

## **CHAPTER 8: STREETS AND SIDEWALKS; TRAFFIC**

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**CHAPTER 8: STREETS AND SIDEWALKS; TRAFFIC**

Section

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**SECTION 800: TRAFFIC AND PARKING**

800.01 Definitions. Any terms used in this chapter and defined in Minn. Stat. § 169.01, as it may be amended from time to time, has the meaning given it by that section.

800.02 Prohibition of Unnecessary Acceleration. No person shall start or accelerate any motor vehicle with an unnecessary exhibition of speed on any public or private way within the City limits. Prima facie evidence of the unnecessary exhibition of speed shall be unreasonable squealing or screeching sounds emitted by the tires or the throwing of sand and gravel by the tires of the vehicle, or both. A violation of this subsection shall be a petty misdemeanor.

800.03 Parking Regulations.

Subd. 1 Streets With a Curb. Every vehicle parked upon any street with a curb shall be parked parallel to the curb and with the right-hand wheel of the vehicle within twelve (12) inches of the curb unless otherwise posted.

Subd. 2 Streets With No Curbs. On other streets a vehicle shall be parked to the right of the main traveled portion of the road and parallel to it unless otherwise posted. Parking shall be in a manner so that it does not interfere with the free flow of traffic.

Subd. 3 Disabled Vehicle Exception. This subsection shall not apply to any vehicle disabled upon any street. Every police officer of the City shall be authorized to require the person in charge of the disabled vehicle to move it to a place of safety. Upon neglect or failure to move the vehicle or in the case of any motor vehicle being left alone or abandoned in any such position, the officer shall be authorized to provide for the removal of the vehicle to the nearest convenient garage or other place of safe keeping. The removal and storage charge shall be paid by the owner of the vehicle.

Subd. 4 House Trailer Parking. No person shall, for camping purposes, leave or park a house trailer on any street or in the street right-of-way.

**Pine City - Streets and Sidewalks; Traffic**

800.04 No Parking Places. At any time it shall be unlawful to permit any vehicle to stand at any place where official signs prohibit parking, except when necessary in the case of an emergency or in compliance with the directions of law enforcement officer. Any person, firm or corporation violating the provisions of this section shall be fined not less than fifteen dollars (\$15) nor more than two hundred dollars (\$200) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**800.05 Parking of Commercial Vehicles and Other Vehicles.**

Subd. 1 Loading and Unloading Purposes Only. No person shall park a commercial vehicle on a public street in an area zoned as a residential district within the City limits of the City, except for loading and unloading purposes.

Subd. 2 No More Than Forty-Eight (48) Consecutive Hours. No person shall park any vehicle or equipment, whether licensed or unlicensed, upon any public street, highway or alley in the City limits for more than forty-eight (48) consecutive hours. This provision shall not be evaded or nullified by an inconsequential moving of the vehicle or equipment. Inconsequential moving includes movement of the vehicle within the same block for the purposes of defeating the provision.

Subd. 3 Violation a Petty Misdemeanor. Conviction of a violation of this subsection shall be a petty misdemeanor.

Subd. 4 Removal of Vehicles or Equipment in Violation. The City is authorized to order the removal of any vehicle or equipment parked in violation of this subsection. The vehicle or equipment shall be surrendered only to the duly identified owner or the owner's lawfully constituted agent upon the payment of all necessary costs and expenses of towing and the removal and storage of the vehicle. The impounding of a vehicle or equipment pursuant to this subsection shall not prevent or preclude the institution and prosecution for violation of this subsection against the owner or operator of the impounded vehicle.

**800.06 Regulating Parking in City Parks.****Subd. 1 Hours.**

A. It shall be unlawful for any person to park a vehicle within the limits of Challeen Riverside Park from and between the hours of 10:00 p.m. to 6:00 a.m.

B. This regulation shall not be limited to motor vehicles, but shall include motorcycles, mobile homes and camper vehicles.

