

TITLE VII: TRAFFIC CODE

	Page
70. TRAFFIC REGULATIONS.....	2
71. PARKING REGULATIONS	11
72. RESERVED	
73. SNOWMOBILES	19
74. TRAFFIC SCHEDULES	24

CHAPTER 70: TRAFFIC REGULATIONS

Section Page

General Provisions

70.01 Recreational motor vehicles.....2
70.02 Motor vehicles and motorcycles prohibited on school property.....3
70.03 Gross weight stencil required.....3
70.04 State highway traffic regulations adopted by reference.....4
70.05 Trucks prohibited on certain streets4
70.06 Stop intersections4
70.07 Through streets and one-way streets4
70.08 Turning restrictions4
70.09 U-turns restricted5
70.10 Excessive noise5
70.11 Exhibition driving prohibited.....6
70.12 Cruising prohibited6

Parades

70.30 Definitions.....6
70.31 Permit required.....7
70.32 Application for permit.....7
70.33 Standards for issuance of permit.....8
70.34 Notice of rejection of permit application9
70.35 Appeal procedure when permit denied9
70.36 Alternative permit9
70.37 Notice to city and other officials when permit issued.....9
70.38 Contents of permit.....9
70.39 Duties of permittee.....10
70.40 Public conduct during parades10
70.41 Revocation of permit.....10
70.99 Penalty.....10

GENERAL PROVISIONS

§ 70.01 RECREATIONAL MOTOR VEHICLES.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Operate. To ride in or on and control the operation of a recreational motor vehicle.

Operator. Every person who operates or who is in actual physical control of the recreational motor vehicle.

Recreational Motor Vehicle. Any motorized, two, three, four-wheeled or track, self-propelled vehicle designed or used for recreational purposes, including, but not limited to all-terrain vehicles as defined by M.S. § 84.92, Subd. 8, as it may be amended from time to time, and unlicensed trail bikes and dirt bikes.

(B) *Regulations.*

(1) No recreational motor vehicle, as described above, may be driven or operated upon any highway, public thoroughfare, alleyway or any other public property within the city limits of the city, except as authorized by state law.

(2) This section does not prohibit the use of recreational vehicles for the removal of snow from driveways or for routine yard maintenance.

§ 70.02 MOTOR VEHICLES AND MOTORCYCLES PROHIBITED ON SCHOOL PROPERTY.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Motor Vehicles and **Motor Cycles.** The same meaning as set forth under the definitions contained in the Minnesota Highway Traffic Regulation Act, M.S. § 169.01, as it may be amended from time to time.

School. Public school, as defined by M.S. § 120.05, as it may be amended from time to time.

(B) *Motor vehicles and motorcycles prohibited on school property.* Motor vehicles or motorcycles shall be permitted only in parking lots and access roads of the school property and then only if displaying a valid permit issued by the principal of the school or his or her representative. This section shall not pertain to certain parking areas designated for temporary visitor parking or for faculty parking, nor shall it pertain to persons temporarily parking on the premises while attending adult-education classes, athletic contests or approved meetings in the school buildings proper.

(C) *Disturbance or hazard.* The creation of a disturbance by use of the motor vehicle or motorcycle by reason of noise, or otherwise, or using the motor vehicle on the premises in such manner as to create a hazard to others is specifically prohibited.

(D) *Speed limit.* No person shall drive a motor vehicle or motorcycle on the parking lots and access roads at a speed in excess of ten miles per hour.

§ 70.03 GROSS WEIGHT STENCIL REQUIRED.

It shall be unlawful for any person to operate a truck within the limits of this city without having the gross weight of the vehicle for which the license tax is paid stenciled in a conspicuous place on each side of the vehicle by the owner thereof in letters not less than 2½ inches high and 3/8 inch stroke and shall be in a color giving a marked contrast with that of the part of the vehicle on which it is

placed and shall be done with a good quality paint that will endure throughout the term of the registration. The stenciling must be on a part of the vehicle itself and not on a removable plate or placard of any kind and shall be kept clean and visible at all times. Penalty, see § 70.99

§ 70.04 STATE HIGHWAY TRAFFIC REGULATIONS ADOPTED BY REFERENCE.

(A) The Highway Traffic Regulations Act is hereby adopted by reference. The regulatory provisions of M.S. Chapter 169, as it may be amended from time to time, are hereby adopted as a traffic ordinance regulating the use of highways, streets and alleys within the city and are hereby incorporated in and made a part of this section as completely as if set out in full herein.

(B) The penalty for violation of the provisions of state statutes adopted by reference in this section shall be identical with the penalty provided for in the statutes for the same offense.

§ 70.05 TRUCKS PROHIBITED ON CERTAIN STREETS.

(A) The City Council by resolution may designate streets on which travel by commercial vehicles in excess of 10,000 pounds axle weight is prohibited. The Chief of Police shall cause appropriate signs to be erected on those streets. No person shall operate a commercial vehicle on posted streets in violation of the restrictions posted.

(B) The weight restrictions established in division (A) shall not apply to city or emergency vehicles, public school buses or to garbage and refuse trucks making regular collections and are under contract with the city, nor shall the weight restrictions in division (A) apply if a commercial vehicle must use the particular street in question for the purpose of local pick-up or delivery. Penalty, see § 70.99

§ 70.06 STOP INTERSECTIONS.

