

**CHAPTER 5.
STREETS, PUBLIC PLACES & FENCES**

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5.00. **Streets and Public Places**

5.01. **Obstruction of River, Street, Sidewalk, Alley or Highway.** No person shall interfere with, obstruct, or cause to be obstructed or render dangerous for passage any river, street, alley, highway or sidewalk.

5.02. **Glass and Other Injurious Substance on Highways.** No person shall throw or deposit, glass, metal, garbage, tin cans, or any similar substance upon any highway, and anyone who drops or throws, or permits to be dropped or thrown any such destructive or injurious substance shall immediately cause the same to be removed. Any wrecked or damaged vehicle on a street shall be removed therefrom without unreasonable delay, and pending removal shall be guarded during the period when lights are required on vehicles with proper lights, equal in intensity to ordinary parking lights, or by red flares; and when removed, no glass or injurious substance shall be left upon the street or roadway by the person removing the vehicle.

5.03. **Wires above Ground.** No person shall string any wires less than 15 feet above the surface of the ground.

5.04. **Hanging Signs.** No person shall allow any hanging signs, awnings or other structure to hang over the streets or sidewalk in a manner that may endanger public safety.

5.05. **Excavations.** No person shall make any excavation affecting the use by the public of streets, alleys, sidewalks or public grounds without prior approval of the City Council.

5.06. **Trees and Hedges at Intersections.** No person shall allow to grow any tree or hedge that will prevent a person from having a clear view of traffic approaching an intersection from cross streets.

5.07. **Limbs of Trees.** No person shall allow to grow any limbs of trees which are not at least eight (8) feet above the surface of any sidewalk or nine (9) feet above the surface of any street.

5.08. **Snow Removal.** Each person shall remove all snow or ice from any public sidewalk abutting his property within 12 hours after the snow or ice is deposited thereon.

5.09. **Bicycles on Sidewalks.** No one shall ride or operate a bicycle, skateboard, roller blades or roller skates or scooters upon the sidewalks of Tyler Street from the intersection of Bradley Avenue to the intersection of Strong Street.

5.10. **Mail Boxes.** No person, whether the person be the owner or occupant of a property

within the city, shall cause to be constructed or to allow to remain after the receipt of notice from the City Administrator or Public Works Director requesting relocation, a mail box upon a street or alley within the City unless the post supporting the mailbox is set back a minimum of six (6) inches from the back edge of the curb or the edge of the street, if no curb is present. In no event shall a mail box protrude to area beyond the back of the curb, or if no curb is present into the paved portion of the street or alley.

5.11.-5.20 Reserved.

5.21. Definitions.

5.20.1. The term “**current service**” as used in this Section 5.22 et seq. 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; and the repair of sidewalks and alleys.

5.22. Snow, Dirt and Rubbish

5.22.1. **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 12 hours after its deposit thereon.

5.22.2. **Removal by city.** If the City Administrator determines that snow, ice, dirt and rubbish have not been removed from any public sidewalk within 12 hours after any such matter has been deposited thereon or after the snow has ceased to fall, the City Administrator may direct that city employees or agents remove the material. The City Administrator shall keep a record showing the costs of such removal adjacent to each separate lot and parcel and shall deliver such information to the City Council. The Council may direct that the cost of removal be billed to the owner of the lot or parcel effected.

5.23. Weed Elimination.

5.23.1. **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 Tyler 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.

5.23.2. **Notice.** On or before June 1 of each year, and at such other times as ordered by resolution of the council, the City Administrator 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 1 to be a nuisance and stating that if not so destroyed within 10 days after publication of the notice, the weeds will be destroyed by the mayor at the expense of the owner, and that if not paid, the charge for such work will be made a special assessment against the property concerned.

5.23.3. **Removal by city.** If the owner or occupant of any property in the city fails to comply with the notice within 10 days after its publication, the mayor 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 Administrator.

5.24. **Repair of Sidewalks.**

5.24.1. **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 Administrator.

5.24.2. **Inspections; notice.** The City Administrator 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 20 days, and stating that if the owner fails to do so, the mayor will do so on behalf of the owner, and that if unpaid it will be made a special assessment against the property concerned.

5.24.3. **Repair by City.** If the sidewalk is not repaired within 20 days after receipt of the notice, the mayor shall report the facts to the council, and the council shall by resolution order the mayor to repair the sidewalk and make it safe or order the work done by contract in accordance with the law. The City Administrator shall keep a record of the total cost of the repair attributable to each lot or parcel or property and report such information to the City Council. All repair shall be done in conformance with this Code.

