

CHAPTER THREE

STREETS AND SIDEWALKS

300 SIDEWALKS

300.01 Definitions

- a. "Sidewalk" means an improved area made of concrete designed for pedestrian traffic and located upon the public boulevards within the dedicated street of the City of Glencoe.
- b. "Existing Sidewalk" means sidewalks which are presently in place even though they do not conform to the specifications hereinafter provided for.
- c. "Trunk Sidewalk" means specially designated sidewalks according to the provisions of this ordinance which are determined to be of greater importance by reason of the need of their use to gain access to various important locations within the City of Glencoe, including but not limited to the downtown area, the hospital, the schools and the churches within the community. Trunk sidewalks shall also provide for adequate handicap access where appropriate to be phased in according to a plan of implementation as from time to time the City of Glencoe is able to develop and pay for within its budget constraints.
- d. "Person(s)" means any natural person, firm, corporation, partnership, organization or legal entity whatsoever, including such entities that are acting through employees, servants, agents or others.

300.02 The City Council declares that the retention, repair and replacement of existing sidewalks within the City of Glencoe is in the public interest and that as far as possible the existing sidewalk system should be maintained, repair and replaced, except in such circumstances where the council determines it is unnecessary, unfair or not in the public interest to continue the sidewalk system.

300.03 The Superintendent of the Street Department is directed to forthwith make an inventory of all of the existing sidewalks within the City of Glencoe and as soon as possible thereafter report to the City of Glencoe his findings with particular reference to the following:

- a. The location of all existing sidewalks.
- b. Identify any obvious gaps in existing sidewalk systems.
- c. Identify any deteriorated condition upon any particular portion of any sidewalk causing it to be unsafe or otherwise unusable.

Upon receipt of the report from street superintendent, the City Council shall review such report and cause appropriate maps thereof to be prepared. The City Clerk shall maintain a permanent file as to the location and existence of all sidewalks within the City of Glencoe and updating this map as required so that changes in the location of sidewalks, including the

addition or the removal thereof.

300.04 Any sidewalks within the City of Glencoe which are determined to be deteriorated or otherwise in a condition unsafe or unfit for use shall be remedied by replacement or repair according to the provisions of this ordinance, and according to the specifications for the replacement or repair of sidewalk provided for in this ordinance.

300.05 The City Clerk is instructed to direct the City Engineer to prepare specifications for various sidewalks in the City of Glencoe giving due consideration to residential areas, commercial areas, business district areas, as well as a trunk sidewalk system all in accordance with any state or federal regulations. Such specifications shall be presented to the City Council as soon as practically possible. Upon adoption by the Council by resolution such specifications shall be kept on file and available to any property owner in the City of Glencoe, or its agent or contractor, for use to comply with the terms and conditions of this ordinance.

300.06 The cost of installation, maintenance and repair of sidewalks within the City of Glencoe shall be the responsibility of the abutting property owner. Such installation, maintenance and repair may be undertaken by such property owner, privately or through privately retained contractors, provided such installation, maintenance and repair is in strict conformity with the specifications adopted by the City Council, and during the course of such installation, maintenance and repair, the street superintendent or his designee inspects and supervises such installation to insure conformity with the specifications. The City Council shall have the authority to install sidewalks and to assess the costs as to the benefitted property owner in the mode and manner provided by Minnesota Statutes Chapter 429 as may be amended from time to time. The City Council shall have the authority to expend city funds towards the installation, maintenance and repair of sidewalks, in circumstances as the City Council determine fairness and justice requires in the sole and exclusive discretion of the City Council. Any costs associated with the implementation of a trunk sidewalk within the City of Glencoe which is in excess of the normal and customary costs of the installation of sidewalks within the City shall be an appropriate expenditure of city funds.

300.07 The City Council shall forthwith develop a plan for the installation of trunk sidewalks within the City of Glencoe and to set a timetable for the implementation of such plan as may be reasonably accomplished within the budget constraints of the City. Upon the adoption of such a plan, a map shall be prepared showing the location of trunk sidewalks which shall be maintained on file by the City Clerk and available for inspection by any interested party.

300.08 No person shall remove, deface, damage, destroy or otherwise alter the condition of any sidewalk within the City of Glencoe without the express written authorization of the City Council of the City of Glencoe. Any damage or destruction which is occasioned by any party whether it be accidental or otherwise shall be repaired or placed

immediately by the abutting property owners expense. If the damaged or destruction was occasioned by the actions of a person other than the abutting property owner, such abutting property owner shall have the right to recover the cost of repair or replacement from the responsible person according to the general principals of law as are made and provided, but such actions of third persons shall not alleviate the abutting owner of the responsibility to maintain, replace or repair damaged, destroyed or defective sidewalks.

300.09 The City Council shall review and consider all areas of the City that are not presently served by the sidewalk system. The City Council shall determine whether or not a sidewalk system would be appropriate under the circumstance in any such area. To the degree the City Council determines sidewalks to be appropriate, the Council may require the installation of sidewalks in accordance with the other provisions of this ordinance. The City Council shall have in its discretion the right to determine whether sidewalks would not be appropriate and exercise of such discretion shall not prevent the council from enforcing the other provisions of this ordinance requiring the repair, replacement or maintenance of sidewalks in other areas of the City. As new subdivisions and areas of the City are developed, the City Council shall review as a part of the platting process such areas and determine whether or not the installation of sidewalks are appropriate, and shall require or waive the installation of sidewalks in each area on a case by case basis.