Subd. 2 Violation. Any person violating the provision of this subsection shall be guilty of a petty misdemeanor.

**800.07 Downtown Parking Restrictions.**

Subd. 1 No vehicle may be parked in any area so marked by signs for more than two (2) consecutive hours per day.

Subd. 2 Violation of this subsection shall constitute a petty misdemeanor.

**SECTION 805: SNOW AND ICE REMOVAL**

805.01 Snow and Ice to Be Removed. No owner or occupant of any property in front of which, or adjacent to which, a sidewalk has been constructed for the use of the public, shall allow any accumulation of snow or ice to remain upon the sidewalk longer than twenty-four (24) hours after the snow or ice has ceased to fall on the premises. All snow and ice not removed as provided in this subsection shall constitute a public nuisance.

805.02 Removal by City. Any snow or ice which is not removed in accordance with Subsection 805.01 may be removed by the City, at the expense of the owner or occupant of the adjoining property. The officer or employee in charge of this removal work shall keep a record of the cost of the work done opposite each parcel of land.

805.03 Recovery of Cost of Removal by City. The cost of the removal may be recovered by the Council, at its discretion, either by: (1) A civil suit against the owner or occupant of the adjacent property; or by (2) Extending the cost of the work as a special assessment against the abutting property, which shall be certified to the County Auditor for collection as other special taxes.

805.04 Prosecution. In addition to paying the cost of the removal as described in the preceding subsection, any person violating any provision of this Subsection 805.01 shall be guilty of a misdemeanor.

805.05 Snow and Ice Removal from Highway 61. The Council authorizes and instructs its officers and employees to work with the County Highway Department for the removal of snow from Pine County Highway Number 61 within the City. The agreement being that County shall plow, windrow and load the snow and the removal and disposal will be by means of fully operated trucks furnished by the City and the County.

805.06 Parking Regulations During a Snow Emergency and Snow Removal.

## Pine City - Streets and Sidewalks; Traffic

Subd. 1 Snow Emergency Defined. During the period from November 1 of each year through March 31 of the following year, the City may declare a snow emergency to exist in this City whenever snow falls to a depth of three (3) inches or more during any twenty-four (24) hours or less or the snowfall constitutes a serious public hazard impairing transportation, the movement of food and supplies, medical care, fire, health and police protection and vital municipal functions. The emergency shall continue for a period of twenty-four (24) hours from the time it is announced or until the earlier time as snow plowing operations have been declared completed. An emergency shall commence when the proper City official, designated by the Council, causes the announcement of the emergency to be made at least one (1) time on a radio station (WCMP), whose normal operating range covers the area within the corporate limits of this City.

Subd. 2 Removal. Snow will be removed in a snow emergency in accordance with policies developed by the City.

Subd. 3 Vehicles in Violation. Any motor vehicle found in violation of this subsection may be immediately removed and impounded by any police officer or person designated by the Council. The vehicle shall be surrendered only to the duly identified owner, or the owner's agent and upon payment of the cost of towing and storage. Any damage occasioned to any towed vehicles by the towing operations shall be the responsibility of the owner or operator of the vehicle. No liability for damages shall be imposed against, nor shall any damage be assumed by, the City.

Subd. 4 Violation a Petty Misdemeanor. Any person violating the provisions of this subsection shall be guilty of a petty misdemeanor.

805.07 Parking Regulations During Months of November, December, January, February and March of Each Year. There shall be no parking between the hours of 2:00 a.m. and 6:00 a.m. on any City streets between November 1 and March 31. Signs will be posted to this effect on approaches to the City. Failure to obey this subsection shall result in a fine prescribed in Subsection 100.11. The vehicle may be towed away under provisions of Subsection 805.06, Subd. 3, concerning parking during snow removal. If any vehicle is parked, abandoned or left standing in violation of the sections or provisions of this subsection, the same may be summarily removed without notice to the owner, at the direction of the Mayor, the Mayor's designee or any law enforcement officer, to a place of safekeeping, where it shall be stored. Any vehicle so removed shall not be released to its owner or operator until all costs of removal, towing and storage have been paid. The costs of removal shall be as duly set by the Council from time to time. The fees and charges herein provided for shall be paid to the City Administrator, his or her agent or any person authorized by the Council to receive the same.

