



## CHAPTER 3 – PUBLIC PLACES AND PROPERTY

### **ARTICLE 1            CONSTRUCTION AND REPAIR OF STREETS, ALLEYS, SIDEWALKS AND OTHER PUBLIC WAYS**

**3.0101    Supervision** All construction maintenance and repair of public streets, alleys, sidewalks, and other public ways shall be under the supervision of the Street Superintendent and/or City Engineer or Commissioner of Streets and Public Improvements. He shall be charged with the enforcement of all ordinance provisions relating to such public places (except traffic ordinances) and is hereby authorized to enforce such ordinance.

*(REVISED 12/17/2018)*

**3.0102    Construction and Repair – Permits**

*(REPEALED 12/17/2018)*

**3.0103    Specifications** All construction, maintenance and repair herein shall be made in conformity with specifications laid down or approved from time to time by the governing body.

**3.0104    Duty of Owner to Maintain** It shall be the duty of the owner of any property along which sidewalk has been constructed to maintain the same in good repair and safe condition. Should any such owner fail so to maintain such sidewalks the City Engineer or Street Commissioner shall direct him to make such repairs as may be necessary to restore such sidewalk to a safe condition. Should he fail, within a reasonable time, to follow the directions of the Street Superintendent, City Engineer or Commissioner of Streets, then the Street Superintendent, City Engineer or Commissioner of Streets shall report the facts to the governing body who shall then proceed, as provided in the laws of the State of North Dakota, Chapter 40-29 of the North Dakota Century Code.

*(REVISED 12/17/2018)*

**3.0105    Application for Permit**

*(REPEALED 12/17/2018)*

**3.0106    Standards for Issuance of Permit**

*(REPEALED 12/17/2018)*

**3.0107    Sidewalks Build to Grade Specification** All sidewalks shall be constructed in accordance with the elevations and grade therefore to be furnished by the City Engineer and shall be constructed under his direction and supervision or under the direction and supervision of the Street Superintendent. All sidewalks shall meet the following requirements:

1. All sidewalks shall be constructed of concrete.
2. All sidewalks in residential areas shall be constructed not less than five (5) feet in width and shall have a minimum slope one-fourth (1/4<sup>th</sup>) inch per foot from the inside edge toward the street.
3. All sidewalks shall be of concrete and of at least four (4) inches in thickness.
4. All sidewalks shall be laid out and approved by the City Commission as follows:
  - a. In locations where the right-of-way is sixty (60) feet or less the sidewalks shall be constructed on the property line or adjacent to the curb.
  - b. In locations where the right-of-way is sixty (60) feet the sidewalk shall be constructed eighteen (18) inches out from the property line or adjacent to the curb.
  - c. Notwithstanding any other provision herein all sidewalks shall be set out so that they are in conformity with existing sidewalks to which they may attach.  
(REVISED 12/17/2018)
5. All sidewalks in commercial and/or industrial districts shall be constructed from the property line to the back of the curb and the width of sidewalk shall be governed by the width of street section; provided however, in areas where commercial development is not complete the entire sidewalk need not be constructed, a section six (6) feet in width adjacent to the curb shall be constructed thus leaving an area for structural foundations.

Any deviation shall be brought to the City Commission for approval. No public hearing required.  
(REVISED 12/17/2018)

**3.0108**     **Materials and Manner of Construction**   The kind and quality of material of which, and the manner in which curb and gutter, relaying of block walks and paving repairs shall be constructed shall be determined by the City Engineer.

**3.0109**     **City Contractor**   The City Auditor shall receive bids for the construction of sidewalks, driveways, curb and gutter and paving repairs as the City may find necessary to have done. Such bids shall be made upon forms furnished by the City Engineer and shall conform to specifications filed with the City Auditor by the City Engineer and approved by the governing body.  
(REVISED 12//17/2018)

All sidewalks, driveways, curb and gutter and alley return lying between the property line and the abutting street hereafter constructed within the City of Bowman must conform to this Chapter, and the specifications filed with the City Engineer, and approved by the governing body must specify the details with respect thereto. When any contract for the construction of sidewalks, driveways, curb and gutter, relaying of block walks, and paving repairs is about to be entered into by the City in accordance with the provisions of the laws of this state, the

