

Chapter # 8

TRAFFIC, PARKING & MOTOR VEHICLES

Part 1. GENERAL PROVISIONS.

801.01. Definitions. Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in M.S. Chapter 169, as it may be amended from time to time, shall be applicable to this chapter. For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

Subd. 1. **Fleet permit.** A permit issued to an owner of more than one motorized golf cart or four-wheel, all-terrain vehicle, allowing persons expressly authorized by the owner of the fleet permit, to drive, operate or control motorized golf carts or four-wheel, all-terrain vehicles on the roadways or shoulders of roadways under the jurisdiction of the city.

Subd. 2. **Four-wheel, all-terrain vehicle.** A motorized, flotation-tired vehicle with four low-pressure tires, which vehicle is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

Subd. 3. **Motorized golf cart.** A motorized cart commonly described as a golf cart.

Subd. 4. **Vehicles.** Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway except devices used exclusively upon stationary rails or tracks. Other terms defined as vehicles include: Motor vehicle, Passenger vehicle, Motorcycle, Motorized bicycle, authorized emergency vehicle, School Bus, Truck-tractor, Farm tractor, Trailer, Semi-trailer. More defined definitions can be found in Minnesota Statute 169.01.

801.02. Application. The provisions of this chapter are applicable to the drivers of all vehicles and animals upon streets, including, but not limited to those owned or operated by the United States, the State of Minnesota or any county, town, city, district or other political subdivision.

801.03. Scope and orders of officers.

Subd. 1. **Scope.** The provisions of this chapter relate exclusively to the streets, alleys and private roads in the city, and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon the streets, alleys and private roads.

Subd. 2. **Orders of an officer.** It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any police or peace officer invested by law with authority to direct, control or regulate traffic.

801.04. Traffic and parking control.

Subd. 1. **Council action.** No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise

provided in this section; provided, that when traffic and parking control is marked or sign-posted, the marking or sign-posting shall attest to Council action thereon.

Subd. 2. Temporary restrictions.

- a. The city, acting through the Chief of Police, may temporarily restrict traffic or parking for any private, public or experimental purpose.
- b. It is the duty of the Chief of Police to so restrict traffic or parking when a hazardous condition arises or is observed.

Subd. 3. Traffic restrictions and prohibitions. It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street, or contrary to signs posted, fenced or barricaded restrictions or prohibitions.

Subd. 4. Parking restrictions and prohibitions. It is unlawful for any person to park a vehicle, except an emergency vehicle, contrary to lane restrictions or prohibitions painted on any curb, or contrary to signs posted, fenced or barricaded restrictions or prohibitions.

Subd. 5. Damaging or moving markings. It is a misdemeanor for any person to deface, mar, damage, move, remove or in any way tamper with any structure, work, material, equipment, tools, sign, signal, barricade, fence, painting or appurtenance in any street unless the person has written permission from the city or is an agent, employee or contractor for the city, or other authority having jurisdiction over a particular street and acting within the authority or scope of a contract with the city or such other authority.

Part 2. PARKING

802.01. Year-round Parking Restrictions. No vehicle or trailer shall be parked on City of Pierz streets or alleys for over seventy-two (72) consecutive hours.

Subd. 1. Private Parking. This restriction shall not apply to private parking lots, back yard parking, or private driveways.

802.02. City Property Parking Restrictions. No vehicle or trailer shall be left unattended and without permission on Pierz City property for over seventy-two (72) consecutive hours.

802.03. Obstruction of Private Drive

Subd. 1. Obstructing private drives. No vehicle shall be parked in a manner obstructing a private driveway or private roadway, or on a private driveway or private roadway, without the express or clearly implied consent of the owner of the private driveway or private roadway.

Subd. 2. Obstructions defined. For purposes of this Ordinance, a vehicle is obstructing a driveway

or roadway if the location of the parked vehicle:

- a. Blocks the driveway or roadway from use by other vehicles.
- b. Significantly hinders or slows other vehicles attempting to pass the parked vehicle.
- c. Forces other vehicles to leave the main traveled portion of the driveway or roadway to pass the parked vehicle.

802.04. Snow Season Parking. There shall be no parking on any City street from November 1 to April 1 between the hours of 2:00 A.M. and 6:00 A.M.

