

CHAPTER XI.

STREETS AND SIDEWALKS

ARTICLE I. CONSTRUCTION OF SIDEWALKS, CURBS AND STREETS

11-101. GRADE. All sidewalks, curbs and streets hereinafter constructed within the corporate limits of the City of Gwinner shall conform to the established grade and if no grade has been established upon any street upon or along which any sidewalk is to be constructed, than at such elevation as the City Council may prescribe.

11-102. GRADE AND LINE. All sidewalks and streets hereafter constructed must be constructed on the grade and line given by the City Engineer or Street Commissioner, and all persons, corporations, and contractors shall apply to the City Engineer or Street Commissioner for a permit for all sidewalks and streets hereafter constructed prior to the commencement thereof.

11-103. PENALTY FOR VIOLATION OF ARTICLE. Any person who shall hereafter construct any sidewalk or curb in the City of Gwinner not conforming to the requirements of this article shall be required by the Street Commissioner to rebuild the same at once, to conform to the requirements hereof. If the same be not done at once a written notice signed by the Mayor, City Engineer, or Street Commissioner shall be served upon such person in the same manner as a summons is served, directing him to rebuild such walk or curb. If after such service such person shall for ten (10) days fail to commence the rebuilding thereof or fail to complete such rebuilding within fifteen (15) days thereafter he shall on conviction thereof be subject to the penalty as defined in this chapter.

ARTICLE II. USE AND CARE OF STREETS AND SIDEWALKS.

11-201. SNOW AND ICE: REMOVAL OF FROM SIDEWALKS REQUIRED, WHEN. The owner or occupant of each and every lot, tenement, or building in the City shall at all times keep the sidewalk along and upon such premises clear, clean, and free from snow and ice. Every such person shall cause such sidewalk to be so cleaned and cleared from snow and ice before 10:00 o'clock A.M., each day.

11-202. SAME: TO BE REMOVED BY CITY, WHEN. In case of the failure, neglect, or refusal of any such owner or occupant of such lot or premises to clean such sidewalk before 10:00 o'clock A.M., each day or to keep the same clean and free from snow and ice as aforesaid, then the Street Commissioner or other proper city official, shall cause the same to be cleaned up and kept clear and free from snow and ice and shall report, in writing, to the City Auditor the cost and expense thereof together with a particular description of each piece, parcel, or tract of property upon which such labor shall be done. The City Auditor shall cause the same to be assessed against said property as special tax.

11-203. RUBBISH OR REFUSE, PROHIBITED, WHERE. It shall be unlawful for any person to throw, place, or leave in or upon any street, alley, or public property in the city, any paper, cloth, hay, straw, weeds, rubbish, snow, ice, or waste material of any kind, or to leave or place the same in any yard or place where the same may blow or be likely to blow or rest in or upon any such street, alley, or public property.

11-204. SPITTING AND THROWING OF LITTER ON SIDEWALKS, PROHIBITED. No person shall spit or expectorate nor throw fruit, fruit parings, or skins, nuts or nut shells upon the sidewalk or crossings of any streets, avenues, alleys or driveways within the corporate limits of the City, or in or upon the floors, stairs, or hallways within, or sidewalks leading to or from any public building, theater, public hall, or office or store, or any railway depot or platform connected therewith, or connected thereto, whether such public buildings, theaters, hall or depot or office or store belongs to the City or not.

11-205. DRIVING ON SIDEWALK PROHIBITED. No person shall ride, drive, push, draw or back any horse, or other animal, wagon, car, automobile or other vehicle or heavy object upon or over or across any sidewalk, except at a regular crossing or concrete driveway, or where alleys intersect the streets. The occupant of any yard, lot or warehouse may have access across the same by placing in front thereof, at his expense, with the consent of the Street Commissioner, a temporary bridge or carriageway over the sidewalk, gutter, and curbing in such manner as will preserve the same from injury.