300.10 No person shall use a sidewalk for any purpose other than pedestrian traffic. The use of a bicycle, motorscooters, motorcycles or other motor vehicles is strictly prohibited. Small children using tricycles or other small wheeled toys shall be permitted provided such items are not left unattended upon the sidewalk and further provided such children are supervised by their parent or guardian. No person shall leave, store or maintain any objects of any type whatsoever upon any sidewalk within the City of Glencoe.

300.11 The abutting property owner of any sidewalk within the City of Glencoe upon which any person is injured by reason of a defect upon the sidewalk, any object whatsoever left upon the sidewalk, or any unauthorized use of a sidewalk by the property owner or property owner's licensee or lessee or others residing within, or upon, the property owners premises, shall be responsible for any damages that result, and shall hold the City of Glencoe harmless and indemnify the City for such losses that the City may be required to pay to any third person.

300.12 Any violation of this ordinance shall constitute a misdemeanor subject to the penalties according to the uniform penalty for misdemeanor violations adopted by the City of Glencoe. (See Uniform Misdemeanor Violation Penalties and General Regulations Section.)

300.13 In addition to any criminal penalty the City Council shall have the power to enforce this ordinance by the means of injunctive relief and any other remedy available at law.

(Source: Ordinance No. 367 adopted September 5, 1989.)

303 BOULEVARD AREAS

303.01 A boulevard area shall be defined for the purposes of this ordinance as any area within a dedicated public street or alley, including unimproved streets and alleys, except that portion of the street or alley which has improved gravel or bituminous surface and/or curb and gutter.

303.02 The owner of any premises within the City of Glencoe abutting upon an boulevard area is charged with the obligation of maintaining the surface area of said boulevard in a reasonable and sightly condition and in conformity with the other ordinances of the City of Glencoe. This obligation includes the cutting of grass, the trimming of trees and elimination of noxious weeds.

303.03 In the event it is determined that any owner has violated the provisions of this ordinance, the City Clerk shall give to such owner, at the address of the owner according to the tax rolls of record in the County Assessor's Office, notice and demand that said owner eliminate the offending condition within ten (10) days of such notice. If such condition not be eliminated within the time required by said notice, the City Council shall have the power to order such condition to be abated by City employees, or private contractor, and the cost of such elimination shall be billed to the owner thereof. If such owner fail to pay such cost within thirty (30) days of said billing, said cost may be collected in conformity with the ordinances providing for the collection of charges due to the City of Glencoe, including the imposition of finance charges for delinquent payment.

303.04 Violation of this ordinance shall constitute a petty misdemeanor, and each day of violation shall be considered a separate offense. (See Uniform Misdemeanor Penalties in General Regulations Section of this Code.)

(Source: Ordinance No. 63 adopted August 7, 1989.)

305. BOULEVARD TREES

305.01 Definition. The word boulevard as used in this ordinance shall mean that portion of any street in the City of Glencoe between the lot line and the traveled portion of the street.

305.02 No persons shall plant or cause to be planted on any boulevard in the City of Glencoe, any tree of any variety other than the following varieties: Norway Maple, Cleveland

Norwood Maple, Emerald Queen Norway Maple, Schwedler Norway Maple, Summer Shade Norway Maple, Royal Red Norway Maple, Columnar Norway Maple, Globe Norway Maple, Jade Glen Norway Maple, American Linden, Littleleaf Linden, Greenspire Linden, Redmond Linden, Seedless Ash, Male Ginko, Seedless Honeylocust, White Oak, Swamp White Oak. Every tree planted shall not be less than six feet in height as of the date of planting.

305.03 Every tree planted on any boulevard in the City of Glencoe shall be planted a distance of not less than thirty five feet from any other tree on said boulevard and at a distance of not less than thirty three feet from any tree located on the property abutting the boulevard.

305.04 No trees shall be planted on any boulevard in the City of Glencoe at a distance of less than fifteen feet from the intersection of the lot lines on said boulevard, and all trees on any boulevard in the City of Glencoe shall be trimmed to a height of not less than eight feet from the ground level.

305.05 All trees planted on any boulevard within the City of Glencoe shall be planted on a line equal-distant from the established inside curb line and the established outside sidewalk line of such boulevard.

305.06 No person shall plant any trees on any boulevard in the City of Glencoe without first securing a permit therefor from the Park Board of the City of Glencoe who upon issuing such permit shall fix the locations or location of the trees to be planted pursuant to said permit.

(Source: Ordinance No. 101 adopted June 2, 1941; Section 305.02 amended by Ordinance No. 316 adopted September 17, 1984; Section 305.03 amended by Ordinance No. 123 adopted April 4, 1949.)

306. REGULATION OF TREE PLANTING, MAINTENANCE & REMOVAL OF TREES

Section 1: Section 306 shall be deleted in its entirety and replaced with the following language:

“Section 306. Regulation of Trees

Purpose: The City of Glencoe (herein called the “City”) believes that it is in the best interest of the general public for the City to regulate boulevard landscaping and treatments as well as the planting, pruning and removal of trees located upon City boulevards, rights-of-way and easements. The City encourages the proper planting and care of trees within the City. The City Tree Inspector or designee shall have the authority to enforce the City Code and implement related policy.

Subd. 1. Definitions

A. Right-of-way – City, County or State owned or controlled property designated to be used for streets, sidewalks, alleys, and boulevards.

