

70. CONCRETE SIDEWALKS, DRIVEWAYS, CURBS AND GUTTERS

70.01. License Required. . No licensee shall engage in the business of building or rebuilding concrete or asphalt: (a) sidewalks; (b) driveways; or (c) curbs and gutters in the streets, alleys or public grounds without first being licensed under this chapter. A separate license shall be required for concrete and asphalt construction respectively.
(3918, 4/20/09)

70.02. License Application. Subdivision 1. Any person desiring to engage in the business of building or rebuilding concrete or asphalt: (a) sidewalks; (b) driveways; or (c) curbs and gutters in the city shall apply to the council for a license to carry on said business. The Council shall issue a license only if it determines that the license applicant has satisfied all of the licensing requirements found in subdivision 2.

Subd. 2. The licensing requirements for this chapter are as follows:

- A. The license applicant must be regularly and actively engaged in the business for which licensure is sought. For a sole proprietorship, the license applicant must be the proprietor or managing employee. For a partnership, the license applicant must be a general partner or managing employee. For a limited liability company, the license applicant must be a chief manager or managing employee. For a corporation, the license applicant must be an owner, officer, or managing employee.
- B. The license applicant must provide to the city clerk a current street address and telephone number where the applicant resides, and a street address and telephone number where the license applicant's business is physically located. A post office box address is not sufficient to satisfy this requirement.
- C. The license applicant is not a judgment debtor and has not filed a petition for bankruptcy
- D. The license applicant has not been found guilty of a felony, gross misdemeanor, misdemeanor, or any comparable offense related to residential contracting, including convictions of fraud, misrepresentation, misuse

of funds, theft, criminal sexual conduct, assault, burglary, conversion of funds, or theft of proceeds in this or any other state or any other United States jurisdiction.

- E. The license applicant has a documented history of satisfactory experience in performing the work that is the subject of the license application.
- F. The license applicant possesses or has access to the equipment and personnel necessary to satisfactorily perform the work that is the subject of the license application
- G. The license applicant has shown the ability to acquire the necessary bonds, workers' compensation and insurance coverage for the work that is the subject of the license application.
- H. The license applicant does not have a history of claims as a result of past work of a similar nature involving faulty, incomplete or incompetent work, untimely work or a failure to adhere to agreed-upon terms of an agreement.

Subd. 3. The license applicant or licensee must notify the city clerk within 15 days of any change in its ability to comply with the licensing requirements provided in subdivision 2.

Subd. 4. The licensing requirements of this chapter do not apply to an employee of a person that is licensed under this chapter. However, a licensee is responsible, and is subject to section 70.05, for the actions of its employees in performing the work that is licensed by this chapter. (3918, 4/20/09)

70.03. License; Bond or Insurance. No license shall be granted until the city council determines that the applicant has satisfied the licensing requirements of this chapter and has filed with the city clerk a certificate of general liability and motor vehicle insurance in an amount not less than \$2,000,000 each occurrence and \$4,000,000 aggregate, and a \$10,000 licensing bond. The licensing bond shall state that it covers defects in the work performed during the license year with the coverage to extend for a period of two years after completion of the work. No bond shall be accepted that attempts to spread the coverage of the bond amount over more than one license year. The bond shall also be conditioned to save harmless the city from any claims against it arising out of the construction by the licensee of any sidewalk or other structure whether for the city or for a private person and shall be

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approved as to form by the city attorney.

(3871, 6/2/08; 3918, 4/20/09; 3974, 6/21/10; 4203, 8/3/15)

70.04. License: Fee. The annual fee, including any additional fees for late renewal, for licenses to build or rebuild concrete or asphalt sidewalks, driveways and curbs and gutters in the streets, alleys and public grounds of the city shall be established by resolution of the city council. All licenses shall expire on December 31 of the license year unless sooner suspended or revoked by the council.

(3918, 4/20/09)

70.05. Revocation or Suspension of Licenses. Subdivision 1. The council may suspend or revoke a license issued under this chapter for any of the following reasons:

- A. Giving false information in connection with the application for a license.
- B. A failure to abide by the licensing requirements provided in section 70.02, subd. 2.
- C. Willful violation of any provisions of this ordinance, state law or any regulations or policies pertaining to the work that is performed, including the failure to maintain bonds and insurance as required by this chapter.
- D. A history of claims alleging incompetency in performing the work that is the subject of the licensure including, but not limited to:
 - (1) Faulty, incomplete or incompetent work;
 - (2) Untimely work;
 - (3) A failure to adhere to agreed-upon terms of an agreement; or
 - (4) Poor or unprofessional communications with those property owners affected by the licensee's work.

(3918, 4/20/09)

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70.06. Permit Required. Subdivision 1. No person shall begin any work to construct, replace, or adjust a sidewalk, driveway, or curb and gutter without first securing a permit issued by the city engineer. The permit fee shall be as established by resolution of the city council.

Subd. 2. Construction or replacement of a sidewalk, driveway, or curb and gutter must be completed by a contractor holding a valid license as authorized by this chapter.

Subd. 3. Adjustment of a sidewalk or driveway concrete panel, including realignment of an otherwise displaced undamaged concrete panel, including mudjacking, lifting, and grinding does not require a license under this chapter. However, a permit will be required pursuant to section 70.06. Mudjacking and lifting concrete panels can only be permitted for panels that are settled from proper alignment. Grinding can be used to grind the edge of a concrete panel that is lifted from proper alignment by less than $\frac{3}{4}$ inch at the maximum misalignment and the grinding must create a flattened area for a distance of eight inches or more along the grinding area. (4258, 7/18/16)

70.07. Property Owners. This section repealed by Ordinance #4258 on July 18, 2016.

70.08. Measuring Materials. Concrete shall be from city-certified plant-mixed suppliers and the construction shall be in accord with the specifications approved by the city engineer and the council, and on file with the city engineer. (4258, 7/18/16)

70.09. Work Let on Contract. No license or permit shall be required of a general contractor on construction or reconstruction in streets, alleys and public grounds, where the council lets the above work by contract on approved plans and specifications.

70.10. Marking of Work. All contractors shall be required to use a suitable stamp for marking the completed concrete work, such stamp to include their name and the year in which the work was completed.

70.11. Penalty. A violation of this chapter shall be a misdemeanor offense. Alternatively, a person violating this chapter may be issued an administrative citation pursuant to chapter 5. (4258, 7/18/16)

(66, 12/1/47; 685, 6/7/48; 686, 7/6/48; 799, 9/8/52; 1437, 2/19/68; 1834, 3/15/76; 2023, 2/20/79; 2071, 9/17/79; 2142, 8/30/80; 2218, 11/17/81; 2350, 1/17/84; 3291; 11/16/99; 3430, 12/4/01; 3871, 6/2/08; 3918, 4/20/09; 3974, 6/21/10; 4203, 8/3/15; 4258, 7/18/16)