## SECTION 810: TRIMMING TREES AND WEEDS

810.01 Owners and Occupants to Trim Trees and Weeds.

Subd. 1 It shall be the duty of every owner and every occupant of property to keep the weeds on the property cut. If the property abuts upon any public street or sidewalk, the owner and the occupant shall also keep the weeds cut on the abutting street or sidewalk out as far as the center of the street.

Subd. 2 Every owner and occupant of property shall keep all trees, on the property owned or occupied by the person, but overhanging any sidewalk or street, trimmed so that no branches are closer to the street than fifteen (15) feet, and so that no branches are closer to the sidewalk than eight (8) feet.

Subd. 3 All limbs of trees or bushes not kept trimmed, as provided in this subsection, are declared to constitute a public nuisance and will be removed by the City to ensure that the right of way is clear of obstructions to promote the proper flow of traffic and to eliminate visual barriers for all intersections and traffic signs.

810.02 Work to be Done at Expense of Owner or Occupant. Whenever any trees or weeds are not cut as required in this section, the work may be done by an officer or employee of the City as is directed by the Council. This work will be done at the expense of the owner or occupant. Failure to pay will result in it being placed as a special assessment on the property owners tax rolls.

## **SECTION 815: RIGHT-OF-WAY CONSTRUCTION**

815.01 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.

815.02 Definitions and Adoption of Rules by Reference. Minn. Rules Ch. 7819, as 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 25, as it may be amended from time to time, are the definitions of the terms used in the following provisions of this subchapter.

815.03 Permit Requirement.

Subd. 1 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.

A. 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.

B. 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.

Subd. 2 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.

Subd. 3 Delay Penalty. In accordance with Minn. Rules Part 7819.1000, Subp. 3, as it may be amended from time to time, and notwithstanding Subd. 2 above, the City shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching or restoration. The delay penalty shall be established from time to time by the City.

Subd. 4 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 City Administrator or designee.

815.04 Permit Applications. Application for a permit shall contain and will be considered complete only upon compliance with the requirements of the following provisions.

Subd. 1 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:

A. Each applicant's name, Gopher State One Call registration certificate number, address and e-mail address, if applicable, and telephone and facsimile numbers.

B. 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.

C. A certificate of insurance or self-insurance:

1. Verifying that an insurance policy has been issued to the applicant by an insurance company licensed to do business in the State of Minnesota or a form of self-insurance acceptable to the City Administrator or designee.

2. Verifying that the applicant 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 applicant, 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.

3. 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.

4. Requiring that the City Administrator or designee be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term.

5. Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the City Administrator or designee in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this chapter.

D. The City may require a copy of the actual insurance policies.

E. If the applicant is a corporation, a copy of the certificate required to be filed under Minn. Stat. § 300.06, as it may be amended from time to time as recorded and certified to by the Secretary of State.

F. A copy of the applicant'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.

Subd. 2 Payment of Money Due the City.

A. Permit fees as established by the City, estimated restoration costs and other management costs.

B. Prior obstructions or excavations.

C. 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.

D. Franchise fees or other charges as established by the City.

815.05 Issuance of Permit; Conditions.

Subd. 1 Permit Issuance. If the applicant has satisfied the requirements of this section, the City Administrator or designee shall issue a permit.

Subd. 2 Conditions. The City Administrator or designee 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. In addition, the applicant shall comply with all requirements of local, state, and federal laws, including but not limited to Minnesota Statutes Section 216D.01-.09 (Gopher State One Call Excavation Notice System) and Minnesota Rules Chapter 7560.

Subd. 3 Trenchless Excavation. As a condition of all applicable permits, applicants employing trenchless excavation methods, including but not limited to horizontal directional boring drilling, shall follow all requirements set forth in Minnesota Statutes Chapter 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over underground utilities before excavating, as determined by the City.