contractor to whom any such contract shall be awarded shall be required, before such contract is entered into, to give in addition to the contract bond required by the laws of the State of North Dakota, an additional bond in an amount to be determined by the governing body, running to the City of Bowman, conditioned that said contractor shall maintain and keep in good repair, for a period of two (2) years from date of final acceptance all sidewalks, driveways, curb and gutter and paving repairs so constructed by such contractor under the terms of such contract, and that in case of default under the part of such contractor to so maintain and keep such improvements in good repair made by him for the said period of two (2) years, or in case they shall within said time begin to crumble or disintegrate or become cracked or broken to such an extent that, in the opinion of the City Engineer or Street Commissioner, the same is not a satisfactory compliance with the specifications for the construction thereof, then the City Engineer or Street Commissioner may direct that such sidewalks, driveways, curb and gutters or paving repairs be immediately repaired or re-laid in whole or in part as he shall deem best, and the contractor shall immediately cause the same to be repaired or failure so to repair or to relay the same, the City at any time within said two (2) years period or thereafter, may cause the same to be repaired or re-laid, and the cost there of whether done by the City directly or through a contract, may be recovered against said contractor and the surety upon such bond.

## **ARTICLE 2**            **USE AND CARE OF STREETS, SIDEWALKS AND PUBLIC PLACES**

**3.0201**    **Obstructions**    It shall be unlawful for any person, firm or corporation to cause, create or maintain any obstruction of any street, alley, sidewalk or other public way, except as may be specified by ordinance or by the City Engineer.

*(REVISED 12/17/2018)*

It shall be a violation of this Section to remove or cause to be removed snow from private property, driveways or sidewalks and placed upon any street, alley, sidewalk or other public way or any other property owned or maintained by the City.

*(REVISED 3-14-2004)*

Any person violating the provisions of this section shall be guilty of an infraction and upon conviction thereof, shall be fined not less than Twenty Five and No/100 Dollars (\$25.00), nor more than Five Hundred and No/100 Dollars (\$500.00).

**3.0201.1**    **City Storm Sewer**    The mowing, raking, or placement of grass clippings, leaves or other vegetation onto the street or other drainage into the city storm system sewer system is prohibited. Any person who violates, disobeys, neglects, omits tries willfully to circumvent the intent of the ordinance, or resists the enforcement of any of its provisions shall be guilty of an infraction.

**3.0202**    **Destruction of City Property – Prohibited – Penalty**    It shall be unlawful for any firm, person, or corporation to willfully and without just cause or excuse, to injure, deface or destroy any property owned by the City of Bowman or held by the Bowman for public use. Any person violating the provisions of this Section shall be guilty of an offense and be fined

not less than Twenty Five and No/100 Dollars (\$25.00), nor more than Five Hundred and No/100 Dollars (\$500.00).

**3.0203 Encroachments** It shall be unlawful for any person to place or store any personal property or equipment or any item upon City property without permission of the governing body. It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property. *(REVISED 04-03-2001)*

**3.0204 Openings** It shall be unlawful to construct or maintain any openings or stairway in any public street or sidewalk or alley without a permit from the governing body. All such lawfully maintained openings shall be guarded by a suitable strong cover or railing to be approved by the City Engineer or the official who supervises public improvements.

**3.0205 Wires** It shall be unlawful to erect any poles or wires or maintain any poles or wires over any public place, street, alley or other public way without having first secured permission from the governing body.

Any person or company which maintains poles wires in the streets, alleys, or other public places, shall, in the absence of provisions in the franchise concerning the subject, keep such wires and poles free from and away from any trees and shrubs in such places as far as may be possible, and keep all such trees and shrubs near such wires and poles properly trimmed, subject to supervision of the Street Superintendent, so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contract.

*(REVISED 12/17/2018)*

**3.0206 Littering - Prohibited**  
*(REPEALED FEB 2005) (REPLACED BY 7A-01-03)*

**3.0207 Dumping at Landfill While Unattended – Prohibited**  
*(REPEALED FEB 2005) (REPLACED BY 7A-01-03)*

**3.0207.1 Landfill Designated as Inert Site**  
*(REPEALED FEB 2005) (REPLACED BY 7A-01-07)*

**3.0208 Littering or Dumping at Landfill - Penalties**  
*(REPEALED FEB 2005)*

**3.0209 Burning** It shall be unlawful for any person, firm or corporation to burn any leaves, paper, rubbish or other substances upon any of the public streets, sidewalks or alleys in the City.

**3.0210 Distributing Hand Bills, Etc.** The scattering, throwing or placing of bills, posters, advertising matter, hand bills, and other similar matter on lawns, porches, yards, sidewalks, steps, streets, alleys, public or private parking lots or upon any vehicle in the City of Bowman, by any person, firm, co-partnership, association or corporation, is hereby declared to be a

nuisance and unlawful. Any such person or entity violating the provisions of this section shall be guilty of an infraction.

