

## Chapter 21

### STREETS AND SIDEWALKS

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(Ordinance 672: Prohibition of vehicles over a certain weight...)

#### **Section 01. Obstructions generally; effect of section on marking regulations; violations.**

a. No person shall encumber, obstruct, place, park or leave upon or in any of the streets, sidewalks or other public places within the City, any vehicle, machinery, goods, wares, merchandise, boxes, refuse, lumber, loose signs, stands or other materials, except when it may be necessary in the erection of buildings or in making other improvements.

b. When it becomes necessary to encumber or obstruct a portion of a sidewalk, street or other public place where erecting a building or making other improvements, the person performing such work shall first obtain permission therefor from the City Council. The permission shall specify the portion of the sidewalk, street or public place to be used for such erection or improvement, and such permission may be revoked at any time by the Council when it deems proper. At the expiration of the permission or on revocation thereof, such person shall forthwith remove the material, substance or obstruction from the street, sidewalk or other public place. (Ord. No.32, Sec. 1, 5/2/1888)

#### **Section 02. Hanging signs and awnings restricted.**

Except as may be otherwise permitted, no person shall maintain any hanging sign, awning or other similar structure over the streets or sidewalks or so situated as to endanger public safety. (Ord. No. 96, Sec. 4, 8/7/33)

#### **Section 03. Heights of limbs above sidewalks.**

No person owning or occupying any property within the City shall allow any limbs which are less than eight (8) feet above the surface of any public sidewalk to remain. (Ord. No.96, Sec. 4, 8/7/33)

**Section 04. Barbed wire fences.**

It shall be unlawful for any person to erect or maintain any barbed wire fence which is located within three (3) feet of any public sidewalk. Any such fence shall be deemed a public nuisance and shall be removed. (Ord. No.96, Sec. 4, 8/7/33)

**Section 05. Obstructing intersections prohibited.**

It shall be unlawful for any person to maintain or permit to remain on property owned or occupied by him any tree, hedge, billboard or other obstruction which prevents persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle, driven at a reasonable speed, to a full stop before the intersection is reached. (Ord. No.96, Sec. 4, 8/7/33)

**Section 06. Removal of snow by owner required; failure to comply deemed misdemeanor and City may remove, costs.**

The occupant or owner of any lot or parcel of land within the City shall, within twenty-four (24) hours after a snowfall or other accumulation upon any sidewalk in front of or adjoining such lot or parcel of land, remove or cause such snow to be removed from the sidewalk. Any occupant or owner of any lot, piece or parcel of land within the City who shall fail to remove said snow as above provided shall be guilty of a misdemeanor. In addition thereto, the City may cause the same to be removed from said sidewalk at the expense of the owner and the expense incurred in the removal thereof may be recovered against the owner in a civil action or be assessed upon the lot or parcel of land from in front of which snow shall be removed, and returned, collected and enforced as City taxes. (Ord. No.276, Sec. 1, 2/20/79)

**Sections 07 through 18. Reserved.**

**ARTICLE II. NUMBERING SYSTEM**

**Section 19. Uniform system adopted.**

A uniform system of naming and numbering streets and numbering properties and principal buildings, as shown on that certain map identified as the City of Chaska Street Index on file in the office of the City Clerk, is hereby adopted for use in the City. Said index and all explanatory matter thereon is hereby adopted and made a part of this article. (Ord. No.203, Sec. 1, 3/27/72)

**Section 20. Conformance to system required.**

All properties or parcels of land within the City shall hereafter be identified by reference to the uniform numbering system adopted herein, and all existing numbers of properties and buildings now in conformity with the provisions of this article shall be changed to conform to the system herein adopted within six (6) months from March 27, 1972. The names or numbers of all streets shall be as designated by the uniform street naming and numbering system. (Ord. No.203, Sec. 2, 3/27/72)

