota Statute, Section 237.162 and Minnesota Rules 7819.0100 subps. 1 through 23 and as may be amended from time to time are hereby adopted by reference and are incorporated into this section as if set out in full.

Subd. 3. **Administration.** The Street Commissioner is the principal city official responsible for the administration of rights-of-ways, right-of-way permits, and the ordinances related thereto. The Street Commissioner may delegate any or all of the duties hereunder.

Subd. 4. **Permit Requirement.**

A. Permit Required. Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way without first having obtained the appropriate permit from the city.

1. **Excavation Permit.** Any excavation permit is required to excavate that part of the right-of-way described in such permit, and/or 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.

2. **Obstruction Permit.** An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. Any obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

B. Permit Extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person (i) 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. Delay Penalty. In accordance with Minnesota Rules 7819.1000 subd. 3 and notwithstanding paragraph B of this section, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by city council resolution.

D. Permit Display. Permits issued under this section shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Street Commissioner.

Subd. 5. **Permit Applications.** Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

A. Submission of a completed permit application form, including all required attachments, scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities, and the following information:

1. Each permittee's name, Gopher One-Call registration certificate number, address and email address if applicable, and telephone and facsimile numbers.

2. The name, address, and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided as the time of registration.

3. A certificate of insurance or self-insurance:

a. Verifying that an insurance policy has been issued to the permittee by an insurance company licensed to do business in the State of Minnesota, or a form of self insurance acceptable to Street Commissioner;

b. Verifying that the permittee is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right-of-way by the permittee, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the right-of-way by the permittee, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from

completed operations, damage of underground facilities and collapse of property;

c. Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;

d. Requiring that the Street Commissioner be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;

e. Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the Street Commissioner in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this section.

4. The city may require a copy of the actual insurance policies.

5. If the person is a corporation, a copy of the certificate required to be filed under Minnesota Statutes 300.03 as recorded and certified to by the Secretary of State.

6. A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state and federal agency, where the person is lawfully required to have such certificate from said commission or other state and federal agency.

B. Payment of money due the city for:

1. Permit fees, estimated restoration costs and other management costs;

2. Prior obstructions or excavations;

3. 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;

4. Franchise fees or other charges, if applicable.

Subd. 6. **Issuance of Permit; Conditions.**

A. Permit Issuance. If the applicant has satisfied the requirements of this section, the Street Commissioner shall issue a permit.

B. Conditions. The Street Commissioner may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use.

Subd. 7. **Permit Fees.** Fees shall be annually established by Resolution of the Alexandria City Council. Fees shall be in an amount sufficient to recover the following costs: the city management costs; and degradation and restoration costs, if applicable.

A. Obstruction Permit Fee. The city shall establish the obstruction permit fee in an amount sufficient to recover the city management costs.

B. Payment of Permit Fees. No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The city may allow applicant to pay such fees within thirty (30) days of billing.

C. Non-Refundable. Permit fees paid for a permit that the Street Commissioner has revoked for a breach as stated in subd. 14 are not refundable.

D. Application to Franchises. Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

E. All permit fees shall be established consistent with the provisions of Minnesota Rule 7819.100.

Subd. 8. **Right-of-Way Patching and Restoration.**

A. Timing. The work to be done under the excavation permit; and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonal or unreasonable.

B. Patch and Restoration. Permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

1. City Restoration. If the city restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days of billing, all costs associated with having to correct the defective work.

2. Permittee Restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rules 7819.3000.

3. Degradation Fee in Lieu of Restoration. In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

C. Standards. The permittee shall perform patching and restoration according to the standards and with the materials specified by the city and shall comply with Minnesota Rule 7819.1100.

D. Duty to Correct Defects. The permittee shall correct defects in patching, or restoration performed by permittee or its agents. Permittee upon notification from the Street Commissioner shall correct all restoration work to the extent necessary, using the method required by the Street Commissioner. Said work shall be completed within five (5) calendar days of the receipt of the notice from the Street Commissioner, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonal or unreasonable.

E. Failure to Restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the Street Commissioner, or fails to satisfactorily and timely complete all restoration required by the Street Commissioner, the Street Commissioner at its option may do such work. In that event the permittee shall pay to the city, within thirty (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 under the construction performance bond.

Subd. 9. Supplementary Applications.

A. Limitation on Area. A right-of-way 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 or excavated must before working in the greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

B. Limitation on Dates. A right-of-way 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 for the additional time it needs, and receive the 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.

Subd. 10. Denial of Permit. The City must deny a permit for failure to meet the requirements and conditions of this section 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/or its current use or users.

Subd. 11. 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 other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes, Secs. 237.162 and 237.163.

Subd. 12. Inspection.

A. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a Completion of Certificate in accordance with Minnesota Rules 7819.1300.

