

## 300 PUBLIC WORKS

**301 STREET DESIGNATION.** Streets within the city limits of the City of Plainview shall be designated in accordance with the Ordinance. The City Council shall issue street names; names shall not duplicate the names of other streets. All street names shall be in conformance with the current system of assigning numerical names, i.e. 7<sup>th</sup> Street NE. The creation of any new street within the City or annexation or addition thereto, shall bear a designation consistent with the street designation system established by this Ordinance with reference to the following rules:

**301.1 Center Reference Point.** The intersection of Minnesota State Trunk Highway Nos. 42 and 247, is hereby declared to be the center reference point of the street designation system.

**301.2 Avenues and Streets.** All roads running East and West shall be designated avenues. All roads running North and South shall be designated streets. All streets and avenues are to be designed so that they run perpendicular to each other.

**301.3 Numerical Sequence.** All streets or avenues shall be designated in numerical sequence from the center reference point as defined above so far as is practical and consistent with existing numerical designations.

**301.4 Directional Designation.** All streets and avenues shall bear the directional designation: Northeast (NE), Southeast (SE), Northwest (NW) or Southwest (SW), in accordance with the direction such street or avenue lies from the center reference point.

**302 PROPERTY ADDRESS NUMBERING.** A uniform system of numbering properties and principal buildings is hereby adopted for the use in the City of Plainview in order to provide for the health, safety, and general welfare of the residents.

**302.1 Posting Numbers Required.** All property owners of parcels containing buildings within the City limits shall post the official numbers for each principal building on the front of the building in a manner as to be visible from the street on which the property is located.

**302.1.1 Multiple Front Entrances.** In case a principal building is occupied by more than one business or family dwelling unit, each separate front entrance of a building shall bear a separate number.

**302.1.2 View Obscured.** If a house or principal building is obscured from view of the street of an address by accessory buildings, trees, shrubbery or other visual obstruction, or is otherwise not visible from the street, the numbers must be displayed from a permanent mounting on the property so they are clearly visible from the street of address.

**302.1.3 Final Determination.** A final determination as to visibility will be made by the Police Department.

**302.2 Specifications for Posting Numbers.** All property owners shall post the address numbers on the buildings in accordance with the following requirements: 1) All numbers shall be a minimum of 3 inches in height, but 4 inches in height is preferred, 2) numbers shall be visible from the street, 3) within 60 days of notification of assigned numbers, owner shall permanently place the assigned number on the structure, and 4) the numbers shall be made of metal, glass, plastic or other durable material, preferably reflective.

**302.3. City Clerk-Implement System.** The City Clerk is hereby authorized to implement this section by disseminating information regarding number designations by any appropriate means.

**302.4. Penalties.** It shall be unlawful for any person to violate this ordinance by failing to affix proper numbering system or affixing unauthorized numbers or to fail to maintain the required visibility of address numbers. A violation of this section shall constitute a petty misdemeanor.

### **303 HEAVY VEHICLE ROUTES**

**303.1 Heavy Traffic Streets.** The following streets and avenues and portions thereof in the City of Plainview are hereby designated as heavy traffic streets: 1) West Broadway Avenue, 2) East Broadway Avenue, 3) Tenth Street Southwest (10th St. SW), 4) Second Avenue Southwest (2nd Ave. SW), between Tenth Street Southwest (10th St. SW) and Ninth Street Southwest (9th St. SW), 5) Ninth Street Southwest (9th St. SW), 6) Tenth Street Northwest (10th St. NW), 7) Third Street Southwest (3rd St. SW), 8) North Wabasha St, and 9) South Wabasha St. The Public Works Director is directed to post signs upon those streets and avenues herein designated as heavy vehicle streets and avenues at appropriate places indicating the character of said streets and avenues. The Council by Resolution may designate additional streets and avenues for heavy vehicles and direct the Public Works Director to post appropriate signs thereon.