The city may designate intersections as a stop intersection and require all vehicles to stop at one or more entrances to those intersections. The city shall post signs at those designated intersections, giving notice of the designation as a stop intersection. It shall be unlawful for any person to fail to obey the markings or signs posted under this section. Penalty, see § 70.99

§ 70.07 THROUGH STREETS AND ONE-WAY STREETS.

The City Council by resolution may designate any street or portion of a street as a through street or one-way street where necessary to preserve the free flow of traffic or to prevent accidents. No trunk highway shall be so designated unless the consent of the Commissioner of Transportation to the designation is first secured. The city shall cause appropriate signs to be posted at the entrance to designated streets. It shall be unlawful for any person to fail to obey the markings or signs posted under this section. Penalty, see § 70.99

§ 70.08 TURNING RESTRICTIONS.

(A) (1) The City Council by resolution may, whenever necessary to preserve a free flow of

traffic or to prevent accidents, designate any intersection as one where turning of vehicles to the left or to the right, or both, is to be restricted at all times or during specified hours. No intersection on a trunk highway shall be so designated until the consent of the Commissioner of Transportation to the designation is first obtained.

(2) The city shall mark by appropriate signs any intersection so designated.

(3) No person shall turn a vehicle at any intersection contrary to the direction on those signs.

(B) Except at intersections, and then only if not posted otherwise, it shall be unlawful for any person operating a motor vehicle on any street to cross the center of the street for the purpose of parking on the side of the street opposite the original direction of travel.

(C) It shall be unlawful for any person operating a motor vehicle on any street to back up or drive from a parked position and commence travel in the opposite direction from which the motor vehicle faced when parked. Penalty, see § 70.99

§ 70.09 U-TURNS RESTRICTED.

No person shall turn a vehicle so as to reverse its direction on any street in the business district or at any intersection where traffic is regulated by a traffic control signal. Penalty, see § 70.99

§ 70.10 EXCESSIVE NOISE.

(A) As used in this section, *Light-Motor Vehicles* means any automobile, van, motorcycle, motor-driven cycle, motor scooter, go-cart, minibike, trail bike, or truck with a gross vehicular weight of less than 10,000 pounds.

(B) It shall be unlawful for any person to operate, or cause to operate, or use a light-motor vehicle in a manner as to cause, or allow to be caused, excessive noise levels as a result of unreasonable rapid accelerations, deceleration, revving of engine, squealing of tires, honking of horns, or as a result of the operation of audio devices including but not limited to radios, phonograph, tape players, compact disc players or any other sound-amplifying device on or from the light-motor vehicle.

(C) No person shall operate, or cause to operate, or use a light-motor vehicle in violation of the noise standards contained in Minn. Rules parts 7030.1050 and 7030.1060, as it may be amended from time to time.

(D) No person shall operate, or cause to operate, or use a light-motor vehicle that discharges its exhaust other than through a muffler or other device that effectively prevents loud or explosive noises. No person shall operate, or cause to operate, or use a light-motor vehicle whose exhaust system has been modified, altered, or repaired in any way, including the use of a muffler cut-out or by-pass, that amplifies or otherwise increases noise above that emitted by the light-motor vehicle as originally equipped.

(E) The following are exempted from the provisions of this section:

(1) Sound emitted from sirens of authorized emergency vehicles;

(2) Burglar alarms on light-motor vehicles of the electronic signaling type which also transmit an audible signal to a receiver which can be carried by the owner or operator of the vehicle; and

(3) Celebrations on Halloween and other legal holidays and celebrations in connection with duly authorized parades. Penalty, see § 70.99

§ 70.11 EXHIBITION DRIVING PROHIBITED.

No person shall turn, accelerate, decelerate or otherwise operate a motor vehicle within the city in a manner which causes unnecessary engine noise or backfire, squealing tires, skidding, sliding, swaying, throwing of sand or gravel, or in a manner simulating a race. Unreasonable squealing or screeching sounds emitted by tires or the unreasonable throwing of sand or gravel by the tires is prima facie evidence of a violation of this section. Penalty, see § 70.99

§ 70.12 CRUISING PROHIBITED.

(A) As used in this section, *Cruising* means the operation of a motor vehicle as defined in M.S. § 169.01, Subd. 3, as it may be amended from time to time, past a traffic control point as determined by a peace officer on a street in an area designated “No Cruising Zone” by City Council resolution four or more times between the hours of 9:00 p.m. and 3:30 a.m.

(B) The passing of a traffic control point under the conditions previously stated, shall constitute unnecessary repetitive driving and is a violation of this section.

(C) The following use of vehicles shall constitute valid exceptions to this prohibition: taxicabs for hire, buses, authorized emergency vehicle, vehicles use used by or under contract with any governmental jurisdiction, any vehicle being used to conduct legitimate business activities.

(D) This section may be enforced only in an area that has been posted as a “No Cruising Zone.” Signs shall be posted at the beginning and the end of any public street, alley or highway, or portion thereof which is a no cruising zone.

