

TITLE IX: GENERAL REGULATIONS

Chapter

92. STREETS AND SIDEWALKS

CHAPTER 92: STREETS AND SIDEWALKS

Section

General Provisions

92.001 Requirement of sewer and water main service lateral installation

Ice and Snow on Public Sidewalks

92.020 Placing snow or ice in public street or on other City property

Construction and Reconstruction of Street Surface, Sidewalk and Curb and Gutter

92.040 Methods of procedure

92.041 Permit required

92.042 Specifications and standards

92.043 Inspection

92.044 Painting or coloring

Street Openings or Excavations

92.050 Election to manage the public right-of-way

92.051 Definitions and adoption of rules by reference

92.052 Permit requirement

92.053 Permit applications

92.054 Issuance of permit; conditions

92.055 Permit fees

92.056 Right-of-way patching and restoration

92.057 Supplementary applications

92.058 Denial of permit

92.059 Installation requirements

92.060 Inspection

92.061 Work done without a permit

92.062 Supplementary notification

92.063 Revocation of permits

92.064 Mapping data; information required

92.065 Location of facilities

92.066 Damage to other facilities

- 92.067 Right-of-way vacation
- 92.068 Indemnification and liability
- 92.069 Abandoned facilities; removal of abandoned facilities
- 92.070 Appeal
- 92.071 Reservation of regulatory and police powers

Obstructions, Fire Dumping, Signs and Other Structures

- 92.075 Obstructions
- 92.076 Fires
- 92.077 Dumping in streets
- 92.078 Signs and other structures
- 92.079 Continuing violation

Parades

- 92.090 Definition
- 92.091 Application
- 92.092 Procedure and granting
- 92.093 Fee
- 92.094 Distribution
- 92.095 Violation

Sidewalk Maintenance and Repair

- 92.110 Primary responsibility
- 92.111 Construction, reconstruction and repair specifications
- 92.112 Notice; no emergency, emergency
- 92.113 Failure of owner to reconstruct or make repairs

GENERAL PROVISIONS AND REGULATIONS

§ 92.001 REQUIREMENT OF SEWER AND WATER MAIN SERVICE LATERAL INSTALLATION.

(A) *Requirement of sewer and water laterals.* No petition for the improvement of a street shall be considered by the Council if the 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 right-of-way line of the street, if the area along the street will be served by such utilities installed in the street.

(B) *Sewer main 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.

(C) *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.

ICE AND SNOW ON PUBLIC SIDEWALKS

§ 92.020 PLACING SNOW OR ICE IN PUBLIC STREET OR ON OTHER CITY PROPERTY.

It is a misdemeanor for any person, not acting under a specific contract with the City, to remove snow from private property or alleys and place the same on a public street. It is also a misdemeanor for any person not acting under a contract with the City to dump snow on City property.

CONSTRUCTION AND RECONSTRUCTION OF STREET SURFACE, SIDEWALK AND CURB AND GUTTER

§ 92.040 METHODS OF PROCEDURE.

(A) Abutting or affected property owners may contract for, construction or reconstruction of street surfaces, sidewalks, or curbs and gutters in accordance with this Section.

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

§ 92.041 PERMIT REQUIRED.

It is a misdemeanor to construct a sidewalk, curb and gutter, driveway apron, or street surface in any street or other public property in the City without obtaining a permit in writing from the Public Works Director. No permit shall be required for any such improvement ordered and installed by the Council. A permit from the City shall not relieve the holder from damages to the person or property of another caused by the work.

(A) *Application.* Application for a permit shall be made to the Public Works Director on an application provided by the Public Works Director. The permit may be issued by the Public Works Director upon payment of required fee and completion of other requirements. All such applications shall

contain an agreement by the applicant to be bound by this Chapter and specifications and standards consistent with the provisions of this Chapter.

(B) *Fees.* The permit fee for construction or reconstruction of street surface, sidewalk, or curb and gutter shall be established by the Council by resolution which may be changed from time to time by resolution.

§ 92.042 SPECIFICATIONS AND STANDARDS.

All construction and reconstruction of street surface, sidewalk, and curb and gutter improvements, including curb cuts, shall be strictly in accordance with specifications and standards on file in the office of the Public Works Director and open to inspection and copying there. The specifications and standards may be amended from time to time by the Public Works Director but shall be uniformly enforced.

