

CHAPTER 3

PUBLIC PLACES AND PROPERTY

Article 1 Construction and Repair

3.0101 Supervision

All construction maintenance and repair of public streets, alleys, sidewalks and other public ways shall be under the supervision of the 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.

3.0102 Construction and Repair - Permits

It shall be unlawful to construct, reconstruct, alter, grade, or repair, any public street, sidewalk, driveway, curbs, gutters, retaining walls, without having first secured a permit therefor, unless said work is performed by the city contractor. Applications for such permits shall be made to the Auditor and shall state the location of the intended payment or repair, the extent thereof, and the person or firm who is to do the actual construction work. No such permits shall be issued except where the work will conform to the ordinances of the city.

3.0103 Bond

Each applicant shall file a bond in the amount of Five Thousand and no/100ths (\$5,000.00) Dollars with surety to be approved by the governing body conditioned to indemnify the city for any loss or damage resulting from the work undertaken or the manner of doing the same.

3.0104 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.

3.0105 Duty of Owner to Maintain

It shall be the duty of the owner of any property along which a 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 City Engineer or Street Commissioner, the City Engineer or Street Commissioner 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.

3.0106 Application for Permit

An applicant for a permit hereunder shall file with the City Engineer or City Auditor an application showing:

1. Name and address of the owner, or agent in charge, of the property abutting the proposed work area.
2. Name and address of the party doing the work.
3. Location of the work area.
4. Attached plans or sufficient sketches showing details of the proposed alterations.
5. Estimated cost of the alterations.
6. Such other information as the City Engineer or Street Commissioner shall find reasonable necessary to the determination of whether a permit should be issued hereunder.

3.0107 Fees

The following fees shall accompany an application for a permit:

1. Filing fee of \$25.00. When a number of items of work specified in section 3.0102 are to be undertaken simultaneously only one permit and fee shall be required. If, however, various items or work are to be undertaken at diverse times, a separate application and permit and fee shall be required for such diverse items of work.
2. The City Engineer shall charge a fee for all inspection and engineering services done in behalf of an applicant or permittee hereunder. The inspection and engineering fee shall be computed from a schedule of charges based on anticipated actual costs. Such schedule shall be posted for public inspection in the office of the City Engineer.

3.0108 Standards for Issuance of Permit

The City Engineer or Street Commissioner shall issue a permit hereunder when he finds:

1. That the work will be done according to the standard specifications of the City for public work of like character.
2. That the operation will not unreasonably interfere with vehicular and pedestrian traffic, the demand and necessity for parking spaces, and the means of ingress and egress to and from the property affected and adjacent properties.

3. That the health, welfare and safety of the public will not be unreasonably impaired.

3.0109 Sidewalks Built to Grade

All sidewalks shall be constructed in accordance with the elevation and grade therefor to be furnished by the City Engineer, and shall be constructed under his direction and supervision, or if the city has no engineer, sidewalks shall be constructed under the supervision of the City Street Commissioner.

3.0110 Materials and Manner of Construction

The kind and quality of material of which, and the manner in which sidewalks, driveways, curb and gutter, relaying of block walks, and paving repairs shall be constructed shall be as follows:

1. Aggregate shall consist of the following:
 - (a) Sand for the construction of sidewalks shall be clean, washed material, free of any deleterious and organic matter. The sand shall be a type commonly used in the mixing of portland cement concrete.
 - (b) Gravel shall be clean, washed material, free of any deleterious and organic matter. Maximum allowable size for sidewalk mix shall be three-fourths inch. The type of aggregate to be used is that which is commonly incorporated in concrete construction.
 - (c) Cement for the mixture shall be portland cement of the standard type as accepted by the American Society of Testing Materials for concrete mixtures.
2. The subgrade shall be thoroughly prepared and compacted before any sidewalk is laid or concrete is placed. Where the sidewalk will rest on fill, said fill shall be compacted in six inch layers and shall be tamped with mechanical devices, or similar devices, to a density that allows no settling. In lieu of compaction of soil, gravel may be used and it shall be thoroughly compacted and rolled to assure no further settling.
3. Expansion joints shall be placed in the sidewalk proper and shall be of the pre-molded type one-half inch thick. Expansion joints shall be placed at uniform intervals, but in no case shall the distance between expansion joints exceed twenty-five feet. Where the sidewalk will be laid next to an existing curb, or where it shall be poured separate from the curb, or any other concrete structure, to include driveways and existing sidewalks, expansion joints shall be placed between structure and the newly poured mixture.
4. There shall be provided in all sidewalks at five foot intervals contraction joints which shall be struck to a depth to at least three-sixteenths of an inch and shall not exceed one-eighths of an inch in width. These shall be true and at right angles to the edges of the sidewalk. The sidewalk shall slope at the

rate of one-quarter inch per foot of width from the property edge toward the street side of the sidewalks.

5. Strength of concrete mixture shall be three thousand pounds per square inch of concrete and the finish shall be a wood floated finish, broom finish or belted finish.

3.0111 City Contractor

The City Auditor shall receive bids for the construction of sidewalks, driveways, curb and gutter and paving repair as the city may find necessary to have done. Such bids shall be made upon blanks furnished by the City Engineer or Street Commissioner and shall conform to specifications filed with the City Auditor by the City Engineer or Street Commissioner and approved by the governing body.

All sidewalks, driveways, curb and gutter, and alley returns lying between the property line and the abutting street hereafter constructed within the City 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, as additional bond in an amount to be determined by the governing body running to the City, conditioned that said contractor shall maintain and keep in good repair, for a period of two (2) years from date of final estimate 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 gutter, or paving repairs be immediately repaired or relaid in whole or in part as he shall deem best, and the contractor shall immediately cause the same to be repaired or relaid; and in the case of the contractor's neglect, refusal or failure so to repair or to relay the same, the City, at any time within said two (2) year period, or thereafter, may cause the same to be repaired or relaid, and the cost thereof, whether done by the City directly or through a contract, may be recovered against said contractor and the surety upon such bond. Any person desiring to engage in the business of constructing paved driveways, sidewalks, curbs and retaining walls in or along the streets and alleys shall make application to the City Auditor for a license to do such work, and shall present with his application evidence of experience and competency in such work. If upon examination of such evidence the City Auditor is satisfied as to the experience and competency of the applicant, he shall approve his application, which shall be filed with the City Auditor, together with a surety bond in the sum of Five Thousand Dollars (\$5,000.00) approved by the governing body for the execution of all work in strict conformity with the provisions of this chapter and the protection, indemnification and saving harmless of the City from any or all loss, claim, suit or damages, direct or consequential, which the city may sustain through violation of any of the provisions of this chapter, by the license holder, or through negligence of the license

holder, or in any other manner whatsoever. Upon the filing of the application and bond, the City Auditor shall issue a license to the applicant.

3.0112 Demolition Permits

1. It shall be unlawful to partially or entirely demolish a building or structure without first having secured a permit therefor. The City Council shall establish and set the fees for demolition projects by resolution.

2. Demolition permits are issued on a case-by-case basis, based on the type of demolition work proposed. A cash deposit shall be required prior to the issuance of a demolition permit as follows: The applicant for a permit to demolish any building or structure, other than under contract by the City or its agencies, shall be required to file with the City Auditor a cash deposit for the sum of one thousand dollars (\$1,000) or additional monies at the discretion of the City Engineer, in addition to any other applicable fees required for said project, and conditioned upon the applicant's covenant and representation that if the applicant be granted such a permit, the applicant will:

- (a) Conform to all requirements relating thereto which are established by the City;
- (b) Leave the premises in a safe and sanitary condition;
- (c) Repair or replace to the satisfaction of the City Engineer any and all damages to any pavement, sidewalk, crosswalk, hydrant, street, alley or other property done or caused by the applicant, the applicant's servants or the applicant's employees;
- (d) Indemnify the City against any and all liability for damages, costs or expenses arising or which may arise in favor of any person by reason of any negligence on the applicant's part or on the part of the representative or employees in connection with such demolition or the use of any public street or ground for that purpose; and
- (e) All excavations shall be guarded and refilled in the manner so as to prevent injury to persons or adjacent property, and as may further be provided by ordinance.

