

## Chapter 7

### Streets, Traffic, and Parking Regulations

**Section 7.01 Definitions.** Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in Minnesota Statutes, Chapter 169, shall be applicable to this Chapter.

**Section 7.02 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 country, town, city, district, or other political subdivision.

#### **Section 7.03. 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 such streets, alleys and private roads.

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

#### **Section 7.04. 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, such marking or sign-posting shall attest to Council action thereon.

**Subd. 2. Temporary Restrictions.** The City may temporarily restrict traffic or parking for any private, public or experimental purpose.

**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 sign-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 sign-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 such person has written permission from 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.

#### **Section 7.05. Ice and Snow on Public Sidewalks.**

**Subd. 1. Ice and Snow Nuisance.** All snow and ice remaining upon public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within twelve (12) hours after such snow or ice has ceased to be deposited.

**Subd. 2. City to Remove Snow and Ice.** The City may cause to be removed from all public sidewalks, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow or ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

**Subd. 3. Cost of Removal to be Assessed.** The City Clerk-Treasurer shall, upon direction of the Council, and on receipt of the information provided for in the preceding receipt of the information provided for in the preceding Subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and such special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

**Subd. 4. Civil Suit for Cost of Removal.** The City Clerk-Treasurer shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in Subdivision 2 hereof, the cost of such clearing and the cost and disbursement of a civil action therefore.

**Subd. 5. City Clerk-Treasurer to Report Sidewalks Cleared.** The City Clerk-Treasurer shall present to the Council at its first meeting after snow or ice has been cleared from the sidewalks as provided in Subdivision 2 hereof the report of the City thereon, and shall request the Council to determine by resolution the manner of collection to be used as provided in Subdivisions 3 or 4 of this Section.

#### **Section 7.06 Construction and Reconstruction of Roadway Surfacing, Sidewalk, Curb and Gutter.**

##### **Subd. 1. Methods of Procedure.**

A. Abutting or affected property owners may contract for, construct or reconstruct roadway surfacing, sidewalk or curb and gutter in accordance

with this Section if advance payment is made therefore or arrangements for payment considered adequate by the City are completed in advance.

B. With or without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, presently beginning with Section 429.011, as the same may from time to time be amended.

**Subd. 2. Permit Required.** It is a misdemeanor to construct or reconstruct a sidewalk, curb and gutter, driveway, or roadway surfacing in any street or other public property in the City without a permit in writing from the City. Application for such permit shall be made on forms approved and provided by the City and shall sufficiently describe the contemplated improvements, the contemplated date of beginning of work, and the length of time required to complete the same, provided, that no permit shall be required for any such improvement ordered installed by the Council. All such applications shall contain an agreement by the applicant to be bound by this Chapter and plans and specifications consistent with the provisions of this Chapter and good engineering practices shall also accompany the application. A permit from the City shall not relieve the holder from damages to the person or property of another caused by such work.

**Subd. 3. Specifications and Standards.** All construction and reconstruction of roadway surfacing, sidewalk and curb and gutter improvements, including curb cuts, shall be strictly in accordance with specifications and standards on file in the office of the City Clerk-Treasurer and open to inspection and copying there. Such specifications and standards may be amended from time to time by the City, but shall be uniformly enforced.

**Subd. 4. Inspection.** The Mayor shall inspect such improvements as deemed necessary or advisable. Any work not done according to the applicable specifications and standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the Mayor if found to be unsatisfactory or not in accordance with the specifications and standards, but this shall not place a continuing burden upon the City to inspect or supervise such work.

#### **Section 7.07. Obstruction 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 such 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 the 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 and applicant to erect and maintain signs overhanging the street may be granted upon such 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.**

A. 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.

B. Where permission is granted by the City, the person to whom such 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 benefited 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 such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

**Section 7.08. Street Openings or Excavations.** It is a misdemeanor for any person, except a City employee acting within the course and scope of his employment or a contractor acting within the course and scope of a contract with the City, to make any excavation, opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the City as herein provided.