PARADES

§ 70.30 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Parade. Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or on any street, sidewalk, park, or other public place in the city.

Parade Permit. A permit required by this subchapter.

Parking Lot. Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers, but shall not include those operated for hire.

§ 70.31 PERMIT REQUIRED.

(A) No person or persons shall engage or participate in, aid, form or start any parade unless a parade permit has been obtained from the City Clerk-Administrator or other authorized city official.

(B) This subchapter shall not apply to:

(1) Funeral processions;

(2) Students going to and from school classes or participating in educational activities; provided, that the conduct is under the immediate direction and supervision of the proper school authorities;

(3) A governmental agency acting within the scope of its functions.

Penalty, see § 70.99

§ 70.32 APPLICATION FOR PERMIT.

(A) *Generally.* A person seeking issuance of a parade permit shall file an application with the City Clerk-Administrator.

(B) *Filing period.* The application for a parade permit shall be filed not less than 72 hours but not more than 60 days before the date on which it is proposed to conduct the parade. Failure to file an application 72 hours in advance will not result in automatic denial of the permit; provided, that the applicant shows reasonable grounds why the application could not be filed 72 hours in advance.

(C) *Required information.* The application for a parade permit shall set forth the following information:

(1) The name, address, and telephone number of the person seeking to conduct the parade;

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;

(3) The name, address, and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;

- (4) The date when the parade is to be conducted;
 - (5) The route to be traveled, the starting point, and the termination point;
 - (6) The approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;
 - (7) The hours when the parade will start and terminate;
 - (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park or other public place proposed to be traversed;
 - (9) The location by street of any assembly area for the parade;
 - (10) The time at which units of the parade will begin to assemble at any assembly area or areas;
 - (11) The interval of space to be maintained between units of the parade;
 - (12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his or her behalf;
 - (13) Any additional information reasonably necessary to a fair determination as to whether a permit should be issued.
- (D) There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by Council resolution or ordinance.
Penalty, see § 70.99

§ 70.33 STANDARDS FOR ISSUANCE OF PERMIT.

The City Clerk-Administrator shall issue a permit when, from a consideration of the application and from other information obtained, he or she finds that:

- (A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;
- (C) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(D) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire;

(E) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route; Penalty, see § 70.99

§ 70.34 NOTICE OF REJECTION OF PERMIT APPLICATION.

If the City Clerk-Administrator disapproves the application, he or she shall mail to the applicant within the three regular business days after the date on which the application was filed a notice of his or her action stating the reasons for his or her denial of the permit.

§ 70.35 APPEAL PROCEDURE WHEN PERMIT DENIED.

Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Council. The appeal shall be taken within 30 days after notice of denial. The City Council shall act on the appeal within 30 days after its receipt.

§ 70.36 ALTERNATIVE PERMIT.

The City Clerk-Administrator or other authorized city official, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his or her acceptance. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this subchapter.

§ 70.37 NOTICE TO CITY AND OTHER OFFICIALS WHEN PERMIT ISSUED.

Immediately on the issuance of a parade permit, a copy thereof shall be sent to the Police Chief and the Fire Chief.

§ 70.38 CONTENTS OF PERMIT.

Each parade permit shall state the following information:

- (A) Starting time;
- (B) Minimum speed;
- (C) Maximum speed;
- (D) Maximum interval of space to be maintained between the units of the parade;
- (E) The portions of the street, sidewalk, park or other public place to be traversed that may be occupied by the parade;

(F) The maximum length of the parade in miles or fractions thereof;

(G) Other information as is reasonably necessary to the enforcement of this subchapter.
Penalty, see § 70.99

§ 70.39 DUTIES OF PERMITTEE.

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairperson or other person heading or leading the activity shall carry the parade permit on his or her person during the conduct of the parade. Penalty, see § 70.99

§ 70.40 PUBLIC CONDUCT DURING PARADES.

(A) *Interference.* No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(B) *Driving through parades.* No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(C) *Parking on parade route.* The Police Chief or other authorized city official shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. Signs shall be posted to the effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street or other public thoroughfare unless signs have been posted in accordance with this section. Penalty, see § 70.99

§ 70.41 REVOCATION OF PERMIT.

The city shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.

§ 70.99 PENALTY.

Whoever shall violate any provision of this title for which no specific penalty is provided shall be punished as set forth in § 10.99.

CHAPTER 71: PARKING REGULATIONS

Section Page

General Regulations

71.01	General limits on parking.....	11
71.02	Restricted parking during snow season.....	12
71.03	No parking zones	12
71.04	Restricting commercial vehicles in residential areas	12
71.05	Restriction on alley parking	12
71.06	Sales from street prohibited	12
71.07	Removal of illegally parked vehicles.....	12
71.08	Prohibited Parking – fire lanes and emergency vehicle access roads.....	12

Parking Privileges for the Physically Handicapped

71.45	Parking spaces.....	14
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Administration and Enforcement

71.65	Impoundment generally	14
71.66	Registered owner, impoundment	15
71.67	Duty of police, impoundment	15
71.68	City Council authorized	16
71.69	Registered owner; prima facie evidence	16
71.70	Duty of police officers	16
71.99	Penalty.....	16

GENERAL REGULATIONS

§ 71.01 GENERAL LIMITS ON PARKING.

