

City Code Chapter 25

Streets and Sidewalks

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Article 1. General Conditions

Sec. 25-1. Obstructions Prohibited.

No person shall encumber or obstruct any sidewalk, lane, alley, avenue, public ground or place in the City. (Ord. No. 17, 7-3-17; Code 1966; Code of 1988; Code of 2001)

Secs. 25-2--25-15. Reserved.

Article 2. Street Construction

Division 1. Standards

Sec. 25-16. Regulation of Streets.

Pursuant to authority of the City to regulate, control, and maintain municipal streets as provided in Minnesota Statutes, Chapter 412, the provisions of this Chapter shall apply to all streets within the City. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-17. Definitions.

The definitions in this Section shall apply when these words and phrases are used in this Article.

- (1) **A.A.S.H.O.** The American Association of State Highway Officials. All references to A.A.S.H.O. specifications or methods of testing shall be understood to refer to the latest published edition of the "Standard Specifications for Highway Materials and Methods of Sampling and Testing" of the A.A.S.H.O. unless specifically provided otherwise.
- (2) **Base.** The portion of the street which is the foundation for the bituminous surfacing.
- (3) **Bituminous Surfacing.** The portion of the street mixed with bituminous material including the prime coat, aggregate, curbing, and seal coat.
- (4) **Grade.** The established elevation of the finished bituminous surface of the street.
- (5) **Gravel.** Gravel, sand or any combination thereof.
- (6) **M.H.D.** The Minnesota Highway Department. All references to M.H.D. specifications or methods shall be understood to refer to the latest published edition of the "Specifications for Highway Construction" as published by the Minnesota Highway Department.
- (7) **Plans.** All drawings and standard details pertaining to the details of construction or of the contract work which is made a part of the contract.
- (8) **Primary Streets.** Streets serving commercial, industrial, and/or manufacturing areas and/or connecting points of major traffic interest within the City.
- (9) **Private Utilities.** All gas mains, electric transmission lines, and telephone lines together with appurtenances including buried pipe, cable, conduit, wire, valves, manholes, house service connections, poles, overhead wires, cables and conduits.
- (10) **Public Utilities.** All watermains, sanitary sewers, storm sewers, together with appurtenances including house service connections, valves, hydrants, manholes, catch basins, and outlets.
- (11) **Residential Access Streets.** Streets providing access to residents only and not serving business, commercial, industrial, or manufacturing areas and not connecting points of major traffic interest.
- (12) **Specifications.** The directions, provisions, and requirements that are prepared for the project under

consideration and made a part of the contract.

(13) **Sub-Base.** The portion of the street lying between the base and the sub-grade.

(14) **Sub-Grade.** The portion of the street which is the foundation for sub-base, base, and surface. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-18. Construction Standards.

(1) All streets within the City shall be constructed in accordance with plans and specifications prepared by the City and approved by the City Council.

(2) All streets, including residential access streets, shall be designed as minimum five ton (axle loading) all-weather streets, capable of handling a minimum of 400 vehicles per day. Primary streets shall be designed to handle such additional axle loadings and traffic volume as the ultimate use of the street may require. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-19. Variations and Exceptions.

In specific cases, the City Council may permit variations from the requirements of this Article when, in its opinion, the action does not affect the general sense of this Article. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-20. Primary Street System.

From time to time, the City Council shall designate those streets that shall constitute the primary street system of the City. Primary streets shall differ from other streets as set forth in the specifications of this Article. Designation of primary streets shall be by resolution. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-21. Rights-of-Way.

(1) All streets within the City shall be constructed on rights-of-way of not less than sixty feet in width except as provided in Section 25-30.

(2) A primary street shall be constructed on a right-of-way of additional widths as necessary to accommodate the final street as required by the ultimate use for which the street is designed. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-22. Issuance of Building Permits Restricted.