**Subd. 1. Application.** Application for a permit to make a street excavation shall describe with reasonable particularity the name and address of the applicant, the place, purpose and size of the excavation, and such other information as may be necessary or desirable to facilitate the investigation hereinafter provided for, and shall be filed with the City Clerk-Treasurer.

**Subd. 2. Investigation and Payment of Estimated Costs.** Upon receipt of such application, the City Clerk-Treasurer shall cause such investigation to be made as he may deem necessary to determine estimated cost of repair, such as back-filling, compacting, resurfacing and replacement, and the conditions as to the time of commencement of work, manner of procedure and time limitation upon such excavation. The foregoing estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of such investigation shall be included in such estimate.

**Subd. 3. Protection of the City and the Public.**

A. Non-Completion or Abandonment. Work shall progress expeditiously to completion in accordance with any time limitation placed thereon so as to void unnecessary inconvenience to the public. In the event that work is not performed in accordance therewith, or shall cease or be abandoned without due cause, the City may, after six hours notice in writing to the holder of the permit of its intention to do so, correct the work, fill the excavation and repair the public property, and the cost thereof shall be paid by the person holding the permit.

B. Insurance. Prior to commencement of the work described in the application, the applicant shall furnish the City satisfactory evidence in writing that the applicant will keep in effect public liability insurance of not less than \$100,000.00 for any person, \$300,000.00 for any occurrence and property damage insurance of not less than \$25,000.00, issued by an insurance company authorized to do business in the State of Minnesota on which the City is named as a co-insured.

C. Indemnification. Before issuance of a permit, the applicant shall, in writing, agree to indemnify and hold the City harmless from any liability for injury or damage arising out of the action of the applicant in performance of the work, or any expense whatsoever incurred by the City incident to a claim or action brought or commenced by any person arising therefrom.

**Subd. 4. Issuance of Permit.** The City Clerk-Treasurer shall issue such permit after (1) completion of such investigation, (2) payment by the applicant in advance of all estimated costs as aforesaid; (3) agreement by the applicant to the conditions of time and manner as aforesaid; (4) agreement in writing by the applicant to pay all actual cost of such investigation, and, (5) agreement in writing by the applicant to be bound by all of the provisions of this Section.

**Subd. 5. Repairs.** All temporary and permanent repairs, including back-filling, compacting and resurfacing shall be made, or contracted for, by the City in a manner prescribed by the City Clerk-Treasurer and an accurate account of costs thereof shall be kept.

**Subd. 6. Cost Adjustment.** Within sixty days following completion of such permanent repairs the City Clerk-Treasurer shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder an itemized statement thereof and claim additional payment from, or make refund (without interest) to, the permit holder, as the case may be.

**Subd. 7. Alternate Method of Charging.** In lieu of the above provisions relating to cost and cost adjustment for street openings, the City may charge on the basis of surface square feet removed, excavated cubic feet, or a combination of surface square feet and excavated cubic feet, on an established unit price uniformly charged.

**Section 7.09. Limiting Speed and Time of Railway-Street Crossing Obstruction.** It is a misdemeanor for any person operating or in charge of a railroad train, car, engine, locomotive, or other railroad equipment, or combination thereof, to so operate, park or leave the same standing upon the railroad at its intersection with a street, so as to prevent unobstructed vehicular traffic on such street for a period longer than five (5) minutes, or to so operate it at a speed greater than fifteen (15) miles per hour.

**Section 7.10. Requirement of Sewer and Water Main Service Lateral Installation.**

**Subd. 1. Requirement of Sewer and Water Laterals.** No petition for the improvement of a street shall be considered by the Council if such petition contemplates constructing therein any part of a pavement or stabilized base, or curb and gutter, unless all sewer and water main installations shall have been made therein, including the installation of service laterals to the curb, if the area along such street will be served by such utilities installed in the street.

**Subd. 2. Sewer System Service and Water Main Service Laterals.** No sewer system shall be hereafter constructed or extended unless service laterals to platted lots and frontage facing thereon shall be extended simultaneously with construction of mains.