11-206. REGULATING MOVEMENT OF TRACTORS, HEAVY VEHICLES ON PAVEMENT. No person, firms or corporation shall move, or cause to be moved, over the paved streets, sidewalks, crosswalks, culverts, bridges, and viaducts, within the City of Gwinner any steam or combustion engine, tractor, wagon, truck, or other vehicle, object, or things, which will tend to injure the paving, sidewalks, crosswalks, culvert, bridge or viaduct over which the same are transported, or any vehicle, to tire 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 Street Commissioner of the City of Gwinner; and, in addition thereto, shall pay or cause to be paid to the said City, upon demand, any and all damages done to the paving, sidewalks, crosswalks, culverts, bridges, or viaducts.

11-207. SALE OF MERCHANDISE FROM STANDS ON STREETS PROHIBITED. It shall be unlawful for any person, firm, or corporation to set up any stand, truck or wagon upon any of the streets, alleys, sidewalks, crosswalks, or public grounds within the City of Gwinner, for the purpose of selling therefrom, or exposing for sale, any meats, provisions, refreshments, or any goods or merchandise whatsoever.

11-208. SIDEWALKS, KEEPING IN REPAIR. It shall be the duty of the owner or occupant of any property along which any sidewalk is constructed to maintain and keep the same in good repair and in case they fail to make any repairs thereto within

five (5) days after receiving notice thereof from, the City they shall be subject to the penalty as hereafter defined for such neglect and a like penalty for each additional day of such continuance thereof.

11-209. COASTING ON SIDEWALKS, PROHIBITED. It shall be unlawful to coast with any wagon or sled or drive a dog or any other animal hitched to any wagon, sled, or other vehicle on any sidewalks or crosswalks of the City.

11-210. COASTING, TOBOGGANING ON STREETS, PROHIBITED. No person shall use any portion of any street for coasting, tobogganing, or similar sports unless special Council permission has been granted.

11-211. AMUSEMENTS IN STREETS, PROHIBITED. No person shall in any street or avenue of the City of Gwinner fly a kite, play at ball, or engage in any other game, sport, or amusement having a tendency or likely to annoy persons passing on the streets or sidewalks, or to impede the passage of vehicles.

11-212. PLACING OF MERCHANDISE ON SIDEWALK, PROHIBITED, EXCEPTION. No person, firm, or corporation shall place or suffer to be placed upon any sidewalk in the City of Gwinner any goods, wares, or merchandise for sale or show, beyond the front line of the lot where such goods may be so exposed.

11-213. EMPTY PACKING CASES PROHIBITED ON STREET AND SIDEWALK, WHEN. No person, firm, or corporation shall place or suffer to be placed upon any sidewalk or street in the City of Gwinner any empty packing cases for a longer period than one (1) hour.

11-214. SNOW SLED OR SNOWMOBILE PROHIBITED ON STREET, EXCEPTION. It shall be unlawful for any person to drive or operate upon any street, alley, or other public ground in the City of Gwinner any self-propelled snow sled or snowmobile unless such vehicle is a duly licensed motor vehicle under the laws of the State of North Dakota and is entitled to be operated upon the public highways of the State of North Dakota.

11-215. STREET CLEANING-SNOW REMOVAL. Annually from November 15 through April 15, it shall be necessary that streets, alleys or public ways in the city shall be cleared of snow or ice, the ordinances of the city regulating the parking of automobiles, trucks and other motor vehicles shall be suspended and it shall be unlawful for any automobile, truck or other motor vehicle to be parked or left standing on any street, alley or public way in the City between the hours of 2 A.M. to 8 A.M. each day.

ARTICLE III. ENCROACHMENTS, OBSTRUCTIONS, AND EXCAVATIONS

11-301. UNLAWFUL TO WORK ON STREETS, WHEN. It shall be unlawful for any owner or occupant of any lot or parcel of land or for the agents or servants of such

owner or occupant or by the City of Gwinner or for any other person who may undertake to do any work upon any street, alley, sidewalk or other public ground in the City of Gwinner to put down in front of any such lot or parcel of ground in said City where the same may have been directed by the City Council any sidewalk, curb, gutter or macadamizing or to do any grading, excavating, filling, or any other work thereon of any other or different form, materials, or workmanship or upon any other grade or in any other form, materials, workmanship, grade or manner than required by ordinance of the City Council.