A. A special permit shall be required for horizontal borings that will exceed four (4) feet in depth.

815.06 Permit Fees. Permit fees shall be in an amount established by the City's fee schedule (see Appendix A).

Subd. 1 Excavation Permit Fee. The City shall establish an excavation permit fee as established by the City, in an amount sufficient to recover the following costs:

A. The City management costs.

B. Degradation costs, if applicable.

Subd. 2 Obstruction Permit Fee. The City shall establish the obstruction permit fee and shall be in an amount sufficient to recover the City management costs.

Subd. 3 Payment of Permit Fees. No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees.

Subd. 4 Non-Refundable. Permit fees that were paid for a permit that the City Administrator or designee has revoked for a breach as stated in Subsection 815.33 are not refundable.

Subd. 5 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.

Subd. 6 Fees. 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.

815.07 Right-of-Way Patching And Restoration.

Subd. 1 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 unseasonable or unreasonable under this section.

Subd. 2 Patch and Restoration. The permittee shall patch its own work. The City may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

A. City Restoration. If the City restores the right-of-way, the permittee shall pay a fee based on a fee schedule established by the City. The permittee shall properly backfill the trench. In the area that is in a paved street, one (1) foot of gravel shall be placed and compacted flush with the existing street. If following the restoration, the pavement settles due to the permittee's improper backfilling, the permittee shall pay to the City, within thirty (30) days of billing, all costs associated with having to correct the defective work. In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee as established by the city.

B. Permittee Restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minn. Rules Part 7819.3000, as it may be amended from time to time.

Subd. 3 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 City Administrator or designee 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.

Subd. 4 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 City Administrator or designee, shall correct all restoration work to the extent necessary, using the method required by the City Administrator or designee. The work shall be completed within five (5) calendar days of the receipt of the notice from the City Administrator or designee, not including days during which work cannot be done because of circumstances constituting a catastrophic event or days when work is prohibited as unseasonal or unreasonable under this section.

Subd. 5 Failure to Restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the City Administrator or designee, or fails to satisfactorily and timely complete all restoration required by the City Administrator or designee, the City Administrator or designee, at its option, may do the work. In that event the permittee shall pay to the City, within thirty (30) days of billing, the cost of restoring the right-of-way. If the permittee fails to pay as required, the City may exercise its rights under the construction performance bond.

#### 815.08 Supplementary Applications.

Subd. 1 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.

Subd. 2 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.

815.09 Denial of Permit. The City may deny a permit for failure to meet the requirements and conditions of this section or if the City determines that the denial is necessary to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use.

815.10 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.

#### 815.11 Inspection.

Subd. 1 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.

Subd. 2 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.

Subd. 3 Authority of City Administrator or designee.

A. At the time of inspection, the City Administrator or designee may order the immediate halt of any work which poses a serious threat to the life, health, safety or well-being of the public.

B. The City Administrator or designee may issue an order to the permittee for any work which does not conform to the terms of the permit or other applicable standards, conditions or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the City Administrator or designee that the violation has been corrected. If proof has not been presented within the required time, the City Administrator or designee may revoke the permit pursuant to Subsection 815.12.

815.12 Work Done Without a Permit.

Subd. 1 Emergency Situations.

A. 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 (2) 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.

B. 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.

Subd. 2 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 section.

815.13 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 City Administrator or designee of the accurate information as soon as this information is known.

815.14 Revocation of Permits.

Subd. 1 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:

- A. The violation of any material provision of the right-of-way permit.
- B. 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.
- C. Any material misrepresentation of fact in the application for a right-of-way permit.
- D. 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 permittee's control.
- E. The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Subsection 815.09.

Subd. 2 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.

Subd. 3 Response to Notice of Breach. Within twenty-four (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, the permittee's failure to reasonably implement the approved plan shall be cause for immediate revocation of the permit.