5.25. **Personal Liability.** The owner of property on which or adjacent to which a current

service has been performed shall be personally liable for the cost of such service. As soon as the service has been completed and the cost determined, the City Administrator or other designated official shall prepare a bill and mail it to the owner and thereupon the amount shall be immediately due and payable at the office of the City Administrator.

5.26. **Assessment.** On or about September 1 of each year, the City Administrator shall list the total unpaid charges for each type of current service against each separate lot or parcel to which they are attributable under this ordinance. The council may then spread the charges against property benefitted 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.

5.27. **Motorized Golf Carts on City Streets.**

5.27.1. **Eligibility for a Permit.** To be eligible for a golf cart permit, the applicant must have a valid driver's license or a physician's statement deeming the applicant capable of operating a golf cart prior to issuance of a permit. No permit may be issued to an individual whose driver's license at the time of application has been suspended or revoked, pursuant to the provisions of M.S. 169A.

5.27.2. The City Council shall authorize the issuing of all permits by the Chief of Police or the City Administrator and shall determine the streets or roadways of operation and the hours of operation if more restrictive than State Statute and deemed necessary for public safety reasons and may recommend the denial of a permit if the applicant's driving status is revoked, suspended or cancelled for prior violations. The Chief of Police may revoke a permit at any time upon finding that the holder has violated any of the provisions of this Ordinance or Chapter 169 of MN Statutes, or if there is any evidence that the permit holder cannot safely operate the motorized golf cart.

5.28. **Requirements.** Every application for a permit shall be made on a form supplied by the City and shall contain the information listed below. All permits shall be issued for a specific golf cart and a specific individual. The permit shall be carried in the vehicle, indicating the number and year for which issued.

- A. All motorized golf carts, and their drivers must carry liability insurance at all times when operating on a public street or roadway. A certificate of insurance must be provided at the time of permit application.
- B. Name and address of applicant, and current driver's license or reason for not having a current license is required.

- C. If the Applicant does not possess a valid Driver's License, as a condition of obtaining a permit, the applicant may be required to submit a physician's certificate stating the applicant is able to safely operate a motorized golf cart on designated streets or roadways.
- D. Annual permit fee shall be determined by the Tyler City Council and must be paid prior to issuance of permit. The permit fee may be adjusted upon annual review by the Council.
- E. Other pertinent information as may be required.

5.29. Other Requirements.

- A. Motorized golf carts must display the slow moving vehicle emblem provided for in MN Statutes, Section 169.522, when operated on a public streets or roadway.
- B. Every operator has all the rights and duties applicable to the driver of any other vehicle under the provisions of Chapter 169 of MN Statutes, except when these provisions cannot reasonably be applied to motorized golf carts and except as otherwise specifically provided in MN Statutes, Section 169.045, Subd. 7.
- C. Motorized golf carts may only be operated on streets and roadways as designated on the permit authorized by the City Council. The operator may cross any highway intersecting a designated street or roadway.
- D. Hours of permitted operation shall be from sunrise to sunset. Operation of a golf cart shall not be permitted during inclement weather or when visibility is impaired by weather, smoke, fog or other conditions or at any time wherein there is insufficient light to clearly see persons and vehicles on the street or roadway at a distance of 500 feet.
- E. If a licensed golf cart is disabled through mechanical failure or for needed repairs, the permit may be temporarily transferred to another golf cart for a seven (7) day period, but only upon verification of mechanical condition and insurance coverage of the substitute vehicle.
- F. The permit holder shall consent upon request to an inspection of the golf cart by a licensed police officer of the City of Tyler to determine if the cart is in proper mechanical condition.

5.30. Assumption of Liability. Nothing in this ordinance shall be construed as an assumption

of liability by the City for any injuries to persons or property which may result from the operation of a motorized golf cart by a permit holder or the failure by the Chief of Police to revoke said permit.

5.31. **Violation and Penalties.** Any person violating any provision of this ordinance shall be guilty of a petty misdemeanor and may have his or her permit to operate a golf cart revoked.

5.32. Park Operation.

5.32.01. Except where overnight camping is authorized, no person shall remain within a park between the hours of 11:00 p.m. and 5:00 a.m.