(A) In order to maintain the proper flow of traffic, reduce traffic hazards, reduce overall traffic noise, and the fluidity of parking spaces, no vehicle shall be parked upon any public street or designated city owned and maintained parking lots and public right of ways within the city limits, for a longer continuous period than six hours, or such shorter period as is posted on signs, except that a person whose residence abuts a public street may park his or her vehicle on such abutting street for not more than 24 continuous hours.

(B) In order to further maintain the proper flow of traffic, reduce traffic hazards, noise and litter, preserve the character of residential neighborhoods and property values, and ensure free access to parking to residents of the area, the City Council may, by Resolution, authorize posting of more

restrictive parking regulations on any public street.

(C) Anyone disobeying posted, timed, or general parking regulations as described in this chapter, is subject to an administrative citation and penalties under 71.99.

(D) Any vehicle found on any public street, right of way, or city owned parking lot, which hinders street improvement or maintenance operations, is subject to an administrative citation and vehicle impound if such area is posted or prior notice is given to city residents.

§ 71.02 RESTRICTED PARKING DURING SNOW SEASON.

In order to facilitate snow removal from the public streets, from November 1 through March 31 of each year, no vehicle shall be parked on any public street within the city limits, between the hours of 2:00 a.m. and 7:00 a.m. Vehicles found in violation of this provision may result in an administrative citation being issued to the owner or operator and the vehicle may also be towed and impounded.

§ 71.03 NO PARKING ZONES.

A “No Parking” zone shall be designated by the curbing painted a yellow color or by a sign stating “No Parking.” No vehicle shall park in the street immediately adjacent thereto at any time.

§ 71.04 RESTRICTING COMMERCIAL VEHICLES IN RESIDENTIAL AREAS.

No truck or commercial vehicle weighing in excess of 9,000 pounds licensed weight shall be parked on a public street at any time in a residential zone, except during service, repair or construction work at the location where it is temporarily parked for such purpose and then only during the normal hours of such work.

§ 71.05 RESTRICTION ON ALLEY PARKING.

No person shall park a vehicle or permit it to stand, whether attended or unattended, upon an alley or part thereof except while actually in the process of loading or unloading. For the purposes of loading and unloading no person shall park a vehicle or permit it to stand, whether attended or unattended, upon an alley or part thereof for a period exceeding 15 minutes.

§ 71.06 SALES FROM STREET PROHIBITED.

No vehicle may be parked in any public street, public right of way, or city owned and maintained parking lots, for the purpose of selling the same or displaying it for sale or containing “For Sale” or similar signs.

§ 71.07 REMOVAL OF ILLEGALLY PARKED VEHICLES.

If any vehicle is parked, abandoned or left standing in violation of any of the sections or provisions of this chapter, the same may be summarily removed without notice to the owner, at the direction of

the Mayor or any police officer, to a place of safekeeping where it shall be stored. Any vehicle so removed shall not be released to its owner or operator until all costs of removal, towing and storage have been paid. The costs of removal shall be as duly set by the Council from time to time. The fees and charges herein provided for shall be paid to the Clerk-Administrator, his or her agent or any other person authorized by the Council to receive the same.

§ 71.08 PROHIBITED PARKING - FIRE LANES & EMERGENCY VEHICLE ACCESS ROADS

(A) DESIGNATION

In order to maintain public safety and ensure fire suppression and emergency vehicle access to all public and private structures, the Fire Marshal/Building Official, Deputy Fire Chief or Police Chief, working in conjunction with the City Administrator, may order the official designation of No Parking within or upon Fire Lanes, Fire Apparatus Access Roads or Emergency and Service Vehicle Roads within various sections of public or private streets, alleyways, access points or parking lots within the City limits. Upon any such designation, these areas shall be posted with approved “No Parking Fire Lane” or related signage as defined below. Under Minnesota State Statute 169.34 and this ordinance, it is also unlawful to park within 10 feet of any fire hydrant and such areas need not be posted.

(B) VIOLATION

(1) It is a violation of this ordinance for any person to stop, stand or park a motorized or non-motorized vehicle accessory, for any period of time, whether occupied or not, within or adjacent to any properly marked Fire Lane, Fire Apparatus Access Road, Emergency & Service Vehicle Road, or within 10 feet of any fire hydrant or fire suppression access point.

(2) If no driver is present, the registered or current owner of the vehicle shall be responsible for the offense in accordance with Ordinance 71.69; Registered Owner Prima-Facie Evidence.

(3) Any driver or owner found to have “parked” a motor vehicle in violation of this ordinance will be subject to an administrative ordinance citation with penalties assessed in accordance with Ordinance 71.99; and such vehicle may be immediately declared a traffic and fire safety hazard and be towed and impounded as authorized by Ordinance 71.65 and Minnesota State Statute 169.34.

(4) In cases where occupied vehicles are blocking, stopped or standing within designated no parking fire lanes or access roads, Police Officers or authorized personnel may order the movement of any such vehicle. Failure of the driver or owner to immediately do so is a violation of this section and an administrative ordinance citation can be issued with penalties assessed in accordance with Ordinance 71.99. It is also a violation of State Statute to disobey the order of Police Officer given the authority to direct and control traffic.