No building permit will be issued for any construction unless:

(1) The building site is located adjacent to an existing street which is dedicated and maintained as a City street, or

(2) Provision for street construction has been made in full compliance with this Article, and, grading work has been completed and certified by the City; or

(3) The City has entered into an agreement with a property owner for special handling of an unusual situation in an exceptional instance. The agreement shall be recorded so as to run with the affected land affected. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-23. Permit Required.

A permit shall be obtained from the City before any improvement, construction, or alteration of any kind is undertaken within the limits of a right-of-way including work on public and private utilities. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-24. Petition Form.

All requests for street construction, improvement, or reconstruction, including public utilities, shall be initiated by a request to the City Council. The request shall be made on a street improvement petition form as prescribed by the City. The City shall make the petition form available to the public at all times. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-25. Reports on Petition.

The proper City official shall present the completed street improvement petition to the City Council. Before being acted upon, the City Council shall refer the petition to the Director of Public Works for a preliminary report as to:

(1) Feasibility of the improvement;

(2) Whether the improvement should be made as proposed or completed in connection with some other improvement; and,

(3) Estimated cost.

When the report of the Director of Public Works has been received, the City Council shall determine whether such improvement is to be made and how it shall be financed. All further proceedings shall be in accordance with the provisions of M.S., Chapter 429, as amended, so as to establish and reserve the right of the City Council to assess the benefitted property.

If the City Council determines that the improvement shall be financed by means other than assessment of the benefitted property, the provisions of Sections 25-26 and 25-27 shall be followed. (Ord. No. 98, 6-21-60; Code 1966; Ord. No. 390, 4-26-77; Code of 1988; Code of 2001)

Sec. 25-26. Deposit for Non-Assessment Projects.

When an improvement will not be financed by assessment, a copy of the preliminary report from the City shall be furnished to each petitioner. A deposit equal to ten percent of the preliminary estimate shall be placed with the City by the petitioner. This sum shall be used to defray expenses incurred by the City for plans, specifications, legal services, advertising, or any other related expenses. In the event the work is not ordered by the City Council, any money remaining from the deposit shall be refunded to the petitioner less the cost of expenses. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-27. Final Plans and Estimated Cost for Non-Assessment Projects.

(1) After the deposit has been received by the City, the City Council shall instruct the Director of Public Works to prepare final plans and specifications and an estimate of the cost for the improvement, construction or reconstruction including drainage and utility installations as petitioned and as recommended in the preliminary report. When completed, the Director of Public Works shall present the final plans and specifications and an estimate of cost to the City Council and the petitioner.

(2) Before the City Council orders the work done or advertises for bids, the petitioner shall deliver to the City a cash deposit or a letter of credit from a Minnesota banking institution in an amount equal to at least 150 percent of the final estimate as prepared by the City. The cash shall be used to pay for all work as specified in the contract as let by the City Council. In the case of the letter of credit, it shall guarantee the prompt payment in cash for all specified work.

(3) If the cash deposit or letter of credit as required in Section 25-27 (2) is not provided to the City within thirty days from the date that the final estimate was furnished to the petitioner, the improvement shall be terminated. All expenses incurred by the City shall be deducted from the deposit furnished in accordance with Section 25-26 and any balance remaining shall be refunded to the petitioner. (Ord. No. 98, 6-21-60; Code 1966; Ord. No. 390; 4-26-77; Code of 1988; Code of 2001)

Sec. 25-28. Bid Contract for Non-Assessment Projects.

After receipt of the deposit or letter of credit as required by Section 25-27 (2), the City Council shall proceed in accordance with the provisions of Minnesota Statutes, Chapter 429, as amended, for the purpose of advertising for bids and letting contract for the work to be done. This language shall not be construed to require the issuance of bonds by the City nor to require assessments to be spread. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-29. Construction in Sections.

In the development of a large subdivision or plat, the street construction may be undertaken in parts or sections provided that the petitioner includes in each separate undertaking streets which will make a complete circuit so that there will be no dead ends when the construction of a particular section has been completed. (Code 1966; Ord. No. 98, 6-21-69; Code of 1988; Code of 2001)

Sec. 25-30. Narrow Streets.