**Subd. 3. Waiver.** The Council may waive the requirements of this Section only if it finds the effects thereof are burdensome and upon such notice and hearing as the Council may deem necessary or proper.

**Section 7.11. Curb and Gutter, Street and Sidewalk Painting or Coloring.** It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes or to paint or color any street, sidewalk or curb and gutter for any purpose, except as the same may be done by City employees acting within the course

or scope of their employment. Provided, however, that this provision shall not apply to uniformly coloring concrete or other surfacing, or uniformly painted house numbers, as such coloring may be approved by the City.

#### **Section 7.12. Sidewalk Maintenance and Repair.**

**Subd. 1. Primary Responsibility.** It is the primary responsibility of the owner of property upon which there is abutting any sidewalk to keep and maintain such sidewalk in safe and serviceable condition.

**Subd. 2. Construction, Reconstruction and Repair Specifications.** All construction, reconstruction or repair of sidewalks shall be done in strict accordance with specifications on file in the office of the City Clerk-Treasurer.

**Subd. 3. Notice – No Emergency.** Where, in the opinion of the City Clerk-Treasurer, no emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ninety (90) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mail tax statements.

**Subd. 4. Notice – Emergency.** Where, in the opinion of the City Clerk-Treasurer, an emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. Such notice shall require completion of the work within ten (10) days, and shall be mailed to the owner or owners shown to be such on the records of the County Officer who mails tax statements.

**Subd. 5. Failure of Owner to Reconstruct or Make Repairs.** If the owner of the abutting property fails to make repairs or accomplish reconstruction as herein required, the City Clerk-Treasurer shall report such failure to the Council and the Council may order such work to be done under its direction and the cost thereof assessed to the abutting property owner as any other special assessment.

**Subd. 6. Duty to Inspect.** In order to accomplish the purpose of this Section, it shall be the duty of the City Clerk-Treasurer to inspect sidewalks within the City, or cause the same to be inspected under his direction.

*Source: City Code*

*Effective Date: 1/1/1991*

*(Sections 7.13 through 7.29, inclusive, reserved for future expansion.)*

**Section 7.30. Highway Traffic Regulation Act Adopted by Reference.** Except as otherwise provided in this Chapter, Minnesota Statutes, Chapter 169, (commonly referred to as the Highway Traffic Regulation Act), as amended through Laws 1988, is hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

### **Section 7.31 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 such operation to prevent injury to person 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.

**Section 7.32 Emergency Vehicles.** The provisions of this Chapter shall not apply to vehicles when operated with due regard for safety, under the direction of peace officers in the chase of apprehension of violators of the law or of persons charged with or suspected of any such 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.

*Source: City Code*

*Effective Date: 1/1/1991*

*(Sections 7.33 through 7.49, inclusive, reserved for future expansion.)*

**Section 7.50. Presumption.** As to any vehicle parking in violation of this Chapter when the driver thereof is not present, it shall be presumed that the owner parked the same, or that the driver was acting as the agent of the owner.

**Section 7.51. General Parking Prohibitions.** It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic of in compliance with the specific directions of a peace officer or traffic control device in any of the following places: (1) on a sidewalk; (2) in front of a public or private driveway; (3) within an intersection; (4) within ten feet of a fire hydrant; (5) on a crosswalk; (6) within twenty feet of a crosswalk at any intersection; (7) in a sign-posted fire lane; (8) within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway; (9) within fifty feet of the nearest rail of a railroad crossing; (10) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within



seventy-five feet of said entrance when properly sign-posted; (11) alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic; (12) on the roadway side of any vehicle stopped or parked at the edge or curb of a street; (13) upon any bridge or other elevated structure upon a street; (14) at any place where official signs prohibit or restrict stopping, parking or both; (15) in any alley, except for loading or unloading and then only so long as reasonable necessary for such loading and unloading to or from adjacent premises; or (16) on any boulevard which has been curbed.

