

## 903. Obstructions and Excavations

§903.010 OBSTRUCTIONS AND EXCAVATIONS; OBSTRUCTION OF STREETS AND SIDEWALKS. No person shall obstruct any public street, sidewalk, crosswalk, alley or other public place within the city by piling wood, lumber or other material thereon; placing fences or buildings thereon; leaving any automobile, truck or other vehicle thereon; or shoveling, pushing or piling snow thereon. The City Council may grant permits for the use of limited space on a street, sidewalk, crosswalk or other public place for placing building material for the erection of buildings or such other purposes as it may deem proper. (Ref. §1002.010, Code 1966; Ord. No. 478, 1/13/70)

§903.020 OBSTRUCTIONS AND EXCAVATIONS; LITTERING OF STREETS AND SIDEWALKS. No person shall throw or deposit or permit to be thrown or deposited any dirt, paper, filth, sweepings, ashes, shavings, unclean water, offal, straw, wood, stones, earth, manure, leaves, grass or rubbish of any kind, on or into any street, gutter, sidewalk, alley or public ground in the City. (Ref. §1002.020, Code 1966)

§903.030 OBSTRUCTIONS AND EXCAVATIONS; REMOVAL OF STREET SURFACING. No person shall dig, remove or carry away any stones, earth, sand or gravel from any street, alley or public ground within the City. (Ref. §1002.030, Code 1966)

§903.040 OBSTRUCTIONS AND EXCAVATIONS; MERCHANDISE ON SIDEWALKS. No person shall place upon any sidewalk in the City any goods, wares or merchandise for sale or show beyond the front line of the lot where such goods, wares or merchandise are exhibited. No person receiving or delivering goods, wares or merchandise in the City shall place or keep upon any sidewalk any goods, wares or merchandise which he may be receiving or delivering without leaving a clear passageway upon such sidewalk at least four (4') feet wide for the use of pedestrians; subject, nevertheless, to the foregoing provisions of this section. No person shall permit any goods, wares or merchandise to remain on any sidewalk for longer than twenty-four (24) hours. (Ref. §1002.040, Code 1966)

§903.050 OBSTRUCTIONS AND EXCAVATIONS; SALES AND AUCTIONS RESTRICTED. No person shall sell, attempt to sell or cry for sale at public auction in the City any goods, chattels or personal property whatever, to any person upon any sidewalk or street whereby free passage to any person is prevented or hindered. This section shall include licensed auctioneers. (Ref. §1002.050, Code 1966)

§903.060 OBSTRUCTIONS AND EXCAVATIONS; REMOVAL OF OBSTRUCTIONS, LIENS. The cost of removal of any obstruction shall become a lien upon the property of the owner thereof, or upon the property of the person placing the same in the street or sidewalk, and shall be collected in the following manner.

1. In case the obstruction consists of any material which is valuable, the City Manager after the removal of the same, and after it has been in possession of the City for at least sixty (60) days, shall report to the council the cost of such removal, whereupon the Council shall order the City Manager to sell the same, or so much thereof as may be necessary to realize the cost of said removal, upon ten (10) days published notice of such sale, said notice to contain a description of the property to be sold, the name of the owner thereof, if known, and the time and place of the sale and the amount to be realized.

2. If the property, or obstruction, so removed is not of sufficient value to pay for the removal of the same, then the cost of such removal shall become a charge against the property of the person owning or placing the same on the street or sidewalk, and it may be sued for and collected the same as any other debt. (See also, Code §§707.010 to 707.030) (Ref. §1002.060, Code 1966)

Subd. 1. Definitions. For the purposes of this section, certain words and terms are defined as follows:

1. "Excavation" is the removal of more than one hundred (100) cubic yards of any natural material including earth, black dirt, peat, sand, rock, gravel or sod from any property.

2. "Regrading" is the redistribution of more than one hundred (100) cubic yards upon the same lot of any natural materials including earth, black dirt, peat, sand, rock, gravel or sod.

Subd. 2. Permit Required, Conditions, Bonds. No person shall excavate or regrade any property, public or private, within the City without first obtaining a permit as provided herein. Any person desiring a permit hereunder shall present an application in duplicate with the City Manager on such forms as the City Manager provides, such application to contain the name of the applicant, the address of the applicant and the address and legal description of the place where such excavation or removal is to take place. Such application shall also indicate the kind and quantity of material to be removed, the depth to which it is to be excavated and the condition in which the property is to be left after removal of such materials. Each application for permit shall be accompanied by a fee of one hundred (\$100.00) dollars. This fee shall include payment for all engineering and legal expenses incurred by the City to process and consider the application. The permit for excavating and regrading, as provided herein, shall run for a period of one (1) year, commencing on March first (1st) of each year.

The application, together with the Engineer's report, shall be submitted to the City Council. The Council shall grant or deny the permit and if granted, the Council shall specify the nature and extent of the excavation or regrading and prescribe the conditions for carrying on such work. If the Council deems it necessary to require a bond to guarantee performance of any conditions imposed, the amount and duration of such bonds shall be prescribed and the applicant shall furnish the required bond before the permit is granted.

Subd. 3. Investigations. Upon receipt of an application with the fee, the City Manager shall forthwith forward the application to the City Engineer, who shall investigate the property and prepare a report for the Council. The Engineer's report shall indicate the effect upon the land as to drainage, future use, possible effect upon adjoining properties and any other data related to these factors. If the City Engineer deems it necessary to obtain services of a consulting engineer, he shall obtain such services after first notifying the applicant, and the applicant shall be responsible for the expense of such services as provided for herein.

Subd. 4. Exceptions. This section is intended to cover the excavation and regrading of natural materials from lands but shall not apply to basement excavation or other excavation or earth removal activities which are already covered by the Building Code, Chapter 1201, applicable in the City. (Ref. §§1002.070, 1002.080, Code 1966: Ord. No. 634, 10/9/79)