Any temporary or permanent street having a width of less than sixty feet shall be considered as a permissible variance from this Chapter provided the City shall design the street in the best possible manner for the contemplated use. The petitioner may be required to enter into a special agreement pertaining to the sub-standard streets. (Code 1966; Ord. No. 98, 6-21-60; Code of 1988; Code of 2001)

Sec. 25-31. Timing of Street Construction.

(1) The City Council shall at all times have the right to determine and specify the timing of street construction and may at its discretion contract for grading under a separate contract from the finishing or surfacing of the driving area.

(2) Whenever surfacing is delayed for a substantial period of time after grading, the City Council may provide for snow plowing and general blading operations on such streets at the expense of the City. If the City Council does provide for snow plowing and blading, such action on the part of the City Council shall not in any way constitute or be deemed final acceptance by the City of such streets for maintenance.

(3) If conditions require that aggregate or gravel be applied to the entire driving surface during the period of such partial maintenance, the application thereof shall be deemed to be part of the street construction to be paid for by the petitioner on a time and material basis to the City. Such partial maintenance shall not be construed to have any effect upon construction agreements existing between the City and the petitioner but shall be construed to be part of such construction agreements and to be an exercise by the City Council of its right under Minnesota Statutes, Chapter 429, as amended, to perform a part of the work contemplated by City labor and equipment on a time and material basis. (Ord. No. 98, 6-21-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-32. Tests.

The City Council may authorize the City Engineer to conduct tests, take borings or make surveys as may be necessary for the proper design of the street. The cost of these tests, borings and/or surveys shall be considered as part of the overall cost of the street improvement. (Ord. No. 98, 6-2-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-33. Public Utilities.

All wires, cables, pipes, conduit, and other installations of public utilities which are to be buried within the street right-of-way together with such service lines, leads, stubs, and/or other appurtenances as may be required to connect the adjacent property to these public utilities shall be constructed and/or installed prior to the time any part of the bituminous surfacing is applied to the street. (Ord. No. 98, 6-2-60; Code 1966; Code of 1988; Code of 2001)

Secs. 25-34--25-40. Reserved.

Division 2. Minimum Specifications

Sec. 25-41. Compliance Required.

All streets, alleys, and other public ways within the City shall be constructed, reconstructed, repaired, and maintained in compliance with plans and specifications as determined and approved by the City Council. The plans and specifications shall be kept on file by the City. (Code of 1988; Code of 2001)

Sec. 25-42. Concrete Curb and Gutter.

Concrete curb and gutter shall be constructed on all City streets as a part of the bituminous surfacing operations. This curb and gutter shall conform to the specifications of the approved standard detail plates. (Ord. No. 98, 6-2-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-43. Drainage.

Provisions shall be made for the proper drainage of all streets through the installation of adequately designed culverts, storm sewers, etc., and the installation thereof shall be considered part of the essential street construction requirements provided for by this Article. Whenever possible, the drainage shall fit into the overall drainage plan for the City. (Ord. No. 98, 6-2-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-44. Boulevards.

A boulevard shall be defined as the area between the back of the curb and the property line. Boulevards shall be uniformly finished to match the top of the curb and sodded or seeded to present a pleasing finished appearance. (Ord. No. 98, 6-2-60; Code 1966; Code of 1988; Code of 2001)

Sec. 25-45. Grading.

All streets shall be graded for the full width of the right-of-way and in such a manner as to provide a minimum finished surfaced width of 32 feet from back to back of curbs. All streets shall be undercut below the established grade for the width of the finished surface to a depth adequate to accommodate the sub-base, base, and bituminous surfacing. (Ord. No. 98, 6-2-60; Code 1966; Code of 1988; Code of 2001)

Secs. 25-46--25-55. Reserved.

Article 3. Sidewalks

Sec. 25-56. Purpose.

