

CHAPTER 7. TRAFFIC AND VEHICLES

SECTIONS:

- 700 Traffic**
- 710 Parking and Storage of Vehicles**
- 720 Snow Removal**
- 730 Weight Restrictions**
- 740 Snowmobiles**

SECTION 700 – TRAFFIC REGULATIONS

Sec. 700.01 State Traffic Code Adopted. The regulatory provisions of MN Statute Chapters 168 A and B, 169, 170, and 171, each as amended by subsequent laws of the State of Minnesota, shall be adopted as a traffic ordinance regulating the use of highways, streets, and alleys within the City and shall be hereby incorporated in and made a part of this Chapter as completely as if set out here in full.

Sec. 700.02 Designated Speed Limits. The speed at which any motor vehicle may be operated within the City shall be a maximum of 10 miles per hour, as provided by the State Mobile Home Park Licensing Law. This maximum speed limit applies to all streets within the City and to the Landfall Village beach parking area, in addition, the streets and parking lots of the commercial district as well.

Sec. 700.03 Right-of-Way for Pedestrians. Any pedestrian wishing to cross any City street within Landfall Village shall have the right-of-way over vehicles traveling on the streets. If a vehicle is approaching a pedestrian who is with the intent of crossing the street, it shall be the duty of the driver to come to a complete stop until such time as the pedestrian is completely across the street, then proceed with caution.

700.04 Overtaking and Passing. Overtaking and passing a moving vehicle on the streets within the City shall be prohibited. Passing a vehicle which has stopped in the street shall be done in the following manner: The vehicle overtaking the stopped vehicle shall come to a complete stop before passing, then proceed with caution until completely past the stopped vehicle.

700.05 Parking and Driving on Sidewalks. At no time shall the driver of a motor vehicle, or vehicles, drive or park the vehicle on a sidewalk designated for use by a pedestrian.

700.06 One-Way Streets. The Council may by resolution designate the directional flow of traffic upon the streets within the City. In making the designations, streets may be designated as one-way streets wherein the movement of traffic shall be confined to a single direction. The pattern of traffic flow may be changed from time-to-time as determined by conditions within the City and the changes shall be made by Council resolution.

SECTION 710 – PARKING AND STORAGE OF VEHICLES

Sec. 710.01 Definitions. The following words or terms for the purpose of this Section shall be defined as follows:

- Subd. 1 Junk Car.** “Junk Car” shall have the definition provided by MN Statute 168B.011, Subd. 3.
- Subd. 2 Unauthorized Vehicles.** “Unauthorized Vehicle” shall have the definition provided by MN Statute 169B.011, Subd. 4.
- Subd. 3 Abandoned Vehicle.** “Abandoned Vehicle” shall have the definition provided by MN Statute 169B.011, Subd. 2.
- Subd. 4 Commercial Vehicle.** “Commercial Vehicle” shall mean any motor vehicle that does not have passenger license plate and/or is used for business purposes.
- Subd. 5 Exempt Vehicles.** “Exempt Vehicles” shall mean those vehicle that shall be considered by the Council to be exempt from certain or all provisions of this Section.
- Subd. 6 Person.** “Person” shall mean a natural person, firm, association, partnership, or corporation including any agent of any of the aforesaid.
- Subd. 7 Public Place.** “Public Place” shall mean any street, avenue, alley, road, highway, boulevard, parking lot or facility, park, or other public property or premises.
- Subd. 8 Private Property.** “Private Property” shall mean any lot, vacant lot, off street parking place, or business property not considered public property.

Subd. 9 Unclaimed Vehicles. “Unclaimed Vehicles” shall mean any impounded vehicle not claimed by or for any reason not released to the owner thereof within 24 hours after notice is either received by the owner or notice mailed to him or her as provided in this Section.

Sec. 710.02 No Parking.

- A. There shall be no parking on the following streets: Dellwood Sq. N., Dellwood Sq. S., Dellwood Sq. E., or any other street properly signed and marked. [Ordinance 2013-007 / 5-8-13]
- B. There shall be no parking on the East side (sidewalk side) of the following streets: Heather Way, Ivy Lane and Juniper Curve.

Sec. 710.03 Parking on City Streets and Residential Properties. Only currently insured and licensed passenger vehicles as defined in MN Statute 168.011 shall be authorized to park on City streets and residential properties at any time, as designated. [Ordinance 2013-003 / 2-13-13]

Sec. 710.04 Exempt Vehicles.