**303.2 Traffic Restricted.** Whenever possible, all heavy vehicles carrying a weight of four (4) ton or more per axle, shall travel in the City of Plainview only upon the streets, avenues, and routes designated for heavy vehicles.

**303.3 Heavy Vehicle Parking.** All heavy vehicles carrying a weight of four (4) ton or more per axle shall be allowed to park overnight from 8:00 pm to 6:00 am only on designated heavy vehicle routes, unless specifically signed or marked as no parking. All heavy vehicles carrying a weight of four (4) ton or more per axle are not allowed to park on non-designated heavy vehicle routes, or alley and public parking lots at any time, other than to load or unload products or goods. It shall be unlawful for any owner or operator to park any heavy vehicle on any city street at any time not specifically authorized in this ordinance. All vehicles must be removed from streets during snow removal operations.

**303.4 Special Permit.** In case of emergency or necessity, the City Council upon written application setting forth all pertinent facts as to weight of load, time and streets, avenues and routes to be traveled, may issue a special permit for a single trip or for a limited period, for the moving of vehicles, or buildings, or equipment, or contrivance on any of the streets, avenues and all alleys of the City of Plainview under such terms and restrictions as said Council in said permit shall specify.

**303.5 Damages.** Any person(s) driving or moving any vehicle, building, object or conveyance upon any street, avenue, or alley in the City of Plainview is liable for damages incurred to such street, avenue, or alley whether used legally or illegally.

**303.6 Seasonal Weight Restrictions.** The Public Works Director may prohibit the operation of vehicles upon any public roadway under his jurisdiction or impose weight restrictions on vehicles to be operated on such public roadway, whenever the public roadway, by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles on the street is prohibited or the permissible weights thereof reduced. The Public Works Director shall erect and maintain signs plainly indicating the prohibition or restriction at each end of that portion of the public roadway effected. No person shall operate a vehicle on a posted public roadway in violation of the prohibition or restriction.

**303.7 Semi-Trailer Parking.** No person shall allow a semi-trailer by itself (without the tractor) to stand or be parked for any length of time on any street, in the City, except in an emergency or

in order to change tractors. This practice, known as “dollying down” is prohibited due to the potential damage to road surfaces.

### **304 PARKING ON PUBLIC RIGHT OF WAY**

**304.1 West Broadway.** No person shall park or leave unattended a truck-tractor, farm tractor, road tractor, trailer, semi- trailer, or implement of husbandry upon West Broadway between the intersections of 5th Street and extending East to the intersection of 1st Street between the hours of 2:00 a.m. and 6:00 a.m. daily. For purposes of this ordinance, the terms "truck-tractor, farm tractor, road tractor, trailer, semi- trailer, and implement of husbandry" shall mean those terms as defined under Minnesota Statutes S169.01.

**304.2 Winter Parking.** During snow removal operations from November 1 to April 1, no person shall park or leave unattended, any vehicle, equipment, or other obstruction upon any street, avenue or alley in the City of Plainview, until the roadway has been cleared of snow.

**304.3 Establishment of Traffic Control Measures.** The City Council may establish safety zones, lanes of traffic, and stop intersections, to assist in the direction and control of traffic to improve safe driving conditions at any intersection or dangerous location, and to warn pedestrians or drivers of motor vehicles of dangerous conditions or other hazards. The City Council may order installation by the Public Works Director of stop signs, yield signs, warning signs, signals, pavement markings, or other devices. No regulation may be established on a Trunk Highway unless the consent of the MnDOT is first secured. No regulation may be established on a County Highway unless the consent of the Wabasha County Highway Engineer is first secured.

**304.4 Time Limit Parking.** The City Council may by Resolution designate certain areas where the right to park is limited during hours specified. The Public Works Director shall mark by appropriate signs, each zone so designated. During the hours specified on the sign, no person shall park a vehicle in any limited parking zone for a, longer period than is so specified.