The purpose of this Article shall be to:

- (1) Provide for the construction of sidewalks.
- (2) Establish uniform standards and construction specifications for public sidewalks.
- (3) Establish guidelines for the development of a skeletal sidewalk system based upon public needs.
- (4) Establish methods for financing the cost of sidewalk construction.
- (5) Provide for inspection, maintenance, repair, and snow removal for sidewalks.
- (6) Regulate the use of sidewalks by pedestrians and non-motorized cycles. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-57. Definitions.

The definitions in this Section shall be apply when these words and phrases are used in this Article.

- (1) ***Non-Motorized Vehicle.*** A unicycle, bicycle, tricycle or other device propelled by human power.
- (2) ***Pedestrian.*** A person traveling on foot.
- (3) ***Sidewalk.*** A concrete walkway designed and intended primarily for pedestrians which is constructed on a public street right-of-way adjacent to a public street. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-58. Permit Required.

Except for an improvement ordered to be installed by the City, a permit shall be required to construct, reconstruct, order to be laid, rebuild, or reconstruct a sidewalk. The permit application shall be made on a form as prescribed by the City and shall contain the:

- (1) Description of the proposed improvement.
- (2) Expected date that the work will begin and the length of time for completion. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-59. Construction Specifications.

All sidewalks shall be constructed according to the specifications on file with the City and as approved by the City Council. Before any construction is begun, the City shall establish grades and assist in determining locations for the same. If the grade or location has not been established before a permit application is filed, the City Council shall order the City Engineer to prepare the proposed grades for City Council consideration and action. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-60. Inspection and Supervision.

The City shall inspect all sidewalk work as it deems necessary. Any work not done according to specifications shall be corrected or removed at the owner's expense. If the unacceptable work is underway when discovered, the City shall cause the work to be stopped. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-61. Skeletal Sidewalk System Established.

From time to time, the City shall designate the location of sidewalks which shall meet the greatest needs of the public to provided safe access for pedestrians and non-motorized vehicles to areas of major public interest such as schools, churches, recreation areas, and retail shopping areas. The designated sidewalks shall constitute the skeletal sidewalk system of the City. The City Council shall consider these factors in determining the sidewalks to be included in the skeletal system.

- (1) The number of pedestrians per day.
- (2) The number of motor vehicles per day.
- (3) The average age of pedestrians.
- (4) The number of pedestrian and non-motorized cycle accidents.
- (5) The character of road; speed limit and road width.
- (6) The length of road without stop signs or semaphores.
- (7) The sidewalk's ability to connect between points of public interest. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-62. Methods of Financing the Skeletal System.

The construction cost for any sidewalk designated as part of the skeletal sidewalk system shall be financed by one of the following methods:

- (1) By assessing the cost against benefitted properties.
- (2) By use of State Aid funds where permitted by law.
- (3) By use of general funds.
- (4) By any combination of (1), (2) or (3) . (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-63. Financing for Non-System Sidewalks.

Sidewalks constructed in the City which are not part of the skeletal sidewalk system shall be financed as:

- (1) If constructed by order of the City Council, the procedure set forth in Minnesota Statutes, Chapter 429 shall be followed.
- (2) If constructed by or for an adjacent property owner, the cost shall be paid by the property owner. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-64. Repair of Sidewalks Not Part of System.

The owner of any property abutting a sidewalk not part of the skeletal sidewalk system shall keep the sidewalk in repair and safe for pedestrians. Repairs shall be made in accordance with standard specifications approved by the City Council and on file with the City. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-65. Reserved.

(Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-66. Notice to Repair.

(1) **Notice Served.** If the City finds that any sidewalk not part of the skeletal sidewalk system is unsafe and in need of repair, a notice shall be provided by certified mail or by personal service upon the property owner of record. The notice shall be provided to the occupant if the property owner does not reside within the City or cannot be found.

(2) **Required Repair.** The notice shall order the sidewalk repaired and made safe within thirty days. If the served person fails to do so, the City will make the required repairs on behalf of the community.

(3) **Repair Cost.** Any expense incurred by the City for the repair must be paid by the property owner in a single installment. If unpaid, it will be made a special assessment against the affected property.