Subd. 1. **Log of Vehicles.** It shall be the duty of the Pierz Police Department to maintain a log of vehicles towed, so that any subsequent infractions each snow season may also result in a citation being issued besides towing the vehicle at owner's expense.

Subd. 2. **Private Parking.** This order shall not include parking lots, back yard parking, or private driveways.

Part 3. TRAFFIC

803.01. State Traffic Code Adopted. Minnesota State Statutes, Chapter 169 and 169A, as amended from time to time, are hereby adopted in its entirety by reference, as though repeated verbatim herein.

Part 4. RECREATIONAL VEHICLES

804.01. Definitions: For the purpose of this part, the terms defined herein shall have the following meaning ascribed to them:

Subd. 1. **Persons.** Includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Subd. 2. **Snowmobile.** Means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Subd. 3. **All terrain vehicle (ATV).** Class 1 ATV's are motorized flotation-tired vehicles with at least three but no more than six low pressure tires that have an engine displacement of less than 960 cubic centimeters and total dry weight of less than 900 pounds.

Subd. 4. **Owner.** Means a person, other than a lien holder having a property interest in or title to a snowmobile or ATV and entitled to the use or possession thereof.

Subd. 5. **Operate.** Means to ride in or on and control the operation of a snowmobile or ATV.

Subd. 6. **Operator.** Means every person who operates or is in actual physical control of a snowmobile or ATV.

Subd. 7. **Deadman throttle or safety throttle.** Means a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

Subd. 8. **Natural terrain.** Means areas other than roadways or driveways (private or public), parking lots, and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

804.02. Uses of Snowmobilies and Atv' s Permitted. Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile or ATV not licensed as a motor vehicle within the limits of the city:

Subd. 1. On the portion of any right of way of any public highway, street, road, trail, or alley used for motor vehicle travel, except that a snowmobile may operate upon the most right hand lane of a municipal street or alley and may in passing or making a left turn operate on other lanes which are used for vehicle traffic in the same direction, for purposes of going to or returning from a non-highway area of permissible operation, by the most direct route.

Subd. 2. On a public sidewalk provided for pedestrian travel.

Subd. 3. On boulevards within any public right of way.

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

Subd. 5. On any other public place except as may be specifically permitted by other provisions of the city.

Subd. 6. At a speed in excess of 15 miles per hour.

804.03. Crossing of Streets or Highways. A snowmobile or ATV not licensed as a motor vehicle may make a direct crossing of a street or highway, except an interstate highway or freeway provided:

Subd. 1. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

Subd. 2. The snowmobile or ATV is brought to a complete stop before crossing the shoulder or main traveled way.

Subd. 3. The driver yields the right of way to all on-coming traffic which constitutes an immediate hazard.

Subd. 4. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

Subd. 5. If the crossing is made between the hours of one-half hour before sunrise to one-half hour after sunset or, in conditions of reduced visibility, only if both front and rear lights are on.

804.04. Traffic Ordinances Applicable. City traffic regulation shall apply to the operation of snowmobiles or ATV not licensed as a motor vehicle upon streets and highways, except for those relating to required equipment, those which by their nature have no application, and those inconsistent with the provisions herein.

804.05. Yielding Right of Way. No snowmobile or ATV shall enter any intersection without yielding the right of way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

804.06. Operations: Persons Under 18. No person under 14 years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, county state aid, county highway, or city streets as the operator of an ATV or Snowmobile. A person 14 years of age or older, but less than 18 years of age may operate a snowmobile or ATV on streets and highways as permitted under this ordinance and make a direct crossing of such streets and highways only if the person has in his or her immediate possession a valid snowmobile safety certificate issued pursuant to Minn. Stat. 84.872.

804.07. Uses Specifically Prohibited. It is unlawful for any person to operate a snowmobile or ATV, not licensed for highway use, or ATV licensed for highway use when operating on natural terrain within the limits of the city:

- a. At any place while under the influence of alcohol or drugs as defined in Minn. Stat. 169.121 which is hereby incorporated herein by reference.
- b. At a rate of speed greater than reasonable or proper under all surrounding circumstances.
- c. At any place in a careless, reckless, or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.
- d. During the hours from 11:00 p.m. to 7:00 a.m. of any day, closer than 100 feet to any dwelling which is usually occupied by one or more persons.
- e. So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the snowmobile or ATV.
- f. Within 100 feet of any fisherman, pedestrian, skating ring, or sliding area where the operation would conflict with use or endanger other persons or property.