**3.0211 Heavy Vehicles** No person, firm or corporation shall move, or cause to be moved over the paved streets, sidewalks, crosswalks, culverts, bridges and viaducts within the City of Bowman, any engine, tractor, wagon, truck or other vehicle, object or thing which will tend to injure the paving, sidewalks, crosswalks, culverts, bridges or viaducts over which the same are transported, or which exceeds in weight, Sixteen Thousand Pounds (16,000 lbs) per axle or exceeds Seven Hundred Fifty Pounds (750 lbs) per inch of tire widths, or any vehicle to the wheels of which are attached spurs, bars, angle, irons, or cleats or any vehicle whose wheels or tracks are steel which will tend to mar or deface the paving, sidewalks, crosswalks, culverts, bridges or viaducts, except under the direction and permission of the governing body and, in addition thereto, shall pay or cause to be paid to said City, upon demand, any and all damages done to the paving, sidewalks, crosswalks, culverts, bridges or viaducts, provided that when the specified load limits herein contained will cause damage to the City's paved streets, the governing body by resolution adopted, and made public, may lower said load limits for such period of time it may deem necessary. The provisions of this Section shall not apply to state and federal highways through the City.

**3.0212 Removal of Snow and Ice from Sidewalk** It shall be, and hereby is declared to be, the duty of the owner or occupant of each lot in the City of Bowman to remove from the sidewalk in front of or along the same, any ice or snow which forms, accumulates or obstructs such sidewalk, within twenty-four (24) hours after the ice forms or the snow ceases to fall thereon, provided, however, that where the ice accumulated is of such character as to make the removal thereof practically impossible, the sprinkling of salt or sand thereon within the time specified for removal in such manner as to make such sidewalk safe for the travel of pedestrians thereon, shall be deemed a compliance with the provisions of this Article.

**3.0213 Removal of Snow and Ice by City** In case the owner of any lot in the City refuses or neglects to remove such ice from such sidewalk in front of or along a lot therein, the ice or snow therefrom within the same time above stated or refuses to sprinkle salt or sand on the same within the time specified for removal in such manner as to make such sidewalk safe for travel of pedestrians thereon, the same may be removed by or under the direction of the Street Superintendent or, if approved by the City Commission, the City Engineer, and the necessary expenses thereof shall be charged against the abutting property by special assessment thereof in the manner prescribed by law. *(REVISED 12/17/2018)*

**3.0213.1 Cutting or Maintaining the Grass by City** In case the owner of any lot or property in the City refuses or neglects to cut maintain the grass, weeds, trees, or other such growth upon such lot or property after due notice to said owner the same may be cut by or under the direction of the City Engineer or Street Commissioner of the City, the necessary expenses thereof shall be charged against the owners property by special assessment thereof in the manner prescribed by law. *(REVISED 12-21-1993)*

### **3.0213.2 Boulevard Trees and Shrubs- Definitions**

Street Trees and Shrubs: defined as trees, shrubs bushes and all other woody vegetation; on land lying between property lines either side of the streets, avenues or ways within the City.

Public and Park Trees: defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

City: defined as the City of Bowman, State of North Dakota and shall mean all parks, cemetery, lagoon, and all properties owned by the City of Bowman.

**3.0213.3 Maintenance of Boulevard Trees and Shrubs** All preexisting trees within twenty (20) feet of the curb corners, which obstructs a sidewalk or creates a traffic hazard by obstructing the view of an intersecting street, shall have all branches removed which are less than seven (7) feet in height above the ground.

All preexisting bushes, hedges, shrubs, or other such growth within twenty (20) feet of the curbs and curb corners, which obstruct a sidewalk shall be trimmed to eliminate any such obstruction. If any such growth is of a height sufficient to create a traffic hazard by obstructing the view of an intersecting street, it shall be trimmed to a height not to exceed three (3) feet above the ground.

*(ENACTED 12-21-1993)*

**3.0213.4 Bushes, Shrubs or Trees within Alley** No bushes, shrubs, trees or other such growth, or structures, containers, or personal property shall be placed upon or extend into the twenty (20) foot City right-of-way within an alley.

**3.0213.5 Placement of Boulevard Trees and Shrubs** Trees, bushes, hedges, shrubs and other such similar growth must be back twenty feet (20) from the curbs and curb corners planted outside the thirteen (13) foot public right-of-way which is measured from the back of curb and placed eight (8) feet from the rear of the lot or alley.

**3.0213.6 Placement of Shrubs** Shrubs, hedges, bushes and other such similar growth that is three (3) feet or less in height at full maturity must be two (2) feet and six (6) inches from the back of curb. Shrubs and other such similar growth over three (3) feet must be placed outside of the thirteen (13) foot public right-of-way which is measured from the back of curb and five (5) feet from the rear of the lot or alley.