Subd. 4 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.

815.15 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 they may be amended from time to time.

815.16 Location of Facilities.

Subd. 1 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.

Subd. 2 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.

Subd. 3 Non Compliant Location. Any Utility Service who has facilities in the right-of-way in a position at variance with the corridors established by the City shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, move the facilities to the assigned position within the right-of-way, unless this requirement is waived by the City Administrator or designee for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, customer service needs and hardship to the Utility Service.

Subd. 4 Limitation of Space. To protect the health, safety and welfare or when necessary to protect the right-of-way and its current use, the City Administrator or designee 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 City Administrator or designee 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.

815.17 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 City Administrator or designee shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that registrant and must be paid within thirty (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.

815.18 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.

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

815.20 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 City Administrator or designee.

815.21 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 an imposition will be in writing and supported by written findings establishing the reasonableness of the decision.

815.22 Reservation of Regulatory and Police Powers. A permittee's or registrant's rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public.

### **SECTION 820: STREET AND SIDEWALK OBSTRUCTIONS**

820.01 Prohibition. No person shall place any obstruction upon any street or sidewalk, nor shall any person allow any obstruction to be placed or to remain upon any street or sidewalk adjoining any property owned or occupied by the person. Anything which is placed on the street or sidewalk, whether attached permanently or temporarily or merely resting on it by its own weight; and any wire, sign or any other thing which is suspended less than fifteen (15) feet above a street, or less than eight (8) feet above a sidewalk; shall be deemed an obstruction, except as otherwise permitted under this code.

820.02 Exceptions. The prohibition in Subsection 820.01, shall not apply to the following obstructions:

Subd. 1 Merchandise. Merchandise displayed for sale on the sidewalk in front of a place of business, provided it does not extend more than three (3) feet toward the curb line, nor more than one-fourth of the total distance between lot line and curb line. However no merchandise shall remain on the sidewalk between the hours of 6:00 p.m. and 7:00 a.m.

Subd. 2 Delivered Merchandise. Merchandise delivered to the occupant of abutting property left on the sidewalk; provided at least three-fourths of the sidewalk is left unobstructed. No merchandise shall remain on the sidewalk between the hours of 6:00 p.m. and 7:00 a.m. No occupant of any property shall make this type of use of the sidewalk during more than four (4) hours of any single day. No merchandise shall be placed within five (5) feet of any fire hydrant.

Subd. 3 Awnings. Awnings firmly secured to abutting structures and at no point nearer than eight (8) feet to the sidewalk.

Subd. 4 Parked Vehicles. Parked vehicles.

Subd. 5 Building Materials. Building materials and excavation barriers so long as any necessary permits are in effect; provided, the provisions of the code on these respective subjects shall be fully complied with.

Subd. 6 Alfresco Dining. Restaurants and cafes may be allowed to have outdoor dining on a sidewalk if they are at least three hundred feet (300') from a residential district and provided they meet the following performance criteria:

A. Tables, chairs, planters, visual screens and other accessories to the café may only be located on the sidewalk outside of their establishment from May 1 through October 31, and they must be removed by 10:00 p.m. each day.

B. Trash and debris shall be removed from the alfresco dining area each day, as well as any stains on the sidewalk or street.

C. Restaurants will be required to leave a minimum of thirty-six (36) inches of usable, safe, clear walk area of sidewalk that provides for American with Disabilities Act (ADA) compliant access.

D. No signage or advertising is permitted in the alfresco dining area.

E. No outdoor music, radio, television and any other activity requiring amplification shall be allowed after 10:00 p.m., and all other provisions of the Noise Ordinance, Section 720, shall be adhered to.

