

CHAPTER 8 *Vehicles and Traffic*

Section - General Provisions

8.1 *State Traffic Regulations Adopted.* The provisions of Minnesota Statutes, Chapters 168, 169 and 171, as amended, are hereby adopted and incorporated by reference into this Ordinance regulating the use of highways, streets and alleys within the City.

Subd. 1. Penalty. Any violation of a statute adopted by reference is an offense punishable in a manner and nature as prescribed by statute.

Subd. 2. Administrative Process. The City reserves the right to establish by separate ordinance and resolution an administrative process for all matters which constitute a petty misdemeanor and not otherwise proscribed by law.

8.2 *Unreasonable Acceleration and Braking.*

Subd. 1. Acceleration. No person shall start or accelerate any motor vehicle so as to cause a squealing or screeching sounds, throwing of sand or gravel, or creating smoke by the vehicle's tires.

Subd. 2. Braking. No person shall brake a vehicle in such a manner so as to cause a squealing or screeching noise; or, in the case of a truck, which results in the rapid deceleration of the truck accompanied by a loud rumbling noise from the engine or exhaust system.

Subd. 3. Penalty. Any person violating any provision of this section shall be guilty of a petty misdemeanor as defined by law.

Section - Recreational Vehicles

8.10 *Definitions.* The following words and phrases, except where the text clearly indicates otherwise, shall mean:

(A) *Roadway:* Any portion of a street, alley or highway ordinarily used for vehicular purposes.

(B) *Operate:* To control the operation of a recreational motorized vehicle.

(C) *Operator:* A person who operates or is in actual control of a recreational motorized vehicle.

(D) *Recreational Motorized Vehicle:* Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational

purposes, including, but not limited to, snowmobile, trail bike or other all-terrain vehicle (ATV) or motor vehicle licensed for highway operation which is being used for off road recreational purposes.

8.11 *Prohibited.* It is unlawful for any person or operator to operate a recreational motorized vehicle:

- (A) On private property of another without the express permission to do so by the owner or occupant of said property.
- (B) On or within 100 feet of any park, recreational area, or skating rink.
- (C) In a careless, reckless or negligent manner so as to endanger, or be likely to endanger, the safety of any person or property.
- (D) Without having such recreational motorized vehicle registered as by law.
- (E) Within the right-of-way of any roadway except that a recreational motorized vehicle may make a direct crossing of a roadway provided: the crossing is made at the angle of approximately ninety degrees (90°) to the direction of roadway; the recreational motorized vehicle is brought to a complete stop before crossing the roadway; and, the operator yields the right-of-way to all oncoming traffic.
- (F) Upon any sidewalk, boulevard, shoulder or berm, or cemetery within the City, except as to a direct crossing as set forth in 8.11 Subd. 5.
- (G) While under the influence of intoxicating liquor or drugs as defined by Minnesota Statutes, §169A.121.
- (H) At a rate of speed greater than is reasonable and safe under any circumstances, and in any event, not greater than 15 mph.
- (I) Without a valid Minnesota Driver's License or safety certificate, if applicable.
- (J) Other than in a single file upon any roadway and without maintaining a safe distance between each other.
- (K) Off of any designated route (e.g. snowmobile route).
- (L) Having a trailer or other object with a hitch length of more than 48 inches, including rope.

8.12 *Equipment.* All recreational motorized vehicles operated within the City shall have the following equipment:

- (A) Properly attached mufflers which reduce the noise of the operation of the

vehicle. No person shall use a muffler cutout, bypass or similar device on said vehicle.

(B) At least one headlight and one taillight visible at a distance of greater than fifty feet.

8.13 *Unattended.* It is unlawful for an operator to allow a recreational motorized vehicle to be unattended on public property while the motor is running or with the keys to start same in the ignition switch.

8.14 *Penalty.* Any violation of any provision in this section is a petty misdemeanor.

Section - Parking

8.20 *Restrictions.*

Subd. 1. The City may, by resolution, designate streets on which travel by commercial vehicles in excess of nine thousand (9,000) pounds gross weight is prohibited.

Subd. 2. No person shall park a truck-tractor or semitrailer, as defined in Minnesota Statutes §168.011, subdivision 12 and 14, or bus, in or on a public right-of-way unless actively engaged in loading, unloading or providing a service.