**3.0213.7 Distance From Street Corners and Fire Hydrants** No Street Tree shall be planted closer than twenty (20) feet of any street corner, measured from the point of nearest intersection curbs or curb lines. No Street Tree shall be planted closer than ten (10) feet of any fire hydrant.

**3.0213.8 Distance From Utilities** No street tree other than those listed as small trees in Section 3.0213.17 of this ordinance may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line transmission line or other utility.

**3.0213.9 Administration - Composition and Terms** A Tree Board is hereby created and shall be composed of five (5) members; two (2) City Commissioners and three (3) individuals which shall be residents of the City. The term of the three (3) residents to be appointed by the City Commission shall be three (3) years; and the term of the two (2) City Commissioners appointed to the Board shall be for four (4) years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term.

**3.0213.10 Compensation** Members of the Tree Board shall serve without compensation.

**3.0213.11 Comprehensive Forestry Work Plan** It shall be the responsibility of the Board to study, investigate and develop and/or update annually a written plan for the care, preservation, trimming, planting, replanting and removal of trees and shrubs in public ways, streets and alleys. Such plan will be presented annually to the City Commission in February and upon their acceptance and approval shall constitute the official comprehensive annual forestry work plan for the City.

**3.0213.12 Board Responsibilities** The Tree Board, or its Agents, shall be responsible for the planting, pruning and removal of all trees located within the street right-of-way, easements, alleys, cemetery, and parks of the City.

The owner of land abutting on any street may, when acting within the provisions of this ordinance, prune, spray, plant or remove trees in that part of the street abutting his land not used for public travel. A street tree permit shall be required only when the owner of property intends to deviate from the rules and regulations contained in this ordinance.

The Board, when requested by the City Commission, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

**3.0213.13 Officers** The Board shall choose its own officers, make its own rules and regulations and keep a journal or meeting minute book of its proceedings. A majority of the members shall be a quorum for the transaction of business.

**3.0213.14 City Forester** This position is hereby created to be filled by appointment by the City Commission in consultation with the Tree Board. The term shall be for three (3) years. The City Forester shall be an ex-officio member of the Tree Board and serve without compensation.

**3.0113.15 Authority and Jurisdiction of the City Forester** The City Forester shall have the authority and jurisdiction, through the Tree Board, to regulate the planting, maintenance, protection and removal of all trees on streets and other public places to ensure safety or preserve the aesthetics of such streets and public places.

The City Forester shall have the authority to make known, with the approval of the Tree Board, the rules and regulations of the Arbor-cultural Specifications and Standards of Practice governing the planting, maintenance, protection, and removal of trees as specified on the streets and public areas of the City.

The City Forester shall have the authority to supervise all work done under any permit issued in accord with the terms of the ordinance.

**3.0213.16 Street Tree Species to be Planted** The Tree Board will formulate an official Street Tree species list for the City. The list of allowable species shall be broken down into categories of small, medium and large trees. No species other than those included in this list may be planted as Street Trees without written permission of the Tree Board.

**3.0213.17 Spacing** The spacing of Street Trees will be in accordance with the three (3) species size classes listed in this ordinance, and no trees may be planted closer together than the following: small trees, twenty (20) feet; medium trees, thirty (30) feet; and large trees, forty (40) feet.

**3.0213.18 Public Tree Care** The City shall have the right to plant, prune, spray, preserve and remove trees, plants and shrubs within the lines of all streets alleys, avenues, lanes, squares and public grounds, as may be necessary to ensure safety when serving City utilities or to preserve the symmetry and beauty of such public grounds. The Tree Board 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 is injurious to sewers, electric power lines, gas line, waterlines or other public improvements, or is affected with any injurious fungus, insect or other pest.

**3.0213.19 Trimming and Corner Clearance** Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp; or obstruct the view of any street intersection and so that there shall be a clear space of eight (8) feet above the surface of the street or right-of-way. Said owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or signs, such pruning to be confined to the area immediately above the right-of-way.

**3.0213.20 Dead or Diseased Tree Removal on Private Property** The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the City. The Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service 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 notice.

**3.0213.21 Interface with Tree Board** It shall be unlawful for any person to prevent, delay or interfere with the Tree Board, or any of its agents, or servants, while engaging in and about the planting, cultivating, mulching, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this ordinance.