F. The applicant shall submit a Certificate of Insurance naming the City of Pine City as additional insured. Such certificate shall verify that the restaurant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the sidewalk by the registrant, its officers, agents and employees, and (ii) placement and use of equipment or facilities on the sidewalk by the registrant, its officers, agents and employees. Such certificate shall also name the City of Pine City as an additional insured as to whom the coverage's required herein are in force and applicable and for whom defense will be provided as to all such coverages. Such certificate shall require that the City of Pine City be notified 30 days prior to cancellation of the policy. A copy of the insurance certificate will need to be provided to the City prior to the commencement of alfresco dining.

G. Including, but not limited to the Nuisance Ordinance, Section 700, the Intoxicating Liquor License, Restrictions on Purchase and Consumption Ordinance, Section 600.10, and the Beer Licensing, Restrictions on Purchase and Consumption Ordinance, Section 605.11, all other City laws, rules and regulations shall be complied with.

H. To apply, applicants shall submit a written request to the City accompanying a plan and specification of the proposed eating area detailing the position of the tables, chairs and structures proposed to be provided, and the location and dimensions of the alfresco dining area. The plan should indicate any other permanent structures such as street litter bins and any pot plants/planter boxes as well as a color photograph or picture of the tables, chairs and other structures intended to be incorporated into the dining area.

## **SECTION 825: SNOWMOBILES AND ATVS**

825.01 Intent. It is the intent of this section to supplement the Laws of the State of Minnesota, Minn. Stat. Chs. 168 through 171, as they may be amended from time to time, with respect to the operation of certain motor vehicles commonly called snowmobiles and ATVs. This section is not intended to allow what the State Statutes prohibit nor to prohibit what the State Statutes expressly allow.

825.02 Definitions. For the purpose of this section, the terms defined herein shall have the following meaning ascribed to them.

Subd. 1 Snowmobile. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Subd. 2 All Terrain Vehicle. "All terrain vehicle" or "ATV" refers to trail bikes, mini bikes and amphibious vehicles and similar devices other than snowmobiles used at least partially for travel on natural terrain, but not special mobile equipment defined in Minn. Stat. § 168.011, Subd. 22, as it may be amended from time to time.

Subd. 3 Owner. "Owner" means a person, other than a lien holder having the property in or title to snowmobile or ATV entitled to the use or possession thereof.

Subd. 4 Operate. "Operate" means to ride in or on and control the operation of a snowmobile or ATV.

Subd. 5 Operator. "Operator" means every person who operates or is in actual physical control of a snowmobile or ATV.

Subd. 6 Deadman Throttle or Safety Throttle. "Deadman throttle" or "safety throttle" means a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

Subd. 7 Natural Terrain. "Natural terrain" means areas other than roadways or driveways (private or public), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

825.03 Uses of Snowmobiles and ATVs Permitted. Except as specifically permitted and authorized by this section, it shall be unlawful for any person to operate a snowmobile or ATV not licensed as a motor vehicle within the limits of the City:

Subd. 1 Motor Travel. On the portion of any right-of-way of any public highway, street, road, trail or alley used for motor vehicle travel, except that a snowmobile may operate upon the most right-hand lane of a municipal street or alley and may in passing or making a left turn operate on other lanes which are used for vehicle traffic in the same direction, for purposes of going to or returning from a non-highway area of permissible operation, by the most direct route. Snowmobiles may also be operated within the right-of-way, but outside the travel lanes of trunk, County State-aid and County highways where the highways are so configured within the corporate limits.

Subd. 2 Public Sidewalk. On a public sidewalk provided for pedestrian travel.

Subd. 3 Boulevards. On boulevards within any public right-of-way.

Subd. 4 Private Property. On private property of another without specific permission of the owner or person in control of the property.

Subd. 5 Publicly-Owned Land. On any publicly owned lands which are posted for prohibiting snowmobile trespass.

Subd. 6 Speed. At a speed in excess of fifteen (15) miles per hour.

825.04 Crossing of Streets or Highways. A snowmobile or ATV not licensed as a motor vehicle may make a direct crossing of a street or highway, except an interstate highway or freeway provided:

Subd. 1 Ninety (90) Degree Angle. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick, safe crossing.

Subd. 2 Stop Required. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way.