3. If at any time within one year after the issuance of said permit, the applicant has not complied with any or all of the above conditions in a satisfactory manner, notice in writing, stating the condition or conditions claimed not to be satisfactorily performed shall be provided to the applicant, and the cost of remediation of said conditions shall be recovered from the deposit of the applicant.

4. Exceptions to payment of the cash deposit required by Section 3.0112(2) above may be made by the City Engineer, in his or her sole discretion on a case-by-case basis, for minor demolition work.

June 3, 2019

3.0113 Work Commencing Before Permit Issuance - Penalty

1. If work on any construction, repair, demolition, or similar project contemplated under the City Ordinances requiring the issuance of a permit is commenced without first obtaining a permit, and the following apply: a) the project is valued at \$1,000 or more, or

b) any project in which a formal complaint has been made to the City Council, then a penalty fee shall be assessed and paid by the owner of said property upon which such construction, repair, demolition or other similar project is being undertaken. This penalty fee shall be equal to the fee of the building or demolition permit, as either or both of which may apply to the offending project. Both the penalty and regular permit fee(s) must be paid before work is restarted.

June 3, 2019

Article 2
Use and Care of Street, Sidewalks and Public Places

3.0201 Driveway Defined

The term "driveway" means any roadway, lane, path, or other vehicular access intended or used for the movement of automobiles, trucks, carts, wagons, sleighs, or other vehicles from a public street to or onto private property across the berm, sidewalk or other part of the public right-of-way lying between the paved or unpaved public roadway and the private property.

December 7, 2015

3.0202 Obstruction - Penalty

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 or Commissioner of Streets and Public Improvements. 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).

3.0203 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 or held by the City 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), or be imprisoned in the City jail for not to exceed thirty (30) days or by both such fine and imprisonment.

3.0204 Encroachments

It shall be unlawful to erect or maintain any building or structure which encroaches upon any public street or property.

3.0205 Openings

It shall be unlawful to construct or maintain any opening 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 Commissioner of Streets or the City Engineer or the official who supervises public improvements.

3.0206 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 and wires in the streets, alleys or other public places, shall, in the absence of provision 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 the supervision of the Commissioner of Streets and Public Improvements, so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contact.

3.0207 Deposit

It shall be unlawful to deposit on any street or public place any material which may be harmful to the pavement or surface thereof, or which may do injury to any person, animal or property or render the same unclean or a nuisance.

3.0208 Littering Prohibited

No person, firm or corporation shall throw or deposit or cause to be thrown or deposited any garbage, glass, bottles, boxes, or rubbish of any kind upon any street or alley of the City of Thompson, North Dakota.

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, handbills, and other similar matter on lawns, porches, yards, sidewalks, steps, streets, alleys, public ways or in or upon automobiles while parked on the streets, alleys or public ways, or public parking lots in the City, by any person, firm, co-partnership, association, or corporation, is hereby declared to be a nuisance and unlawful.

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, and engine, tractor, wagon, truck, or other vehicle, object, or thing, which will tend to injure the paving, sidewalks, crosswalk, culvert, bridge or viaduct over which the same are transported, or which exceeds, in pounds per axle the weights as posted by appropriate signs and exceeds 200 pounds per inch of tire width, or any vehicle, to the wheels of which are attached spurs, bars, angle irons, or cleats which will tend to mar or deface the paving, sidewalks, crosswalks, culverts, bridges or viaducts, except under the direction and permission of the 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 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.