**Section 7.52. Unauthorized Removal.** It is unlawful for any person to move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful.

**Section 7.53. Direction to Proceed.** It is unlawful for any person to stop or park a vehicle on a street when directed or ordered to proceed by any peace officer invested by law with authority to direct, control or regulate traffic.

**Section 7.54. Parallel Parking.** Except where angle parking is specifically allowed and indicated by curb marking or sign-posting, or both, each vehicle stopped or parked upon a two-way road where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with, and within twelve inches of , the right-hand curb, and, where painted markings appear on the curb or the street, such vehicle shall be within such markings, front and rear; provided that upon a one-way roadway all vehicles shall be so parked, except that the left-and wheels of the vehicle may be parallel with and within twelve inches from the left-hand curb, but the front of the vehicle in any event and with respect to the remainder of the vehicle, shall be in the direction of the flow of traffic upon such one-way street; and it is unlawful to park in violation of this Section.

**Section 7.55. Angle Parking.** Where angle parking has been established by Council resolution, and is allowed, as shown by curb marking or sign-posting, or both, each vehicle stopped or parked shall be at an angle of approximately 45 to 60 degrees with the front wheel touching the curb and within any parking lines painted on the curb or street, provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of one-way traffic; and it is unlawful to park in violation of this Section.

**Section 7.56. Streets Without Curb.** Upon streets not having a curb each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; and it is unlawful to park in violation of this Section.

**Section 7.57. Impounding and Removing Vehicles.** When any peace officer finds a vehicle standing upon a street or City-owned parking lot in violation of any parking regulation, such officer is hereby authorized to require the driver or other person in charge of such vehicle to remove the same to a position in compliance with this Chapter. When any peace officer finds a vehicle unattended upon any street or City-

owned parking lot in violation of any parking regulation, such officer is hereby authorized to impound such unlawfully parked vehicle and to provide for the removal thereof and to remove the same to a convenient garage or other facility or place of safety; provided, that if any charge shall be placed against such vehicle for cost of removal or storage, or both, by anyone called upon to assist therewith the same shall be paid prior to removal from such place of storage or safekeeping.

**Section 7.58. Snow Removal.** It is unlawful to park or leave standing any vehicle on Main Street between the hours of 2 o'clock A.M. and 7:00 o'clock A.M. every day from November 1 of each year through April 30 of the year next following.

**Section 7.59. Truck Parking.**

**Subd. 1.** It is unlawful to park a detached semi-trailer upon any street, City-owned parking lot, or other public property except such as are specifically designated by the Council by resolution and sign-posted.

**Subd. 2.** It is unlawful to park a truck of more than one-ton capacity on Main Street between the hours of 8:00 o'clock A.M. and 6:00 o'clock P.M. on any weekday, Monday through Friday.

**Section 7.60. Physically Handicapped Parking.**

**Subd. 1.** Statutory parking privileges for physically handicapped shall be strictly observed and enforced. Peace officers are authorized to tag vehicles on either private or public property in violation of such statutory privileges.

**Subd. 2.** It is unlawful for any person, whether or not physically handicapped, to stop, park, or leave standing, a motor vehicle (1) in a sign-posted fire lane at any time, or (2) in lanes where, and during such hours as, parking is prohibited to accommodate heavy traffic during morning and afternoon rush hours.

*Source: City Code*

*Effective Date: 1/1/1991*

*(Sections 7.61 through 7.98, inclusive, reserved for future expansion.)*

**Section 7.99. Violation a Misdemeanor or Petty Misdemeanor.** Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

**Subd. 1.** Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he shall be punished as for a misdemeanor;

where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he shall be punished as for a misdemeanor; where he stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he shall be punished as for a misdemeanor.

**Subd. 2.** As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he shall be punished as for a petty misdemeanor.

**Subd. 3.** As to any violation of a provision adopted by reference, he shall be punished as specified in such provision, so adopted.

*Source: City Code*

*Effective Date: 1/1/1991*