§ 92.043 INSPECTION.

The Public Works Director, or designee, shall perform inspections required herein and such other inspection of the work as deemed necessary. Any work not done according to the applicable specifications and standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the Public Works Director, or designee, 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 the work.

§ 92.044 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. 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 Public Works Director. In addition, the Council may approve certain markings on any street, sidewalk or curb and gutter.

STREET OPENINGS OR EXCAVATIONS

§ 92.050 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 this Chapter to manage rights-of-ways within its jurisdiction.

§ 92.051 DEFINITIONS AND ADOPTION OF RULES BY REFERENCE.

Minn. Rules Ch. 7819, as it may be amended from time to time, is hereby adopted by reference and is incorporated into this Code as if set out in full. The definitions included in Minn. Rules Part 7819.0100 subps. 1 through 23, as it may be amended from time to time, are the definitions of the terms used in the following provisions of this Subchapter.

§ 92.052 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.* An Excavation Permit is required to excavate that part of the right-of-way described in the permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(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. An 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 the person makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and a new permit or permit extension is granted.

(C) *Delay penalty.* In accordance with Minn. Rules Part 7819.1000 subp. 3, as it may be amended from time to time and notwithstanding Division (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 by resolution, which resolution may be amended from time to time.

(D) *Permit display.* Permits issued under this Subchapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Public Works Director.

§ 92.053 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 e-mail 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 at the time of registration;

(3) A certificate of insurance or self-insurance:

(a) Verifying that an insurance policy has been issued to the registrant by an insurance company licensed to do business in the state, or a form of self-insurance acceptable to the Public Works Director;

(b) Verifying that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the use and occupancy of the right-of-way by the registrant, its officers, agents, employees, and permittees, and placement and use of facilities and equipment in the right-of-way by the registrant, 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 coverages;

(d) Requiring that the Public Works Director be notified 30 days in advance of cancellation of the policy or material modification of a coverage term; and

(e) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation, and umbrella coverage established by the Public Works Director in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Chapter.

(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 M.S. § 300.06, as it may be amended from time to time as recorded and certified to by the Secretary of State; and

(6) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have the certificate from the Commission or other state or 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 the applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the City; or

(4) Franchise fees or other charges, if applicable.

§ 92.054 ISSUANCE OF PERMIT; CONDITIONS.

(A) *Permit issuance.* If the applicant has satisfied the requirements of this Chapter, the Public Works Director shall issue a permit.

(B) *Conditions.* The Public Works Director 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.

§ 92.055 PERMIT FEES.

Permit fees shall be in an amount established by resolution, which resolution may be amended from time to time.

(A) *Excavation permit fee.* The City shall establish an excavation permit fee by resolution, which resolution may be amended from time to time, in an amount sufficient to recover the following costs:

(1) The City management costs; and

(2) Degradation costs, if applicable.

(B) *Obstruction Permit Fee.* The City shall establish the obstruction permit fee by resolution, which resolution may be amended from time to time, and shall be in an amount sufficient to recover the City management costs.

(C) *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 those fees within 30 days of billing.

(D) *Non-refundable.* Permit fees that were paid for a permit that the Public Works Director has revoked for a breach as stated in § 92.063 are not refundable.

(E) *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.

(F) All permit fees shall be established consistent with the provisions of Minn. Rules Part 7819.100, as it may be amended from time to time.

§ 92.056 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 under this Subchapter.

(B) *Patch and restoration.* The City shall designate who is responsible for restoring the various portions of the right-of-way.

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

(2) *Permittee restoration.* If the permittee restores any portion of 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 Minn. Rules Part 7819.3000, as it may be amended from time to time.

(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 Minn. Rule Part 7819.1100, as it may be amended from time to time. The Public Works Director shall have the authority to prescribe the manner and extent of the restoration, and may do so in written procedures of general application or on a case-by-case basis.

(D) *Duty to correct defects.* The permittee shall correct defects in patching, or restoration performed by the permittee or its agents. The permittee upon notification from the Public Works Director, shall correct all restoration work to the extent necessary, using the method required by the Public Works Director. The work shall be completed within five calendar days of the receipt of the notice from the Public Works Director, 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 under this Subchapter.