B. Boulevard – The portion of a right-of-way that is located between the concrete curb and property line of adjacent private property (approximately fifteen feet), including the sidewalk or area reserved for sidewalk.

C. Easement – Permission granted by a property owner authorizing the City to enter a strip of land for the purpose of constructing and maintaining streets, public utilities, storm drainage ways or ponding areas.

D. Tree Inspector - A person employed by the City responsible for inspecting trees within City limits and implementing this ordinance. The tree inspector may appoint a designee and retain a tree care service to carry out the provisions of this ordinance. Any tree care service retained by the City must show proof of insurance in an amount as deemed appropriate by the City.

Subd. 2. Boulevards

A. General standards: Boulevard sections of public rights-of-way throughout the City can be planted with grass, or a combination of grass and deciduous trees. Any trees planted within or near boulevards shall be of a species acceptable to the City and planted and pruned in such a manner to insure that foliage does not obstruct pedestrians, vehicles, utility lines or regulatory signage. It is the responsibility of the adjoining property owners to properly maintain boulevard grass and trees, to keep the area free of weeds and debris, and to remove any substance or material that may be hazardous to pedestrians.

Subd. 3. Tree Planting

A. Varieties of trees: Only those trees identified by the attached resolution which may be amended from time to time may be planted on the City's rights-of-way, boulevards and/or easements.

B. Suitable planting conditions: Generally, trees planted on boulevards shall adhere to the specifications as described in the attached resolution titled "Glencoe Acceptable Shade and Boulevard Trees." This information refers to the space from the tree to the back of concrete curb and to the sidewalk (or area reserved for sidewalk if none exists). It also specifies which trees are acceptable for planting under power lines.

C. Spacing: No trees shall be planted closer than the following: large trees-thirty (30) feet and small trees-fifteen(15) feet of another tree and/or stop sign and fifteen (15) feet of a light standard, power pole, or hydrant without approval of the Tree Inspector or designee. Also, no tree shall be planted where it may interfere with sight lines to traffic signs, the clear view at intersections, the overhead power lines, street lighting or any other City infrastructure. No street trees, other than those species accepted as small trees on the attached resolution titled

“Glencoe Acceptable Shade and Boulevard Trees” may be planted under any overhead utility wire or within fifteen (15) feet of any other utility.

1. Exceptions – If the green space does not meet the size requirements for planting or if there are any other special circumstances, the Tree Inspector or designee shall review each proposed planting on an individual basis.

D. Wrong Choice of Planted Tree: The Tree Inspector or designee may require the replanting of a boulevard tree at least three (3) feet (minimum) behind the sidewalk or space reserved for sidewalk on either public or private property, if it is interfering with sight lines to traffic signs, the clear view at intersections, the overhead power lines, street lighting or any other City infrastructure.

Subd. 4. Tree Removal on Public and Private Property

A. Reasons for Tree Removal (Exceptions considered on an individual basis.)

1. Disease,
2. Dead or declining health,
3. Structurally hazardous/obstructs views,
4. Undesirable species,
5. Insufficient growing space, or
6. Threat to the health and well being of the public and/or urban forest.

B. 1. City Action/Non-Utility: The Tree Inspector, as appointed by the City Council, may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature lacks the minimum clearance over streets, alleys and sidewalks, is dead or is affected with any injurious fungus, insect, or other pest which constitutes a potential threat to the trees within the city. The Tree Inspector will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax assessment.

2. City Action/Utility: Any tree or part thereof which is unsafe or injurious to sewers, electric power lines, water lines, and other public improvements shall be removed or trimmed.

C. Removal of Stumps: All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground. The waste material shall be cleaned up and the hole filled with soil.

Subd. 5. Tree Commission

A. Establishment. The Tree Commission is the Park Board.

B. Purpose. The purpose of the commission is to aid and advise the City Council in the creation and implementation of a plan for the development, conservation, and care of the urban forest resources of the City.

C. Procedure.

1. The Commission shall adopt rules for the conduct of its affairs, including the frequency and schedule of meetings. These shall be filed with the City Clerk.
2. All meetings of the Commission shall be open to the public.
3. The Commission shall record minutes of each meeting and shall file such minutes and an annual report of the activities of the commission with the City Clerk. The Commission may file such other reports or pertinent information as the Commission deems appropriate. A majority of the members shall be a quorum for the transaction of business.

D. Duties. In fulfillment of its purpose, the Commission's duties and responsibilities shall include, but not be limited to, the following:

1. Coordinate a community inventory of all trees and available planting spaces on public property, and upon completion of the inventory, supervise the updating of the inventory every three years.
2. Recommend the manner in which the City of Glencoe prunes and/or removes dead or weakened portions of trees.
3. Develop and implement a program of plant health management, including monitoring of insect control and disease situations; management of hazardous trees; selective treatment; and maintenance of tree vigor.
4. Develop and implement a plan for the selection of trees to be planted on public property to insure the diversity of species, ages, and sizes within the City's urban forest and to lessen damage to the City's urban forest caused by insects, disease, and the environment.
5. Educate and inform residents on matters concerning the betterment of trees and related resources.
6. Advise the City Council on various other matters concerning trees and related resources, including, from time to time, evaluation of and recommendations regarding the City's boulevard tree and shrubs policy and other ordinances affecting trees.”

Section 2: This ordinance shall take effect and be in force from and after its passage and publication.