11-302. EXCAVATIONS: PERMISSION REQUIRED FOR. The removal of any sand, gravel, or earth from any street or alley in the City by any person except by express direction of the Street Commissioner or other properly designated official, is hereby prohibited.

11-303. SAME GUARDING OF. It shall be unlawful for any person within the city limits to leave or keep open, uncovered or unguarded any cellar door, pit, grating, vault, or other subterranean passage opening from, into or upon any street, alley, or sidewalk.

11-304. SAME: UNLAWFUL TO KEEP IN INSECURE OR UNSAFE CONDITION. It shall be unlawful for any such person to permit any such cellar door, vault, grating, or other opening or place of like nature connected with the premises, owned or occupied by him, to remain in any insecure or other unsafe condition, so that persons may fall into or be otherwise injured by the same.

11-305. STREETS AND CROSSING, OBSTRUCTING OF PROHIBITED. No person shall stop any team or vehicle on any street or alley within the city limits in such a manner as to prevent or hinder other teams, vehicles or persons from passing freely along such street or alley. No person shall in any manner obstruct any street or alley crossing within the city limits so as to prevent the free passage of persons traveling on foot.

11-306. OPENING IN SIDEWALK. It shall be unlawful for any person to permit any opening in the sidewalk to remain uncovered unless such opening is protected on all sides by a substantial railing or guard to prevent any person from falling therein or being injured thereby; such opening to be kept closed at all times except when actually being used in filling space below or removing property therefrom.

11-307. ACCUMULATIONS IN STREET OR ALLEY TO BE REMOVED, BY OWNER, WHEN. All surplus earth or other accumulation of whatever kind or character placed or left in the street or alley which may interfere with good and usual movement of traffic or is not a proper deposit on the street or alley or tends to change the character of the street or alley makeup shall be removed by the person owning the property abutting such sidewalk or area within ten (10) days after written notice signed by the Mayor addressed to him; and served upon him in the same manner as a summons is served directing him to remove the deposit or accumulation. Failure to remove the same

within the time aforesaid will subject the offender, upon conviction thereof, to punishment as for a misdemeanor. And, for each separate day such deposit or accumulation is not removed, that to constitute a separate offense.

11-308. TREES, HEIGHT OVER SIDEWALK, ETC. Any person who may own or have an interest in any lot, parts of lots, or parcel of land in this City, and having any shade trees growing alongside of a sidewalk, or on the line between the sidewalk and the carriage-way of the streets, and in such position that the shade tree in any manner overhangs the sidewalk, shall at all times keep the tree trimmed so that there will be eight (8) feet clearance between the sidewalk and the limbs. This trimming shall be done to the satisfaction of the Street Commissioner.

11-309. WIRES: PERMISSION REQUIRED FOR STRETCHING. It shall be unlawful for any person to stretch any wire of any kind in any street or alley in the City for the transmission of electricity without having first obtained permission from the City Council to do so.

11-310. SAME: MANNER OF STRETCHING. All persons stretching wires in any streets or alleys in said City shall so stretch the same and maintain it in such condition that it shall not interfere with any other wire previously stretched in the same street or alley for transmission of electricity. All persons stretching wires in said streets or alleys or repairing same shall so handle such wires that they shall not interfere with or come in contact with the electric current upon any other wire stretched in the said street or alley.

11-311 SIDEWALK, OBSTRUCTION OF, PROHIBITED. No person shall for any purpose whatever obstruct, either wholly or partially, any sidewalk within the city limits, by placing thereon any object, obstacle, goods, wares, merchandise, building, erection, scaffold, or any part of either, and the sidewalks shall be deemed to be obstructed within the meaning of this section when any part of it is not free and open to public travel.