(4) If any part of the skeletal system is found to be unsafe and in need of repair, the City shall cause the appropriate repairs to be made.

(Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001; Ord. 867, 9-24,19)

Sec. 25-67. Order to Repair.

If a sidewalk which is not part of the skeletal sidewalk system is not repaired within thirty days after receipt of proper notice, the City shall repair the sidewalk and make it safe for pedestrians or order the work be done by contract in accordance with law. The City shall keep a record of the total cost of repair attributable to each lot or parcel of property. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-68. Liability for Cost.

The owner of property abutting the non-skeletal sidewalk on which repair has been performed shall be personally liable for the cost of the repair. As soon as the service of notice has been completed and the cost determined, the City shall prepare a bill and mail it to the property owner. The amount shall be immediately due and payable. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-69. Assessment.

Annually, the City Council shall spread any unpaid charges for sidewalk repair against the property as a special assessment under Minnesota Statutes, Section 429.101 and other pertinent statutes for certification. The County shall collect the amount certified the following year along with current taxes. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Sec. 25-70. Snow Removal.

Accumulations of snow and/or ice on all sidewalks in the skeletal sidewalk system shall be removed by the City. Accumulations of snow and/or ice on all other sidewalks shall be removed by the owner or occupant of property adjacent to or abutting the sidewalk. (Code 1966; Ord. No. 339, 9-11-74; Code of 1988; Code of 2001)

Secs. 25-71--25-81. Reserved.

Article 4. Curb Cuts

Sec. 25-82. Scope.

The provisions of this Article shall apply only to City streets having barrier type curbs. (Code 1966; Ord. No. 238, 6-1-68; Code of 1988; Code of 2001)

Sec. 25-83. Limited Location.

(1) The minimum distance between the edge of a driveway and the projected right-of-way line of an intersecting street, as measured at the curb line, shall be fifteen feet in R-1 and R-2 Zoning Districts.

(2) The minimum distance between the edges of two driveways, as measured along the curb line, shall be twenty feet in R-1 and R-2 Zoning Districts. (Code 1966; Ord. No. 238, 6-1-68; Code of 1988; Code of 2001)

Sec. 25-84. Permit.

(1) **Permit Required.** It shall be unlawful for any person to cut or remove any barrier type curb for the purpose of installing a driveway opening or any other purpose without first obtaining a permit from the City.

(2) **Form.** Application for a permit shall be made on a form as prescribed by the City.

(3) **Plans and Specifications.** Each application shall be accompanied by plans and specifications for the proposed work.

(4) **Fees.** The fees and deposit required for this work shall be specified by resolution. The deposit shall be made to guarantee protection and restoration of the City street, curb, and gutter.

(5) **Approval.** The City shall approve the plans and specifications before the permit shall be issued. (Code 1966; Ord. No. 238, 6-1-68; Code of 1988; Code of 2001)

Secs. 25-85--25-95. Reserved.

Article 5. Numbering of Buildings

Sec. 25-96. Number Required.

It shall be the duty of the owner, agent, lessor or occupant of every house, building, or permanent structure to place a house or building number over or near the main front door or entrance of the structure in such a position that the numbers can be plainly and clearly read and distinguished from the adjoining street. This requirement shall not apply to barns, private garages and other buildings or structures used in connection with buildings or permanent structures having a street or building number. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-97. Exceptions.

The provisions of this Article shall not apply to "Knollwood Park No. 2" and "Knollwood Park No. 3" additions, located in Section 18. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-98. Specifications.

Building or house numbers shall be no smaller than 3 1/2 inches and no larger than twelve inches high and shall be either painted or made of metal, glass, porcelain, or other substantial and durable materials. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-99. Numbers for Existing Buildings.

(1) Building numbers shall be placed upon all houses, buildings and structures within sixty days after the owners, agents, lessors, or occupants thereof have been notified by the City to apply for a number. The notice may be given orally, by telephone, mail, publication, or by posting in three public places in the City.