B. Site Inspection. Permittee shall make the work-site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

C. Authority of Street Commissioner.

1. At any time of inspection the Street Commissioner may order the immediate cessation of any work which poses a serious threat to the life, health, safety, or well-being of the public.

2. The Street Commissioner may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the Street Commissioner that the violation has been corrected. If such proof has not been presented within the required time, the Street Commissioner may revoke the permit pursuant to subd. 15.

Subd. 13. Work Done Without A Permit.

A. Emergency Situations. Each person with facilities in any right-of-way shall immediately notify the city of any event regarding its facilities which it considers to be an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the owner shall apply for the necessary permits, pay the fees associated therewith 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 facilities located within a right-of-way, the city will attempt to contact the local representative of each facility owner affected, or potentially affected by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall borne by the person whose facilities occasioned 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, pay double all the other fees

required by this code, and deposit with the city the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this section.

Subd. 14. **Supplementary Notification.** If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the Street Commissioner or the accurate information as soon as this information is known.

Subd. 15. **Revocation of Permits.**

A. Substantial Breach. The city reserves the right, as provided herein, to revoke any right-of-way 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. A substantial breach by permittee shall include, but shall not be limited to, the following:

1. The violation of any material provision contained in the right-of-way permit;

2. Any evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;

3. Any material misrepresentation of fact in the application for a right-of-way permit;

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 permittees control; or

5. The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to subd. 12.

B. Written 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. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

C. Response to Notice of Breach. Within twenty four (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 the permittee's failure to 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.

Subd. 16. Mapping Data.

A. Information Required. Each permittee shall provide mapping information required by the city in accordance with Minnesota Rules 7819.4000 and 7819.4100.

Subd. 17. Location and Relocation of Facilities.

A. Placement, location, and relocation of facilities must comply with the act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

B. Corridors. The city may assign corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is, or pursuant to current technology, the city expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the city involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

C. Limitation of Space. To protect health, safety, and welfare, or when necessary to protect the right-of-way and its current use, the Street Commissioner shall have the power to prohibit, or the Street Commissioner 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 need 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.

Subd. 18. Damage to or Relocation of Other Facilities.

When the city does work or plans for construction of an additional public utility project in the right-of-way and finds it necessary to maintain, support, or relocate facilities to protect or allow for the city work necessary to permit the public project, the Street Commissioner shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that facility owner and must be paid within thirty (30) days from the date of billing. Each facility owner shall be responsible for the cost of repairing or relocating any facilities in the right-of-way which are required to be relocated to permit a public project, or which work on its facilities damage as part of any relocation or maintenance of its facilities. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the city's response to an emergency occasioned by that owner's facilities.

Subd. 19. Right-of-Way Vacation.

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

Subd. 20. **Indemnification and Liability.** By applying for and accepting a permit under this section, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rules 7819.1250.

Subd. 21. Abandoned Facilities.

A. Removal of Abandoned Facilities. Any person who has abandoned facilities in any right-of-way shall remove them 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 Street Commissioner.

Subd. 22. Appeal.

A. A right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; or (4) believes that the fees imposed are invalid, may have the denial, revocation, or fee imposition reviewed, upon written request, by the city council. The city council shall act on a timely written request at its next regularly scheduled meeting. A decision by the city council affirming the denial, revocation, or fee imposition will be writing and supported by written findings establishing the reasonableness of the decision.

Subd. 23. **Reservation of Regulatory and Police Powers.**

A permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health safety and welfare of the public.

Source: Ord. 492-2nd Series
Effective Date: 8/26/02

(Sections 6.13 - 6.14 reserved for future expansion.)

Section 6.15. **Load Limits.** The Chief of Police, by authority of the Council, 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 unlawful for any person to operate a vehicle on any street in violation of the limitation so posted.

Section 6.16 **Private Use of Public Streets and Parking Lots.**

Subd. 1. **Authority, Permission and Procedure.** The Council may, in its discretion, grant special permission whereby on-street parking or the use of City-owned parking lots or public sidewalks may be temporarily or permanently prohibited or restricted for private reasons and purposes (including, but not limited to, establishment of private or "leased" parking, "loading zones", or display of merchandise on sidewalks) at such places, on such terms and for such compensation as the Council may deem just and equitable.

Subd. 2. **Public Vehicles.** Free and reserved on-street parking shall be limited to City-owned and operated vehicles.

Subd. 3. **Forbidden Practices.** It is unlawful for any person to park or otherwise infringe upon a grant of right under this Section, when clearly and distinctly marked or sign-posted. It is unlawful for any person not granted such right to assert the same, or for any grantee of such right to exceed the same under claim thereto.