5.32.02. It shall be unlawful for any person to use any facility or area for which a fee or charge has been established by the City without payment of the fee or charge.

5.32.03. The City shall not be liable for any loss, damage or injury sustained by a park visitor.

5.32.04. Any park or portion thereof may be declared closed to the public by the City Council or the City Administrator at any time and for any interval of time or to certain uses, as the City Council or City Administrator shall find reasonably necessary.

5.32.06. The City Council shall have the right to issue administrative rules and regulations that shall be established by the Council.

5.32.07. Nothing in the Section shall prevent employees or agents of the City of Tyler from performing their assigned duties.

5.32.08. No person shall impersonate any employee of the City of Tyler, nor interfere with, harass or hinder any employee in the discharge of his or her duties.

5.33. **Waiver.** Any provision of this Section may be waived at the discretion and direction of the City Council.

5.34. Ejection and Revocation.

5.34.01. Designated City employees may, in connection with their duties imposed by law, diligently enforce the provisions of this Section and eject from parks, persons acting in violation of this Chapter.

5.34.02. **Permit Revocation.** The City Administrator shall have the authority to revoke for good cause any permit or reservation issued by the Park Director.

5.35. **Fence.** A fence is defined as any tangible barrier or obstruction of any material, living or inert, with the purpose or intent or having the effect of preventing passage or view across the line of the fence.

5.36. **Fence Permit Regulations.**

5.36.01. **Building Permit Required.** A Building Permit shall be obtained prior to the construction of any fence. Permits are not required for agricultural fencing purposes which do not adjoin residential developments or areas.

5.36.02. **Height Regulations for Lots facing a Single Street:**

5.36.02.01. **Front Yard:** No fence shall be higher than three (3) feet, at any point, within the front setback of any lot within a residential area.

5.36.02.02. **Back Yard:** Fences along the rear property line shall be no higher than a maximum of six (6) feet. **Side Yard:** Fences along the side property line shall be no higher than a maximum of six (6) feet and dropped to three (3) feet in height at the front setback line.

5.36.03. **Height Regulations for Corner Lots: (more than one street frontage)**

5.36.03.01. **Front Yard:** No fence shall be higher than three (3) feet, at any point, within the front setback of any lot within a residential area.

5.36.03.02. **Street Side Yard:** No fence shall be higher than three (3) feet within ten (10) feet of the property line. At ten (10) feet back from the property line, a fence shall be no higher than six (6) feet.

5.36.03.03. **Back Yard:** Fences along the rear property line shall be no higher than a maximum of six (6) feet. At ten (10) feet from the property line, on the street side, the height shall be dropped to a maximum of three (3) feet. **Side Yard:** Fences along the side property line (not the street side) shall be no higher than six (6) feet. At the front setback line, the height shall be dropped to three (3) feet.

5.36.04. **Irregular lots & Non-Residential Fencing:** A Planning Commission hearing will be required prior to issuance of a building permit for the approval of fence heights under the following conditions:

- The lot is of an irregular shape or other than square or rectangular.
- The grade of the lot is extreme or of multiple levels.
- The building does not face parallel to the street.
- The location of the fence is within an area zoned for business, industrial or commercial development.
- The Fence surrounds a tennis court, swimming pool, or other circumstances shown to require greater height for safety, security or other reasons. The rights of adjoining property owners will be equally considered.

5.37. **Fence Construction Regulations.** Fences installed with exposure to the street must have the finished side of the fence facing the street. All gates that adjoin city property are required to swing inward (toward the property owner's yard). The owner of any fence shall be required to maintain the same by painting, treating, trimming, repairing or removal, if and when necessary. Agricultural type fencing materials (barbed or mesh wire, etc.) shall not be allowed for residential fences. Fences are not allowed within 12" of a sidewalk.

5.38. **Fence Line Location.** Fences shall be constructed inside the property line or on the property line between cooperating neighbors. If fences are constructed on the property line(s), the written consent of all affected property owners is required. No fence by its construction or location shall obstruct the view of the right of street.

5.39. **Public Utilities.** Utilities (gas, water, or electricity) providers should be contacted prior to any fence installation regarding meter access requirements and location of lines.

5.40. **Penalty.** Unless otherwise specified, any person violating any provision of this ordinance shall be guilty of a misdemeanor. Any person found guilty of a violation of this Chapter shall be punished by a fine not to exceed \$1,000.00 or imprisonment for not to exceed 90 days, or both.