(2) Upon being satisfied as to the location, boundaries, and ownership of the premises, the City shall issue and deliver an official certificate showing both the description of the property and the number assigned thereto. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-100. Numbers for New Buildings.

The City shall provide an official certificate showing the description of the property and the number assigned thereto when a property owner shall:

(1) Exhibit a proper building permit for any building or permanent structure hereafter constructed.

(2) Submit sufficient proof of ownership of the property along with a correct legal description. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-101. Baselines.

For the purpose of establishing a building number system, the “East-West” and “North-South” base or divisional lines respectively shall be:

- (1) Both north and south from and commencing with County Road "E", as same is located in Sections 29, 30, 31 and 32 projected easterly to the east City limits, and
- (2) East and west from Cleveland Avenue projected north and south of County Road "E". (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-102. Assignment of Numbers.

All houses, buildings, or permanent structures now situated or hereafter constructed or erected within:

- (1) The first block north of County Road "E" on all intersecting streets, avenues and roads shall be given and assigned numbers between 1 and 100, both inclusive; and, the second block north of County Road "E", shall be given numbers 101 and 200, both inclusive, and so on in each succeeding block north.
- (2) In like manner, the numbers between 1 and 100 both inclusive, shall be given and assigned to houses, buildings, and permanent structures in the first block south of County Road "E" on all intersecting streets, avenues and roads. Each succeeding 100 numbers shall be given and assigned in each succeeding block south.
- (3) On all east-and-west streets, avenues and roads intersecting Cleveland Avenue, numbers between 1 and 100 both inclusive, shall be given and assigned to houses, buildings and permanent structures in the first block from Cleveland Avenue on either side. Each succeeding 100 numbers shall be given and assigned to such houses, buildings, and structures in each succeeding block east or west.
- (4) Even numbers shall be assigned to such houses, buildings, and structures located or constructed upon the north and west sides of all streets, avenues and roads. Odd numbers shall be assigned to such houses, buildings and structures located or constructed upon the south and east sides of all streets, avenues and roads. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-103. Official Number Map.

Reference is hereby made to 9 certain building-number maps prepared by the County and numbered from 1 to 9, both inclusive. These maps are hereby approved and shall collectively be known as the "Official Building Number Map" of the City. The maps shall be on file with the City. The address of all buildings and structures shall be designated by the assigned building number followed by the full name of the street, avenue, or road designated upon the official map. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-104. Records.

Upon assigning building numbers under the provisions of this Article, the City shall immediately and clearly note them in ink upon the official map and other necessary records to show the exact premises to which each number is assigned. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-105. Expense.

No fee shall be charged for assigning, certifying, or issuing numbers for buildings or other structures. The expense of making, purchasing, and affixing the actual numbers to any building or structure shall be borne by the property owner or the applicant. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-106. Appeal to City Council.

The City is authorized to assign and issue numbers for houses and other structures. However, in case of any error, dispute, or dissatisfaction, any City Council member or any person interested may informally present the matter to the City Council for adjustment and correction. The City Council's decision shall be final. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Sec. 25-107. Maps for Vacated or Unplatted Lands.

No building or house number shall be issued for any unplatted land, vacated plat, or fractional part of any platted lot or block unless the following is included with the application:

- (1) An accurate map, blueprint, drawing, or design showing the boundary lines and exact measurement of the land for which a building number is sought.
- (2) The legal description of the property.
- (3) The names of the streets, roadways, or highways abutting the premises. (Ord. No. 40, 2-1-49; Code 1966; Code of 1988; Code of 2001)

Article 6. Courtesy Benches

Sec. 25-120. Purpose.

The placement of courtesy benches on the public right-of-way in some locations provides a public amenity. However, such benches increase visual clutter thereby decreasing property values and are inconsistent with the character of the neighborhood, are inconvenient for maintenance of lawn or landscaping, and may create distractions or hazards to traffic and unsafe conditions for pedestrians. Therefore, the City Council finds it necessary and appropriate to weigh these conflicting public policy objectives and regulate the placement of such courtesy benches in the City. (Ord. No. 636, 10-14-97; Code of 2001)

Sec. 25-121. Permit Required.