**304.5 Angle and Parallel Parking.** All parking shall be parallel, except where the City Council provides for angle parking by Resolution. Where angle parking is allowed, the Public Works Director shall erect and maintain signs plainly indicating such angle parking.

**304.6 No Parking, Stopping or Standing Zones.** The City Council may by Resolution designate certain streets or portion of streets as no parking or no stopping or standing zones and may limit the hours in which the restrictions apply. The Public Works Director shall mark by appropriate signs each zone so designated. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicles shall be parked in the no parking zone during hours when parking is prohibited except that a vehicle may be parked temporarily in such zone for the purpose of forming a funeral procession and a truck may be parked temporarily between the hours of 6:00 o'clock A.M. and 8:00 o'clock P.M. of any business day for the purpose of loading or unloading where access to the premises is not otherwise available.

**304.7 Impoundment.** Any police officer may remove a vehicle, equipment, or other obstruction, from a street to a garage or other place of safety, when the vehicle, equipment, or other obstruction, is left unattended and constitutes an obstruction to traffic or hinders snow removal or street improvement or maintenance operation. Such vehicle, equipment, or other obstruction, shall not be released until the fees for towing and/or removal and storage are paid in addition to any fine imposed for a violation of this Ordinance

**304.8 Violations.** Violation of City Code 304 shall constitute petty misdemeanors. The Plainview Police Department shall enforce the provisions of these ordinances and shall issue a notice of violation to offenders on such form as the City may prescribe. If the fine for said violations is not paid within 48 hours of issuance of a notice of violation, the City shall issue a uniform traffic citation and certify the violation to Wabasha District Court as a petty misdemeanor. Fines for violations shall be established by resolution of the City Council. Section 304.8 is not intended to limit the authority of the City to remove vehicles as authorized in Section 304.7.

**305 STREET EXCAVATIONS** - All excavations in public streets in the City, except when done by City employees or contractor performing work under a contract with the City, shall be done in accordance with this Ordinance.

**305.1 Permit Required for Excavation.** No person, except as hereinafter provided, shall make any excavation in a street, alley, sidewalk or public ground without first having secured a building permit from the City. The City may require that the applicant to fully restore the street to its pre-existing condition.

**305.2 Application and Regulations.** Application for permits shall be made in writing on the form provided for that purpose by the City. The forms shall set forth the permanent regulations applicable to the permit as prepared by the City Council or Public Works Director and as modified with respect to the particular work covered by the permit. The City Council, with the assistance of the Public Works Director, shall prepare such rules and regulations with the respect to excavations as they find 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 Ordinance shall comply with the minimum safety standards established by OSHA.

**305.3 Refilling Excavations.** Any permittee, except a public utility corporation, shall file with the City Clerk, a Corporate Surety Bond in the amount of Five Hundred Thousand and no/100 Dollars (\$500,000.00), conditioned that the permittee will: 1) perform the work in accordance with the 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 execution of the work, and 4) 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.

**305.4 General Regulations for Excavations.** Street excavations 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 (1/2) of the traveled portion of the street shall be left open and in good condition for the safe passage of vehicles, unless otherwise provided in the permit. Open excavations shall be guarded with substantial barriers and marked with amber lights or flashing devices and 6" by 4" reflective tape and cones. 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 and damages occur related to, shall be liable to the City for all damages caused by such freezing and all damages sustained to others entities for which the City may be liable.

**305.5 Refilling Excavation.** 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 City Engineer. All dirt and debris shall be removed immediately. Any person who fails to comply with these requirements within twenty-

four (24) hours after notice from the City, shall be liable to the City for the full cost incurred by the City in remedying the violation 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.

**305.6 Emergency Excavations.** In case of an emergency or on Sundays or legal holidays, when an immediate excavation may be necessary for the protection of public or private property, the same shall be reported to the Public Works Department, which shall grant permission to make the necessary excavation upon the express condition that an application be made in the manner herein provided on or before noon of the following business day.