Section 6.17. **Curb Set-Back.**

Subd. 1. **Permit Required.** It is unlawful for any person to hereafter remove, or cause to be removed, any curb from its position abutting upon the roadway to another position without first obtaining written application to the Street Commissioner and obtaining a permit therefor.

Subd. 2. **Agreement Required.** No such permit shall be issued until the applicant, and abutting landowner, if other than applicant, shall enter into a written agreement with the City agreeing to pay all costs of construction and maintaining such set-back area in at least as good condition as the abutting roadway, and further agreeing to demolish and remove such set-back and reconstruct the area as was at the expense of the landowner, his/her heirs or assigns if the area ever, in the Council's opinion, becomes a public hazard. Such agreement shall be recorded in the office of the Register of Deeds, and shall run with the adjoining land.

Subd. 3. **Sign-Posting.** ANGLE PARKING ONLY signs shall be purchased from the City and erected and maintained at the expense of the adjoining landowner in all such set-back areas now in use or hereafter constructed. It is unlawful for any person to park other than at an angle in such set-back areas, as such angle parking is herein described and allowed.

Subd. 4. **Public Rights Preserved.** Set-back parking areas shall be kept open for public parking and the abutting landowner shall at no time acquire any special interest or control of or in such areas.

Section 6.18. **Operation of Snowmobiles and All-Terrain Vehicles (ATVs).**

Subd. 1. It is unlawful for any person to operate a snowmobile or all-terrain vehicle (ATV) in violation of the following:

A. On a private property of another without the express permission to do so by the owners and occupant of said property.

B. On public school grounds, park property, playgrounds, recreational areas and golf courses without express permission to do so by the proper public authority.

C. On any public sidewalk or boulevard.

D. On any roadway unless the operator shall have a valid motor vehicle driver's license issued to the operator by the State of Minnesota, or shall have a valid Instruction Permit issued to the operator by the State of Minnesota and is accompanied by an adult licensed driver who is actually occupying a seat in the vehicle.

E. Without having such snowmobile or ATV registered as provided for in Minnesota Statutes Section 84.82 or Section 84.922, except that this provision shall not apply to the operation of a snowmobile or ATV on the private property of the owner by the owner or by a member of the owner's immediate family.

F. In a careless, reckless or negligent manner so as to endanger, or be likely to endanger the safety of any person or property of another.

Subd. 2. All snowmobiles and ATVs operated within the City shall have the following equipment:

A. Mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle, and no person shall use a muffler cut-out, by-pass, or similar device on said vehicles.

B. Adequate brakes as required by Minn. Stat. §169.67, and at least one headlight and one taillight.

Subd. 3. It is unlawful for the owner or operator to leave or allow a snowmobile or ATV to be or remain unattended on public property while the motor is running or with the keys to start same in the ignition switch.

Subd. 4. The City Council may, by resolution, prohibit the operation of snowmobiles and/or ATV within the right-of-way of the public roads or streets or other City property within the City, when in the opinion of the City Council the public safety and welfare so requires.

Subd. 5. Minnesota Statutes Section 84.87, and all the provisions thereof, are hereby adopted by reference and made a part hereof as fully and completely as though set forth herein in full.

Source: Ord 335-2nd Series
Effective Date: 12/28/92

Section 6.19 **Skateboards and Bicycles.**

Subd. 1. **Bicycles on Sidewalks Prohibited.** It shall be unlawful for any person, other than law enforcement personnel acting in the scope of their duties or persons under the direction of law enforcement personnel, to ride a bicycle on the sidewalks adjacent to streets within an area bounded by 3rd Avenue to 8th Avenue and Elm Street to Irving Street, (including the streets on the perimeter of the defined area) in the City of Alexandria at any time.

Source: Ord. 363-2nd Series
Effective Date: 5/29/01

Subd. 2. **Skateboards and Inline Skates on Public Streets and Sidewalks.** It shall be unlawful for any person to use a skateboard or inline skates at any time on the public street, or the sidewalk adjacent thereto within an area bounded by 3rd Avenue to 8th Avenue and Elm Street to Irving Street and along Broadway between 8th Avenue and 10th Avenue inclusive of the street right of way on the perimeter of the defined area.

Source: Ord. 383-2nd Series
Effective Date: 5/13/96

Section 6.20 **Sidewalk Repair**

Subd. 1. All property owners within the City, who own property, abutting a public sidewalk shall keep the sidewalk in repair and safe for pedestrians. Any repair shall be made in accordance with standards as set forth in this Chapter, and shall be approved by the Street Commissioner.

Subd. 2. Any public sidewalk found to be unsafe or in need of repair by the Street Commissioner may be declared as a public nuisance and be corrected through the procedures outlined in Section 9.55, Subd. 7 of the City Code.

Source: Ord. 367-2nd Series
Effective Date: 02/27/95