(**Source:** Ordinance No. 397 adopted June 15, 1992; Section 306 replaced by Ordinance 553 adopted October 5, 2009)

310. SNOW REMOVAL FROM SIDEWALKS

310.01 It shall be unlawful for the owner or occupant of any building in front of which, or adjacent

to which, a sidewalk has been constructed for the use of the public, to allow any accumulation of snow or ice to remain upon said sidewalk longer than twelve (12) hours after said snow or ice has ceased to be deposited thereon.

310.02 It shall be unlawful for any owner of a vacant lot, filling station, implement dealer, corporation or any other person or corporation owning property adjacent to which a sidewalk has been constructed for the use of the public to push or otherwise move the snow, which has fallen upon the property owned by the foregoing persons or corporations, upon the sidewalks or the streets adjacent to said property.

310.03 All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance, and all persons owning vacant property adjacent to such public walks are hereby required to abate such nuisance or cause the same to be abated within twelve hours after said snow or ice has ceased to be deposited on said sidewalk.

310.04 It shall be the duty of the street commissioner to cause to be removed from all public sidewalks, beginning twelve (12) hours after any snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and he 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 Clerk as soon as the work removal is completed.

310.05 The Clerk shall, upon direction of the Council, on receipt of the information provided for in the preceding section to be delivered to him by the Street Commissioner, extend the cost of said removal of snow or ice as a special tax against the lots or parcels of ground abutting on which walks were cleared, and such special tax shall at the time of certifying taxes to the County Auditor be certified for collection as other special taxes are certified and collected.

310.06 The Clerk shall, at the direction of the Council, bring suit in any court of competent jurisdiction to recover from the person, firm or corporation owning land adjacent to which sidewalks were cleared, as provided in Section 310.3 hereof, the cost of said clearing and the costs of suit in a civil action.

310.07 If the Council so directs, any person, firm or corporation who violates Sections 310.1 or 310.2 of this Code shall be prosecuted before a Justice of the Peace (or in the municipal court) and if convicted of said violation shall be deemed guilty of a misdemeanor and punished by a fine of not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) and costs, or by imprisonment in the county jail for not less than one day nor more than sixty days or by both such fine and imprisonment. (See Uniform Misdemeanor Violation Penalties in General Regulation Section of Code.)

310.08 It shall be the duty of the clerk to present the council at its first meeting after any snow or ice has been cleared from the sidewalks as provided in Section 310.3 hereof the report of the street commissioner thereon and to request said council to determine by

resolution whether the procedure provided in Section 310.5, 310.6 or 310.7 shall be followed, or any combination of two or more of said procedures.

310.09 No person shall cause any snow, ice or combination thereof to be placed upon any street or roadway in the City of Glencoe after such street or roadway has been plowed, including snow being deposited there by shoveling, snowblower or other mechanical devices. There shall however, be an exception to this prohibition in the downtown business district. There persons shall be entitled to deposit snow upon sidewalks upon the roadways following the first plowing of the street, but before the second plowing of the street following each snowstorm.

310.10 No person shall throw or deposit glass, metal, garbage, tin cans, car parts, lubricating oils or petroleum, fuels, or any other discarded item including rubbish or garbage upon any street, highway, boulevard, park or other public property or right-of-way, and anyone who drops or throws, or permits to be dropped or thrown any such substance shall immediately cause the same to be removed. Any wrecked or damaged vehicle on a street or roadway shall be removed therefrom without unreasonable delay, and pending removal shall be guarded 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 said vehicle.

(Source: Ordinance No. 130 adopted March 2, 1953; Section 310.9 added by Ordinance No. 337, adopted January 22, 1986; Section 310.1 added from Ordinance No. 106 adopted February 2, 1942; Section 310.10 amended by Ordinance No. 437, adopted June 2, 1997.)

315. ONE WAY STREET DESIGNATIONS

315.01 That Greeley Avenue from 13th Street to 18th Street be designated as a one way street with traffic flowing to the north.

315.02 The City Council hereby determines that it is to the best interest of the City to create a one-way alley between Hennepin Avenue and Greeley Avenue with traffic flowing north between 17th Street and 18th Street.

315.03 Any person convicted of violating the provision of this ordinance shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed \$100.00 or to imprisonment for a period not to exceed 90 days. (See Uniform Misdemeanor Violation Penalties in General Regulation Section of Code.)

(Source: Section 315.01 from Ordinance No. 186 adopted June 5, 1961; Sections 315.02 and 315.03 from Ordinance No. 209 adopted August 7, 1967.)

316. USE OF STREETS AND SIDEWALKS

316.01 It shall be illegal for any individual, partnership, cooperative, or corporation to drag upon any street in the City of Glencoe, any trees, brush, buildings or any other materials or structures of a like nature.