**306 CONSTRUCTION AND REPAIR OF SIDEWALKS** - All sidewalks currently located within the city limits and all future sidewalks constructed within said city limits and all repairs made upon existing or new sidewalks shall be in accordance with this Section.

**306.1 Construction Permit Required.** No sidewalk or curb and gutter shall be constructed on any street, alley, avenue or other public property without first having obtained a permit from the City Council. Application for such permit shall be made on forms approved by the City Council, and made available at City Hall, and shall sufficiently describe the contemplated improvements and the date of commencement and completion of work. No permit shall be required for any improvement to be installed by the City. All construction shall be in accordance with the specifications and regulations as adopted by the City Council and on file in the office of the City Clerk. All reimbursements to private property owners for the construction of new sidewalk or the replacement of existing sidewalks shall be in accordance with the regulations adopted by the City Council and filed in the office of the City Clerk.

**306.2 Duty to Repair.** The owner of any property within the city abutting a public sidewalk shall keep the sidewalk 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.

**306.3 Sidewalk Replacement Costs to be Shared.** For all replacement sidewalk construction in the city, the city shall share in payment of the cost of the sidewalk replacement. Following the approval of a construction permit, proper construction of said sidewalk, and submittal of paid invoice from property owner, the City shall pay \$2.50 per running foot for residential sidewalks (typically 5 feet in width) and \$3.50 per running foot for commercial/industrial sidewalks (typically 8 feet in width). The City shall not share in the cost of new sidewalk construction in any area where there is not already existing sidewalk.

**306.4 Cost to be Shared, Corner Lot Sidewalks.**

**306.4.1 Replacement of Corner Lot Sidewalks.** For all replacement sidewalk construction in the City of Plainview involving corner lot sidewalks, the owner shall be responsible for seventy percent (70%) of the costs of the corner lot sidewalk, and the City of Plainview shall share in payment of the costs of construction and shall pay thirty percent (30%) of the total costs of the construction. This reimbursement is provided that both sides are done at the same time.

**306.4.2 Definition of Corner Lot Sidewalks.** For purposes of this section, "corner lot sidewalks" shall mean all sidewalks extending over and across the length or width of any lot in the City which is bounded on at least two sides by a street or highway, with the intersection of said streets and/or highways occurring at a corner of said lot, but shall not refer to the sidewalk extending across the front yard of said lot.

**306.5 Removal of Sidewalk.** No sidewalks, once constructed, shall be allowed to be permanently removed.

**307 REMOVAL OF SNOW AND ICE ON SIDEWALKS.** All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance, and shall be abated within twenty four (24) hours after such snow or ice has ceased to be deposited. In the case of snow and ice remaining on sidewalks, it shall be the responsibility of the owner or occupant of such building to remove the snow and ice.

**307.1 Public Works Director to Remove Snow and Ice.** The Public Works Director Has the authority to remove all snow and ice for all public sidewalks twenty-four (24) hours after any snow or ice has ceased to fall. The Public Works Director shall keep a record of the cost of said removal and the lot or lots adjacent to which such accumulations were found and removed, and shall deliver such information to the City Clerk as soon as the work of removal is completed.

**307.2 Cost of Removal to be Assessed.** The Public Works Director shall calculate the cost of the removal of snow or ice against the lot or parcels of ground abutting on alleys or streets or other public property which were cleared. The sum is to be billed to the appropriate property owner(s). If the bill is not paid within 60 days, the City Clerk shall, upon direction of the City Council, certify with the County Auditor the amount for collection as other special taxes are certified and collected. For purposes of this Section, the City Council shall annually establish by resolution the hourly rate to be applied for removal of such ice and snow by the City Public Works Director

**307.3 Civil Suit for Cost of Removal.** The Clerk, shall at the direction of the Council, bring suit in any Court of competent jurisdiction to recover the cost of said clearing and the cost of suit in a civil action from the person owning land adjacent to which-sidewalks were cleared

**307.4 Public Works Director to Report Sidewalks Cleared.** The Public Works Director shall present to the Council at its first meeting after any snow or ice has been cleared from the sidewalks as provided, and shall request the Council to determine by Resolution whether the procedure provided in Section 307.1 or Section 307.2 of this Ordinance shall be followed.