(5) Authorized fire apparatus, emergency or police vehicles are exempt from these rules while in the performance of their official duties, allowing for quick access to their vehicles and response to emergencies.

(C) SIGNS AND MARKINGS

(1) The Fire Marshal shall be responsible for approving appropriate signs and markings in any designated fire lane or at the entrance to Fire Apparatus Access Roads. Such signs shall comply with International Fire Code and the Uniform Manual of Traffic Control Devices. Signs shall minimally read “No Parking – Fire Lane” and shall be posted a minimum of every 75 feet within designated Fire Lanes or along Fire Apparatus Access Roads, except if entry into such areas is controlled by a gate or chain, only the controlled access point needs to be posted. Signs may be placed on a building when approved by the Fire Marshal and Building Official.

(2) As deemed necessary, the Fire Marshal, Deputy Fire Chief or Police Chief may also designate that the certain fire lanes or access roads also have the curbing painted yellow and/or order additional sign language as an extra reminder to drivers, although this language is not required for enforcement to occur.

(3) Remote Emergency or Service Vehicle Roads, sometimes used as Fire Apparatus Roads, may not need to be posted every 75 feet if entry into such areas is routinely gated or chained off, and access brings emergency vehicles off the roadway onto paths, sidewalks, fields or unimproved surfaces. This is common at schools and in parks. In such cases, a minimum of (1) sign shall be posted at the entrance to such areas. Signs shall be approved by the Fire Marshal and comply with the National Fire Code or Uniform Manual of Traffic Control Devices.

(4) If Fire Lane, Fire Apparatus Access Road or Emergency or Service Vehicle Access Road designations are on or enter a private street, alleyway, parking lot, or school grounds, any and all expenses in connection with the erection, routine maintenance, and replacement of such signs and markings shall be the responsibility of the property owner to which fire suppression and emergency vehicle access is deemed necessary. Failure to comply will result in the City erecting and maintaining the signage and assessing all charges to the property owner, business, or association, and the property owner may be issued an administrative ordinance citation.

PARKING PRIVILEGES FOR THE PHYSICALLY HANDICAPPED

§ 71.45 PARKING SPACES.

(A) The owner or manager of property where automobile parking spaces are provided shall ensure that at least one space per 50 spaces or fraction thereof shall be designed as handicapped parking spaces. The spaces shall not be less than 12 feet in width and located as near as practicable to the building entrance for use by the handicapped. The owner or manager of the property on which the designated space is located shall maintain the space and ensure that the space is kept free of obstruction. If the owner or manager does not maintain the space or allows the space to be blocked by snow, merchandise or similar obstructions for 24 hours after receiving a warning from the Chief of Police or his or her duly authorized agent, the owner or manger is guilty of a misdemeanor and subject to a fine of up to \$1,000.

(B) *Signs and Markings.* Parking spaces reserved for physically disabled persons must be

designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that violators are subject to a fine of up to \$200. These parking spaces are reserved for disabled persons with motor vehicles displaying the required certificate, plates, permit valid for 30 days or insignia.

For the purposes of this subdivision, a parking space that is clearly identified as reserved for physically disabled persons by a permanently posted sign that does not meet all design standards, is considered designated and reserved for physically disabled persons. A sign posted for the purpose of this section must be visible from inside a motor vehicle parked in the space, be kept clear of snow or other obstructions which block its visibility, and be non-movable.

(C) The City Council may, by Resolution, authorize handicapped parking where parking is not otherwise permitted or restrict authorized parking spaces for use only by persons who are handicapped.

(D) *Enforcement.* A city police officer or designated enforcement agent is authorized to enforce any violation of handicapped or disabled person parking regulations as defined by Minnesota State Statute 169.345 on public or private property by state citation or via an administrative citation under this ordinance. Any vehicle found in violation is also subject to a tow and impound. Persons wishing to contest an administrative citation, may do so by requesting a hearing.

(E) *Violations.* No person shall:

- a. park a motor vehicle in or obstruct access to a designated handicapped parking space or associated access aisle designated and reserved for the physically disabled, on either private or public property;
- b. park a motor vehicle in or obstruct access to an area designated by the city as a transfer zone for disabled persons;
- c. alter a certificate;
- d. exercise the parking privilege provided in Section MSS 169.345, unless:
 - i. that person is a physically disabled person as defined in Section 169.345, subdivision 2, or the person is transporting or parking a motor vehicle for a physically disabled person; and
 - ii. the motor vehicle visibly displays one of the following: a disability plate issued under Section 168.021 or 169.345, or an equivalent certificate, insignia, or plate issued by another state, a foreign country, or one of its political subdivisions
- e. A physically handicapped person, or a person parking a vehicle for a handicapped person, who is charged with violation §71.45 *et. seq.* because the person parked in a handicapped parking space without the required certificate or license plates shall not be convicted if the person produces in court, before a hearing officer, or to the police department the required certificate or evidence that the person has been issued license plates under M.S. §168.021.

ADMINISTRATION AND ENFORCEMENT

§ 71.65 IMPOUNDMENT GENERALLY.