804.08. Equipment Required. It is unlawful for any person to operate a snowmobile or ATV any place within the limits of the city 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 or ATV motor.
- b. Brakes adequate to control the movement of and to stop and hold the snowmobile or ATV under

- any condition of operation.
- c. A safety or so-called dead man throttle in operating condition.
 - d. When operated between the hours of one-half hour after sunset and one-half hour before sunrise or at time 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 and under normal atmospheric conditions. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile or ATV operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.
 - e. Snowmobiles shall fly a pennant flag of red or blaze material, of a size not less than 12 inches by 9 inches, at a height of not less than six feet from ground level at any time when the vehicle is operated on public streets.
 - f. Reflective material at least 16 inches square on each side, forward of the handlebars or steering device of a snowmobile or ATV and at the highest practical point on any towed object, as to reflect light at a 90 degree angle.

804.09. Ignition Lock. Every person leaving a snowmobile or ATV on a public place or road way shall lock the ignition, remove the key, and take the same.

804.10. Emergencies, Operation Permitted. Notwithstanding any prohibitions in this part of the ordinance, a snowmobile or ATV 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.

804.11. Uses Prohibited: Animals. It is unlawful to intentionally drive, chase, run over, or kill any animal with a snowmobile or ATV.

804.12. Bicycles.

Subd. 1. **Traffic laws apply.** Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this chapter and except as to those provisions of this chapter which by their nature can have no application.

Subd. 2. **Right-of-way; sidewalks.** Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian. Provided that it is unlawful for any person to ride a bicycle on a sidewalk contrary to sign-posted prohibitions.

Subd. 3. **Carrying articles.** It is unlawful for any person operating a bicycle to carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

804.13. Exhibition driving.

Subd. 1. **Prima facie evidence.** It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or, as to two-wheeled or three-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

Subd. 2. **Unlawful act.** It is a misdemeanor for any person to do any exhibition driving on any street, parking lot or other public or private property, except when an emergency creates necessity for the operation to prevent injury to persons or damage to property; provided, that this section shall not apply to driving on a racetrack. For purposes of this section, a **RACETRACK** means any track or premises whereon motorized vehicles, horses, dogs or other animals or fowl legally compete in a race or timed contest for an audience, the members of which have directly or indirectly paid a consideration for admission.

804.14. Emergency vehicles. The provisions of this chapter shall not apply to vehicles when operated with due regard for safety, under the direction of police officers in the chase or apprehension of violators of the law or of persons charged with or suspected of any violation, nor to Fire Department or fire patrol vehicles when traveling in response to a fire alarm, nor to public ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

804.15. Special vehicle use.

Subd. 1. **Driving, operating or control of motorized golf carts.** A motorized golf cart may be driven, operated or controlled on the roadways or shoulders or otherwise within the public right-of-way of roadways under the jurisdiction of the city, pursuant to the requirements of this section. For the purposes of this section, a golf cart is any self-propelled vehicle of the type and style designated for and commonly used by patrons of golf courses, but excluding vehicles commonly known as all-terrain vehicles (ATVs) and defined as such by Minn. Rules, Chapter 6102.

Subd. 2. **License.** It is unlawful for any person to drive, operate or be in control of any motorized golf cart on the roadways or shoulders of roadways under the jurisdiction of the city, unless the driver, operator or person in control has in his or her actual physical possession a valid, current and un-revoked drivers license.

Subd. 3. **Unlawful acts.** It is unlawful for any person to drive, operate or control any motorized golf cart on the roadways or shoulders of roadways under the jurisdiction of the city:

- a. Between sunset and sunrise;
- b. In inclement weather, when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light clearly to see a person or vehicle on a roadway at a distance of 500 feet;
- c. Without prominent display of a slow moving vehicle emblem provided in M.S. § 169.522, as it may be amended from time to time, on the rear of the vehicle;

- d. Without a mirror so located as to reflect to the driver, operator or controller, a view of the roadway for a distance of at least 200 feet to the rear of the vehicle;
- e. Without insurance coverage complying with the provisions of M.S. § 65B.48, Subd. 5, as it may be amended from time to time;
- f. Contrary to any traffic law of the city of the State of Minnesota, except when those provisions cannot reasonably be applied to motorized golf carts or four-wheel, all-terrain vehicles or are not applied, by reason of M.S. § 169.045, Subd. 7, as it may be amended from time to time;
- g. Contrary to any other provisions of this chapter; and
- h. Without a current and valid permit or authorization of a fleet permit holder, as provided herein.