A permit shall be required before a person shall place or maintain any bench or seat on any public sidewalk or right of way. (Ord. No. 636, 10-14-97; Code of 2001)

Sec. 25-122. Issuance of Permit.

Issuance of a permit shall comply with the requirements of this Section.

(1) **Application Form and Fee.** The application shall be on a form as prescribed by the City and shall contain the location, detailed plans, and specifications of each proposed bench and such other information as shall be required. The application shall be accompanied by an inspection fee.

(2) **Location.** The location of each bench shall be placed at a designated pickup location for the public transit route. Other locations that are deemed to be in the public interest may be approved by the City.

(3) **Letter of Consent.** The application shall be accompanied by a letter of consent signed by the owner or lessee of the property adjacent to the portion of the street or sidewalk where each bench is proposed to be located giving consent to the installation and maintenance of the bench at the proposed location. The letter of consent and proof of ownership or lease shall be on forms as prescribed by the City Attorney.

(4) **Permit Fee.** If the application is approved, an additional permit fee for each bench shall be required. A permit shall expire on December 31 following the date of issuance.

(5) **Renewal.** Upon application for renewal, a renewal fee shall be paid. Renewal of a permit shall not be automatic. One factor in considering a permit renewal will be the level of demonstrated demand by the public for the courtesy bench. Application for renewal shall be made on a form as prescribed by the City and shall be submitted prior to the expiration date of the preceding permit.

(6) **Written Objection.** A renewal permit may be issued without further proof of consent of the owner of the land or lessee of the property adjacent to the portion of the street or sidewalk where each bench is located unless written objection to the renewal shall have been previously filed by the owner or lessee. The City Manager is authorized to approve permit renewals.

(7) **Bench Sold or Transferred.** A new permit shall be required when a bench for which a permit has been

issued is sold or title control is transferred or assigned.

(8) **Single Application.** One application may be made by the owner of several benches at different locations but a separate number and permit shall be assigned and issued for each bench authorized to be installed and each such permit shall be valid only for the designated location.

(9) **Fees Established by Resolution.** The fees specified in this Article shall be established by Ordinance of the City Council. (Ord. No. 636, 10-14-97; Code of 2001, Ord. No 751, 11-13-2007)

Sec. 25-123. Prohibited Locations.

No permit shall be issued for installation of a bench:

(1) At any location that would interfere with the use of the street or sidewalk and any alley or driveway, or impair vision at intersections or crosswalks. The determination of interference or impairment shall be in the judgement of the City Manager.

(2) At any location less than thirty feet or more than fifty feet from the nearest point of intersection at the curb face with a street or within twenty feet of a fire hydrant. The City Council may waive this requirement, or make necessary adjustments, based on a hardship caused by a unique or unusual circumstance pertaining to the physical character of the bench site or street intersection.

(3) At any location between the curb face of a street and an existing public sidewalk. The City Council may waive observance of this requirement in case of inconvenience or hardship.

(4) Courtesy benches shall be installed parallel with the curb and set back not less than sixty inches from the face of the curb in locations where a public sidewalk is not present. (Ord. No. 636, 10-14-97; Code of 2001)

Sec. 25-124. Denial or Revocation of a Permit.

(1) **Need.** New or renewal applications may be denied by the City Manager if, in the exercise of the City Manager's discretion, there is not a sufficient need to justify placement of a bench in light of the visual clutter, hazards, or inconvenience caused thereby. The application shall be denied if the City Manager finds that the bench would tend unduly to obstruct passage along any public sidewalk or public right of way, or to create a hazard, or otherwise to be detrimental to the public safety, convenience or welfare.

(2) **Consent Withdrawn.** If the owner or lessee of any surrounding property shall withdraw their consent in writing with the City Manager on or before the first day of January preceding the expiration of any permit then the City Manager shall promptly notify the permittee of the filing and shall deny the renewal of the permit.

