

## CHAPTER III

### PUBLIC PLACES AND PROPERTY

#### Article I.

#### Construction and Repair

##### 3.0101 Supervision.

All construction maintenance and repair of public streets, alleys, sidewalks and other public ways shall be under the supervision of the Commissioner of Streets and Public Improvements. He shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinance.

##### 3.0102 Construction And Repair - Permits.

It shall be unlawful to construct, reconstruct, alter, grade, or repair, any public street, sidewalk, driveway, curbs, gutters, retaining walls, without having first secured a permit therefor, unless said work is performed by the City Contractor. Applications for such permits shall be made to the Auditor and shall state the location of the intended pavement or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permits shall be issued except where the work will conform to the ordinances of the City.

##### 3.0103 Bond.

Each applicant shall file a bond in the amount of \$500.00 with surety to be approved by the governing body conditioned to indemnify the City for any loss or damage resulting from the work under taken or the manner of doing the same.

##### 3.0104 Specifications.

All construction, maintenance and repair herein shall be made in conformity with specifications laid down or approved from time to time by the governing body.

##### 3.0105 Duty Of Owner To Maintain.

It shall be the duty of the owner of any property along with a sidewalk has been constructed to maintain the same in good repair and safe condition. Should any such owner fail so to maintain such sidewalks the Street Commissioner shall direct him to make such repairs as may be necessary to restore such sidewalk to a safe condition. Should he fail, within a reasonable time, to follow the directions of the Street Commissioner, the Street Commissioner shall report the facts to the governing body who shall then proceed, as provided in the laws of the state of North Dakota, to make such sidewalks safe.

### 3.0106 Standards For Issuance Of Permit.

The Street Commissioner shall issue a permit hereunder when he finds:

1. That the work will be done according to the standard specifications of the City for public work of like character.
2. That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent properties.
3. That the health, welfare and safety of the public will not be unreasonably impaired.

## Article II.

### Use And Care Of Streets, Sidewalks, And Public Places

#### 3.0201 Obstructions.

It shall be unlawful for any person, firm or corporation to cause, create or maintain any obstruction of any street, alley, sidewalk, or other public way, except as may be specified by ordinance or by the Commissioner of Streets and Public Improvements.

#### 3.0202 Deposits.

It shall be unlawful to deposit on any street or public place any material which may be harmful to the pavement or surface thereof, or which may do injury to any person, animal or property or render the same unclean or a nuisance.

#### 3.0203 Burning.

It shall be unlawful for any person, firm or corporation to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks, or alleys in the City.

#### 3.0204 Distributing Hand Bills, Etc.

The scattering, throwing, or placing of bills, posters, advertising matter, handbills, and other similar matter on lawns, porches, yards, sidewalks, steps, streets, alleys, public ways or in or upon automobiles while parked on the streets, alleys or public ways, or public parking lots in the City of Turtle Lake, by any person, firm, co-partnership, association, or corporation, is hereby declared to be a nuisance and unlawful.

#### 3.0205 Heavy Vehicles.

No person, firm, or corporation shall move, or cause to be moved, over the paved streets, sidewalks, crosswalks, culverts, bridges, and viaducts, within the City of Turtle Lake, any engine, tractor, wagon, truck, or other vehicle, object, or thing, which will tend to injure the paving, sidewalks, crosswalk,

culvert, bridge or viaduct over which the same are transported, or which exceeds, in weight 20,000 pounds per axle and exceeds 500 pounds per inch of tire width, or any vehicle, to the wheels of which are attached spurs, bars, angle irons, or cleats which will tend to mar or deface the paving, sidewalks, crosswalks, culverts, bridges or viaducts, except under the direction and permission of the governing body and, in addition thereto, shall pay or cause to be paid to said City, upon demand, any and all damages done to the paving, sidewalks, crosswalks, culverts, bridges or viaducts. Provided that when the specified load limits herein contained will cause damage to the City paved streets, the governing body by resolution adopted, and made public, may lower said load limits for such period of time it may deem necessary. The provisions of this section shall not apply to the State and Federal highways through the City.

### 3.0206 Removal Of Snow And Ice From Sidewalk.

It shall be, and hereby is declared to be, the duty of the owner or occupant of each lot in the City of Turtle Lake to remove from the sidewalk in front of or along the same, any ice or snow which forms, accumulates or obstructs such sidewalk, within twenty-four (24) hours after the ice forms, or the snow ceases to fall thereon; provided, however, that where the ice accumulated is of such character as to make the removal thereof practically impossible, the sprinkling of ashes or sand thereon within the time specified for removal in such manner as to make such sidewalk safe for the travel of pedestrians thereon, shall be deemed a compliance with the provisions of this article.