804.16. Use and operation of off-highway vehicles.

Subd. 1. **Off-highway vehicles defined.** For the purposes of this section, ***OFF-HIGHWAY VEHICLES*** are all vehicles that are legally defined by M.S. Chapter 84, as it may be amended from time to time, as all-terrain vehicles, off-highway motorcycles and off-road vehicles.

Subd. 2. **State laws incorporated.** All provisions of M.S. Chapter 169, as it may be amended from time to time, and M.S. §§ 84.922 through 84.929, as they may be amended from time to time, and all provisions of the City Code regulating vehicular traffic shall apply to the operation of off-highway vehicles, hereinafter referred to as OHVs, within the City of Pierz.

Subd. 3. **Lawful operation.** Any person, qualified for operation under Minnesota Statutes, may operate an OHV upon any city streets or public rights-of-way within the city limits, excepting as specifically provided for herein. It is unlawful for any person to operate an OHV within the city limits in violation of Minnesota State Laws or in any of the following manners:

- a. On private property without the permission or consent of the owner or occupant;
- b. On public school ground, park property, playgrounds, recreational areas, golf courses, public sidewalks or walkways used for public travel without the express written provision or permission to do so by the proper public authority;
- c. In a careless, reckless or negligent manner so as to endanger or to be likely to endanger the safety of any person or the property of any other persons;
- d. In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the general peace of other persons or to create a nuisance;
- e. On the surface or the shoulder or right-of-way of any public street under the jurisdiction of the City of Pierz from March 1 to October 31; and
- f. On any public rights-of-way where operation is prohibited by another public entity, government unit or state laws.

Subd. 4. **Use of other vehicles.** Any vehicle not permitted for operation within the City of Pierz or requiring registration and licensing under Minnesota Statutes shall be expressly prohibited from operation on public lands within the City of Pierz.

Subd. 5. **Exemptions.** The use of any OHV by an officer, employee or agent of the City of Pierz or of any other governmental unit in the course of official government business.

Part 5. STREETS.

805.01. Obstructions in streets.

Subd. 1. **Obstructions.** It is a misdemeanor for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any street without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of the permit and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

Subd. 2. **Fires.** It is a misdemeanor for any person to build or maintain a fire upon a street.

Subd. 3. **Dumping in streets.** It is a misdemeanor for any person to throw or deposit in any street any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemical thereon. It is a violation of this section to haul any such material, inadequately enclosed or covered, thereby permitting the same to fall upon streets. It is also a violation of this section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the Council.

Subd. 4. **Signs and other structures.** It is a misdemeanor for any person to place or maintain a sign, advertisement or other structure in any street without first having obtained a written permit from the Council. In a district zoned for commercial or industrial enterprises, special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon the terms and conditions as may be set forth in the zoning or construction provisions of the City Code.

Subd. 5. **Placing snow or ice in a roadway or on a sidewalk.** It is a misdemeanor for any person, not acting under a specific contract with the city or without special permission from the city, to remove snow or ice from private property and place the same in any roadway or on a sidewalk. Where permission is granted by the city, the person to whom the permission is granted shall be initially responsible for payment of all direct or indirect costs of removing the snow or ice from the street or sidewalk. If not paid, collection shall be by civil action or assessment against the benefitted property as any other special assessment.

Subd. 6. **Continuing violation.** Each day that any person continues in violation of this section shall be a separate offense and punishable as such.

Subd. 7. **Condition.** Before granting any permit under any of the provisions of this section, the Council may impose the insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding the persons and property. The insurance or bond shall also protect the city from any suit, action or cause of action arising by reason of the obstruction.

Part 6. PENALTY

806.01. Penalty. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by fine and/or imprisonment.