

CHAPTER 25.14

25.14 Construction of Sidewalks, Curbs and Gutters

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25.14 CONSTRUCTION OF SIDEWALKS, CURBS AND GUTTERS. (a) Plans and Specifications. All curbing, gutters, sidewalks and driveways shall be set in accordance with plans and specifications of the city engineer and as directed by him.

(b) Contractors License. No sidewalk, curb or gutter shall be constructed on any public street, road or way within the city, except by a person licensed to perform such work.

Any person desiring a license to construct a sidewalk, curb or gutter in the city shall make application in writing therefore to the city engineer and furnish the city engineer satisfactory evidence that such applicant is properly trained and skilled in the doing of the work for which a license is desired and is qualified to receive a license. The city engineer may thereupon grant such license upon compliance with the requirements contained in this section. The application shall contain, before being entitled to consideration by the city engineer, the following information:

- (1) The full name, residence and address of the applicant and, if a firm, of every member thereof.
- (2) The kind of material to be used in the construction and, if stone, the quarry from which it is to be obtained.
- (3) The training and experience of the applicant and the class of work proposed to be done.

Such license shall expire on April 30 of the year following the date of issuance.

(c) Bond of Licensee. No license shall be issued under this section until the applicant shall have executed and filed with the city engineer a bond to the city in the sum of \$10,000 for the use of the city and for the use of all persons contracting with such licensee for sidewalks, curb and gutter construction, executed by the applicant and a corporate surety or two sufficient sureties, and approved by the city attorney conditioned that the licensee will do the work subject to the supervision and approval of the city engineer and as required by the provisions of this code and other ordinances of the city, and will indemnify and hold harmless the city against any damages or loss which may arise or in any way directly or indirectly be suffered by the city by reason of any occurrence while the work is going on and before acceptance thereof by the city engineer, caused by any negligence or misconduct on the part of such licensee, his servants or employees in doing the same, that he replace and restore the street and its grass plots which may be disturbed in doing of any such work to as good a state and condition as he found it in, that he will keep and maintain in good and proper order proper guards by day and red lights by night, that he will conform in all respects to the laws of the city and of the state relative to the streets, sidewalks, curbs and gutters as may in each instance be applicable to his work and that he will pay all fines and penalties that may be imposed on him by law. Ord. 3525 05/06/02.

The bond shall authorize that any person contracting with the licensee for the construction of sidewalks, curbs and gutters and who has been damaged by reason of the failure of the licensee to construct the same in accordance with specifications issued by and under the supervision of the city engineer shall have a cause of action against the principal or the sureties enforceable in the courts of the state having jurisdiction of the parties. No cause of action against the surety hereunder shall be commenced later than one year immediately following the date of the issuance of the permit for such construction.

(d) Insurance of Licensee. The licensee shall at licensee's expense maintain in effect liability insurance with limits not less than the maximum liability limits for a municipality as provided in Minnesota Statutes Section 466.04; the City of Winona shall be a named insured. The licensee's insurance policy and certificate shall not be cancelled or its conditions altered in any manner without Ten (10) days prior written notice to the City Manager of Winona. The insuring company shall deliver to the City Clerk certificates of all insurance required, signed by an authorized representative and stating that all provisions of the specified requirements are satisfied.

(e) Permits. No work shall be begun on the construction of any sidewalk, curb or gutter until the licensee shall have first obtained a permit therefor from the city engineer. Such permit shall state the location of the work, the length and width of the walk, curb or gutter, the material of which to be constructed and the time when to be constructed. The city engineer shall keep a permanent record of all permits so granted, of all grade stakes set by him and of all inspections of the work.

(f) Storage of Equipment and Materials; Guards and Lights; Restoration of Streets. Every licensee under this section shall place and keep all necessary material, tools, machinery and appliances used in his work on a public street or way only as the city manager or his designated representative may permit and direct. He shall keep and maintain in good order proper barricades by day and by night at all material, machinery and appliances locations and at the sites of all unfinished work to prevent injury or accident therefrom and shall replace and restore the street and its grass plots which may be disturbed in the doing of such work to as good a state and condition as he found it in. When a location or site is insufficiently lighted at night by other means, the licensee shall provide adequate lighting. All rules and regulations of the city pertaining to the construction of sidewalks, curbs or gutters and the placing and guarding of materials on streets shall apply to such licensee with full force and effect.

(g) Tampering with Lights or Barricades. No person shall extinguish or remove any light or move or remove any barricade placed on or near excavations in streets or in areas where sidewalks are being constructed or repaired.

(h) Construction by Property Owner. The owner of real property the city desiring to construct his own sidewalk, curb or gutter without the aid of a licensed contractor may be allowed to do so upon the written permit of the city engineer, if deemed competent by him. All regulations and provisions of this section applicable thereto shall have the same force and effect as if such work were done by a licensed contractor.

The owner shall also authorize the city, in the event said work is not completed and approved by the City Engineer within the time period specified on the permit, to contract for the work to be done. The city manager shall submit to the city council the itemized accounting of the costs incurred and a recommendation that the city council by resolution authorize that an assessment be levied upon such lot or land in accordance with Minnesota Statutes, Chapter 429. Ord. No. 2974 05/15/89. Ord. No. 3097 10/21/91.