316.02 That no person shall park, encumber or obstruct any street, sidewalk or alley within the City of Glencoe that is open to the public by either placing thereon of any object whatsoever, and no person shall dig, remove or carry away from any street, alley or public ground in the City of Glencoe any earth, bituminous surfacing nor in any matter change or damage the grade or surface of any street or alley without the authority of the City Council. The following shall be exceptions to this section:

- a. Properly licensed motor vehicles, as defined under Minnesota Statutes, which are lawfully parked under the parking regulations provided by State Statutes and the Glencoe Municipal Code. Property licensed lawful trailers, provided they are attached to a property licensed motor vehicle which is legally parked shall be deemed to be part of the motor vehicle.
- b. Construction trailers, construction equipment, debris receptacles or dumpsters, and similar items provided the owner thereof has secured from the City Administrator, and after approval by the Chief of Police, a temporary permit for location of such items with a specific location and for a limited duration. The City Administrator shall promulgate an application therefore and such permits shall be granted provided reasonable necessity can be shown. In the case of any object permitted to be left on a street, sidewalk or alley for a temporary period of time adequate safety precautions shall be taken as are deemed appropriate in each case including: reflectors, warning lights, fences or signs, as the Chief of Police determines is necessary given the location to protect the public safety.
- c. Lawful trailers properly licensed may be parked unattached from motor vehicles upon public streets between the hours of sunrise and sunset, and subject to all other parking regulations. In any case a trailer so parked which uses any form of jack, dolly or other supporting device, adequate precautions shall be taken to prevent damage to any roadway surface.

316.03 That no person shall throw shavings, straw, wood, stone, manure, ashes, refuse or rubbish of any kind on or into any street, alley, sidewalk or other public place.

316.04 That no person shall place or suffer to be placed upon any sidewalk any goods, merchandise, boxes, barrels, or kegs for show or sale.

316.045 PUBLIC STORM SEWER. A public storm sewer is one that is located entirely within publicly owned land or easements.

316.046 ILLICIT DISCHARGE AND CONNECTION

Section 316.046.01: Purpose and Intent. The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Glencoe through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

The objectives of this ordinance are:

- a. To regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
- b. To prohibit illicit connections and discharges to the MS4.
- c. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

Section 316.046.02: Definitions. For the purposes of this ordinance, the following shall mean:

- a. Authorized Enforcement Agency. Employees or designees of the City of Glencoe designated to enforce this ordinance.
- b. Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- c. Clean Water Act. The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- d. Construction Activity. Activities subject to NPDES Construction Permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- e. Deicer. Any substance used to melt snow and ice or used for its anti-icing effects.
- f. Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- g. Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 316.046.08 of this ordinance.

- h. Illicit Connections. An illicit connection is defined as either of the following:
 - i. Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
 - ii. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.
- j. Industrial Activity. Activities subject to NPDES Industrial Storm Water Permits.
- k. Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City of Glencoe and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.
- l. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- m. Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.
- n. Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- o. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; deicers, pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

- p. Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- q. Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- r. Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- s. Storm Water Management Plan. A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.
- t. Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Section 316.046.03: Applicability: This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City of Glencoe.

Section 316.046.04: Responsibility for Administration. The City of Glencoe shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Glencoe may be delegated in writing by the Glencoe City Administrator of the City of Glencoe to persons or entities acting in the beneficial interest of or in the employ of the City of Glencoe.

Section 316.046.05: Compatibility with other Regulations. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 316.046.06: Severability. The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application

thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Section 316.046.07: Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

Section 316.046.08: Discharge Prohibitions.

- a. Prohibition of Illegal Discharges. No person shall directly or indirectly discharge, cause, or allow others under its control to directly or indirectly discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- i. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, de-chlorinated swimming pool discharges, and street wash water.
 - ii. Discharges or flow from firefighting, and other discharges specified in writing by the City of Glencoe as being necessary to protect public health and safety.
 - iii. Discharges associated with dye testing; however this activity requires a verbal notification to the City of Glencoe prior to the time of the test.
 - iv. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA), provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- b. Prohibition of Illicit Connections.
 - i. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
 - ii. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - iii. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

- iv. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the City of Glencoe.
- v. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the City of Glencoe requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the City of Glencoe.

Section 316.046.081 Sump Pump Connections shall be added to Code 316, Streets and Sidewalks, Discharge Prohibitions as follows: “Property owners may discharge sump pump water on their own land if the discharge does not create a hazardous condition on a sidewalk, street, alley or a neighboring property. A hazardous condition is defined as the presence of green algae (slime), ice, pooling of water, street erosion or washouts. If a hazardous condition is created and a subsurface connection to the street system is provided, the property owner must connect to the subsurface connection. Failure to connect to the subsurface connection is a violation of this ordinance and is subject to the violations and penalties as contained in 316.046.17 and 316.046.18. If the property owner does not have a subsurface connection the property owner must correct the hazardous condition. Failure to correct the hazardous condition is a violation of this ordinance and is subject to the violations and penalties as contained in 316.046.17 and 316.046.18.”

Section 316.046.09: Deicer Storage Requirements. Property owners of commercial, institutional, and non-NPDES permitted industrial facilities must employ best management practices to minimize the discharge of polluted runoff from salt and deicer storage and application as follows:

- a. Designated salt and deicer storage areas must be covered or indoors;
- b. Designated salt and deicer storage areas must be located on an impervious surface; and
- c. Implementation of Best Management Practices (BMPs) to reduce exposure when transferring material in designated deicer storage areas (e.g., sweeping, diversions, and/or containment).

Section 316.046.10 Watercourse Protection. Every person owning property through which a watercourse passes and/or contains a stormwater inlet or catch basin, or such person's lessee, shall keep and maintain that part of the watercourse and/or stormwater inlet or catch basin within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 316.046.11: Industrial or Construction Activity Discharges. Submission of Notice of Coverage/Authorization to the City of Glencoe.