August 7, 2017

3.0212 Removal of Snow and Ice from Sidewalk/Depositing Snow and Ice on City Streets, Sidewalks or Rights of Way Prohibited

- a. It shall be the duty of the owner or occupant of each lot in the City to remove from the public sidewalk in front of or along the same property, 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 to make such sidewalk safe for the travel of pedestrians thereon, shall be deemed a compliance with the provisions of this article.
- b. No person or individual shall deposit snow or ice on city streets, sidewalks, rights of way, or alleys.
 1. No person shall deposit or cause any snow or ice to be deposited upon any city street, sidewalk, right of way, or alley, nor shall snow or ice be deposited or moved upon public or private property so as to create a traffic hazard or to interfere in any manner with the vision or view of the driver of a motor vehicle or pedestrian at or near street intersections or alleys intersecting with streets or where traffic merges or near school/pedestrian crossings.
 2. No person shall deposit any snow or ice removed from any parking lot, filling station area, driveways, or from any other private property upon any public or city property or city street, sidewalk, right of way, or alley.
 3. No person shall deposit or cause any snow or ice to be deposited on or against any fire hydrant or traffic-signal-control device or traffic sign or appurtenance; or any loading and unloading area of a public transportation system or emergency access land.

April 5, 2021

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 time above stated or refuses to sprinkle sand or salt on the same within the time specified for removal in such manner as to make such sidewalk safe for travel or pedestrians thereon, the same may be removed by or under the direction of the City Engineer or Street Commissioner of the City, or sand or salt sprinkled thereon and the necessary expenses thereof shall be charged against the abutting property by special assessment thereof in the manner prescribed by law.

3.0214 Same: Assessments by City When Work is Done

Whenever Public Works shall, pursuant to Section 3.0212 of this article, remove or cause to be removed any snow or ice from any sidewalk or sidewalks along or in front of any building, grounds or premises he shall assess the cost of the same against said property, and on or before the first 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 and expense of such removal and a description of the lot, lots or parcels or land along or in front of which is the sidewalk or sidewalks from which snow or ice has been removed.

3.0215 Same: Assessments, Publication by Auditor, Hearing by City

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 Council, notifying all persons objecting thereto to 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 Council or at such later meeting as the hearing and confirmation of such assessment may be adjourned to, the City Council shall take up and consider said assessment and shall hear any objections thereto or to any part hereof, 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 Council 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.

3.0216 Street Cleaning – Snow Removal

From October 1st of each year until April 30th of the following year, within the city, it shall be unlawful for any person to park any vehicle or trailer on any street, avenue, drive, road, boulevard, or alley. Any vehicle or trailer parked in violation of this section is hereby declared to be a public nuisance and shall be treated as such under the Thompson City Ordinances, and upon first offense shall be given a warning. Upon a second offense, a fine of \$25.00 may be assessed and upon a third offense, a fine of \$50.00, impoundment of the vehicle or trailer in violation, or both, may be assessed. Pacific Avenue residents north of Highway 15 shall remove their vehicles when there is a snow event until such time as the plow has removed snow from the street.

August 3, 2020

3.0217 Depositing Snow or Ice on City Property-Penalty

It shall be unlawful for any person to deposit snow or ice removed from any source, upon City or public property, including but not limited to sidewalks, streets, alleys, or rights of way. Any condition found to be in violation of this ordinance is hereby declared to be a public nuisance, and shall be treated as such under the Thompson City Ordinances. Upon the first offense, the party so depositing snow or ice on City or public property as described in this section shall be given a warning. Upon a second offense, a fine of \$25.00 may be assessed, and upon a third offense, a fine of \$50.00 may be assessed.

April 5, 2021

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, including all towing charges. The City shall not be responsible for damages caused to any vehicles by 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 or 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 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 Excavations - Application

Applications for such permits shall be made to the Auditor, and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, 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 applicant will comply with all ordinances and laws relating to the work to be done.

