
C Streets, Parks, Public Property and Improvements

Part 1 Street Excavation

301.01. PERMIT REQUIRED

No person, except an authorized city employee or a contractor performing work under a contract with the city, shall make any excavation in a street, alley, sidewalk, or public ground without first having secured a permit therefore from the Street Commissioner. The fee for such permit shall be \$25.00 for each location covered by the permit, but no fee shall be required for an excavation made pursuant to a permit for sewer or water construction.

301.02. APPLICATION AND REGULATIONS

The Street Commissioner shall prepare the necessary application forms and permits required under section 301.01. He shall also prepare such rules and regulations with respect to excavations as he finds necessary to protect the public from injury, prevent damage to public or private property, and minimize interference with the public use of streets, alleys, sidewalks, and public grounds. Any person making an excavation covered by this section shall comply with such rules and regulations.

301.03. BOND

Any permittee except a public utility corporation or a bonded plumber shall file with the City Clerk a corporate surety bond in the amount of \$1,000.00 conditioned that the permittee will:

1. Perform work in connection with the excavation in accordance with applicable ordinances and regulations;
2. Indemnify the city and hold it harmless from all damage caused in the execution of such work; and

3. Pay all costs and damages suffered by the city by reasons of the failure of the permittee to observe the terms of applicable ordinances and regulations or because of negligence in the execution of the work.

The bond shall be approved as to form and legality by the city attorney.

Any permittee except a public utility corporation shall furnish proof that the permittee has in existence an insurance policy protecting him from liability to the public, including the city, to an amount equal to the maximum claim the city might be required to pay under Minnesota Statutes, Chapter 466.

301.04. GENERAL REGULATIONS FOR EXCAVATIONS

Street openings shall be made in a manner that will cause the least inconvenience to the public. Provisions shall be made for the passage of water along the gutters and at least one-half of the traveled portion of the street shall be left open and in good condition for the safe passage of vehicles. Open excavations shall be guarded with substantial barriers and marked with red flags and at night with red lights or flashing devices. Pipes or mains exposed to freezing temperatures shall be protected so as to prevent freezing. Any person responsible for exposing a city main or pipe so that it might be damaged by freezing shall be liable to the city for all damages caused by such freezing and all damages sustained by others by such freezing for which the city may be liable.

301.05. REFILLING EXCAVATIONS

Every street excavation shall be refilled as soon as possible after the work is completed and paving, sidewalks, and appurtenances shall be replaced in at least as good condition as before the excavation to the satisfaction of the Street Commissioner. All dirt and debris shall be removed immediately. Any person who fails to comply with these requirements within 24 hours after notice from the city shall be liable to the city for the full cost incurred by the city in remedying the defect and restoring the street, sidewalk, alley, or public ground to its proper condition. The cost shall be an obligation of the surety on the bond of the permittee.

301.06. MAP OF SUBSURFACE INSTALLATIONS

The City Clerk shall maintain a map showing the location of all utility and other installations made beneath the surface of any public street, grounds or right of way. The information on the map shall be sufficiently complete and accurate to permit anyone making an excavation in a public place having any underground installation to avoid damage to any existing underground installation and to properly locate any new underground facilities shall be recorded on the map as soon as practicable upon the issuance of an excavation permit or the completion of a contract for the installation of city underground installations.

Part 2 Assessable Current Services; Obligation of Property Owners and Occupants

302.01. DEFINITION. The term "current service" as used in this ordinance means one or more of the following: snow, ice or rubbish removal from sidewalks; weed elimination from street grass plots adjacent to sidewalks or from private property; removal or elimination of public health or safety hazards from private property, excluding any hazardous building included in Minnesota Statutes, Sections 463.15 to 463.26; installations or repair of water service lines; street sprinkling, street flushing, light street oiling, or other dust treatment of streets; repair of sidewalks and alleys; and the operation of a street lighting system.