**Section 21. Buildings to bear assigned numbers.**

Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a principal building is occupied by more than one (1) business or family dwelling unit, each separate front entrance of such building shall bear a separate number. (Ord. No.203, Sec. 2, 3/27/72)

**Section 22. Numerals to be visible from street.**

Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner so as to be visible from the Street on which the property is located. (Ord. No.203, Sec. 2, 3/27/72)

**Section 23. City Clerk responsible for maintaining system.**

The City Clerk shall be responsible for maintaining the numbering system. In the performance of this responsibility he shall be guided by the provisions of this article. (Ord. No.203, Sec. 3, 3/27/72)

**Section 24. Record of assigned numbers to be kept.**

**Section 25. City Clerk to issue numbers without charge; exception.**

The City Clerk shall issue to any property owner upon request and without charge a number for each principal building or separate front entrance to such building under the provisions of this article; provided, however, that the City Clerk may issue additional numerals in accordance with the official numbering system whenever a property has been subdivided, a new front entrance opened or undue hardship has resulted to any property owner. The property owner shall be responsible for obtaining suitable numbers for property identification. (Ord. No.203, Sec. 3, 3/27/72)

**Sections 26 through 36. Reserved.**

**ARTICLE III. SIDEWALK CONSTRUCTION**

**Section 37. When and how sidewalks to be built.**

All sidewalks and crosswalks within the City shall be built when and in such manner as the City Council may prescribe. (Ord. No.42, Sec.1, 5/10/1892)

**Section 38. Supervision of sidewalk construction.**

All sidewalks and crosswalks within the City shall be constructed under the supervision of the Public Works Superintendent of the City. (Ord. No.42, Sec. 2, 5/10/1892)

**Section 39. Construction requirements generally.**

All sidewalks shall be constructed of the material and in the manner prescribed by the City of Chaska.

**Sections 40 through 54. Reserved.**

## **ARTICLE IV. EXCAVATIONS**

### **Section 55. Title.**

This article shall be known and may be cited as the "Street Excavation Ordinance" of the City. (Ord. No.193, Sec. 1, 3/2/70)

### **Section 56. Definitions.**

For the purpose of this article the following words and phrases shall have the meanings given herein:

Applicant: Shall mean any person making written application to the City Engineer for an excavation permit under this article.

City Council or Council: Shall mean the City Council of the City.

Engineer: Shall mean the City Engineer of the City or his duly authorized representative.

Excavation work: Shall mean the excavation and other work permitted under an excavation permit and required to be performed under this article.

Permittee: Shall mean any person who has been granted and has in full force and effect an excavation permit issued pursuant to this article.

Street: Shall mean any street, highway, sidewalk, alley, avenue or other public way or grounds or public easements in the City. (Ord. No.193, Sec. 2,3/2/70)

### **Section 57. Permit required.**

It shall be unlawful for any person to dig up, break, excavate, tunnel, drill, bore, undermine or in any manner break up any street or to make or cause to be made any excavation in or under the surface of any street, or to place, deposit or leave upon any street any earth or excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit from the Engineer as provided in this article. (Ord. No.193, Sec. 3, 3/2/70)

### **Section 58. Application-form; contents; accompanying documents.**

a. No excavation permit shall be issued unless a written application for the issuance of an excavation permit, on forms provided for that purpose, has been submitted to the City.

b. Each application shall contain the following:

1. The name and address of the applicant;
2. The nature, location and purpose of the excavation;

3. The date of commencement and date of completion of the excavation; and
4. Such other data as may reasonably be required by the Engineer.
  - a. If required by the Engineer, an application shall be accompanied by:
    1. Plans showing the extent of the proposed excavation work;
    2. The dimensions and elevations of both the existing ground prior to said excavation and of the proposed excavated surfaces; and
    3. Such other information as may be prescribed by the Engineer. (Ord. No.193, Sec. 4, 3/2/70)