3.0222 Excavations - Fees

The fee for such permits shall be \$25.00.

3.0223 Excavations - 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.

3.0224 Excavations - Bond or Cash Deposit

No such permit shall be issued unless and until the applicant therefor has filed with the auditor a bond or cash deposit in the sum of Five Thousand and no/100ths (\$5,000.00) Dollars 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 excavation and to insure the proper restoration of the ground and re-laying 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. Such bond shall have as surety a corporation licensed to do business in the state as a surety company:

3.0225 Excavation - 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 therefor. Proper bracing shall be maintained to prevent the collapse of adjoining 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, cable 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 Excavations - 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 opening in a paved or improved portion of a street shall be repaired and the surface relaid by the applicant, in compliance with the ordinances of the city and under the supervision of the Commissioner of Streets or City Engineer.

3.0227 Excavations - Supervision

The Commissioner of Streets or 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, alley 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 hours before the work of refilling any such tunnel or excavation commences.

3.0228 Moving Buildings

No building or structure of any size shall be moved either from outside the City limits of Thompson into the City or from one location to another within the City and no buildings shall be moved from the City to outside the City without first securing a moving permit from the City of Thompson.

Any application must be made in writing to the City accompanied by a fee of not less than \$50.00 for buildings removed from the City and \$50.00 for buildings moved into the City or moved from one place to another within the City.

The application for a moving permit shall state specifically the location of the building to be moved and the name of the person or organization designated by the applicant to move such building or structure. The City Council upon receiving such application, except in cases where buildings are to be moved from the City, shall set a date for a public hearing on such application. The hearing shall not be held until there shall be posted by the City Auditor notice of the date of the public hearing by publication in the Grand Forks Herald at least one (1) week in advance of the public hearing. There shall be one (1) publication of said notice.

At the time of the public hearing, the City Council shall hear all evidence from all parties appearing for or against the application for such moving permit. The City may refuse the application if it is disclosed that the building or structure to be moved into the City limits, or from one location to another within the City, when moved, repaired, and altered will not conform to the building and zoning ordinances of the City of Thompson, State of North Dakota. The City Council may deny the application for moving if it is disclosed that the building or structure when moved, repaired, and altered will cause serious depreciation to other buildings, structures, or improvements within the City. The City Council may not issue a moving permit if it is disclosed that the building or structure when moved, repaired, and altered would not be worth at least seventy-five (75%) percent of its replaceable value.

In order to assure compliance with the within requirements as to moving, repairing, and altering such buildings or structure to be moved, the City Council may in its discretion require the applicant to post a bond to guarantee the requirements made for it in this ordinance.

Any person, firm, or corporation who violates, or refuses or fails to comply with any of the provisions of this ordinance, shall be punished by a fine of not less than \$50.00 or more than \$500.00, or be subject to imprisonment for a period not to exceed thirty (30) days.

3.0229 City Parks

All city parks in the City of Thompson shall have established hours of public access. The hours shall be from 6:00 a.m. to 11:00 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 Park Commissioner.

3.0230 Street Maintenance Fee

The streets now dedicated by the city or hereafter acquired are hereby declared to be and to constitute a public necessity of the city, to be held, maintained and improved and administered by a street maintenance fund to be funded by a street maintenance fee intending to provide for dust control, erosion control, and other issues that affect the city streets of the City of Thompson. The properties to be benefited by said fund shall include all streets, ditches, roadways, alleys owned by the city and maintained by the city for the benefit of the tax paying citizen to travel upon or utilize for their transportation needs and for the disposal of storm water. Each and every individual in the city benefits by the utilization of said streets and the proper maintenance of the same streets. Charges shall from time to time be imposed and collected and that shall be kept adequate in order to add to the funds available through the general fund to pay all costs of operation and maintenance of said streets, alleys and ditches and to establish and maintain reasonable

operating reserve to produce and add revenues which shall be sufficient at all times to pay promptly the necessary repairs, dust control and maintenance of the said streets. Each and every owner of property and occupant of property shall pay the following monthly fees for street maintenance: \$18.25. The City Council shall have the opportunity to increase, reduce or eliminate this fee whenever the council deems whether or not there are sufficient funds to cover street maintenance.