302.02. SNOW, ICE, DIRT AND RUBBISH

Subdivision A. DUTY OF OWNERS AND OCCUPANTS

The owner and the occupant of any property adjacent to a public sidewalk shall use diligence to keep such walk safe for pedestrians. No such owner or occupant shall allow snow, ice, dirt, or rubbish to remain on the walk longer than twelve hours after its deposit thereon, or in the case of snow after it has ceased falling.

Subdivision B. REMOVAL BY CITY

The Street Commissioner shall remove from all public sidewalks all snow, ice, dirt, and rubbish as soon as possible beginning 12 hours after any such matter has been deposited thereon or after the snow has ceased to fall. A flat charge of \$25.00 will be made when such cleanup is necessary. The Street Commissioner shall keep a record of such removals and report the information to the City Clerk.

Subdivision C. EXEMPTIONS

This section shall not apply to single or double family houses or to the occupants of multiple unit buildings unless the occupant is also the owner of the building.

302.03. WEED ELIMINATION

Subdivision A. WEEDS AS A NUISANCE

Any weeds, whether noxious as defined by law or not, growing upon any lot or parcel of land outside the traveled portion of any street or alley in the City of Cokato to a greater height than 12 inches or which have gone or are about to go to seed are a nuisance. The owner and the occupant shall abate or prevent such

nuisance on such property and on land outside the traveled portion of the street or alley abutting on such property.

Subdivision B. NOTICE

On or before June 1 of each year and at such other times as ordered by resolution of the council, the City Clerk shall publish once in the official newspaper a notice directing owners and occupants of property within the city to destroy all weeds declared by Subdivision A to be a nuisance and stating that is not so destroyed within ten days after publication of the notice, the weeds will be destroyed by the Street Commissioner at the expense of the owner and if not paid, the charge for such work will be made a special assessment against the property concerned.

Subdivision C. REMOVAL BY CITY

If the owner or occupant of any property in the City fails to comply with the notice within ten days after is publication, the Street Commissioner shall cut and remove such weeds. He shall keep a record showing the cost of such work attributable to each separate lot and parcel and shall deliver such information to the City Clerk.

302.04. PUBLIC HEALTH AND SAFETY HAZARDS

When the city removes or eliminates public health or safety hazards from private property under city ordinance, the administrative officer responsible for doing the work shall keep a record of the cost of such removal or elimination against each parcel of property affected and annually deliver such information to the City Clerk. This section does not apply to hazardous buildings under the hazardous building law, Minnesota Statutes, Sections 463.15 to 463.26.

302.05. INSTALLATION AND REPAIR OF WATER SERVICE LINES

Whenever the city installs or repairs water service lines serving private property under the Chapter IV of this code, the Street Commissioner shall keep a record of the total cost of the installation or repair against the property and deliver such information to the City Clerk annually by August 15, as to each parcel of property on which the cost has not been paid.

302.06. REPAIR OF SIDEWALKS AND ALLEYS

Subdivision A. DUTY OF OWNER

The owner of any property within the city abutting a public sidewalk or alley shall keep the sidewalk or alley in repair and safe for pedestrians. Repairs shall be

made in accordance with the standard specifications approved by the council and on file in the office of the City Clerk.

Subdivision B. INSPECTION: NOTICE

The Street Commissioner shall make such inspections as are necessary to determine that public sidewalks and alleys within the city are kept in repair and safe for pedestrians or vehicles. If he finds that any sidewalk or alley abutting on private property is unsafe and in need of repairs, he shall cause a notice to be served, by registered or certified mail or by personal service, upon the record owner of the property and the occupant, if the owner does not reside within the city or cannot be found therein ordering such owner to have the sidewalk or alley repaired and made safe within 30 days and stating that if the owner fails to do so, the Street Commissioner will do so on behalf of the city, that the expense thereof must be paid by the owner, and that if unpaid it will be made a special assessment against the property concerned.