**Section 59. Permit fee.**

Upon approval of the application for an excavation permit by the City, the applicant shall pay a fee to the City to cover reasonable costs for the issuance of an excavation permit and inspection of the work. The fee shall be as set forth by Resolution adopted by the City Council. (Ord. No. 193, Sec. 5, 03-02-70; Ord. No. 615, Sec. 1, 04-07-97)

**Section 60. Surety Bond.**

- a. Before an excavation permit is issued, the applicant shall deposit with the City Clerk a surety bond in the amount of two thousand dollars (\$2,000.00) in favor of the City. The required surety bond must be:
  1. With good and sufficient surety by a surety company authorized to do business in the State of Minnesota.
  2. Satisfactory to the City Attorney in form and substance;
  3. Conditioned that the applicant will faithfully comply with all the terms and conditions of this article and all rules, regulations and requirements pursuant thereto as required by the City, and all reasonable requirements of the City; and
  4. Conditioned that the applicant will secure and hold the City and its officers harmless against any and all claims, judgments or other costs arising from the excavation permit or for which the City, the City Council or any City officer may be made liable by reason of any accident or injury to person or property through the fault of the permittee.
- b. Recovery on such surety bond for any injury or accident shall not exhaust the bond, but it shall, in its entirety, cover any or all future accidents or injuries during the excavation work for which it is given.
- c. In the event of any suit or claim against the City by reason of the negligence or default of the permittee, upon the City giving written notice to the

permittee of such suit or claim, any final judgment against the City requiring it to pay for such damage shall be conclusive upon the permittee and his surety.

d. An annual bond may be given under this provision which shall remain in force for one (1) year conditioned as above, in the amount specified herein and in other respects as specified herein but applicable as to all excavation work in streets by the permittee during the term of one (1) year from said date. (Ord. No.193, Sec. 7, 3/2/70)

### **Section 61. Exemption from surety bond requirement.**

The surety bond required by this article shall not apply to a duly licensed and bonded plumber or to any public utility permitted to operate within the City limits, by franchise or otherwise, for the purpose of supplying gas, electric or telephone service or for any excavation which is made under a contract awarded by the City or made by the City. (Ord. No.193, Sec. 8, 3/2/70)

### **Section 62. Insurance.**

Each permittee, prior to the commencement of excavation work, shall furnish the City satisfactory evidence in writing that the permittee has in force and will maintain in force during the performance of the excavation work and the period of the excavation permit, public liability insurance of not less than fifty thousand dollars (\$50,000.00) for any one person and one hundred thousand dollars (\$100,000.00) for any one accident and property damage insurance of not less than twenty-five thousand dollars (\$25,000.00) duly issued by an insurance company authorized to do business in the State of Minnesota and on which policy the City is named as a co-insured. (Ord. No.193, Sec. 12, 3/2/70)

### **Section 63. Indemnification; payment of suit costs and judgments.**

Each permittee shall indemnify, keep and hold the City free and harmless from liability on account of injury or damage to persons or property arising or growing out of the permittee's negligence in making any street excavation. In the event that suit shall not be brought against the City, either independently or jointly with the permittee, on account thereof, the permittee, upon notice to it by the City, shall defend the City in any suit at the cost of the permittee, and in the event of a final judgment being obtained against the City, either independently or jointly with the permittee, the permittee shall pay such judgment with all costs and hold the City harmless therefrom. (Ord. No.193, Sec. 13, 3/2/70)

### **Section 64. Exemption from fee payment and insurance provisions.**

The provisions of this article requiring payment of a permit fee and evidence of public liability and property damage insurance shall not be applicable to any excavation work carried on by the City or its employees, or by persons operating under contract by the City for which other insurance provisions have been made. (Ord. No.193, Sec. 14, 3/2/70)

### **Section 65. Refusal of permits.**

If any person shall fail, refuse or neglect to comply with the provisions of this article, any rules or regulations of the Engineer, or any reasonable orders or directions of the Engineer in reference thereto, the Engineer may refuse to issue further permits to such persons until such conditions or orders are complied with. (Ord. No.193, Sec. 15, 3/2/70)