### 3.0207 Removal Of Snow And Ice By City.

In case the owner of any lot in the City refuses or neglects to remove such ice from such sidewalk in front of or along a lot therein, the ice or snow therefrom within the time above stated or refuses to sprinkle ashes or sand on the same within the time specified for removal in such manner as to make such sidewalk safe for travel of pedestrians thereon, the same may be removed by or under the direction of the Street Commissioner of the City, or ashes or sand sprinkled thereon and the necessary expenses thereof shall be charged against the abutting property by special assessment thereof in the manner prescribed by law.

### 3.0208 Street Cleaning - Snow Removal.

Whenever, in the judgement of the governing body or the Street Commissioner of the city, it shall be necessary that streets, alleys, or public ways in the City be cleared of snow or ice or be cleaned by the use of street sweepers or other methods of cleaning such streets, or for marking for traffic purposes, the ordinances of the city regulating the parking of automobiles, trucks and other motor vehicles shall be suspended.

### 3.0209 Excavations - Permit.

It shall be unlawful for any person, firm or corporation to tunnel under or to make any excavation in any street, alley or other public place in the City without having obtained a permit as is herein required, or without complying with the provisions of this article or in violation of or variance from the terms of any such permit.

### 3.0110 Excavations - Application.

Applications for such permits shall be made to the Auditor, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, and the persons, firm or corporation doing the actual excavating work and the name of the person, firm or corporation for whom or which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws relating to the work to be done.

## Article III.

### House Numbering

#### 3.0301 Housing Numbering Required.

All lots, buildings and structures in the City shall be numbered in accordance with the following plan:

All buildings and structures within the City shall be assigned a number by the City Auditor.

#### 3.0302 Numbers On Houses.

It shall be the duty of the owners and occupants of every house in the city to have placed thereon, in a place visible from the streets, figures at least two and one-half inches high, showing the number of the house.

## Article IV.

### Unclaimed And Abandoned Property

#### 3.0401 Unclaimed And Abandoned Property - Defined.

Personal property left upon the streets, alleys or other public ways in the City shall be deemed to be unclaimed or abandoned within the meaning of this article when the same is permitted to remain in any one place upon said streets, alleys or other public ways for a period of ten (10) days or more.

#### 3.0402 Unclaimed And Abandoned Property - Seizure Of.

Whenever any unclaimed or abandoned personal property is found upon the streets, alleys or other public ways of the City, the same shall be seized and possession thereof taken by any police officer, street commissioner or other officer of the City.

#### 3.0403 Unclaimed And Abandoned Property - Holding - Notice And Sale.

Such personal property as aforesaid shall be held by the city for a period of not less than ninety (90) days after its seizure as provided herein and, after

the expiration of said ninety (90) days, the city Auditor shall cause notice to be published in the official paper of said City, said notice specifying and stating the description of the property so seized and held, the location of the place where the same was seized or taken by said City, and a further notice that said property will be sold, at public auction, to the highest bidder for cash, not less than fifteen (15) days from and after the date of the publication of such notice and the hour, date and place where said sale will be held.

#### 3.0404 Unclaimed And Abandoned Property - Report Of Sale.

At the time specified in said notice the said property shall be sold by the Chief of Police of the City or by any police officer designated by him, at public auction, to the highest bidder for cash and within three (3) days after the date of said sale, the officer making the sale shall make a report thereof to the governing body, which report shall contain the description of the property sold, the time and place of the sale, the name or names of the purchaser or purchasers and the amount received therefor, said report shall be made under oath and subscribed by the officer making such sale and shall be filed with the City Auditor within three (3) days after the date of such sale and such officer, with said report, shall pay to the City Auditor the proceeds of said sale.

#### 3.0405 Unclaimed And Abandoned Property - Bill Of Sale.

Upon the receipt of the report as specified in Section 3.0406 hereof the City Auditor shall prepare a bill of sale of the property sold, conveying the same to such purchaser and the same shall be executed by the presiding officer of the governing body and attested by the City Auditor and delivered to the purchaser.

#### 3.0406 Unclaimed And Abandoned Property - Proceeds Of Sale.

The City Auditor shall pay such money as is received from such sales over to the City Treasurer who shall retain the same in a separate account for a period of six (6) months from and after the time of such sale and if the proceeds of such sale are not claimed as hereinafter provided, by the owner of said property, the said money shall thereupon be transferred to the general fund of the City.

#### 3.0407 Unclaimed And Abandoned Property - Redemption.

Any person owning such personal property seized as aforesaid, may at any time prior to the sale thereof, upon furnishing satisfactory proof of his ownership thereof to the governing body, reclaim such property upon paying the expenses incurred by the City for the seizure, storage or advertising the sale thereof and any person owning such property as aforesaid may at any time within six (6) months after such sale and upon making satisfactory proof to the governing body of his ownership thereof, claim the proceeds of such sale, upon payment to the City of the necessary expenses incurred by the City for the seizure, storage and sale of said property.