- d. Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Glencoe prior to the allowing of discharges to the MS4.
- e. The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water associated with industrial or construction activity shall submit a copy of the coverage notification or notification of permit authorization to the City of Glencoe.
- f. The copy of the coverage notification or notification of permit authorization may be delivered to the City of Glencoe either in person or by mailing it to:
 - City of Glencoe
 - Attn: City Administrator
 - 1107 11th Street East, Suite 107
 - Glencoe, MN 55336
- g. A person commits an offense if the person operates a facility that is discharging storm water associated with industrial or construction activity without having submitted a copy of the coverage notification or notification of permit authorization to do so to the City of Glencoe.

Section 316.046.12: Compliance Monitoring.

- a. Right of Entry: Inspection and Sampling. The City of Glencoe shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance.
 - i. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City of Glencoe.
 - ii. Facility operators shall allow the City of Glencoe ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
 - iii. The City of Glencoe shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City of Glencoe to conduct monitoring and/or sampling of the facility's storm water discharge.
 - iv. The City of Glencoe has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger. Sampling and monitoring activities and equipment, including installation, maintenance, and removal shall be at the

discharger's own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.

- v. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Glencoe and shall not be replaced. The costs of clearing such access shall be borne by the operator.
 - vi. Unreasonable delays in allowing the City of Glencoe access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with an NPDES permit to discharge storm water associated with industrial or construction activity commits an offense if the person denies the City of Glencoe reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- b. Search Warrants. If the City of Glencoe has been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of Glencoe may seek issuance of a search warrant from any court of competent jurisdiction.

Section 316.046.13: Requirement to Prevent, Control and Reduce Storm Water Pollutants by the Use of Best Management Practices. The owner or operator of any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of structural and non-structural Best Management Practices. Further, any person responsible for a property or premise that is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial or construction activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a Storm Water Management Plan (SWMP) as necessary for compliance with requirements of the NPDES permit

Section 316.046.14: Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release, at their own expense. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the City of Glencoe in person or by phone or email no later than

the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Glencoe within two (2) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

Failure to provide notification of a release as provided above is a violation of this ordinance.

Section 316.046.15: Violations, Enforcement, and Penalties.

- a. **Violations.** It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the City of Glencoe is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The City of Glencoe is authorized to seek costs of the abatement as outlined in Section 316.046.22.

- b. **Warning Notice.** When the City of Glencoe finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the City of Glencoe may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice. Nothing in this subsection shall limit the authority of the City of Glencoe to take any action, including emergency action or any other enforcement action, without first issuing a Warning Notice.
- c. **Notice of Violation.** Whenever the City of Glencoe finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the City of Glencoe may order compliance by written notice of violation to the responsible person. The Notice of Violation shall contain:

- i. The name and address of the alleged violator;
- ii. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- iii. A statement specifying the nature of the violation;
- iv. A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- v. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;

- vi. A statement that the determination of violation may be appealed to the City of Glencoe by filing a written notice of appeal within 30 days of service of notice of violation; and
- vii. A statement specifying that, should the violator fail to restore compliance within the established time schedule, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. Such notice may require without limitation, at their own expense:
- viii. The performance of monitoring, analyses, and reporting;
- ix. The elimination of illicit connections or discharges;
- x. That violating discharges, practices, or operations shall cease and desist;
- xi. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- xii. Payment of a fine to cover administrative and remediation costs; and
- xiii. The implementation of source control or treatment MPs.

Section 316.046.16 Costs. In addition to the other penalties provided herein, the City may recover engineering fees, court costs, court reporter's fees, attorney fees, and other expenses of litigation or enforcement by an appropriate action against the person or entity found to have violated this ordinance or the orders, rules, regulations, and permits issued hereunder.

Section 316.046.17: Suspension of MS4 Access.

- a. Emergency Cease and Desist Orders. When the City of Glencoe finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the City of Glencoe may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:
 - i. Immediately comply with all ordinance requirements; and
 - ii. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge. Any person notified of an emergency order directed to it under this Subsection shall immediately comply and stop or eliminate its endangering discharge. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the City of Glencoe may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including immediate termination of a facility's water supply, sewer connection, or other municipal

utility services. The City of Glencoe may allow the person to recommence its discharge when it has demonstrated to the satisfaction of the City of Glencoe that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this ordinance. A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the City of Glencoe within five (5) days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

- b. Suspension due to Illicit Discharges in Emergency Situations. The City of Glencoe may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City of Glencoe may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.
- c. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City of Glencoe will notify a violator of the proposed termination of its MS4 access. The violator may petition the City of Glencoe for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City of Glencoe.

Section 316.046.18: Civil Penalties. In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the City of Glencoe shall deem appropriate, after the City of Glencoe has taken one or more of the actions described above, the City of Glencoe may impose a penalty not to exceed \$ 1,000.00 (depending on the severity of the violation) for each day the violation remains un-remedied after receipt of the notice of violation

Section 316.046.19 Criminal Penalties. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$ 1,000.00 or by imprisonment for not to exceed ninety (90) days or both.

Section 316.046.20: Appeal of Notice of Violation: Any person receiving a Notice of Violation may appeal the determination of the City of Glencoe. The notice of appeal must be received within thirty (30) days from the date of the Notice of Violation, except in the instance where a Cease and Desist Order is issued as described in Section 316.046.16, then the notice of appeal must be received within ten (10) days from the date of the Cease and Desist Order. Hearing on the appeal before the appropriate authority or his/her designee shall take place within thirty (30) days from the date of

receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Section 316.046.21: Enforcement Measures After Appeal. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ten (10) days of the decision of the municipal authority upholding the decision of the City of Glencoe, then representatives of the City of Glencoe shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Section 316.046.22: Cost of Abatement of the Violation. Within forty-five (45) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the City of Glencoe by reason of such violation. The liability shall be paid in not more than twelve (12) equal payments. Interest at the rate of eight (8) percent per annum shall be assessed on the balance beginning on the first day following discovery of the violation.