11-312. GLASS, NAILS IN STREETS. Any person who shall throw, leave or deposit upon the streets, alleys or sidewalks of the City any glassware, nails, or other similar material shall be subject to the penalty hereinafter provided.

11-313. DEPOSITING OF SNOW FROM DRIVEWAYS INTO STREET PROHIBITED. It shall be unlawful to deposit or dump snow that is removed or shoveled from filling station driveways and approaches or from other driveways and approaches into or on any city street between the curb-lines thereof.

11-314. STREET EXHIBITIONS, ASSEMBLIES, PROHIBITED. It shall be unlawful for any person upon any of the public streets or grounds within the city limits, to exhibit any show or any performance of any kind, which may obstruct public travel or cause the gathering of a crowd or congregation of people upon any street or sidewalk or tend to injure any public park or ground without first having obtained the written consent and

permission of the Mayor. No person shall call, hold, or address any public meeting upon any street, alley, or public grounds or address any mob, gathering, crowds, or congregation of people without having obtained permission as aforesaid.

11-315. PLACING OF PROPERTY ON PUBLIC WAYS, PROHIBITED. The placing or leaving of any property or refuse of any kind, character or description on any street, alley, parking lot, boulevard, sidewalk or public ground within the City of Gwinner is hereby prohibited.

11-316. SAME: EXCEPTION OF VEHICLES. The parking of vehicles, not for sale or display purposes, if in constant or daily use permitted, Section 11-615 above shall not be construed to prohibit the parking of vehicles, in constant and daily use, but not for sale or display purposes, on the streets and parking lots of the City of Gwinner, in accordance with the parking regulations of the City of Gwinner, now in force or hereafter to be promulgated.

11-317. SAME: PERMITS. Anyone desiring to obtain a temporary permit for using the streets, alleys, parking, boulevards, sidewalks or public grounds for the placing or leaving of any property, or otherwise thereon, shall file with the City Auditor an application in writing giving an exact description of the space wanted, the purpose or purposes for which to be used and the length of the time desired, which application the City Auditor shall place before the City Council at its next meeting. If the City Council acts favorably on such application, a permit shall be issued therefor, over the signatures of the Mayor and City Auditor, which permit shall specify the space, purpose and time for which it is issued.

11-318. AUTHORIZING BLOCKING OF STREETS UNDERGOING REPAIRS AND BEING USED FOR RECREATIONAL PURPOSES. The Street Commissioner and Mayor are each authorized to provide for and erect and maintain blocks on streets, avenues and alleys undergoing repairs and/or improvements or being used for recreational purposes, for the purpose of protecting from injury such repair and/or improvement being made and the men and equipment being used thereon and for the protection of the people using a street, avenue or alley, thus blocked off for recreational purposes.

11-319. REMOVING BLOCK ON STREET PROHIBITED. Anyone found guilty of removing, or in anywise interfering with any block placed upon any street, avenue or alley for any of the purposes set forth in Section 11-318, by authority of the Street Commissioner or Mayor, or either of them, shall be subject to the penalty provided for this chapter.

11-320. PROJECTIONS OVER SIDEWALKS, HEIGHT OF. All awnings and their fixtures and all porches, signs (except electric signs) verandas, and roofs projecting over any walk or street in the City shall be at least eight (8) feet in the clear above such sidewalk or street, at the lowest point or part of such awning, porch, veranda, roof, or sign.

11-321. PARKING PROHIBITED. It shall be unlawful for anyone to park or leave standing on any public street or highway in the city any vehicle for a period longer than 48 hours consecutively, provided that this section shall not include any area where a shorter time is provided for parking, nor shall this section be construed to permit parking for a longer time than is provided in such areas.

11-322. VEHICLE DEFINED. Vehicle as used herein shall consist of all cars, trucks, trailers, boats, motorcycles, campers, and other recreational vehicles.

11-323. PENALTY FOR VIOLATION OF ORDINANCE. Any person, firm, or corporation violating the provisions of Section 11-215 and 11-321 shall be subject to a fine of \$50 provided said vehicle is moved within 24 hours of service of the citation and should said vehicle not be moved within 24 hours of the first violation then an additional citation shall be issued and the penalty shall be an additional \$100 fine, impoundment of the vehicle, and costs of impoundment.