- A. The following vehicles shall be exempt from Sub-Sections 700.04, 700.05, 700.06, 710.02, and 710.03: Police and fire and rescue vehicles, City vehicles and management maintenance vehicles.
- B. The following vehicles shall be exempt from Sub-Sections 700.06, 710.02, and 710.03: Repair, delivery, licensed refuse and recycling haulers, and rented vehicles. This exemption shall not allow the overnight parking of the vehicles listed above.

Sec. 710.05 Overnight Parking. The following vehicles shall not be allowed to park on City streets or on private property overnight: Repair, delivery, rented vehicles with commercial plates and refuse and recycling haulers or any other vehicle not registered as a passenger vehicle.

Sec. 710.06 Certain Vehicles Declared a Public Nuisance. Any vehicle, whether occupied or not, that is found stopped, standing, or parked in violation of this Section or that is reported stolen or found impeding fire fighting, snow removal, or other street maintenance operations or the orderly flow of traffic, or any junk or abandoned, that has remained for a period of 48 hours on public property illegally, or has remained for a period of 14 days on private property including designated off street parking areas unless housed in a garage or storage building, or is otherwise an unauthorized vehicle in violation of any other Ordinance, Rule or Statute, e.g., in violation of 710.09, shall be hereby declared to be public nuisance and the public nuisance may be abated in the manner set forth in this Section.

Any City Official or Peace Officer of proper jurisdiction, Firefighter, or other duly authorized personnel, may order the nuisance vehicle to be immediately removed and impounded in the manner provided for in this Section. The vehicle shall be surrendered only to the duly identified owner thereof or his or her authorized agent upon payment of the fees provided in this Section which shall be declared to be the vehicle towing and impound fees covering the vehicle.

The impounding of a vehicle pursuant to this Section shall not prevent or preclude the institution and prosecution of proceedings for violation of any provision of this Code, ordinance of the City, or State law, in the District Court or elsewhere, against the owner or operator of the impounded vehicle.
[Ordinance 2018-008 published 1-2-19]

Sec. 710.07 Designated Parking Defined. A designated parking space shall consist of these areas only: paved off-street parking spaces on individual lots, City streets where parking shall be allowed, public parking spaces such as the beach Area, and other paved areas where parking shall be allowed.

Sec. 710.08 Parking Prohibited Outside of Designated Parking Areas. Parking on all areas that are not paved such as grassy areas, vacant lots, grassy areas on occupied lots, areas where parking is not allowed, and public areas that are not paved shall be prohibited.

Sec. 710.09 Repairing of Vehicles. Minor repairs and tune-ups, performed by a resident on their personal vehicle(s), such as replacement of spark plugs, spark plug wires, thermostat, radiator or heater hoses, batteries, wheels, lightbulbs/lenses, shock absorbers and brake service shall be permitted in residential areas of the City, providing they can be accomplished within the same day and completed by 10:00 PM, and do not in any way impede other ingress and egress of residents, guests and Emergency Vehicles. **Oil changes are not allowed.** Vehicles being repaired shall not be left unattended unless secured by the
2013 Revision [3-13-13]/ REV 5-8-13/REV 7-17-17/REV 10-15-18/REV 1-2-19

resident. All other repairs shall be considered major repairs and shall not be permitted on any City street, nor anywhere within a residential district unless the repairs are made within an enclosed structure allowed within the zoning district. No vehicle shall remain in an inoperable state for a period of more than 72 hours. Damage to City streets because of repairs or lack of repairs shall be charged to the LESSEE responsible for the damage to the City streets. Maintenance is not allowed “for hire” in the City and violations of this policy shall be considered a violation of the resident’s lease. [Ordinance 2017-003]

Sec. 710.10 Abandonment. No person shall abandon any junk car, junk motor vehicle, or any part thereof or there from upon any public or private place within the City.

Sec. 710.11 Partially Dismantled, Wrecked, Junk, Discarded, or Non-Operating Vehicles on Private Property. It shall be unlawful for any person in charge or in control of any property within the City to allow any partially dismantled, non-operating, wrecked, junk, or discarded vehicle including parts thereof or there from to remain on any private property unless within an enclosed building for any period longer than 48 hours.

Sec. 710.12 Parking Boats, RV’s, Campers, Etc. No parking of boats, RV’s, campers, trailers, snowmobiles or other small vehicles shall be allowed on any vacant lot or other grassy area.

Sec. 710.13 Towing Contractor. The City shall contract with a person, firm, or corporation to provide the City the towing services required to enforce this and other City code provision on Ordinances and State law.