Subdivision C. REPAIR BY CITY

If the sidewalk or alley is not repaired within 30 days after receipt of the notice, the Street Commissioner shall report the facts to the council and the council shall by resolution order the Street Commissioner to repair the sidewalk or alley and make it safe or order the work done by contract in accordance with law. The Street Commissioner shall keep a record of the total cost of the repair attributable to each lot or parcel of property and report such information to the City Clerk.

302.07. STREET SPRINKLING, STREET FLUSHING, ETC

Subdivision A. PROPOSED PROJECTS

The council shall each year determine by resolution what streets and alleys shall be sprinkled or flushed, oiled, or given other dust treatment during the year and the kind of work to be done on each. The council shall also determine by resolution from time to time the streets on which trees shall be trimmed and cared for, the kind of work to be done, and what unsound trees shall be removed. Before any work is done pursuant to either of these resolutions, the clerk shall, under the council's direction, publish notice that the council will meet to consider such projects. Such notice shall be published in the official newspaper at least once no less than two weeks prior to such meeting of the council and shall state the date, time, and place of such meeting, the streets affected and the particular projects proposed, and the estimated cost of each project, either in total or on the basis of the proposed assessment per front foot or otherwise.

Subdivision B. HEARING: ORDER

At such hearing or at any adjournment thereof, the council shall hear property owners with reference to the scope and desirability of the proposed projects. The council shall thereupon adopt a resolution confirming the original projects with such modifications as it considers desirable and shall provide for the doing of the work by day labor through the Street Commissioner or by contract.

The Street Commissioner shall keep a record of the cost and the portion of the cost properly attributable to each lot and parcel of property abutting on the street or alley on which the work is done and shall report such information to the City Clerk.

302.08. ASSESSMENT

On or before September 1st of each year, the Clerk shall list the total unpaid charges for each type of current service against each separate lot or parcel which they are attributable under this ordinance. The council may then spread the charges against the property benefited as a special assessment under Minnesota Statutes, Section 429,101 and other pertinent Statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten, as the council may determine in each case.

Part 3 Local Improvement Policy

303.01. CUT-OFF DATE FOR PETITION

No petition for construction of curb and gutter, concrete surfacing, base course, grading or graveling of streets, construction of sanitary sewers shall be accepted or acted upon by the Council unless it is filed with the City Clerk on or before September 1st of the year prior to the year of requested construction.

303.02. CLASSIFICATION OF PROJECTS

Subdivision A. IN GENERAL

Public improvements are divided into the three classes specified in the following subdivisions according to their respective benefit to the whole city and to property specially served by the improvement and taking into account past city practice.

Subdivision B. CLASS A

Class A improvements are those which are of general benefit to the City at large, including (1) public buildings, except a building which is part of an improvement described in one of the following subdivisions; (2) any public park, playground, or recreational facility; (3) the installation and maintenance of street lighting systems; and (4) any improvement not described in Minnesota Statutes, Section 429.021, Subdivision 1. Any such improvement shall be financed from general city funds and not from special assessments.

Subdivision C. CLASS B

Class B improvements are those which are of both general benefit and special benefit to abutting or nearby property. Class B improvements include: (1) trunk water mains larger than 6 inches; (2) trunk sanitary sewer mains larger than 8 inches; (3) permanently surfacing arterial streets; (4) storm sewers; (5) the construction of off-street parking facilities.

Subdivision D. CLASS C

Class C improvements are those which are primarily if not exclusively of benefit to property abutting or in the area of the improvement, including (1) the construction of sidewalks; (2) the construction of water mains no larger than 6 inches in diameter; (3) the construction of sanitary sewer mains no larger than 8 inches in diameter; (4) the construction of curbs and gutters; (5) grading, graveling, oiling, and applying non-permanent surfacing to streets; (6)

permanently surfacing residential streets; (7) the abatement of nuisances and the draining of swamps, marshes and ponds on public or private property and filling the same.