(A) Any police officer may remove a vehicle from the street, public right of way, or city owned and maintained parking lots, to a garage or other place of safety when a vehicle is left unattended and constitutes an obstruction to traffic, is parked in violation of § 71.02, or hinders street improvement or maintenance operations or when the vehicle is found having against it five or more unpaid notices or summons or other process, issued within a 12 month period, charging that the vehicle was parked, stopped or standing in violation of any law or ordinance or local authority of the city. Vehicles illegally parked in tow away zones designated by official signs of the city may be summarily towed without an accumulation of five notices or summons. Vehicles impounded pursuant to this chapter will be released to their lawful owner (or persons entitled to possession) upon showing of adequate evidence of a right of its possession and paying the amount of all accrued parking use fees, fines and costs for each outstanding citation, notice, summons or warrant and, in addition thereto, the charges for towing and storage.

(B) Whenever the Police Department or its authorized agent has impounded a vehicle described in this chapter, notice of the removal and the storage place of the vehicle shall be mailed to the last registered owner of the vehicle, within ten days, if name and address of the owner can be ascertained with reasonable diligence. The notice shall:

(1) Set forth the date and place of the taking, year, make, model and serial number of the subject motor vehicle if such information can be reasonably obtained and the place where the vehicle is held;

(2) Inform the owner and any lien holders of their right to reclaim the vehicle as provided herein; and

(3) State the failure of the owner or lien holders to exercise their right to reclaim the vehicle and contents shall be deemed a waive by them of all the right, title and interest in the vehicle and content and consent to the sale of the vehicle and contents at a public auction authorized by this chapter.

(C) The notice shall be sent by mail to the registered owner, if any, of the subject motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the newspaper of general circulation in the area where the motor vehicle was seized. Published notices may be grouped together for convenience and economy.

(D) The owner or any lien holder of a motor vehicle seized pursuant to this chapter shall have the right to reclaim the vehicle from the city upon payment set forth herein within 15 days after the date of the notice of the taking of the motor vehicle.

(E) If a motor vehicle seized pursuant to this chapter is not claimed it shall be sold at public auction as provided by M.S. Chapter 168B and Chapter 33 of this code.

§ 71.66 REGISTERED OWNER, IMPOUNDMENT.

The registered owner of a vehicle having five or more outstanding notices or summons or other

process shall be presumed to be the owner at the time the summons, notice or other process were in fact issued and shall be severally responsible for the offenses and the impoundment, except where the use of the vehicle was secured by the operator without the owner's consent.

§ 71.67 DUTY OF POLICE, IMPOUNDMENT.

It shall be the duty of the Police Department to safely keep any impounded vehicle until the vehicle shall have been repossessed by the owner or person legally entitled to possession thereof or otherwise disposed of as provided in this chapter. The Police Department shall cause to be kept an accurate record of the description of the vehicle, including the name of the officer from whom the vehicle was received, the officer employed to tow or have delivered the same to the pound or authorized garage, the date and time when received, the place where found, seized or taken possession of, the make and color of car, style or body, kind of power, motor number, serial number, number of cylinders, year built, state license number, if any, equipment and general description of condition, the name and address of the person redeeming the vehicle, the date redeeming the vehicle, the date of redemption and the manner and date of disposal of the vehicle in case the same shall not be redeemed, together with the cost of outstanding summons and the towing and storage charges. This record shall be in the form prescribed by the Chief of Police.

§ 71.68 CITY COUNCIL AUTHORIZED.

The City Council is authorized to adopt by resolution such rules and regulations as are necessary to carry out the provisions of this chapter. The Chief of Police is authorized and directed to design and prepare all forms necessary to carry out the purposes and intent of this chapter.

§ 71.69 REGISTERED OWNER; PRIMA FACIE EVIDENCE.

The presence of any motor vehicle on any street, public right of way, or city owned and maintained parking lots, when standing or parked in violation of this chapter is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

§ 71.70 DUTY OF POLICE OFFICERS.

(A) It shall be the duty of the police officer or authorized agent of the Police Department in charge, under the direction of the Council, to keep account of all violations of this chapter.

(B) The police officer or authorized agent of the Police Department in charge shall attach to any vehicle parked in violation of this chapter or any ordinance relating to parking in the city a notice or summons as provided by this subchapter. The City Council may furnish fine collection boxes, commonly known as "courtesy boxes" and place them at designated positions on the streets controlled by parking meters for the convenience of the public, wherein the fines specified above may be deposited as provided by this chapter in lieu of appearing at a Police Department. The City Council may have prepared a suitable combination notice and envelope to be attached to vehicles in violation of this chapter, the envelope portion thereof to be used by the violator in depositing his or her fine in the "courtesy boxes" above described.

§ 71.99 PENALTY.

(A) (1) Whenever any vehicle is parked contrary to the provisions of this chapter or any ordinance relating to parking in the city, the Police Department shall attach to the vehicle a notice or summons stating that it has been parked in violation of an ordinance and instructing the owner or operator to report to the Police Department in regard to such a violation. The owner or operator may pay the Chief of Police or his or her duly authorized agent or may deposit in receptacles provided for such purpose in full satisfaction of such violations as follows:

(a) The sum as may be set from time to time by Council resolution if paid within five days after the time when the notice or summons was attached to the vehicle, unless otherwise provided on the notice or summons.