**308 REMOVAL OF SNOW AND ICE ON ALLEYS, STREETS, AVENUES, OR OTHER PUBLIC PROPERTY.** It shall be unlawful for any private property owner or occupant to push, pile, or otherwise deposit snow or ice from his or her property onto the City's alleys, streets, avenues, or other public property.

**308.1 Public Works Director to Remove Snow and Ice.** The City Street Public Works Director shall give written or oral notice to any such property owner or occupant found to be pushing, piling, or depositing snow and ice onto the City streets or alleys or other public property, to remove said ice or snow from the street or alley within 24 hours after the time of notice. After said 24 hour period, the Public Works Director shall remove from the alley or street all snow and ice which may be discovered thereon and which has been determined to have come from adjacent private property. The Public Works Director shall keep a record of the time necessary for said removal and legal description of the lot or lots adjacent to which such accumulations were found and removed, and shall deliver such information to the Clerk as soon as the work of removal is completed.

**308.2 Cost of Removal to be Assessed.** The Public Works Director shall calculate the cost of the removal of snow or ice against the lot or parcels of ground abutting on alleys or streets or other public property which were cleared. The sum is to be billed to the appropriate property owner(s). If the bill is not paid within 60 days, the City Clerk shall, upon direction of the City Council, certify with the County Auditor the amount for collection as other special taxes are certified and collected. For purposes of this Section, the City Council shall annually establish by resolution the hourly rate to be applied for removal of such ice and snow by the City Public Works Director.

**308.3 Civil Suit for Cost of Removal.** The Clerk shall, upon direction of the Council, bring suit in any Court of competent jurisdiction to recover from the person owning or occupying land adjacent to which alleys or streets were cleared the cost of said clearing and the cost of suit in a civil action.

### **309 SHADE AND ORNAMENTAL TREES**

**309.1 Boulevard Trees and Public Works Director Authority To Control Trees.** The Public Works Director shall have, under the direction of the City Council, control and supervision over all trees bordering or overhanging all public streets, alleys and highways, and all grass plots bordering public streets, alleys and highways. The word "tree" as used herein shall be deemed to include shrubs.

**309.2 Public Works Director To Order Work Done.** Whenever the Public Works Director shall find that any tree as described in 309.1 needs trimming, removal, treatment or other care in order to preserve the tree in good condition or to protect the public from damage or injury, the Public Works Director shall see that the necessary work is done and shall keep an account of the cost of such work and submit to the City Clerk.

**309.3 Permit to Plant Trees in Public Ground.** The Public Works Director shall keep a list of trees that are approved to be planted on public ground. Any person desiring to plant any tree or trees in any public ground shall submit an application to the Public Works Director. If the Public Works Director, approves the location, number, and type of trees, he/she shall issue the permit. If he/she does not approve such application, the applicant may appeal his/her disapproval to the Council, whose action shall be final. Public ground shall mean all streets, avenues, and alleys and their respective right-of-ways, as well as property owned by the City, such as parks, lots, and parking areas.

**309.4 Trees and Vegetation Menacing Public Safety to be Reported.** Every property owner whose property abuts on a public street shall notify the Public Works Director at once when the condition of any tree thereon or in the grass plot adjacent thereto is in such condition as to be a menace to public safety. Any tree shall not overhang closer than thirteen (13) feet above the surface of any street, or overhang closer than eight (8) feet above a public sidewalk; all such trees are hereby declared to be a menace to public safety. Any tree, hedge, shrub, or similar vegetation that impedes the ability of pedestrians to use a public sidewalk is hereby declared to be a menace to public safety. If a tree or other vegetation becomes a menace to public safety the Council shall notify the owner to remove or trim the same. If said owner fails to do so within thirty (30) days the Council shall order the required work done. The cost of such removal or trimming shall be assessed against the abutting property.

