

AN ORDINANCE RELATING TO OBSTRUCTION AND EXCAVATION OF PUBLIC PROPERTY AND STREETS IN THE VILLAGE OF BROWNSDALE, MINNESOTA

The Village Council of the Village of Brownsdale, Minnesota, ordains,

Section 1. No person or persons, companies, corporations or associations shall place or cause to be placed any box, barrell, firewood, lumber, stone, brick, building materials, coal, posts, signs, awnings, junk, scrapwood, or metal or any material whatsoever in or upon any street, alley, boulevard, sidewalk, or public ground in said village or make or cause to be made, maintain or cause to be maintained any hatchway, cellarway, hole, or excavation upon or contiguous to any street or sidewalk in said village, without first having obtained a written permit from the Village Clerk in the manner hereinafter provided. This ordinance shall not, however, be construed to forbid the planting of trees or shrubbery upon boulevards of said village or the erection of fences, barricades or guards solely for the protection of said trees, shrubbery or grass growing upon said boulevards which do not obstruct the vision of people lawfully using the public highways and streets of said village.

Section 2. Application for said permit shall be made to the Street Commissioner and in the Street Commissioner's absence to the Mayor of said village by the person or authorized representative of a company, corporation, or association causing such obstruction or excavation. Said application shall be made at least 48 hours prior to the making or placing of any such obstructions or excavations as hereinbefore enumerated. The applicant requesting said permit shall inform the Street Commissioner of the time of commencement, proposed location, nature, and expected duration that the obstructions or excavations will be in existence.

Section 3. Upon application therefor the Village Clerk may grant a written permit to any person, company, corporation, or association or their authorized representative for such period of time and under such restrictions and upon such conditions as the Common Council may deem just and proper, including a deposit in an amount that the said Common Council shall deem just and proper but not to exceed \$1000.00 for the purpose of insuring the faithful performance that such obstruction or excavation will be removed or restored so that the public property or streets are restored in as good a condition as before the placing or making of such obstruction or excavation. That upon failure of said person, company, corporation, or association to do so after 10 days written notice to such persons, company, corporation or association, said deposit shall be forfeited to the Village of Brownsdale,

Minnesota, and such forfeiture of said deposit shall be in addition to any other remedies that the Village of Brownsdale, Minnesota, may possess under law to either compel the performance of such restoration or for damages.

Section 4. That upon the faithful performance that said obstruction or excavation is removed or restored so that the village or public property or streets are restored in as good a condition as before the placing or making of such obstructions or excavations by the person, company, corporation or association causing the same, the amount of said deposit shall be returned to said person, company, corporation or association that made said deposit.

Section 5. Any other ordinances or parts thereof inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

Section 6. Any person violating provisions of Sections 1 through 4, inclusive, of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than \$100.00 or to imprisonment for a period not exceeding 90 days.

Passed by the Common Council of the Village of Brownsdale, Minnesota, this 8 day of MAY, 1967.

(SEAL)

Dale E. Jarvis
Village Clerk

Glen H. Stanton
Mayor, Village of Brownsdale,
Minnesota