**3.0213.22 Arborist License and Bond** It shall be unlawful for any person or firm to engage in the business of occupation of pruning, treating or removing street or park trees within the City without first applying for and procuring a license. The license fee of Twenty Five and No/100 Dollars (\$25.00) shall be paid annually in advance; provided, however, that no license



shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of One Hundred Thousand and No/100 Dollars (\$100,000.00) bodily injury and Three Hundred Thousand and No/100 Dollars (\$300,000.00) for property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

**3.0213.23 Review by City Commission** The City Commission shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Commission who may hear the matter and make a final decision.

**3.0213.24 Violation of Ordinance and Penalty** Any person's firm or corporation violating or failing to comply with the provisions of this ordinance shall be guilty of a Class B misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred and No/100 Dollars (\$500.00).

**3.0213.25 Severability** Should any part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than that declared to be invalid.

**3.0213.26 Protection of Public Trees** No person shall intentionally damage, cut or carve any public tree; attach any rope, wire or nail advertising posters or other contrivance to any tree; allow any gaseous liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire to, or permit any fire to burn which will injure the tree.

**3.0213.27 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 ground.

**3.0213.28 Tree Topping** It shall be unlawful as a normal practice for any person, firm or City Department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Tree's severely damaged by storms or other causes or certain trees under utility wires or other obstruction where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board.

**3.0214 Notice and Assessments to Proper Owner When Work Done by City** Whenever the Commissioner of Streets finds, pursuant to Sections 3.0213, 3.0213.1, 3.0213.2, 3.0213.3, and 3.0213.4 of this Article, that a property owner is in violation; notice shall be given to the property owner and they shall have ten (10) days within which to bring the violation into compliance. If the property owner fails to bring said violation into compliance, the Street Superintendent shall remove or cause to be removed or maintain or caused to be maintained any item or property found to be in violation and shall assess such costs against the property and on or before the first (1<sup>st</sup>) day of May in each year, make and file in the office of the City Auditor a list of the property chargeable with such expense, the actual cost expense of such removal or maintenance and a description of the lots or parcels of land from which the removal or maintenance was done. (REVISED 04-03-2001) (REVISED 12/17/2018)

**3.0215 Same: Assessments, Publication by Auditor, Hearing by City Commission** The City Auditor shall give notice by publication in the official newspaper of the hearing and confirmation of such report and assessment at the regular June meeting of the City Commission, notifying all persons objecting thereto appear and present their objections, such notice shall be published twice, once in each week's issue for two (2) consecutive weeks, the last publication to be not less than eight (8) days before the time fixed for the hearing. At the June meeting of the City Commission or at such later meeting as the hearing and confirmation of such assessment may be adjourned to, the City Commission shall take up and consider said assessment and shall hear any objections thereto or to any part thereof, and after revising and correcting the same; the City Auditor shall thereupon attach to such list his certificate that the same is correct as confirmed by the City Commission and shall thereupon file said assessment list in his office as provided by law, and such assessment shall be certified to the County Auditor by the City Auditor at the same time and in the same manner that sidewalk assessments are certified.

**3.0215.1 Commercial and Advertising Signs** No commercial, advertising, or other such signs shall be placed within 20 feet of the curb or curb corners of any block unless such sign is attached to the building and does not obstruct any sidewalk or create a traffic hazard by obstructing the view of an intersecting street or alley.

*(ENACTED 04-03-2001)*

**3.0216 Street Cleaning – Snow Removal** Whenever, in the judgment of the governing body or the Street Superintendent it shall be necessary that streets, alleys or public ways in the City shall be cleared of snow or ice or be cleaned by the use of street sweepers or other methods of cleaning such streets, or for making for traffic purposes, the ordinances of the City regulating the parking of automobiles, truck or other motor vehicle to be parked or left standing between the hours hereinafter mentioned and during the period of time during which the said parking ordinances are suspended.

*(REVISED 12/17/2018)*

**3.0217 Same: Notice** Whenever it becomes necessary to remove snow or ice or to sweep and clean streets, or to mark streets for traffic purposes in the City there shall be designated by the City Engineer or Street Commissioner the area and streets to be cleared of snow or ice or cleaned as aforesaid and the time during which such snow or ice removal and street cleaning and making of streets shall be done and posting of such information in the area affected.

**3.0218 Impounding** Whenever any parked automobile, truck, machinery, vehicle, or equipment shall be found in any place prohibited by these restrictions, and during the hours as provided herein, the same shall be impounded by the City at a place to be provided and it shall be unlawful for any person, firm or corporation to remove or attempt to remove any truck, automobile, machinery, vehicle or equipment from the place where impounded without first paying the cost of such impounding.