(b) The sum as may be set from time to time by Council resolution if paid after five days when the notice or summons was attached to the vehicle and not later than 20 days after the time when the notice or summons was attached to the vehicle, unless otherwise provided on the notice or summons.

(2) Any person violating any provision of this chapter or other ordinances of the city relating to parking and who has not paid such sums of money as provided in subsection (A)(1) of this section shall be guilty of a misdemeanor.

(B) A person who violates §§ 71.45 *et seq.* is guilty of a petty misdemeanor and shall be fined in an amount determined by § 10.99. Sections 71.45 *et seq.* shall be enforced in the same manner as city parking ordinances or regulations. Law enforcement officers have the authority to tag vehicles parked on either private or public property in violation of §§ 71.45 *et seq.* A physically handicapped person, or a person parking a vehicle for a handicapped person, who is charged with violating §§ 71.45 *et seq.* because the person parked in a handicapped parking space without the required certificate or license plates shall not be convicted if the person produces in court, before a hearing officer, or to the police department before the court appearance the required certificate or evidence that the person has been issued license plates under M.S. § 168.021, as it may be amended from time to time, and demonstrates entitlement to the certificate or plates at the time of arrest or tagging.

CHAPTER 73: SNOWMOBILES

Section	Page
73.01 CHAPTER 73: SNOWMOBILES	18
73.02 Definitions.....	18
73.03 Application of traffic ordinances	19
73.04 Restrictions	19
73.05 Stopping and yielding	21
73.06 Persons under 18.....	21
73.07 Equipment.....	21
73.08 Unattended snowmobiles.....	22
73.09 Emergency operation permitted.....	22
73.10 Operation on private property.....	22
73.11 Exemptions from provisions.....	22
73.12 Violation; penalty.....	22

§ 73.01 INTENT.

It is the intent of this chapter to supplement M.S. §§ 84.771 to 84.91, and M.S. Chapter 169, as these statues may be amended from time to time and Minn. Rules parts 6100.5000 through 6100.6000 and parts 6102.0002 to 6102.0080, as these rules may be amended from time to time, with respect to the operation of snowmobiles, all-terrain vehicles, and off-highway motorcycles. These statues and rules are incorporated herein by reference. This section is not intended to allow what the state statues and rules prohibit, nor to prohibit what the state statues and rules allow.

§ 73.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

All-Terrain Vehicle. A motorized flotation-tired vehicle of not less than three (3) low pressure tires, but not more than six (6) low pressure tires, that is limited in engine displacement of less than eight hundred (800) cubic centimeters and total dry weight less than one thousand five hundred (1,500) pounds.

Deadman Throttle or Safety Throttle. A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

Off-Highway Motorcycle (OHM)

A motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under chapter 168 for highway use when it is used for off-highway operation on trails or unimproved terrain.

Off-Highway Vehicle.

An off-highway motorcycle, an off-road vehicle, or an all-terrain vehicle.

Off-road vehicle.

A motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail. Off-road vehicle does not include a snowmobile; an all-terrain vehicle; a motorcycle; a watercraft; a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft.

Operate. To ride in or on and control the operation of a snowmobile or off-highway vehicle.

Operator. Every person who operates or is in actual physical control of a snowmobile, or off-highway vehicle, or off-highway vehicle.

Owner. A person, other than a lien holder having the property in or title to a snowmobile, or off-highway vehicle, or entitled to the use or possession thereof.

Person. Includes an individual, partnership, corporation, the state and its agencies and subdivision, and any body of persons, whether incorporated or not.

Right-Of-Way. The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

Roadway. That portion of a highway or street improved, designed or ordinarily used for vehicular travel.

Snowmobile. A self-propelled vehicle designed for travel on snow or ice, steered by skis or runners.

Street. A public thoroughfare, roadway, alley or trail used for motor vehicular traffic which is not an interstate, trunk, county-state aid, or county highway.

§ 73.03 APPLICATION OF TRAFFIC ORDINANCES.

The provisions of Chapter 70 of this code shall apply to the operation of snowmobiles and off-highway vehicles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application. Penalty, see § 10.99

§ 73.04 RESTRICTIONS.

(A) It is unlawful for any person to enter, operate or stop a snowmobile within the limits of the city:

(1) On the roadway of any street, except the most right hand lane then available for traffic or as close as practicable to right hand curb or edge of the roadway, except when overtaking and passing another vehicle stopped in the lane or proceeding in the same direction, or in making a left turn. Snowmobiles may also be operated upon the outside slope of trunk, county-state aid and county highways where the highways are so configured within the corporate limits.

(2) On a public sidewalk or trail provided for pedestrian travel. (Ord. 529, passed November 16, 2009)

(3) On boulevards within any public right-of-way.

(4) On private property of another without specific permission of the owner or person in control of the property.

(5) Upon any school grounds, except as permission is expressly obtained from responsible school authorities.

(6) On public property, playgrounds and recreation areas, except areas previously listed or authorized for the use by resolution of the City Council, in which case the use shall be lawful, and snowmobiles may be driven in and out of those areas by the shortest route.