The foregoing street maintenance funds shall not, however, be deemed and construed to preclude the city from deferring any part or all of the expenses of any improvement, enlargement or extension of the streets and ditches and storm water drainage by the levy of special assessments or taxes or the issuance of general obligation bonds, whenever and to the extent that such action is authorized in the manner provided by law and is deemed fair and equitable by the governing body of the City of Thompson.

November 1, 2021

3.0231 Driveways-Maximum Width

The following restrictions apply to driveways within city limits:

1. In districts where open ditches are used for street drainage rather than curbs and gutters, no driveway shall exceed the width of thirty-two (32) feet. In such a district, a culvert must be placed underneath the driveway to facilitate the drainage of surface water. Such culvert must be constructed in a manner that its length accommodates for a 3:1 slope commencing at the edge of the driveway surface and ending at the ditch bottom. The ditch bottom, for purposes of accomplishing a 3:1 slope, will be measured on a case-by-case basis to accommodate for varying ditch depths throughout the city. All ditch bottom measurements are subject to approval by the City Building Inspector.
2. In districts where street drainage is accomplished by curbs and gutters, no driveway shall exceed thirty-six (36) feet at the point where it adjoins with the street, exclusive of any curb cut. Curb cuts shall not exceed forty-two (42) feet. The City Building Inspector, in his or her sole discretion, may allow a given curb cut to exceed forty-two (42) feet by up to ten (10) feet. Grants of additional curb cut length are determined on a case by case basis.

December 7, 2015

3.0232 Penalty for Nonconformance

1. Any driveway constructed after the effective date of this article not conforming to the provisions of this article shall be altered and corrected to conform at the expense of the property owner upon notice from the city engineer or city building inspector.
2. Failure of a property owner to conform to the notice of the city engineer or city building inspector within sixty (60) days after the date of such notice shall be sufficient cause for the city engineer or city engineer to have such driveway closed and the curb and berm to be restored and the cost of such restoration assessed against the property in accordance with Section 40-31-02 of the North Dakota Century Code, as amended.

Augusts 5, 2019

Article 3
Unclaimed and Abandoned Property

3.0301 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 anyone place upon said street, alleys or other public ways for a period of ten (10) days or more.

3.0302 Unclaimed and Abandoned Property - 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.

3.0303 Unclaimed and Abandoned Property - Holding - Notice of Sale

Such personal property as aforesaid shall be held by the City for a period of not less than ninety (90) days, after its seizure as provided herein and, after the expiration of said ninety (90) days the city auditor shall cause notice to be published in the official paper 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 fifteen (15) 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.

3.0304 Unclaimed and Abandoned Property - 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 and 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, which 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 therefor, said 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 and such officer, with said report, shall pay to the City Auditor the proceeds of said sale.

3.0305 Unclaimed and Abandoned Property - Bill of Sale

Upon the receipt of the report as specified in Section 3.0306 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.

3.0306 Unclaimed and Abandoned Property - Proceeds of Sale

The City Auditor shall pay such money as is received from such sales over to the city treasurer who shall retain the same in a separate account for a period of six (6) months from and after the time of such sale and if the 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.

3.0307 Unclaimed and Abandoned Property - 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 owning 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 said property.

3.0308 Annual Report

The Chief of Police prior to June 1st 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.

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: Assigned by Northern States Power at the time of construction.

3.0402 Numbers on Houses

It shall be the duty of the owner 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) inches high, showing the number of the house.