**Section 66. Terms to which applicants must agree prior to issuance of permit.**

Every applicant for a permit required by this article must sign an agreement in substantially the following terms:

In consideration of the granting of the excavation permit this day applied for, the undersigned agrees:

- a. To do the work as directed by the Superintendent of Utilities so as to occasion the least possible inconvenience to the public, and to provide for the passage of water along the gutters.
- b. To leave at least one-half (1/2) of the street clear for the passage of vehicles, and to provide safe bridgeways on sidewalks for foot passengers.
- c. To guard any open excavation with substantial railings constructed and placed so as to bar all entrance to the excavation, and at night to show the limits of the railings and excavations by red lights or flares, and also to mark the limits of piles of material by such red lights or flares.
- d. To refill the excavation as soon as is reasonably possible in accordance with appropriate City regulations and replace paving, sidewalks and all appurtenances in at least as good condition as before the excavation. If, within one (1) year after such refilling, the Superintendent of Utilities shall find any defects caused by improper excavation or improper refilling, to remedy such defects on reasonable notice. If the person doing such excavation work shall fail to remedy any defect found therein within a year after its completion, upon notice from the Superintendent of Utilities, the City may cause the work to be done at his expense.
- e. To remove at once all rubbish and surplus earth.
- f. To indemnify and hold the City harmless from all damages or claims arising out of the excavation work or accidents caused or claimed by the injured party to have been caused by the excavation or by failure to do the work or guard it properly. (Ord. No.155, Sec. 7,9/27/55)

**Section 67. Authority to prepare and modify regulations; approval; coverage.**

- a. The Engineer shall prepare such regulations with respect to excavations within any street, and shall modify them with respect to particular work, as the Engineer shall deem necessary or advisable to protect the public from injury and to prevent damage to public use of the streets.
- b. All regulations promulgated by the Engineer shall be approved by the City Council and a copy of said regulations shall be given to each permittee upon issuance of the street excavation permit.
- c. Regulations promulgated by the Engineer may include:
  - 1. Requirement that all public utilities be notified by the permittee of permittee's intent to make a street excavation, giving notice of time and the

obtaining of the exact nature and location of all underground facilities existing in the area intended to be excavated;

2. The manner and method of connecting facilities placed within the excavation with other facilities;

3. Manner and method of backfilling street excavation and procedure to be followed in compacting backfilled material ;

4. Specifications as to material to be used in backfilling street excavation;

5. Manner and method of making street excavation, including procedure to safeguard and protect adjoining and adjacent property and existing underground and aboveground facilities; and

6. Requirements for restoration of street surfaces.

d. Special provisions shall be made for simplifying procedures and supervision in respect to excavations by franchised utilities. (Ord. No.193, Sec. 9, 3/2/70)

#### **Section 68. Supervision of work.**

All work done pursuant to any excavation permit issued under the provisions of this article shall be performed under the direction and to the satisfaction of the Engineer or his duly authorized agent. (Ord. No.193, Sec. 9, 3/2170)

#### **Section 69. Excavation placard.**

a. The City shall provide each permittee, at the time the permit is issued, a suitable placard which shall state the permittee's name, the permit number and the date of expiration.

b. It shall be the duty of any permittee to keep the placard posted in a conspicuous place at the site of the excavation work.

c. It shall be unlawful for any person to exhibit such placard at or about any excavation not covered by such permit or to misrepresent the permit number or the date of expiration. (Ord. No.193, Sec. 6, 3/2/70)

#### **Section 70. Emergency action.**

In the event of any emergency in which a main, conduit or utility facility in or under any street breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person owning or controlling such main, conduit or utility facility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to cure or remedy the dangerous conditions for the property of property, life, health and safety of individuals, however, such persons owning or controlling such facility shall apply for an excavation permit not later than the end of the next succeeding day during which the Engineer's office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder. (Ord. No.193, Sec. 10, 3/2/70)