Subd. 3 Yield. The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard.

Subd. 4 Divided Street. In crossing a divided street or highway, the crossing is made only at an intersection of a street or highway with another public street or highway.

825.05 Traffic ordinances applicable. City traffic regulation shall apply to the operation of snowmobiles or ATV not licensed as motor vehicle upon streets and highways, except for those

relating to required equipment, those which by their nature have no application, and those inconsistent with the provisions of this section.

825.06 Yielding Right-of-Way. No snowmobile shall enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

825.07 Operation; Persons under Eighteen (18). No person under fourteen (14) years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, County State aid, County highway or City streets as the operator of a snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age may operate a snowmobile on streets and highways as permitted under this section and make a direct crossing of the streets and highways only if the person has in his or her immediate possession a valid snowmobile safety certificate issued pursuant to Minn. Stat. § 84.872, as it may be amended from time to time.

825.08 Uses Specifically Prohibited. It shall be unlawful for any person to operate a snowmobile or ATV not licensed for highway use or ATV licensed for highway use when operating on natural terrain with the limits of the City:

Subd. 1 Alcohol or Drugs. At any place while under the influence of alcohol or drugs, as defined in Minn. Stat. § 169.121, as it may be amended from time to time, which is hereby incorporated by reference and made a part of this section as if set out here in full.

Subd. 2 Speed. At a rate of speed greater than reasonable or proper under all surrounding circumstances.

Subd. 3 Careless and the Like Manner. At any place in a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.

Subd. 4 Residential District. Within a residential district of the City at any time unless the operator is traveling directly to or from the operator's place of residence. No snowmobile shall be operated within a commercial district of the City between the hours of 1:00 a.m. and 7:00 a.m. For the purposes of this section, a "residential" district shall be a district within the City limits shown on the zoning map as "R-1," "R-2" or "R-3" for the purposes of this section, a "commercial" district shall consist of any other district as shown on the Pine City zoning map.

825.09 Equipment Required. It shall be unlawful for any person to operate a snowmobile or ATV any place within the limits of the City unless it is equipped with the following:

Subd. 1 Mufflers. Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass straight pipe or similar device on a snowmobile or ATV motor.

Subd. 2 Brakes. Brakes adequate to control the movement of and to stop and hold the snowmobile or ATV under any condition operation.

Subd. 3 Safety. A safety or so-called “deadman” throttle in operating condition.

Subd. 4 Lamps.

A. When operated within the City limits, at least one (1) clear and operating lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead during the hours of darkness and under normal atmospheric conditions. The headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile or ATV operator.

B. It shall also be equipped with at least one (1) red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.

Subd. 5 Reflective Material. Reflective material at least sixteen (16) inches square on each side, forward of the handlebars or steering device of a snowmobile or ATV and at the highest practical point on any towed object, as to reflect light at a ninety (90) degree angle.

825.10 Ignition Lock. Every person leaving a snowmobile or ATV on a public place or way shall lock the ignition, remove the key and take the same.

825.11 Emergencies; Operation Permitted. Notwithstanding any prohibitions herein, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

825.12 Penalty. Any person convicted of violating any provision of this section shall be guilty of a misdemeanor.

**SECTION 830: BOAT LAUNCHING**

830.01 Where Prohibited. Boat launching shall be prohibited at the end of Third Avenue SE where it terminates on the shore of Cross Lake.

830.02 Signs. Signs shall be erected and maintained to provide notice of this prohibition to the public. Signs shall be placed in a location where they shall be noticed using reasonable care.

830.03 Emergencies. If an emergency arises in which boats cannot be launched from other sites within the City, this prohibition shall not apply during the emergency. The Council shall

determine the times during which emergencies exist and shall declare the emergencies on a case by case basis.

### **SECTION 835: BOATS**

835.01 Speed Regulated. The speed of boats in the river within the City limits shall be limited to ten (10) miles per hour. Signs shall be posted on both highway bridges and at the public boat landing.