Section 316.046.23: Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken

Section 316.046.23: Remedies Not Exclusive. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Glencoe to seek cumulative remedies.

The City of Glencoe may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Section 316.05 That no person shall allow any cellar door, grating or fastening owned or used by him to rise above the sidewalk in which the same is placed, and no person shall construct or maintain any flight of stairs descending from any sidewalk in said village, unless he shall construct and maintain on the side thereof a substantial wooden or an iron railing at least two and one-half feet high.

Section 316.06 No person shall use any sidewalk, boulevard, public street, alleyway, public park, or any other public property whatsoever to repair, restore, remodel, overhaul, maintain or service any motor vehicle, including but not limited to automobiles, trucks, motorcycles, snowmobiles, motor scooters or other motorized equipment or contrivances. This provision shall not prevent

emergency repairs necessary to either remove or restart a vehicle which has been rendered inoperable during lawful use on a public street, provided such restarting or removal may be accomplished without extensive repairs or replacement, and further provided no parts, tools, or fluids such as lubricating oil, fuel, antifreeze, or transmission fluids are left or deposited upon public property.

Section 316.07 Any person violating the provisions of municipal code chapter 316 shall be guilty of a misdemeanor and subject to penalties accordingly.

(Source: Sections 316.01 and 316.06, Ordinance No. 149 adopted September 7, 1954; Section 316.02 through 316.05, Ordinance No. 6 adopted March 29, 1894; Sections 310.10, 316.06 and 316.07 amended by Ordinance No. 437 adopted June 2, 1997; Section 316.02 amended by Ordinance No. 447 adopted May 4, 1998; Section 316.045 added to Section 316 by Ordinance No. 576 adopted September 4, 2012. Section 316.046 amended (replaced) by Ord. No. 582 adopted May 5, 2014. Section 316.046.081 Sump Pump Connections amended by Ordinance 587 adopted November 3, 2014; Sections 316.046.02 to 316.07 amended by Ordinance 613 adopted August 1, 2022)

320. DESIGNATION OF STREET NAMES AND NUMBERING SYSTEM

320.01 That all North and South streets in said City shall be designated as Avenues and that all East and West streets in said City shall be designated as Streets.

320.02 That henceforth the names of all streets and avenues within the corporate limits of the City of Glencoe or any subsequent extension thereof shall be as follows:

Beginning at the Westerly boundary of the City of Glencoe, the first North and South street situated East of said boundary shall be designated as Armstrong Avenue (formerly Clark); proceeding thence Easterly the North and South avenues in said city shall be designated and named as follows: Baxter Avenue (formerly Hassan); Chandler Avenue (formerly Elizabeth); DeSoto Avenue (formerly Park); Elliott Avenue (formerly Chandler); Ford Avenue (formerly Sibley); Greeley Avenue (formerly Greeley); Hennepin Avenue (formerly Hennepin); Ives Avenue (formerly McLeod); Judd Avenue (formerly Union); Knight Avenue (formerly Carver); Loudon Avenue (formerly Elm); McLeod Avenue (formerly Lincoln); Newton Avenue (formerly Vinton); Owen Avenue (formerly Mayall); Pryor Avenue (formerly Wilson); Queen Avenue (formerly Market); Russell Avenue (formerly Camden); Stevens Avenue (formerly Jackson); Taylor Avenue (formerly Maple); Union Avenue (formerly Minnesota); Vinton Avenue (formerly Ann); Wilson Avenue (formerly Helen); Morningside Avenue; DeSoto Avenue South of Buffalo Creek (formerly Park).

Beginning at the Southerly boundary of the City of Glencoe, the East and West Street situated thereon shall be designated as Second Street South. Proceeding thence Northerly the East and West streets in said city shall be designated and named as follows: Second Street, Third Street, Fourth Street, (formerly Evans); Fifth Street (formerly Wood); Sixth Street (formerly Grant); Seventh Street (formerly Penn); Eighth Street (formerly Washington); Ninth Street (formerly Water); Tenth Street (formerly Main); Eleventh Street (formerly Franklin); Twelfth Street (formerly Liberty); Thirteenth Street (formerly Walnut); Fourteenth Street (formerly DeSoto); Fifteenth Street (formerly Eutaw); Sixteenth Street (formerly Bluff); Seventeenth Street, Eighteenth Street.

320.03 The house and property numbering within the boundaries of the City of Glencoe shall be in accordance with the following plan:

- a. That all properties facing an east-west street, west of Armstrong Avenue shall contain the designation "West" with their address, and that all properties facing an east-west street lying east of Armstrong Avenue shall contain the designation "East"

with their address.