## **Section 71. Noncompletion or abandonment; performance of work by City.**

Work shall progress in an expeditious manner until completion in order to avoid unnecessary inconvenience to the general public. In the event that the work shall not be performed in accordance with the applicable regulations of the Engineer or in accordance with the provisions of this article, or shall cease or be abandoned without due cause, the City may, after six (6) hours notice in writing to the holder of said permit of intent to do so, correct said work or fill the excavation and repair the street, and in any such event the entire cost to the City of such work shall be a liability of and shall be paid by the person to whom the permit was issued and his surety. (Ord. No.193, Sec. 11, 3/2/70)

## **ARTICLE V. USE OF RIGHTS OF WAY**

PURPOSE: Technological advances now require, or make it desirable, that certain businesses connect various segments of their business, or other businesses, with conduits, cable wires or other methods of communication. The City, therefore, may permit private business and industry, under certain conditions, to use the public right of way for such uses pursuant to the terms of Chapter 21, Code of Ordinances, Chaska, Minnesota. (Ord. No.399, Sec. 1, 5/5/86)

## **Section 72. Use of public rights of way.**

Private businesses or industry, not holding or possessing a franchise from the City of Chaska may, upon compliance with Sections 55 through 75 of this chapter, install within the public rights of way such conduits, cable, coaxial cable or wires and other such facilities.

## **Section 73. Completion of work.**

Permittee shall complete all work required by the permit or pursuant to the provisions of Sections 55 through 75 of this chapter in a workmanlike and expeditious manner; and within thirty (30) days after completion supply the City with three (3) copies of "as-built plans with 'ties' to permanent objects accurately locating the facilities installed."

## **Section 74. Removal.**

a. At any time the City or a franchisee of the City requires the removal of said facilities as a result of the vacation of the right of way, installation, repair or removal of facilities of the City or other public utility holding a franchise from the City, or otherwise at the direction of the City, permittee agrees to remove its facilities to accommodate the City's or franchisee's work and to replace its facilities as directed by the City, all such cost of removal and replacement shall be at the cost of permittee. If such removal or relocation is desired by a permittee hereunder, other than City or franchisee, such cost shall be borne by the requesting permittee.

b. Upon permittee's nonuse or abandonment of such facility for a period of one hundred eighty (180) days, the City may, at its discretion, require permittee to either abandon said facility in place, at which time same shall become property of the City, or, remove same at the expense of permittee.

**Section 75. Signage.**

Upon completion of installation of said facility, permittee shall mark the location of said facility by placing a marker, similar to other public or quasi-public facility, on both sides of the right of way. (Ord. No.399, Sec. 2, 5/5/86)

**Sections 76 through 82. Reserved.**

**ARTICLE VI. FRANCHISE PROCEDURES**

**Section 83. Franchises required.**

Except as otherwise provided by law, no person shall place or maintain any permanent or semi-permanent fixtures in, over, upon or under any street or public place in the City for the purpose of operating a public utility or for any other purpose, without obtaining a franchise therefor from the City. (Ord. No.174, Sec. 1, 1/3/66)

**Section 84. Exception for City-owned utility.**

This article shall not apply to any utility services and fixtures provided and owned by the City. (Ord. No.174, Sec. 6, 1/3/66)

**Section 85. Franchises to be granted only by ordinance.**

All franchises shall be granted only by ordinance, which ordinance shall not be an emergency ordinance. (Ord. No.174, Sec. 1,1/3/66)

**Section 86. Contents of ordinances granting franchises.**

Every ordinance granting a franchise shall contain all the terms and conditions of a franchise, including, but not limited to, the compensation to be paid by the grantee to the City therefor. (Ord. No. 174, Sec. 1 1/3/66)