**309.5 Tree Topping.** It is unlawful for any person or organization to top any tree on any public right of way or public property. Topping is defined as "the cutting of an older branch or stem back to a stub or lateral branch not sufficiently large enough to assume the terminal role within the tree's crown, to such a degree so as to remove the normal canopy and disfigure the tree".

**310 DUTCH ELM DISEASE.** The City Council has determined that the health of the elm trees within the municipal limits is threatened by a fatal disease known as Dutch Elm Disease. It has further determined that the loss of elm trees growing upon public and private property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is the intention of the Council to control and prevent the spread of this disease and this Section is enacted for that purpose.

**310.1 Certified Tree Inspector Position Created.** The powers and duties of the City Certified Tree Inspector as set forth in this Section are hereby conferred upon the Public Works Director. The

Public Works Director is required to be a certified tree inspector. In addition, one (1) Public Works Assistant is to be a certified tree inspector.

**310.2 Duties of Certified Tree Inspector.** It is the duty of the Certified Tree Inspector to coordinate, under the direction and control of the Council, all activities of the municipality relating to the control and prevention of Dutch Elm Disease. The Certified Tree Inspector shall recommend to the Council the details of a program for the control of Dutch Elm Disease, and perform the duties incidental to such a program adopted by the Council.

**310.3 Dutch Elm Disease Program.** It is the intention of the City to conduct a program of plant pest control pursuant to the authority granted by Minnesota Statutes Section 18.022, as amended. This program is directed specifically at the control and elimination of Dutch Elm Disease fungus and elm bark beetles and is undertaken at the recommendation of the Minnesota Commissioner of Agriculture. The City Certified Tree Inspector shall act as coordinator between the Commissioner of Agriculture and the Council in the conduct of this program.

**310.4 Elm Disease Nuisance Declared.** The following things are public nuisances whenever they may be found within the City: (1) Any living or standing elm tree or part thereof infected to any degree with Dutch Elm Disease fungus *Ceratoeystis Ulmi* (Buisman) Moreau or which harbors any of the elm bark beetles *Scolytus Multistriatus* (Eichh.) or *Hyluigopinus Rufipes* (Marsh), and (2) Any dead elm tree or part thereof, including limbs, branches, stumps, firewood or elm material from which the bark has not been removed and burned or sprayed with an effective elm bark beetle insecticide

**310.5 Abatement.** It is unlawful for any person to permit any public nuisance as to remain on any premises owned or controlled by him within the City. Such nuisances may be abated in the manner prescribed by this Section.

**310.6 Inspection and Investigation, Annual Inspection.** The Certified Tree Inspector shall inspect all premises and places within the City as often as practicable to determine whether any condition described in 310.4 exists thereon. He/she shall investigate all reported incidents of infestation by Dutch Elm Fungus or Elm Bark Beetles.

**310.7 Entry on Private Premises.** The Certified Tree Inspector or his/her duly authorized agents may enter upon private premises at any reasonable time for the purpose of carrying out any of the duties assigned him under this Section.

**310.8 Abatement of Dutch Elm Disease Nuisance.** In abating the nuisance defined in this Section, the Certified Tree Inspector shall have the infected tree or wood sprayed, removed, burned, or otherwise effectively treated so as to destroy and prevent as fully as possible the spread of Dutch Elm Disease fungus and elm bark beetles. Such abatement procedures shall be carried out in accordance with current technical and expert opinions and plans as may be designed by the Commissioner of Agriculture.

**310.9 Procedure for Removal of Infected Trees and Wood, Warnings.** Whenever the Certified Tree Inspector finds, with reasonable certainty that the infestation defined in Section 310.4 exists in any tree or wood in any public or private place in the City, he/she shall proceed as follows:

**310.9.1 Elm Dormancy.** If the Certified Tree Inspector finds that the danger of infestation of other elm trees is not imminent because of elm dormancy, he/she shall make a written report of his findings to the Council which shall proceed by (1) abating the nuisance as a public improvement under Minnesota Statutes Chapter 429, or (2) abating the nuisance as provided in Subsection 2 of this Subdivision.