303.03. FINANCING CLASS B AND C IMPROVEMENTS

It is the policy of the City to finance Class B and c improvements by the methods prescribed in Sections 303.04, 303.05, and 303.06. The apportionment of the cost between benefited property and the city at large and the method of levying assessments prescribed in those sections shall be followed in each case unless the Council, by resolution, finds that because of special circumstances stated in the resolution, a different policy is necessary or desirable in the particular case. Any local improvement described in Minnesota Statutes, Section 429.02 and not placed in Class A, B, or C, by Section 303.02 shall be financed as the Council determines to be most feasible and equitable in each case.

303.04. ASSESSMENT REGULATIONS FOR CLASS B IMPROVEMENTS

Subdivision A. TRUNK WATER MAINS AND SANITARY SEWERS

When a water or sewer main is laid across or adjacent to unplatted property, the City shall not defer the assessment against the unplatted property if the assessment would be made for such an improvement in the case of platted property, but the City shall make the assessment at the time the assessment against other property is made, apportioning the assessment against the unplatted property on the basis of area. When a trunk sewer or water main is constructed and is to serve also as a lateral sewer or water main for abutting property, the abutting property shall be assessed for the cost of a lateral sewer or water main of 8 inches. The assessment for the lateral shall also include the property's share of the trunk sewer or water main. The cost of the trunk sewer or water main in excess of the lateral assessment shall be paid for from general revenue.

Subdivision B. STORM SEWERS

Twenty five percent (25%) of the cost of constructing storm sewers shall be paid by the City from general funds. The remainder of the cost shall be assessed against the property in the area served by the sewer on the basis of the square footage of the property. the area to be assessed shall be determined on the basis of topographic maps and other pertinent data.

303.05. ASSESSMENT RULES FOR CLASS C IMPROVEMENTS

Subdivision A. SIDEWALKS

The cost of the construction of sidewalks shall be assessed on the basis of frontage against property abutting the side of the street on which the sidewalk is located.

Subdivision B. WATER AND SEWER

The cost of lateral water mains not exceeding 6 inches in diameter and of lateral sanitary sewer mains not exceeding 8 inches in diameter shall be assessed against abutting property on the basis of benefit. The cost of water mains to be assessed includes the service lines if furnished, hydrants, and valves. The cost of sewer mains includes lines, if furnished.

Subdivision C. STREETS

The cost of construction of curbs and gutters on any street, of grading, oiling, and applying non-permanent surfacing to any street, or of applying permanent surfaces to residential streets shall be assessed on the basis of benefit.

Subdivision D. NUISANCES

The cost of abating nuisances and draining of swamps, marshes and ponds on public or private property and filling the same shall be assessed in a manner determined by the Council in each case to measure most equitably the benefit received by property to be assessed. The assessment in any such case may be made against nonabutting property to the extent the property is benefited by the improvement.

303.06. SPECIAL RULES

Subdivision A. CORNER LOTS

In any assessment made on the basis of frontage, except one for water or sanitary sewer, corner lots shall be assessed for footage along the front of the lot plus one-third of the side footage; the other two-thirds of the side footage shall be spread among all other assessed properties. In the case of an assessment for a lateral water or sewer main, Class C, corner lots shall be assessed for the footage along the front side of the lot and shall be assessed for the footage along the front side of the street abutting the lot unless the lot is large enough to accommodate another building which would be benefited by construction of the second main.

Subdivision B. INTERSECTIONS

The cost of water and sewer improvements in street intersections shall be included as part of the total assessable cost. In the case of any kind of street improvement, intersection costs shall be paid by the City.

Subdivision C. ADJUSTED FRONTAGE

When the amount of an assessment is determined by frontage, an equivalent front footage shall be determined according to the following rules when an irregular lot requires such an adjustment to maintain fairness in the assessment:

1. Front footage shall be measured at setback on cul-de-sacs and sharply curved streets and irregularly shaped lots.
2. Equivalent front footage shall be determined by dividing the square footage of the lot by the general lot depth of the subdivision for pie-shaped lots and irregular shaped lots where other rules do not apply.
3. Where frontage curves so greatly as to give a general appearance of a corner, the lot shall be considered a corner lot and equivalent front footage, as well as side footage where required, determined on the basis of an irregularly shaped lot.
4. Where a lot consists of a combination of rectangular and pie-shaped or irregular portions, the equivalent front footage shall be determined as the sum of the straight front footage plus the remainder in accordance with applicable rules.

303.07. FEDERAL, STATE, AND COUNTY AID USE

If the City receives financial assistance from the federal government, the state, or the county to defray a portion of the cost of a street improvement project, such aid shall be used first to reduce the share of the project cost which would be met from general city funds according to the assessment formula contained in this ordinance. If such aid is more than the amount of the improvement cost to be borne by the City, the remainder of the aid so received shall be used to reduce each individual assessment proportionately.

303.08. BRANCH SERVICE LINES

Water and sewer lines shall be installed from the main to the front property line of property to be served before any permanent street surfacing is constructed in the street. If any property owner fails to put in such water and sewer service lines

within 30 days after notice from the City Clerk, the City Council shall proceed to have water and sewer service installed and to assess the cost against the property.

303.09. PARTIAL PREPAYMENT

After the adoption by the City Council of the assessment roll in any local improvement proceeding, the owner of any property specially assessed in the proceeding may, prior to the certification of the assessment or the first installment to the county auditor, pay to the City Treasurer any portion of the assessment not less than \$100.00. The remaining unpaid balance shall be spread over the period of time established by the Council for installment payment of the assessment.

303.10. CERTIFICATION OF ASSESSMENTS

After the adoption of any special assessment by the Council, the Clerk shall transmit a certified duplicate of the assessment roll with each installment, including interest, set forth separately to the County Auditor to be extended on the proper tax lists of the County.

303.11. PERMANENT IMPROVEMENT REVOLVING FUND

Subdivision A. ESTABLISHMENT

There is hereby established a permanent improvement revolving fund of the City to be held and administered by the City Treasurer, separate and apart from all other funds of the City, for the purpose of financing local improvements.

Subdivision B. SOURCE OF FUNDS

The fund shall be a permanent fund of the City and the moneys necessary for its maintenance shall be provided by taxation, by the appropriation of available moneys from other funds of the City, and/or by the issuance and sale of permanent improvement revolving fund bonds of the city as deemed necessary from time to time by the Council.

Subdivision C. DISPOSITION OF FUNDS

Moneys in the fund shall be used only as directed by resolution of the Council for the purpose of advancing to local improvement funds the cost of improvements for which assessments are to be levied. All such moneys so advanced to an improvement fund shall be restored as soon as sufficient moneys are received in the improvement fund, together with interest at a rate fixed by the Council at not less than 5% per annum during the time for which such moneys have been so furnished.

Subdivision D. INVESTMENT

Whenever there are moneys in the fund not immediately needed for local improvements, such moneys shall be invested by the City Treasurer under the direction of the Council in any securities authorized for investment of municipal sinking funds by law.

Subdivision E. TRANSFER OF SURPLUS

When the fund accumulates encumbered moneys in excess of any amounts reasonably anticipated to be needed for local improvement fund advances, the Council may, by resolution adopted by a four-fifths vote, declare any part of such excess to be surplus and transfer it to the general fund.

303.12. ASSESSMENT MANUAL

The City Clerk shall prepare an administrative manual specifying more detailed procedures for the conduct of local improvements and the levy of special assessments in supplementation of this ordinance and consistent therewith. Upon approval of the Council by resolution, such manual shall be used with this ordinance in the conduct of all local improvement proceedings to which they apply by their terms.