(7) On streets as permitted by this chapter at a speed exceeding ten miles per hour.

(8) During the hours of 10:00 p.m. to 7:00 a.m., Sunday through Thursday, and 12:01 a.m. to 8:00 a.m. on other days closer than 100 feet from any residence. This provision is not intended to prohibit snowmobiles from operating on city streets during the hours specified herein.

(B) It is unlawful for any person to operate a snowmobile or all-terrain vehicle within the limits of the city: (Ord. 529, passed November 16, 2009)

(1) So as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the snowmobile; provided, that a disabled snowmobile may be towed to a private residence or a place of business where snowmobiles are repaired without the use of a rigid tow bar.

(2) Within 100 feet of any fisherman, pedestrian, skating rink or sliding area where the operation would conflict with use or endanger other persons or operation.

(3) To intentionally drive, chase, run over or kill any animal.
Penalty, see § 10.99

(C) It is unlawful for any person to operate any off-highway vehicle.

(1) On a public sidewalk or trail provided for pedestrian travel.

(2) On boulevards within any public right-of-way.

(3) Off of driveways and parking lots on private property of another or on school grounds without specific permission of the owner or person in control of the

- property.
- (4) Off of driveways and parking lots on public property, playgrounds, and recreation areas, except areas previously listed or authorized for the use by resolution of the City Council, in which case the use shall be lawful and permitted off-highway vehicles may be driven in and out of those areas by the shortest route.

§ 73.05 STOPPING AND YIELDING.

No snowmobile shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard. Penalty, see § 10.99

§ 73.06 PERSONS UNDER 18.

(A) No person under 14 years of age shall operate on streets or make a direct crossing of a city street as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on streets as permitted under this chapter and make a direct crossing of those streets only if he or she has in his or her immediate possession a valid snowmobile safety certificate issued pursuant to M.S. § 84.872, as it may be amended from time to time.

(B) It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provision of this section. Penalty, see § 10.99

§ 73.07 EQUIPMENT.

It is unlawful for any person to operate a snowmobile or all-terrain vehicle any place within the limits of the City of Cambridge unless it is equipped with the following:

(A) Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass straight pipe or similar device on a snowmobile motor.

(B) Brakes adequate to control the movement of and to stop and hold the snowmobile or all-terrain vehicle under any condition of operation.

(C) A safety or so called deadman throttle in operating condition.

(D) When operated between the hours of one-half hour after sunset to one-half hour before sunrise, or at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

(E) Reflective material at least 16 square inches on each side, forward of the handlebars and at

the highest practical point on any towed object, so as to reflect lights at a 90 degree angle. Penalty, see § 10.99

§ 73.08 UNATTENDED SNOWMOBILES.

Every person leaving a snowmobile on a public place shall lock the ignition, remove the key and take the same with him or her. Penalty, see § 10.99

§ 73.09 EMERGENCY OPERATION PERMITTED.

Notwithstanding any prohibitions in this chapter, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

§ 73.10 OPERATION ON PRIVATE PROPERTY

The operation of all-terrain vehicles and off-highway motorcycles shall be prohibited in the following areas:

- (A) Any property in the R-1, R-1A, R-2, or R-3 zoning district.
- (B) All-terrain vehicles and off-highway motorcycles shall not be operated between the hours of 8:00 PM and 8:00 AM within the City of Cambridge.
- (F) Exception: all-terrain vehicles may be used in the above areas for tasks directly related to property maintenance or improvement, such as snowplowing, hauling, or lawn maintenance.
- (G) This section does not apply to the lawful use of registered vehicles on roadways.

§ 73.11 EXEMPTIONS FROM PROVISIONS

Any Public Safety Agency providing enforcement or protection, shall be exempt from the requirements of this chapter.

§ 73.12 VIOLATION; PENALTY

Any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in this code.

CHAPTER 74: TRAFFIC SCHEDULES

Schedule

I. Restricting the days and hours of public use of Second Avenue North

SCHEDULE I. RESTRICTING THE DAYS AND HOURS OF PUBLIC USE OF SECOND AVENUE NORTH.

(A) Second Avenue North, between the west line of North Cypress Street and the east line of North Dellwood Street, shall be closed to public vehicular traffic between the hours of 7:30 a.m., Central Standard time, and 5:00 p.m., Central Standard time, on those days in which the public schools are officially in session for students of Independent School District Number 911. The use of the area for the loading, unloading or parking of school buses shall be permitted.

(B) Independent School District Number 911 shall cause to be constructed fences, gates or other devices that may be reasonably appropriate to enforce the closure of the street. Any such devices shall be approved in advance of use by the City Council. All expenses in connection with the construction and maintenance shall be paid for by the school district.

(C) Independent School District Number 911 shall be responsible for the erection or moving into place each day of such fences and/or gates or other devices to control traffic on the street. The city shall be responsible for the appropriate signs or marking of the area.

(D) Any person operating a motor vehicle within the area when it is posted against public vehicular traffic, public and private school buses excepted, shall be guilty of a petty misdemeanor and upon conviction thereof shall be subject to a fine not exceeding \$300.