**3.0219 Blocking Streets** No driver of any vehicle shall stop the same on any street, avenue, lane, or alley of the City in such a manner as to hinder or prevent other vehicles or persons from passing at all times, unless in case of absolute necessity, nor shall any driver of

any vehicle stop the same at any regular crossing of said street, alley, lane, or avenue, so as to prevent the free passage of persons traveling or passing on foot.

**3.0220 Excavations – Permit** It shall be unlawful for any person, firm or corporation, except public utilities which have received a franchise from the City of Bowman, to tunnel under or to make any excavation in any street, alley or other public place in the City without having obtained a permit as is herein required, or without complying with the provisions of this Article or in violation of or variance from the terms of any such permit.

**3.0221 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, or upon any private property if not suitably guarded.

**3.0222 Same: Application** Applications for such permits shall be made to the City Auditor, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefore, and the person, firm or corporation doing the actual excavating work and the name of the person, firm or corporation for whom or which the work is being done, and shall contain an agreement that the application will comply with all ordinances and laws relating to the work to be done.

**3.0223 Same: Bond** No permit shall be issued and until the applicant therefore has filed with the Auditor a bond in the sum of Ten Thousand and No/100 Dollars (\$10,000.00), conditioned to indemnify the City for any loss, liability or damage that may result or accrue from or because of the making, existence or manner of guarding or constructing any such tunnel or excavations. Such bond shall have as surety a corporation licensed to do business in the state as a surety company.

**3.0224 Same: Deposit** No such permit shall be issued unless and until the applicant therefore has deposited with the City Auditor a cash deposit or bond in the sum of Two Thousand and No/100 Dollars (\$2,000.00), if no payment is involved, and if the excavation is in a paved area Four Thousand and No/100 Dollars (\$4,000.00), to insure the proper restoration of the ground and laying of the pavement if any. From this deposit shall be deducted the expense to the City of relaying the surface of the ground or pavement and of making the refill if this is done by the City or at its expense, and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface or pavement is restored.

**3.0225 Same: Manner of** It shall be unlawful to make any such excavation or tunnel in any way contrary to or at variance with the terms of the permit therefore. Proper bracing shall be maintained to prevent the collapse of adjoined ground, and in excavations the excavation shall not have anywhere below the surface any portion which extends beyond the opening at the surface.

No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels, and notice shall be given to the persons maintaining any such pipes, cables or conduits or to the city department or officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables or conduits shall be disturbed. No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

**3.0226    Same: Restoration** Any person, firm or corporation making any excavation or tunnel in or under any public street, alley or other public place in the City shall restore the surface to its original condition if there is no pavement there. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground.

Any openings in a paved or improved portion of a street shall be repaired and the surface relaid by an applicant, in compliance with the ordinances of the City and under the supervision of the City Engineer.  
*(REVISED 12/17/2018)*

**3.0227    Same: Supervision** The Street Superintendent, or if required by the City Commission, the City Engineer, shall from time to time inspect or cause to be inspected, all excavations and tunnels being made in or under any public street, ally or other public place in the City to see to the enforcement of the provisions of this article. Notice shall be given to him at least ten (10) hours before the work of refilling any such tunnel or excavation commences.

**3.0228    City Parks** All City parks in the City of Bowman shall have established hours of public access. The hours shall be from six a.m. (6:00 A.M.) to ten p.m. (10:00 P.M.) each day. Notice of the same may be published in the official newspaper or posted at the public parks. Any variance from the above hours of use shall be under special permission granted by the City Commission.

**3.0229    Street Dance Rules and Regulations**

1. Approval for such dances shall be made by the City Commission at a regularly scheduled commission meeting.
2. Requests for such dances shall be made no less than two (2) weeks prior to the dance being held.
3. Dances shall not start before eight p.m. (8:00 P.M.) and shall end no later than one a.m. (1:00 A.M.)
4. Any amplified sound system shall be positioned in such a manner as to direct the sound away from any residential homes nearby and the volume of the amplified sound system shall be kept at a level so as to cause minimal disturbance to residential homes nearby.