(E) *Failure to restore.* If the permittee fails to restore the right-of-way in the manner and to the condition required by the Public Works Director, or fails to satisfactorily and timely complete all restoration required by the Public Works Director, the Public Works Director at its option may do the work. In that event the permittee shall pay to the City, within 30 days of billing, the cost of restoring the right-of-way. If the permittee fails to pay as required, the City may exercise its rights under the construction performance bond.

(F) *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 as established by resolution, which resolution may be amended from

time to time. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

§ 92.057 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 that greater area make application for a permit extension and pay any additional fees required thereby, and 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.

§ 92.058 DENIAL OF PERMIT.

The City may deny a permit for failure to meet the requirements and conditions of this Chapter or if the City determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use. Permits shall not be issued for excavation of the bituminous or concrete portion of any street from October 15 until May 1 unless an emergency exists.

§ 92.059 INSTALLATION REQUIREMENTS.

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minn. Rules Part 7819.1100, as it may be amended from time to time and other applicable local requirements, in so far as they are not inconsistent with M.S. §§ 237.162 and 237.163, as they may be amended from time to time.

§ 92.060 INSPECTION.

(A) *Notice of completion.* When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minn. Rule Part 7819.1300, as it may be amended from time to time.

(B) *Site inspection.* The 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 Public Works Director.

(1) At the time of inspection, the Public Works Director 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 Public Works Director 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 days after issuance of the order, the permittee shall present proof to the Public Works Director that the violation has been corrected. If proof has not been presented within the required time, the Public Works Director may revoke the permit pursuant to § 92.063.

§ 92.061 WORK DONE WITHOUT A PERMIT.

(A) Emergency situations.

(1) Each person with facilities in the 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.

(2) If the City becomes aware of an emergency regarding facilities, 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 be 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 the permit, pay double all the other fees required by this Code, 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 Chapter.

§ 92.062 SUPPLEMENTARY NOTIFICATION.

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, the permittee shall notify the Public Works Director of the accurate information as soon as this information is known.

§ 92.063 REVOCATION OF PERMITS.

(A) *Substantial breach.* The City reserves its 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 the permittee shall include, but shall not be limited, to the following:

- (1) The violation of any material provision of the right-of-way permit;
- (2) An 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 § 92.060.

(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 that 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 24 hours of receiving notification of the breach, the permittee shall provide the City with a plan, acceptable to the City, that will cure the breach. The permittee's failure to so contact the City, or the permittee's failure to submit an acceptable plan, or the 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 attorneys' fees incurred in connection with the revocation.

§ 92.064 MAPPING DATA; INFORMATION REQUIRED.

Each permittee shall provide mapping information required by the City in accordance with Minn. Rules Parts 7819.4000 and 7819.4100, as it may be amended from time to time.

§ 92.065 LOCATION OF FACILITIES.

(A) *Compliance required.* Placement, location, and relocation of facilities must comply with applicable laws, and with Minn. Rules Parts 7819.3100, 7819.5000 and 7819.5100, as they may be amended from time to time, to the extent the rules do not limit authority otherwise available to cities.

(B) *Corridors.* The City may assign specific 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 the health, safety, and welfare or when necessary to protect the right-of-way and its current use, the Public Works Director shall have the power to prohibit or limit the placement of new or additional facilities within the right-of-way. In making those decisions, the Public Works Director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

§ 92.066 DAMAGE TO OTHER FACILITIES.

When the City does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the Public Works Director shall notify the local representative as early as is reasonably possible and placed as required. The costs associated therewith will be billed to that registrant and must be paid within 30 days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the City's response to an emergency occasioned by that owner's facilities.

§ 92.067 RIGHT-OF-WAY VACATION.

If the City vacates a right-of-way which contains the facilities of a registrant, the registrant's rights in the vacated right-of-way are governed by Minn. Rules Part 7819.3200, as it may be amended from time to time.

§ 92.068 INDEMNIFICATION AND LIABILITY.

By applying for and accepting a permit under this Chapter, a permittee agrees to defend and indemnify the City in accordance with the provisions of Minn. Rule 7819.1250, as it may be amended from time to time.