Subd. 3. The City may, by resolution, prohibit or limit the operation or parking of any vehicles upon any street; or, impose weight restrictions on vehicles to be operated or parked on such street or roadway.

Subd. 4. The City may, by resolution, designate certain streets or portions of streets as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply.

Subd. 5. The City may, by resolution, designate certain areas where the right to park is limited during hours specified. No vehicle shall be parked upon any street in any one place for a longer continuous period than forty-eight (48) hours.

Subd. 6. The City may, by resolution, establish spaces in streets as loading zones or truck zones. Any person desiring the establishment of a loading zone or truck zone abutting a premise shall make written application to the City. If granted, the City shall bill the applicant for the estimated cost of placing signs and of painting the curb. When the amount is paid, the City shall install the necessary signs and paint the curb.

8.21 *Violations.* No person nor vehicle may violate the provisions of this Section regarding parking restrictions. Any person or vehicle violating the provisions of this Section is subject to the following penalties and requirements.

Subd. 1. A police officer may remove a motor vehicle which is in violation of this Section and have such motor vehicle towed to another location including an impound lot. The motor vehicle shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this chapter.

Subd. 2. The presence of any motor vehicle on any street when standing or parked in violation of this chapter is prima facie evidence that the registered owner of the motor vehicle committed or allowed the violation.

Subd. 3. Notwithstanding the provisions of Subdivision 1, a person is guilty of a petty misdemeanor for violating this Section.

Section - Junk and Abandoned Vehicles

8.30 *Definitions.* The following terms shall be defined as follows:

(A) *Abandoned vehicle:* A motor vehicle that has remained illegally parked upon any public property or right-of-way for a period of more than 48 hours, or upon private property without the consent of the property owner or person in control of the property. A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ, or court order is in effect.

(B) *Junk vehicle:* A motor vehicle that: is three years old or older: is apparently inoperable; and, does not have a valid, current registration plate.

(C) *Unauthorized vehicle:* A motor vehicle that is subject to removal and impoundment pursuant to Minnesota Statutes §168B.04, subd. 2, or 169.041, but is not a junk vehicle or an abandoned vehicle.

(D) *Impound:* To take and hold a vehicle in legal custody.

- (E) *Impound lot operator or operator*: A person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles.
- (F) *Motor vehicle or vehicle*: Has the meaning given motor vehicle in Minnesota Statutes §169.01.
- (G) *Motor vehicle waste*: Solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

8.31 *Parking and Storage Prohibited*. It is unlawful for any person in charge or control of any property within the corporate limits of the City, whether as owner, tenant, occupant, lessee, or otherwise, to allow or in any manner permit any junk vehicle to remain on such property for a period longer than ninety-six (96) hours, unless housed within a lawfully erected building or unless the junk vehicle is on the premises of a bona fide business enterprise operated in a lawful place and manner and such junk vehicle is necessary to the operation of such business enterprise.

8.32 *Impound*. The City shall take into custody and impound any abandoned, junk or unauthorized motor vehicle.

Subd. 1. Notice. When an abandoned, junk or unauthorized motor vehicle is taken into custody, the City shall give notice of the taking within ten (10) days.

Subd. 2. Content. The notice shall set forth the date and place of the taking, the year, make, model of the impounded motor vehicle and the place where the vehicle is being held, shall inform the owner and any lien holders of their right to reclaim the vehicle, and shall state that failure of the owner or lien holder to exercise their right to reclaim the vehicle to be deemed a waiver by them of all right, title and interest in the vehicle and consent to the sale of the vehicle at a public auction.

Subd. 3. Service. The notice shall be sent by certified mail to the owner, if any, of the impounded 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.

Subd. 4. Redemption. The owner or any lienholder of an impounded motor vehicle shall have a right to reclaim such vehicle from the City, upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of the notice.

Subd. 5. Sale. An impounded motor vehicle taken into custody and not reclaimed shall be sold to the highest bidder at public auction or sale following two (2) weeks published notice thereof. The purchaser shall be given a receipt which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. From the proceeds of the sale, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all notice and publication costs incurred. Any remaining proceeds of sale shall be held for the owner of the vehicle or entitled lienholder for ninety (90) days and then be deposited in the general fund of the City.

8.33 *Penalty:* Any person who violates the provisions of this Section is guilty of a petty misdemeanor.