ARTICLE IV. ELECTRIC SIGNS

11-401. LAWFUL, WHAT SIGNS. It shall be lawful for the owner or occupant of any building within the City of Gwinner upon complying with the provisions of this ordinance to erect and construct metal electric signs over the sidewalks in front of such building; such sign not to be less than eight (8) feet clear above the level of the sidewalk and not to project over the width of the sidewalk adjacent to such building. The wiring and electric construction of such sign to be approved by the Street Commissioner.

11-402. APPLICATION TO ERECT SIGN. Any person, firm, or corporation desiring to erect and construct such a sign shall make written application to the Street Commissioner for a permit therefore fully describing such sign, and the manner in which it is to be attached to the building on which it is to be erected and containing an agreement to indemnify and save the City of Gwinner harmless from any and all costs, expenses and damages caused by reason of the negligence of any person, firm, or corporation hanging or erecting such sign.

11-403. STREET COMMISSIONERS' DUTY. The Street Commissioner upon the completion of any sign for which he shall issue a permit shall inspect the same and see that it is in all respects safe and secure and he shall have power to remove any sign erected under this ordinance in case the owner thereof fails or refuses to erect and maintain same in a safe and secure manner.

ARTICLE V. TREES AND AWNING OVERHANGING STREETS

11-501. DUTY OF OWNERS AND OCCUPANTS AS TO TREES AND AWNINGS. That it shall be the duty of all occupants and owners of real property within the City of Gwinner to keep trees and shrubbery growing on premises owned or occupied by them and overhanging sidewalks, streets, or alleys, trimmed so as to clear sidewalks at least

eight (8) feet and streets or alleys fifteen (15) feet; and all awnings overhanging sidewalks must be so hung as to clear the sidewalk at least eight (8) feet, and if overhanging a street or alley it must clear the same at least fifteen (15) feet.

11-502. NOTICE TO OWNERS AND OCCUPANTS, PENALTY FOR NONCOMPLIANCE. All owners or occupants of premises who have not complied with the provisions of Section 11-501 must upon written notice served on them signed by the Mayor, Street Commissioner, or any Alderman immediately proceed to comply with said Section 11-501, and should owner, or occupant fail, neglect or refuse to comply with Section 11-501 hereof upon such written notice being served upon him, he shall be liable upon conviction to a fine of not less than Ten Dollars (\$10.00) and not more than Twenty-Five Dollars (\$25.00) for each twenty-four (24) hours that he fails to comply with the same, in addition to the penalty hereinafter provided after the time limit set in such notice which shall not be less than twenty-four (24) hours from hour of service.

11-503. PENALTY. Any owner or occupant of premises who fails to comply with the provisions of Section 11-501 hereof shall upon conviction be subject to a fine of not less than Ten Dollars (\$10.00) or more than Twenty-Five (\$25.00) Dollars for each and every day that he fails, neglects or refuses to comply with the same.

11-504. STREET COMMISSIONER'S AUTHORITY. If the owner or occupant of any real property should refuse, neglect or fail to comply with Section 11-501 of this article for more than five (5) days, then the Street Commissioner is authorized to proceed to see that the trees, shrubbery or awnings are placed in a condition so as to comply with such ordinance and the expense of so doing shall be paid by the owner or occupant and may be enforced by a civil suit brought in the name of the City by order of the Mayor.

ARTICLE VI. PENALTY

11-601. PENALTY FOR VIOLATION OF CHAPTER. Any person firm, or corporation violating any of the terms or provisions of this chapter shall upon conviction be punished except where otherwise specifically provided herein, by a fine not to exceed Five Hundred Dollars (\$500.00), or imprisonment not to exceed thirty (30) days or by both such fine and imprisonment in the discretion of the Court, the Court to have power to suspend said sentence and to revoke the suspension thereof.