(3) **Appeal to City Council.** An applicant may appeal the decision of the City Manager denying, revoking, or declining to renew a permit or attaching conditions or restrictions to a permit, to the City Council by requesting a hearing in writing within ten days of receipt of the City Manager's decision.

(4) **Failure to Comply.** Failure to comply with any section of this Article is a misdemeanor and ground for revocation of the permit. (Ord. No. 636, 10-14-97; Code of 2001)

Sec. 25-125. Installation and Maintenance of Benches.

- (1) No bench shall be more than 30 inches deep, 42 inches high, or 84 inches long over all.
- (2) The City's permit number shall be displayed in a conspicuous place on every bench.
- (3) The permittee shall periodically inspect each bench to ensure that it is properly maintained.
- (4) The permittee shall maintain each bench at all times in a safe condition at its proper location.
- (5) Benches shall be installed on a level and stable base, preferably on a concrete slab.
- (6) Graffiti shall be removed from any courtesy bench within two days of receipt of notice by the City.
- (7) To assure adequate access for use and maintenance, snow shall be removed from the bench and surrounding area within five days of any snowfall of two inches or more.
- (8) Weeds and grass shall be maintained at less than twelve inches in length. (Ord. No. 636, 10-14-97; Code of 2001)

Sec. 25-126. Advertising and Signs.

- (1) No advertising matter or sign shall be displayed upon any bench except upon the front and rear surfaces of the backrest. The sign space shall be confined to no more than twelve square feet on the front side and twelve square feet on the backside of the backrest.
- (2) No advertising matter or sign on any bench shall display the words "Stop", "Look", "Drive-in", "Danger", or any other word, phrase or symbol which might impede the safe flow of traffic.
- (3) No advertising matter or sign on any bench shall display, promote, or sell tobacco products or alcoholic beverages. (Ord. No. 636, 10-14-97; Code of 2001)

Sec. 25-127. Removal of a Bench.

- (1) Upon revocation or expiration of any permit without renewal, the permittee shall promptly remove the bench and supporting structure and restore the site to its original condition.
- (2) If the permittee fails promptly to remove a bench, the City may do so within ten days after written notice has been given by mail directed to the address of the permittee on file. If the permittee shall fail to pay the costs of removal and restoration within a period of sixty days after the giving of such notice, the permittee's right to the bench shall be forfeited. The forfeiture shall not excuse the permittee from the payment of costs for removal and restoration of the bench area.
- (3) The permittee shall be responsible for the permanent or temporary removal or relocation of the courtesy bench if it interferes with any public improvements occurring within the right of way. (Ord. No. 636, 10-14-97; Code of 2001)

Sec. 25-128. Insurance Required.

(1) A permittee shall maintain insurance and provide the City with a certificate of coverage verifying public liability insurance conditioned as follows:

A. The permittee will indemnify and save harmless the City, its agents, officers and employees from any and all loss, costs, damages, expenses or liability which may result from or arise out of the granting of the permit or the installation or maintenance of the bench or benches, shelters, or booths for which a permit is issued regardless of the point to which the bench, shelter, or booth may be moved within the City with or without the consent of the permittee.

B. The permittee shall pay any and all loss or damage that may be sustained by any person as a result of or which may be caused by or arise out of, the installation or maintenance.

C. The insurance shall be maintained in its original amount by the permittee at the expense of the permittee at all times during the period for which the permit is in effect.

D. When two or more permits are issued to one person, one insurance policy may be furnished to cover two or more benches, shelters, or booths, and the policy shall be of a coverage type that automatically is restored upon occurrence of any accident or loss from which liability may thereafter accrue.

E. The policy shall not be terminated without thirty days prior written notice to the City.

(2) The required limits of liability insurance shall be \$300,000 per claim and \$1,000,000 for any number of claims arising out of a single occurrence or applicable statutory limits.

(3) The insurance coverage shall be approved as to form by the City Attorney. (Ord. No. 636, 10-14-97; Code of 2001)