**310.9.2 Imminent Danger.** If the Certified Tree Inspector finds that danger of infestation of other elm trees is imminent, he/she shall notify the abutting property owner by certified mail that the nuisance will be abated within a specified time, not less than five (5) days from the date of mailing of such notice. The Certified Tree Inspector shall immediately report such action to the Council, and after the expiration of the time limited by the notice, he may abate the nuisance.

**310.9.3 Notice Hearing.** Upon receipt of the Certified Tree Inspector's report required by Subsection 1, the Council shall by Resolution order the nuisance abated. Before action is taken on such Resolution, the Council shall publish notice of its intention to meet to consider taking action to abate the nuisance. The notice shall be mailed to affected property owners and published once no less than a week prior to such meeting. The notice shall state the time and place of the meeting, the streets affected, action proposed, the estimated cost of the abatement, and the proposed basis of assessment, if any, of costs. At such hearing or adjournment thereof, the Council shall hear property owners with reference to the scope and desirability of the proposed project. The Council shall thereafter adopt a Resolution with such modifications as it considers desirable and provide for the doing of the work by day labor or by contract.

**310.9.4 Records.** The Certified Tree Inspector shall keep a record of costs of abatements ordered under this Subsection and shall report monthly to the City Clerk all work done for which assessments are to be made stating and certifying the description of the land, lots, parcels involved and the amount chargeable to each.

**310.9.5 Assessment.** On or before September 1st of each year, the Clerk shall list the total unpaid charges for each abatement against each separate lot or parcel to which they are attributable under this Section. The Council may then spread the charges or any portion thereof against the property involved as a special assessment under Minnesota Statutes Section 429.101 and other pertinent Statutes for certification to the County Auditor and collection the following year along with current taxes.

**310.10 Spraying Elm Trees, Duties of Certified Tree Inspector.** Whenever the Certified Tree Inspector determines that any elm tree or elm wood within the City is infected with Dutch Elm fungus, he may treat all nearby elm trees with an effective elm bark beetle destroying concentrate. Spraying activities authorized by this Section shall be conducted in accordance with technical and expert opinions and plans of the Commissioner of Agriculture and under the supervision of the Commissioner and his agents whenever possible. The notice provisions of Section 310.10.3 shall apply to spraying operations conducted under this Section.

**310.11 Transporting Elm Wood Prohibited.** It is unlawful for any person to transport within the City any bark-bearing elm wood.

**310.12 Interference Prohibited.** It is unlawful for any person to prevent, delay or interfere with the Certified Tree Inspector or his agents while they are engaged in the performance of duties imposed by this Section.

**311 WEEDS AND GRASS.** The following are declared to be a nuisance affecting public health.

**311.1 Definition of Terms.** The word "weeds" as used in this Ordinance shall be construed to mean and include not only such noxious weeds as are described in Chapter 21.72 of the General Statutes of the State of Minnesota for the year 2005, but also such useless and troublesome plants as are commonly known as weeds to the general public. The word "weeds" shall also be construed to mean all rank vegetable growth which exhales unpleasant or noxious odors, and also high and rank vegetable growth that may conceal filthy deposits. The word "weed inspector" means the Mayor, as required by State Statute. The word "assistant weed inspector" means the Public Works Director or his/her designee.

**311.2 Duty of Property Owner.** Every owner of platted property abutting on any platted public street or alley shall cause the grass and weeds to be cut from the line of such property nearest to such street or alley to the center of such street or alley. If the grass or weeds in such a place are twelve (12) inches or more in height, it shall be prima-facie evidence of a violation of this Section. However, property which is contained on a platted outlot and which is actively being used for an agricultural use (i.e. growing crops) is exempt from the grass and weed control and removal requirements contained in this section.