§ 92.069 ABANDONED FACILITIES; 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 Public Works Director.

§ 92.070 APPEAL.

A right-of-way user that has been denied registration; has been denied a permit; has had permit revoked; or 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 as imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

§ 92.071 RESERVATION OF REGULATORY AND POLICE POWERS.

A permittees or registrants 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.

OBSTRUCTIONS, FIRE DUMPING, SIGNS AND OTHER STRUCTURES**§ 92.075 OBSTRUCTIONS.**

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

§ 92.076 FIRES.

It is a misdemeanor for any person to build or maintain a fire upon a street.

§ 92.077 DUMPING IN STREETS.

It is a misdemeanor for any person to throw or deposit in any street or any other public place any nails, dirt, glass, tin cans, metal scraps, garbage, leaves, grass, tree limbs, shreds or rubbish, snow or any water containing salt or other injurious chemical thereon; the effect of this Section shall extend, but not by way of limitation, to depositing grease, oil and other fuel or lubricants in such places and to place a motor vehicle with essential parts (as defined in Minnesota Statutes) removed, except the vehicles as are temporarily disabled for a period not in excess of 12 hours.

§ 92.078 SIGNS AND OTHER STRUCTURES.

It is a misdemeanor for any person to place or maintain a sign or other structure in the traveled or untraveled portion of any street or other public property without first having obtained a written permit from the Council, except as provided in Chapter 152.

§ 92.079 CONTINUING VIOLATION.

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

PARADES**§ 92.090 DEFINITION.**

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

§ 92.091 APPLICATION.

Application for a parade permit shall be made to the City Administrator on an application provided by the City Administrator, at least 30 days in advance of the date on which it is to occur.

§ 92.092 PROCEDURE AND GRANTING.

The City Administrator shall forthwith refer all applications for parades to the Chief of Police for consideration, which shall take no longer than seven days. If any state trunk highways are in the route

the Chief of Police shall make all necessary arrangements with the Minnesota Department of Transportation for alternate routes or whatever may be necessary. If the Chief of Police finds that such a parade will not cause a hazard to persons or property, and will cause no great inconvenience to the public, and if able to make arrangements for necessary direction and control of traffic, the Chief of Police shall endorse acceptance and return the application to the City Administrator. If the Chief of Police finds the parade described in the application to be a hazard, a substantial inconvenience, or if unable to make adequate arrangements for direction or control of traffic, the Chief of Police shall return the same to the City Administrator with reasons for denial, and the permit shall not be granted unless all conditions and objections of the Chief of Police are met or removed by the applicant.

§ 92.093 FEE.

The permit fee for a parade shall be established by the Council by resolution which may be changed from time to time.

§ 92.094 DISTRIBUTION.

Candy and other items shall not be distributed from floats, vehicles, or other objects taking part in any parade. Candy and other items may be distributed by individuals walking along the parade route, near the street curb and away from that part of the street over which the parade is traveling. Violation of this Section shall be a petty misdemeanor.

§ 92.095 VIOLATION.

It is unlawful to sponsor or participate in a parade for which no permit has been obtained from the City, and it is unlawful to obtain a parade permit and not conduct the same in accordance with a permit granted by the City.

SIDEWALK MAINTENANCE AND REPAIR

§ 92.110 PRIMARY RESPONSIBILITY.

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

§ 92.111 CONSTRUCTION, RECONSTRUCTION AND REPAIR SPECIFICATIONS.

All construction, reconstruction, or repair of sidewalks shall be done in strict accordance with specifications and standards on file in the office of the Public Works Director.

§ 92.112 NOTICE; NO EMERGENCY, EMERGENCY.

(A) *No emergency.* Where, in the opinion of the Public Works Director no emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. The notice shall require completion of the work within 90 days and shall be mailed to the owner or owners shown to be such on the records of the County Auditor.

(B) *Emergency.* If the repair is required because an emergency exists, the notice shall require completion of the work within ten days and shall be mailed to the owner or owners shown to be such on the records of the County Auditor.

§ 92.113 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 Council may order the work to be done under its direction and the cost thereof assessed to the abutting property owner as any other special assessment.