

CITY OF APPLE VALLEY
ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF APPLE VALLEY, MINNESOTA,
AMENDING CHAPTER 96 OF THE CITY CODE REGULATING
OBSTRUCTIONS AND EXCAVATIONS WITHIN PUBLIC PROPERTY OR
PUBLIC RIGHTS-OF-WAY

Section 1. Chapter 96 of the Apple Valley City Code is amended by revising Section 96.06 (B) to read as follows:

(B) Public nuisance declared. Any obstructions or excavations within a public right-of-way or public grounds, except under a permit issued by the city, constitute a public nuisance. It shall be unlawful for any person to place or make any obstruction or to excavate within any public right-of-way or public grounds unless the city grants, in its sole discretion, a written permit therefor. This section shall not apply to a lawfully registered motor vehicle pursuant to M.S. Chapter 168 that is lawfully parked in the roadway portion of the public right-of-way or upon a portion of a driveway within the public right-of-way, provided the motor vehicle is not blocking any portion of a sidewalk or trail. Mobile food units, as defined elsewhere in this Code, from which sales or attempted sales are being conducted therefrom shall not be deemed to be a “lawfully registered motor vehicle” for purposes of the exemption from this Section. This section shall not apply to excavations in the boulevard area of a public right-of-way in connection with installation of mailboxes or irrigation systems and planting of trees.

Section 2. Effective Date. This ordinance shall take effect upon its passage and publication.

PASSED by the City Council this ____ day of _____, 2021.

Clint Hooppaw, Mayor

ATTEST:

Pamela J. Gackstetter, City Clerk