

Chapter 36 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

***Cross reference(s)**--Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing, vacating, etc., any street or public way in the city saved from repeal, § 1-9(5); buildings and building regulations, ch. 10; community development, ch. 16; environment, ch. 22; planning, ch. 30; special assessments, ch. 34; subdivisions, ch. 38; traffic and vehicles, ch. 40; utilities, ch. 42; vegetation, ch. 44; zoning, ch. 46.

State law reference(s)--Authority to regulate, open, change, etc., streets and sidewalks, M.S.A. § 412.221, subd. 6; acquisition of property for streets, M.S.A. § 440.08 et seq.

Article I. In General

Secs. 36-1--36-30. Reserved.

Article II. Excavations

Sec. 36-31. Permit required.

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ARTICLE I. IN GENERAL

Secs. 36-1--36-30. Reserved.

ARTICLE II. EXCAVATIONS

Sec. 36-31. 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 review and permission from the public works superintendent.

(Code 1987, § 301.01)

Sec. 36-32. Application and regulations.

The public works superintendent shall prepare the necessary application forms and permits required under section 36-31. 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 article shall comply with such rules and regulations.

(Code 1987, § 301.02)

Sec. 36-33. Plan.

- (a) Any permittee under this article except a public utility corporation or a bonded plumber shall file with the public works superintendent a plan and letter of assurance 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 reason 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.
- (b) 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 M.S.A. § 466.01 et seq.

(Code 1987, § 301.03)

Sec. 36-34. General regulations for excavations.

Street openings shall be made in a manner that will cause the least inconvenience to the public and shall be made in conformance with the state one call excavation notice system, M.S.A. § 2160.01 et seq. Provision shall be made for the passage of water along the gutters, and at least 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.

(Code 1987, § 301.04)

Sec. 36-35. 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 public works superintendent. All dirt and debris shall be removed immediately. Any person who fails to comply with this section 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.

(Code 1987, § 301.05)

Sec. 36-36. Map of subsurface installations.

The public works superintendent 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 and 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.

(Code 1987, § 301.06)