**311.3 Nuisance.** Any weed or grass growing upon any lot or parcel of land in the City of Plainview to a greater height than twelve (12) inches or which have gone, or are about to go to seed, are hereby declared to be a nuisance and dangerous to the health, safety and good order of the City.

**311.4 Notice of Violation.** When any conditions exist on any lot or parcel of land in the City of Plainview violative of the provisions hereof, it shall be the duty of the Weed Inspector and/or Assistant Weed Inspector to serve a notice, via certified mail, on the owner, occupant or agent of such lot or parcel of land, ordering such owner or agent to have such weeds or grass cut and removed within seven (7) days after notice, and also stating that in case of non-compliance, the same will be done by the weed inspector at the owner's expense. The letter shall also state that the City is only required to send official notice to the property owner once per calendar year; any additional violations of this ordinance may be addressed immediately by the City, as deemed appropriate by the Weed Inspector and/or Assistant Weed Inspector, with no further notice to the property owner for the remainder of the calendar year.

**311.5 Weed Inspector and/or Assistant Weed Inspector** The Weed Inspector and/or Assistant Weed Inspector shall cut and destroy all grass and weeds growing within the platted limits of any public street or alley when the same are not cut by the property owners as required. He/she shall likewise keep an accurate account of the cost of such cutting opposite each lot and certify the same to the Council, to be specially assessed against the abutting property.

**311.6 Charges, Costs and Penalty.** Upon failure of the owner, occupant or agent to comply with the provisions of said notice the weed inspector shall proceed to cut and remove such weeds or grass. The Weed Inspector and/or Assistant Weed Inspector shall determine the cost of remedying the nuisance and charge the owner of the property. The Weed Inspector and/or Assistant Weed Inspector shall, not later than the first day of October of each year, certify to the County Auditor, the amount so charged against said premises, lots or parcels of land, together with a description of the premises and the name of the supposed owner, and such charge shall be collected and collection enforced in the same manner as taxes against said premises. Such charge shall be a perpetual lien on said premises until paid; provided further, that where no owner, occupant or agent can be found.

**311.7 Grass and Lawn Clippings Prohibited from Public Paved Surfaces.** Because of the negative affects that grass and lawn clippings have on water quality (the release of nitrogen in waterways) and the tendency to plug storm sewer grates, no person shall cause or allow grass and lawn clippings on the City's streets, avenues, or other public paved surfaces.

**312 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.

### **313 PUBLIC PARK AND CEMETERY SYSTEM.**

**313.1. Operation and Management.** The Public Works Director, or their designee, is responsible for carrying out the operation of and management of the park and cemetery system. The City

Council, from time to time, may adopt such rules and regulations deemed necessary for the operation and maintenance of the public park and cemetery system.

**313.2 Refuse on Park and Cemetery Property.** No persons shall place, or allow to be placed, any garbage, rubbish, leaves, grass clippings, cut trees, brush, limbs, animal waste, or other refuse on any property constituting a public park or public cemetery with the City of Plainview, except in properly marked containers for collection.

#### **314 MUNICIPAL COMPOST AND BRUSH SITE**

**314.1 Residents and Property Owners Only.** It shall be unlawful for any person to use the designated municipal compost and brush site who is not either a resident or a property owner within the City of Plainview.

**314.2 Approved Items.** It is the intention of the City Council that only natural plant type materials may be disposed of at the municipal compost and brush site. It shall be unlawful for any person to dispose of any materials not contained in the following list at the compost site: weeds, grass clippings, leaves, fruits and vegetables, sod, bush trimmings, and other similar degradable items. It shall be unlawful for any person to dispose of any materials not contained in the following list at the brush site: trees, tree trunks, branches, and limbs (none of these four items to be more than 8 feet in length and must be small enough to lift with the City loader), bushes, shrubs, and roots with the soil removed.