**Section 87. Grantee to bear costs of publishing franchise.**

The grantee of a franchise shall bear the cost of publication of the franchise ordinance and shall make a sufficient deposit with the City Clerk to guarantee publication before the ordinance is passed. (Ord. No.174, Sec. 1, 1/3/66)

**Section 88. Term.**

No exclusive franchise shall be granted and no franchise shall be granted for a term exceeding ten (10) years.(Ord. No.174, Sec. 2, 1/3/66)

**Section 89. Public hearing required.**

Before any rates, fares or prices to be charged to the consumer by a public utility under a franchise ordinance are fixed by the City Council, the Council shall hold a public hearing on the matter. Notice of such hearing shall be published as provided by law, but in any event such notice shall be published at least once in the official newspaper not less than ten (10) days prior to the date of the hearing. Where such rates, fares or prices to be charged to the consumer are not fixed by the City Council, no public hearing shall be necessary before granting such franchise ordinance. (Ord. No.174, Sec. 3, 1/3/66)

**Section 90. Power of regulation reserved.**

Subject to any applicable law, the City Council may by ordinance, which shall not be an emergency ordinance, reasonably regulate and control the exercise of any franchise, including the maximum rates, fares or prices to be charged to the consumer by the grantee. No franchise value shall be included in the valuation of the grantee's property in regulating utility rates, fares or prices under any applicable law, ordinance or regulation. (Ord. No.174, Sec. 4, 1/3/66)

**Section 91. Renewals and extensions.**

Every extension, renewal or modification of any existing franchise, or of any franchise granted hereinafter, shall be subject to the same limitations and shall be granted in the same manner as herein provided for a new franchise. (Ord. No.174, Sec. 5, 1/3/66)

**Section 92. – 100. Reserved**

**ARTICLE VII. SNOW REMOVAL**

**Section 101. Snow Removal. General**

To ensure the safe and convenient movement of traffic within the City, crews are dispatched ASAP to sand or plow when ice or slippery conditions develop. When snow depths accumulate to a depth of 2" or more, plowing of all streets, alleys, and parking lots will be required.

**Section 102. Winter Parking.**

Parking to impede snow removal is prohibited:

No vehicle shall be operated or parked in a manner or place that obstructs or impedes the city public works department in clearing or removing snow from the city streets, alleys, or parking lots.

**Section 103. Odd/Even Parking Regulations.**

During the period of November 1<sup>st</sup> to April 1<sup>st</sup> inclusive, parking on the streets of the City of Chaska shall be permitted as follows: When snow accumulates on the city streets to a depth necessitating plowing and removal operation. Parking on all streets shall be permitted only as follows:

- A. On any even-numbered day of the month, on that side of the street adjacent to buildings bearing even-numbered street addresses.
- B. On any odd-numbered day of the month, on that side of the street adjacent to buildings bearing odd-numbered street addresses.

**Section 104. Property Damage.**

A. Sod

If City plowing equipment damages sod on the right-of-way adjacent to your property, it

will be repaired in spring with black dirt and seed. Residents are encouraged to assist with lawn repairs.

**B. Landscaping**

The City will not repair any landscaping or structures that are installed in the right-of-way. Examples would include fences, rocks, sprinkler systems, underground dog fence systems, and any other structure or system.

**C. Mailboxes**

Damage that is caused by direct contact by city snow removal equipment will be repaired or replaced with a standard mailbox as soon as possible. Damage that is caused by the force of the snow coming off of the plow will not be repaired. Residents are encouraged to check the mailbox post and support arms for deterioration.

**Section 105. Clearing your Driveway.**

It is against City ordinance to shovel, plow, or blow snow into city streets. Individuals who throw their snow into the street make it more difficult to clear snow and it also could create ice hazards for other vehicles. You may want to wait to shovel the end of your driveway until the plow has cleared the street from curb to curb. Plows will typically come through several times and this will save you from repeating the shoveling process.

**Section 106-115. Reserved.**