- b. That all properties facing a north-south street lying north of 1st Street in the City of Glencoe shall contain the designation "North" with their address, and all properties facing a north-south street lying south of 1st Street in the City of Glencoe, shall contain the designation of "South" with their address.
- c. That the street names as indicated and designated on the map attached hereto (kept separately in Clerk's records) and made a part hereof as Exhibit "A" are hereby established as the names for such streets shown; and the numbering system set forth thereon is hereby established as the numbering system for said lands.
- d. That the service road running east and west on the north side of U.S. Trunk Highway No. 212 east of Morningside Avenue is hereby designated as East 10th Street; the service road running east-west on the south side of U.S. Trunk Highway No. 212 is hereby designated as East 9th Street; and the service road adjacent to Minnesota Trunk Highway No. 22 running between the westerly line of Lot 4, Block 24, Franklin Townsite to the easterly line of Fir Avenue is hereby established as West 13th Street.
- e. That all mobile home parks within the City of Glencoe are hereby required to carry a constant numbering system for each lot, and that such number be placed by a sign or plaque located upon each mobile home in the same location and height so that it may be readily seen.
- f. That all east-west non-through roadways shall be known as "Lanes", and that all north-south non-through roadways shall be known as "Drives".

320.04 The City Clerk is authorized to designate the number to be allocated to each property and shall assign such number upon the request of any owner or occupant thereof. The owner of each property in the City of Glencoe upon which there is located structures shall post upon the principal structure upon said premises the assigned address numbers subject to the following criteria:

- a. Each number shall be at least 2 1/2 inches high by 2 inches wide.
- b. Each number shall be of such a color as to clearly contrast with the background upon which it is placed so as to be reasonably legible from the street to which the side of the building upon which the number is attached is facing.
- c. The numbers shall be attached above or near the front door of the principal structure, or otherwise located on a wall of the principal structure which faces the street to which the property is assigned as an address and at such a height location and configuration to be reasonably legible and apparent from the street.

- d. The property owners shall maintain the numbers in good order and repair so that they conform to the above requirements.

The City Clerk shall give notice to the owner of any premises not conforming with the provisions of this code section, stating both the deficiency involved and the corrective measures necessary to eliminate such deficiency. Any person aggrieved by the determination of the City Clerk shall have the right to seek review before the City Council as to the City Clerk's determination. Any person violating this code section shall be guilty of a petty misdemeanor and subject to penalty accordingly.

(**Source:** Ordinance No. 90 adopted December 18, 1935, amended by Ordinance No. 281 adopted August 21, 1978, amended by Ordinance No. 382 adopted December 17, 1990.)

321 VEGETATION CONTROL IN RELATION TO STREETS AND SIDEWALKS

- 321.01 That trees, shrubs and other vegetation growing adjacent to public sidewalks, paths and pedestrian thoroughfares are declared to be a dangerous nuisance insofar as the same protrude vertically, laterally or horizontally into the plane of the sidewalk so as to interfere with the free passage of pedestrians, bicyclists and others lawfully using said pedestrian ways, in that branches, twigs, leaves and limbs of said vegetation could strike persons' eyes, faces, limbs or bodies, causing injuries and that such obstructions are often uneasily seen in poor lighting conditions.
- 321.02 The abutting property owner to any sidewalk, public path or pedestrian way is herewith charged with the obligation of controlling all trees, shrubs or other vegetation growing on either the public boulevard or the said private property so that said vegetation does not enter the vertical plane of said sidewalk, path or other pedestrian thoroughfare, as measured from the full width of the improved portion of said sidewalk, path or other pedestrian thoroughfare, to a height of at least eight (8) feet.
- 321.03 That any persons permitting such a condition described in Section 2 hereinabove to exist shall be guilty of a petty misdemeanor. The second offense within a period of one (1) year by the same property owner, even if for different property, shall be considered a misdemeanor. (See Uniform Misdemeanor Violation penalties in General Regulations Section and also appropriate state statute.)
- 321.04 That in the event it comes to the attention of the City of Glencoe that a prohibited condition exists as described in Section 2 above, the City shall notify the owner of said property by United States mail, to the owner's address as shown by the tax records in the McLeod County Auditor's Office, of the violation in each particular instance. If said property owner has not abated said violation within ten (10) days of the date of the mailing of said notice, the City through its designated agents, officers, employees or contractors shall abate the violation by removing the offending vegetation or the

necessary portions thereof. In the event the City abates the violation according to the procedures herein the property owner shall pay to the City within thirty (30) days of the date of the billing therefore, all costs incurred by the City in such abatement. In the even the property owner fails to pay said billing timely, the cost shall be certified over to the County Auditor to be collected with taxes in the same manner as the collection of special assessments and according to the procedure as set forth in Section 735 et. sub. of this Code.

(Source: Ordinance No. 295 adopted February 2, 1981.)

322 POLE PLACEMENT

322.01 That no individual firm, partnership or corporation, or their agents or employee shall install, replace or change any telegraph, telephone or electric current pole or poles, or distribute any such pole or poles, or guy or brace any pole or poles in or on the streets, alleys or public grounds of said City, except as shall be granted written license or permit by the said Council to install, replace, change or distribute any such pole or poles, or to install or change any guy or brace.

322.02 Whoever shall violate 322.01 of this code or refuse or neglect to comply with any of the provisions thereto shall, upon conviction thereof, be punished by a fine of not less than Ten and no/100 (\$10.00) Dollars nor more than One Hundred and no/100 (\$100.00) Dollars, with the costs of prosecution, and, in case of default in the payment of such fine and costs, shall be imprisoned in the common jail of McLeod County, Minnesota, until such fine and costs are paid, for a period not to exceed ninety days. (See Uniform Misdemeanor Violation penalties in General Regulations Section and also appropriate state statute.)

(Source: Ordinance No. 67 adopted March 11, 1924.)