Sec. 710.14 Impounding, Towing, and Release. The City towing contractor shall take immediate possession of any vehicle duly ordered impounded and ticketed for any traffic or parking violation that requires towing and or impounding and shall tow the vehicle to their impound lot.

Sec. 710.15 Towing and Impounding Charges. The towing and impound charges in connection with the towing and impounding of any vehicle shall not exceed the amount agreed upon between the City and the towing and impound contractor in the contract.

Sec. 710.16 Storage and Release of Impounded Vehicles. The towing contractor during the time that the vehicle is impounded shall not permit the vehicle to be removed or released to the owner until the storage and impounding fees provided in this Section have been paid. At the time of return of the vehicle, the towing contractor shall release the same by a release in writing which shall state the date of the release together with the charges enumerated thereon and the purpose for which charges were made.

Sec. 710.17 Report of Police. Any police officer or other duly authorized person directing the towing and impounding of any vehicle, unoccupied or damaged, shall prepare a written report of the vehicle and shall contain among other things the following information: Make and model of vehicle, license number, a complete inventory of all items in vehicle that are in plain view, any damage to vehicle before towing and impounding and other such information necessary to describe the vehicle and property delivered to the towing contractor. The towing contractor shall receipt for and check the report and his or her signature thereon shall be considered a receipt for the vehicle and the property described therein.

These reports shall be mandatory when towing a vehicle off of private property.

Sec. 710.18 Notification to Owner. The Contracted police service shall give notice of the impounding of any such vehicle to the owner thereof as shown upon or in records of the State Registrar of Motor Vehicles. The notice shall be registered or certified mail and shall be sent to the address as indicated on the records. The notice shall include a description of motor vehicle impounded and a statement of the intent of the City to dispose of the motor vehicle after 45 days unless the motor vehicle shall be released.

Sec. 710.19 Sale of Vehicles. Any unlicensed motor vehicle which is impounded pursuant to this or any other ordinance or statute and which is not released within 45 days of mailed notice to owner, may be sold by the towing contractor to the highest bidder at public auction or sale following reasonable published notice thereof.

Sec. 710.20 Penalty for Non-Compliance. Non-compliance with all or any part of this Section shall be deemed a public nuisance and procedures for removal and impounding of any vehicle, as set down in Subsection 710.15 shall commence immediately. All sales shall be conducted in compliance with MN Statute Chapter 169.

SECTION 720 – SNOW REMOVAL

Sec. 720.01 Snow Plowing.

Subd. 1 Route Designations. The following streets shall be designated as SNOW EMERGENCY ROUTES and shall be posted. These streets shall be: 1st Avenue, Aspen Way, Aspen Point, 4th Avenue, Dellwood Lane, 5th Avenue, Linden Lane, and the upper portion of 2nd Avenue.

Snow plowing shall commence after an accumulation of 2 inches of snow within a day or several days. Snowplows shall make one pass down all streets, allowing vehicles to be moved – SNOW EMERGENCY ROUTES shall be plowed full width first. There shall be no parking on any City street being plowed full width starting at 7 AM.

Subd. 2 Impoundment. Any vehicle being left on any street being plowed full width shall be ticketed and towed at the owner’s expense pursuant to Section 710 of this code.

Sec. 720.02 Placing Snow in Street. No shoveling, snow blowing or other depositing of snow or ice onto any City streets or sidewalk shall be allowed at any time.

Sec. 720.03 Duration. This regulation shall be in effect October 1st of each year to the following May 1st. During the winter regulations, there shall be no parking of boats, recreational vehicles, campers, trailers, snowmobiles, go-carts and similar small vehicles, on city streets or vacant lots.

SECTION 730 – WEIGHT RESTRICTIONS

Sec. 730.01 Weight Limitations. No vehicle or combination of vehicles equipped with pneumatic tires shall be operated upon the streets in the City, except Hudson Boulevard:

- 1. Where the gross weight on any wheel exceeds 2,000 pounds.
- 2. Where the gross weight on any single axle exceeds 4,000 pounds.

Sec. 730.02 Weighing. Any police officer having reason to believe that the weight of a vehicle is unlawful shall be authorized to require the driver to submit to a weighing of the vehicle either by means of portable or stationary scales and may require that the vehicle be driven to the nearest scales in the event the scales shall be within 5 miles.

When an officer, upon weighing a vehicle and load as above provided, shall determine that the weight of any axle exceeds the lawful weight or that the weight on any group of two consecutive axles spaced six feet or less apart exceed their lawful weight or that the weight shall be unlawful on any axle or group of consecutive axles on any road restricted under Subsection 730.04, he or she may require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load shall be removed as shall be necessary to reduce the gross weight of the vehicle to a permissible limit. All materials so unloaded shall be cared for by the owner or driver of the vehicle at the risk of the owner or driver.

No vehicle driver shall fail or refuse to stop and to submit his or her vehicle to a weighing or to otherwise comply with the provisions of this Section.

Sec. 730.03 Special Permits. the City Council upon application in writing and for good cause may issue a special permit, in writing, authorizing the applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in this Chapter. The application for any such permit shall specifically describe the vehicle or vehicles and loads to be moved and the particular highways for which permit to so use shall be requested, and the period of time for which the permit shall be requested. The City Council shall be authorized to issue or withhold the permit at its discretion; and if necessary to insure against undue damage to road foundations, surfaces or structures, it may require such security as may be deemed necessary to compensate for any injury to any roadway or road structure. Every such permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer. No person shall violate any of the terms or conditions of the special permit.

Sec. 730.04 Special Road Restrictions. The Council shall be hereby authorized, by published resolution, to prohibit the operation of trucks or other commercial vehicles, or to impose limitations as to weight thereof, on any highway, street or roadway within the City whenever any such highway, street or roadway, by reason of deterioration, rain, frost, snow, or other

climatic conditions, shall be seriously damaged or destroyed, unless the use of vehicles thereon shall be prohibited or the permissible weights thereof reduced. Prohibitions or restrictions shall not be effective unless and until signs shall be posted on the designated highways, streets, or roadways.

Sec. 730.05 Liability for Damage. Any person driving a vehicle in violation of the provisions of this Chapter shall be liable for all street damage resulting from such act. When the person is driving the vehicle in violation of the provisions of this Chapter with the express or implied consent of the owner, the owner and driver shall be jointly and severally liable for all resulting street damage.

SECTION 740 – SNOWMOBILES, ATV’S, AND SIMILAR VEHICLES

Sec. 740.01 Provisions of State Law Adopted. Provisions of MN Statutes Chapters 84 and 169, with reference to the definitions of terms, rules and regulations, operation, and all other matters pertaining to the operation of snowmobiles, ATV’s and similar vehicles shall be hereby adopted and made a part of this Section as if fully set out in this Section.

Sec. 740.02 General Unlawful Operation. All streets of the City shall be off limits for operation of any snowmobiles, ATV, or similar vehicle. No person shall drive or operate a snowmobile, ATV, or similar vehicle upon public lakes and rivers in the City within 25 yards of any fisherman or pedestrian, in any designated skating or sliding area, or in any other area where the use of a snowmobile shall be considered to be hazardous to others.

Sec. 740.03 Operation of Unlicensed Vehicles. No person shall operate any motorized vehicle that is not required to be licensed under state law on or in any public street, park, beach area, playground or other public area.

Sec. 740.04 Penalty. It shall be considered a misdemeanor to violate any provision of this Chapter, punishable by a fine not to exceed \$700.00 and/or ninety (90) days in jail. In addition, the offending vehicle may be impounded.

CHAPTER 7 CHANGE RECORD:

Sec. 710.03 regarding Parking. Amended to include Residential Properties and insured vehicles. Changes are intended to reflect that the City would like to regulate the parking of vehicles in its jurisdictional boundaries and ensure that all such vehicles are currently licensed and insured in keeping with State law. The ordinance also renders illegal the presence of such vehicles and will authorize the orderly removal/towing from the City. Ordinance 2013-003 adopted 2-13-13.

Sec. 710.02 regarding No Parking. Point A amended to remove Dellwood Lane from the No Parking on streets listing. The proposed changes are intended to reflect that the City would like to deregulate the parking of vehicles on Dellwood Lane as currently proscribed. Ordinance 2013-007 adopted 5-8-13.

Sec. 710.09 regarding Repairing of Vehicles.. The changes are amended to provide further clarity on allowed activity and to not allow “oil changes” or “for hire” maintenance. Ordinance 2017-003 adopted 7-17-17

Sec. 700.02 regarding Designated Speed Limits. Code is amended , striking certain text, to reflect the City’s lack of jurisdiction over the area known as Hudson Road due to transfer of jurisdiction to the City of Oakdale. Ordinance 2018-006 adopted 10-15-18 published 10-24-18

Sec. 710.06 regarding Certain Vehicles Declared a Public Nuisance. Code is amended adding certain text authorizing more immediate Towing, of vehicles in violation, by any City Official or Peace Officer of proper jurisdiction, Firefighter, or other duly authorized personnel. Ordinance 2018-008 published 1-2-19