5. Law enforcement shall be notified no less than two (2) weeks prior to the dance being held and will determine if security officers are required and if so, the number of officers required.
6. The cost of any or all security officers shall be the responsibility of the person requesting approval for the dance and shall be paid prior to the start of such dances.
7. No alcoholic beverages will be allowed on the street area which is open to the public for dancing unless prior approval has been granted by the City Commission.  
(ENACTED 04-03-2001) (REVISED 12/17/2018)

**ARTICLE 3 TRUCKS STOPPING, PARKING OR TRAVELING PROHIBITED ON STREETS AND AVENUES – NO SIGNS REQUIRED**

**3.0301 Truck Ordinance Definitions in this Ordinance, Unless the Context of Subject Matter Otherwise Requires, Shall be the Following:**

1. “Park” when prohibited, means the standing of a semi-truck, semi-trailer, or truck whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading.
2. “Semi-trailer” includes vehicles of the trailer type so designated and used in conjunction with a semi-truck that part of its own weight and that of its own load rests upon or is carried by a truck, except that it does not include a house-trailer or mobile trailer.
3. “Semi-truck” includes every vehicle of the trailer type so designated and used primarily for driving other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.
4. “Trucks” include every vehicle of the type: single axle, tandem axle, and triple axle used to haul a product. This is not limited to farm product but also to include commercial and industrial commerce products. Standard personal/private “pick-up” trucks are not included in this classification. (ENACTED 12/17/18)

**3.0302 Restricted Parking of Truck Vehicles on Streets and Avenues and on Residentially Used and/or Zoned Properties**

1. Parking of commercial trucks and truck vans, semi-tractors and/or trailers, farm equipment, stock trailers, wheel loaders, excavators and non-recreational trailers or commercial vehicles shall be prohibited except when such vehicles and/or trailers are being used for the purpose of development, improvements, services or demolition on the adjacent site and shall be allowed to park there for only the duration of the work being done.
2. Overnight parking of any vehicle listed in Section 1.0301 and Section 1.0302(1) is prohibited. Moving vans used for the purposes of loading and unloading a homeowner’s

personal belongings are exempt, but shall comply with the standards listed in Section 1.0302(4) and 1.0302(5).

3. A semi-truck, truck or school bus may park on a street or avenue within the City of Bowman when:
  - a. Parking for delivery, pickup of material and merchandise, or, medical services is being conducted.
  - b. Owned, leased or operated by the City of Bowman.
  - c. Owned, or operated by power companies and telephone companies franchised in the City of Bowman.
  - d. School bus is owned by the City of Bowman.
  - e. Owned or operated by any contractor or material man hired by the City of Bowman and while engaged in the repair, maintenance or construction of streets, street improvements, street utilities or other City work.
  - f. Mail Trucks.
4. Permitted trucks as listed in Section 3.0301 and in Section 3.0302(1) may not idle or keep their headlights on while parked on streets or avenues or residentially used and/or zoned property for more than fifteen minutes while parked on residentially used and/or zoned property for more than 30 minutes. Refrigerated trucks are exempt from this requirement.
5. Refrigerated trucks shall not idle or keep their headlights on while parked on streets or avenues, or residentially used and/or residentially zoned property for more than thirty (30) minutes. *(ENACTED 12/17/18)*

**3.0303 Travel of Commercial Trucks and Other Large Equipment Vehicles Restricted on Streets and Avenues** Commercial trucks or truck vans, semi tractors and/or trailers, and other heavy equipment vehicles are prohibited from traveling on any street or avenue within the City's limits. Exception granted for delivery vehicles going to a residence or establishment for delivery of goods and then back to a commercial or private business. *(ENACTED 12/17/18)*

**3.0304 Inspection of Documents** Any person driving or in charge of any of the restricted vehicles defined in the preceding Section when upon streets or avenues other than those designated as truck routes, shall be prepared to present for inspection of police officers any log book, weights slips, delivery slips or other written evidence of the destination and point of origin to justify the presence of the restricted vehicle on a street or avenue other than a designated truck route. *(ENACTED 12/17/18)*

**3.0305 Penalty Provision**

1. Any violation of this ordinance shall be deemed a nuisance. Any person, firm, business or corporation violating any provisions of this ordinance shall be guilty of a misdemeanor and subject to a fine of One Hundred Dollars and No/100 (\$100.00) for each violation.
2. If the owner allows a nuisance to exist or fail to abate a nuisance they, and each of them upon conviction thereof shall be fined no more than Five Hundred Dollars and No/100 (\$500.00.) *(ENACTED 12/17/2018)*

**ARTICLE 4            HOUSE NUMBERING**

**3.0401 House Numbering Required** All lots, buildings and structures in the City shall be numbered in accordance with the following plan:

1. All streets, except Main Street, shall run East and West and all lots, buildings and structures located on streets, except on Main Street, shall bear a number the first (1<sup>st</sup>) digit or first two (2) digits, as the case may be, being the first number and the second number or numbers will be any number between one (1) and twenty-four (24) depending upon the location of the lot, building or structure. The first digit or digits will be the same as the avenue on the East end of the block of the street, for streets West of Main Street, and the same as the avenue on the West end of the block, for streets East of Main Street. All lots, buildings and structures on the left or South side of the street shall bear an odd number and all lots buildings or structures on the right or North side of the street shall bear an even number of the twenty-four (24) numbers allotted each block, the most Easterly, West of Main Street and Westerly, East of Main Street, shall bear the smallest numbers. In so far as is possible each lot will have an even division of the twenty-four (24) numbers allotted said block.
2. All Avenues shall run North and South and all lots, buildings and structures located on avenues shall bear a number the first digit or first two digits, as the case may be, and whether East or West of Main Street, being the first number and the second number or numbers will be any number between one (1) and twenty-four (24) depending upon the location of the lot, building or structure. The first digit or digits shall be the same as the street number on the North end of the block of the avenue. All lots, buildings and structures on the East side of the avenue shall bear an odd number and all lots, buildings and structures on the right or West side of the avenue shall bear an even number. Of the twenty-four (24) numbers allotted each block the most northerly lot will have an even division of the twenty-four (24) numbers allotted said block.

**3.0402 Numbers on Houses** It shall be the duty of the owners and occupants of every house in the City to have placed thereon, in a place visible from the street, figures at least two and one-half (2 ½) inches high, showing the number of the house.

## **ARTICLE 5 UNCLAIMED AND ABANDONED PROPERTY**

**3.0501 Unclaimed and Abandoned Property – Defined** Personal property left upon the streets, alleys, or other public ways in the City shall be deemed to be unclaimed or abandoned within the meaning of this Article when the same is permitted to remain in any one (1) place upon said streets, alleys, or public ways for a period of ten (10) days or more.

**3.0502 Same: Seizure of** Whenever any unclaimed or abandoned personal property is found upon the streets, alleys or other public ways of the City, the same shall be seized and possession thereof taken by any Police Officer, Street Commissioner or other Officer of the City.

**3.0503 Same: Holding – Notice of Sale** Such personal property as aforesaid shall be held by the City for a period of not less than sixty (60) days after its seizures as provided herein, and after the expiration of said sixty (60) days the City Auditor shall cause notice to be published in the official newspaper of said City, said notice specifying and stating the description of the property so seized and held, the location of the place where the same was seized or taken by said City, and a further notice that said property will be sold at public auction, to the highest bidder for cash, not less than ten (10) days from and after the date of the publication of such notice and the hour, date and place where said sale will be held. If prior approval is obtained from the governing body such unclaimed or abandoned property may be sold at a community auction provided that the Chief of Police or a Police Officer shall be responsible for the notice and reporting requirements of this Article.

**3.0504 Same: Report of Sale** At the time specified in said notice the said property shall be sold by the Chief of Police of the City or by any Police Officer designated by him, at public auction, to the highest bidder for cash and within three (3) days after the date of said sale, the officer making the sale shall make a report thereof to the governing body. The report shall contain the description of the property sold, the time and place of the sale, the name or names of the purchaser or purchasers and the amount received therefore. The report shall be made under oath and subscribed by the officer making such sale and shall be filed with the City Auditor within three (3) days after the date of such sale. The officer upon filing the report shall pay to the City Auditor the proceeds of said sale.

**3.0505 Same: Bill of Sale** Upon the receipt of the report as specified in Section 3.0304 hereof the City Auditor shall prepare a bill of sale of the property sold, conveying the same to such purchaser and the same shall be executed by the presiding officer of the governing body and attested by the City Auditor and delivered to the purchaser.

**3.0506 Same: Proceeds of Sale** The City Auditor shall retain such money as is received from such sales in a separate account for a period of six (6) months from and after the time of such sale and if proceeds of such sale are not claimed as hereinafter provided by the owner of said property, the said money shall thereupon be transferred to the general fund of the City.



**3.0507 Same: Redemption** Any person owning such personal property seized as aforesaid, may at any time prior to the sale thereof, upon furnishing satisfactory proof of his ownership thereof to the governing body, reclaim such property upon paying the expenses incurred by the City for the seizure, storage or advertising the sale thereof and any person owing such property as aforesaid may at any time within six (6) months after such sale and upon making satisfactory proof to the governing body of his ownership thereof, claim the proceeds of such sale, upon payment to the City of the necessary expenses incurred by the City for the seizure, storage and sale of property.

**3.0508 Annual Report** The Chief of Police prior to June 1<sup>st</sup> of each year shall submit to the City Auditor a written list of all unclaimed and abandoned property held by the City which has not been sold pursuant to the provisions of this Article. The City Auditor shall bring such list to the attention of the governing body at the next regular meeting.