

CHAPTER THREE

PUBLIC PLACES & PROPERTY

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CHAPTER THREE

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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 Sawyer City Council or Street Maintenance Supervisor.. He shall be charged with the enforcement of all ordinances 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, curbs or gutters without having first secured a permit therefore, 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 pavement 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 \$50,000.00 more than contract price 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 Maintenance Supervisor 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 Maintenance Supervisor, the City Engineer or Street Maintenance Supervisor 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 thereunder shall file with the City Zoning/Building Inspector or City Auditor an Application showing:

1. Name and address of the owner, agent in charge, of the property abutting the proposed work are.
2. Name and address of the party doing the work.
3. Location of the work area.
4. Attached plans of sufficient sketches showing details of the proposed alterations.
5. Estimated cost of the alterations.

6. Such information as the City Engineer, Sawyer City Council ,City Zoning/Building Inspector shall find reasonable necessary to the determination whether a permit should be issued thereunder.

ARTICLE 2 - USE AND CARE OF STREETS, SIDEWALKS AND PUBLIC PLACES

3.0201 Obstructions - 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 ,Sawyer City Council ,or City of Sawyer Street and Maintenance Supervisor .

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

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 Sawyer or held by the City of Sawyer for public use. Any person violating the provisions of this section shall be guilty of an offense and be fined not less that 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.

3.0203 Encroachments

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

3.0204 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 City Of Sawyer Street Maintenance Supervisor or 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 and 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 the supervision of the City Of Sawyer, so that no injury shall be done either to the poles or wires or to the shrubs and trees by their contract.

3.0206 Littering - Prohibited

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

3.0207 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.

3.0208 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 public parking lots in the City of Sawyer, 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 a infarctions.

3.0209 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 Sawyer to remove from the sidewalk in front of or along the same, any ice or snow which form, accumulates or obstructs such sidewalk, within twenty-four (24) hours after the ice forms of 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 ashes 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.

3.0210 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 ashes 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 City Engineer or Street Commissioner of the city, or ashes or sand sprinkles thereon and the necessary expenses thereof shall be charged against the abutting property by special assessment thereof in the manner prescribed by law.

3.0211 Same: Assessments by Commissioner of Streets When Work is Done by City

Whenever the Commissioner of Streets shall, pursuant to section 3.0210 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 of land along or in front of which is the sidewalk or sidewalks from which snow or ice has been remover.

3.0212 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 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 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 Council and shall thereupon file said assessment list in his office as provide 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.

3.0213 Street Cleaning - Snow Removal

Whenever, in the judgment of the governing body or the City Engineer or Street Commissioner of the city, 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 method of cleaning such streets, or for marking for traffic purposes, the ordinances of the city regulating the parking of automobiles, trucks and other motor vehicles shall be suspended and it shall be unlawful for any automobile, 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.

3.0214 Commercial and Residential lots

Whenever it becomes necessary to remove snow or ice, the alleys and boulevard adjoining property is clear for snow removal. When snow is being removed from private property, it must stay on the private property or taken to the rail road right of way, not placed in alleys, boulevards, or other residents property. In event of large accumulations of snow, all vehicles must be removed from the street.

3.0215 Excavations - Permit

It shall be unlawful for any person, firm or corporation, except public utilities which have received a franchise from the City of Sawyer, 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 or in variance from the terms of any such permit.

3.0216 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.

3.0217 Same: Application

Applications for such permits shall be made to the Auditor, and shall described 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 applicant will comply with all ordinances and laws relating to the work to be done.

3.0218 Same : Bond

No permit shall be issued unless and until the applicant therefore has filed with the Auditor a bond in the sum of Ten Thousand and No/100 Dollars (\$10,00.00), conditioned to indemnify the city for any loss, liability or damage that may result or accrue from or because of the making, existence.

3.0219 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 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, 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.

3.0220 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 opening in a paved or improved portion of a street shall be repaired and the surface re-laid by the applicant, in compliance with the ordinances of the city and under the supervision of the Sawyer City Maintenance Supervisor of Streets or City Engineer.

3.0221 Same: Supervision

The Sawyer City Maintenance Supervisor 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 (10) hours before the work of refilling any such tunnel or excavation commences.

3.0222 City Parks

All city parks in the City of Sawyer shall have established hours of public access. The hours shall be from 8:00 a.m. to 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 Sawyer City Council.

ARTICLE 3 - UNCLAIMED AND ABANDONED PROPERTY3.0301 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.

3.0302 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 seizure 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 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 the Chief of Police or a Police Officer shall be responsible for the notice and reporting requirements of this article.

3.0303 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.

3.0304 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.

3.0305 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.

3.0306 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 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.

3.0307 Annual Report

The Street and Maintenance Supervisor 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 number in accordance with existing plan.

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 1/2) inches high, showing the number of the house.

Signed Mayor, Wayne Flores

Signed City Auditor, Tessa Miller

Reviewed May 5th 2025, No Changes.

First Reading:

Second Reading:

Final Reading: