

STREETS, SIDEWALKS, CURBS, ETC.

200 DESIGN AND CONSTRUCTION OF SIDEWALKS, CURBS AND CROSSINGS

200.01 Acceptable Surfaces.

All sidewalks hereafter constructed or replaced on any street in the platted portion of the City of Wheaton, Traverse County, Minnesota, shall be constructed with a top surface of either cement, stone, or tile brick and when completed to be a flat surface on top.

200.02 Dimensions, Certain Sidewalks.

All sidewalks hereafter constructed or replaced in or along the north and south side of Broadway Avenue, from 8th Street to 13th Street and those sidewalks bordering 10th Street and 11th Street between 1st Avenue North and 1st Avenue South, shall be eight (8) feet six (6) inches wide including the curb, and all other street sidewalks within the platted portion shall be five (5) feet wide. The elevation of the edge of the sidewalk along the block line, should be 3" above the top of the curb and shall be 2" on the street side.

200.03 Location of Sidewalks.

All sidewalks (are) to be built up on the block line on the inner side, except in such blocks of the residence portion of said city where cement walks have been heretofore laid, the inner side of which is not more than six inches outside of the block line, all other sidewalks laid in the same block shall be in the line therewith and the top surface thereof, shall be according to grade.

200.04 Curbs, Certain Streets.

All sidewalks constructed, repaired or replaced bordering on Broadway Avenue shall have a curb made of the same material as the sidewalk not less than six inches wide, and not less than sixteen inches deep.

200.05 Non-conforming Sidewalks.

All sidewalks hereafter constructed, repaired, or replaced on the streets and cross alleys of said city, hereafter shall be subject to the supervision of the City Council and any sidewalk or street crossing hereafter constructed; repaired or replaced in violation of the provisions of this ordinance may be removed by said City Council or under their direction and a new walk put in which will be in conformity with the terms of this ordinance.

200.06 "Guards" During Construction.

All persons while constructing sidewalks shall keep up barricades to make the sidewalk's space safe and secure against accidents to persons or property.

AMENDMENT TO ORDINANCE NO. 201.02 & 201.03

AN ORDINANCE REGULATING SIDEWALKS IN THE CITY OF WHEATON

Findings.

1. The City of Wheaton has an existing Ordinance which regulating the maintenance and repair of sidewalks with the City, and contains a provision that allows residents to remove a damaged sidewalk.
2. The City is presently engaging in projects which will install new sidewalks on certain streets within the City; and
3. In reviewing the Ordinance, the Wheaton City Council believes that it is in the best interests of the residents of the City of Wheaton to require city residents to repair damaged sidewalks instead of giving them the option to have them removed.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS AS FOLLOWS:

1. That Wheaton City Ordinance 201.02 is hereby amended to read as follows:

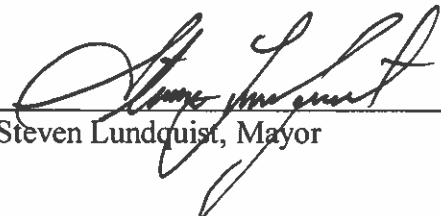
“It shall be the duty of the City Council to make such inspections as are necessary to determine that public sidewalks within the city are kept in repair and are safe for pedestrians. If it is found that any public sidewalks abutting on private property are unsafe and in need of repair, the City Administrator shall cause a notice to be served by certified mail - return receipt requested, or by personal service, upon the owner of record of the property, and the occupant if the owner does not reside within the City or cannot be found therein. Said notice shall order such owner to have the said sidewalk repaired and made safe within thirty (30) days and shall state that if the owner fails to do so, the City of Wheaton, through its proper officials, will do so and that the expense thereof, must be paid by the owner, and that if unpaid will be made a special assessment against the property concerned. The owner may also petition the City Council to allow for the removal of said sidewalk in lieu of repair.”

2. That Wheaton City Ordinance 201.03 is hereby amended to read as follows:

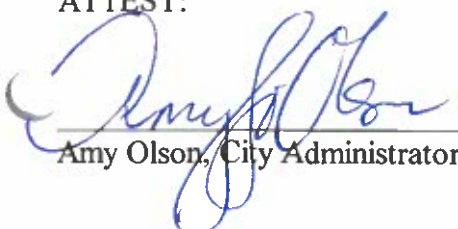
“If the sidewalk is not repaired within thirty (30) days after receipt of the said notice, or no petition to have the sidewalk removed has been received by the City Administrator, the City Council shall by resolution order the repair to be carried out by the city maintenance staff or may order the work done by contract as provided by law. The total cost of the repair attributable to each lot or parcel shall be reported to the City Administrator.”

PASSED AND ADOPTED this 9th day of March, 2026.

WHEATON CITY COUNCIL


Steven Lundquist, Mayor

ATTEST:


Amy Olson, City Administrator

STREETS, SIDEWALKS, CURBS, ETC.

201 REPAIR OF SIDEWALKS: INSPECTIONS

201.01 Repairs Required.

The owner of any property within the city abutting a public sidewalk shall keep the said sidewalk in repair and safe for pedestrians. Repairs shall be made in accordance with standards and specifications adopted by this council.

201.02 Inspections, Orders to Repairs, Assessments.

It shall be the duty of the City Council to make such inspections as are necessary to determine that public sidewalks within the city are kept in repair and are safe for pedestrians. If it is found that any public sidewalks abutting on private property are unsafe and in need of repair, the City Clerk shall cause a notice to be served by certified mail - return receipt requested or by personal service, upon the owner of record of the property, and the occupant if the owner does not reside within the city or cannot be found therein. Said notice shall order such owner to have the said sidewalk repaired and made safe or removed within thirty (30) days and shall state that if the owner fails to do so, the City of Wheaton, through its proper officials, will do so and that the expense thereof, must be paid by the owner, and that if unpaid will be made a special assessment against the property concerned.

201.03 Repairs by City.

If the sidewalk is not repaired or removed within thirty (30) days after receipt of the said notice, the City Council shall by resolution order the repair or removal to be carried out by the city maintenance staff or may order the work done by contract as provided by law. The total cost of the repair attributable to each lot or parcel shall be reported to the City Clerk.

201.04 Permit Required for Certain Repairs.

Any person, firm or corporation desiring to lay, re-lay, substantially repair, or construct any public sidewalk, crossing or curb (with the exception of repairs ordered by the terms of this ordinance) may do so only after making application to the City Clerk for a permit therefor; said applicant shall furnish a description of the property adjacent to, or upon which, the work is to be done; if a new grade and grade line is proposed the city maintenance staff or the City Engineer shall be instructed to establish the proper grade and grade line and level for said work; after the issuance of the permit the proposed work may be accomplished and done by the owner or applicant, in accordance with the standards and specifications adopted by this council, and if a new grade or grade line is contemplated, in accordance with the information furnished by the city maintenance staff of the City Engineer; it shall be a misdemeanor punishable pursuant to W.M.C. 005.05 to proceed with sidewalk work as described above without having first secured such permit, to proceed contrary to standards and specifications adopted by this council or contrary to any grade line or level established by the city maintenance crew or the City Engineer.

STREETS, SIDEWALKS, CURBS, ETC.

202 OBSTRUCTION OF STREETS AND SIDEWALKS

202.01 Obstruction of Sidewalks and Streets Prohibited

That whoever at any time obstructs any of the streets, alleys, sidewalks, or crosswalks, within the limits of said City of Wheaton, by allowing such obstruction to remain thereon for a longer time than five (5) minutes, thereby preventing the free use of such streets, alleys, sidewalks, or crosswalks, by the public shall be guilty of a misdemeanor punishable pursuant to W.M.C. 005.05.

STREETS, SIDEWALKS, CURBS, ETC.

203 REMOVAL OF SNOW, ICE AND DEBRIS FROM SIDEWALKS

203.01 Removal by Owner or Occupant.

The owner or occupant of any lot or parcel of real estate with the City of Wheaton which fronts on a sidewalk or is adjacent thereto, shall remove or cause to be removed from said sidewalk within 24 hours after the cessation of any snow or windstorm, all snow, ice, or other debris thereon and shall keep said sidewalk open for the use of pedestrians as above stated. Snow removal operations shall not cause snow to be placed on the street.

203.02 Removal by City.

Upon the failure of the owner of any lot or real estate to remove or cause the removal of the snow, ice or other debris as aforesaid, then and in that event the City shall cause the removal thereof at the owner's expense and the cost thereof assessed against said property as provided by law.

204 DEALING WITH MANAGING THE PUBLIC RIGHT-OF-WAY

1.01 Election to Manage the Public Right-of-Way.

In accordance with the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects pursuant to this chapter to manage rights-of-way within its jurisdiction.

1.02 Definitions.

The definitions included in Minnesota Statute Section 237.162, Minnesota Rules 7819.0100 subps. 1 through 23, and Minnesota Rules 7560.0100 subps. 1 through 12 are hereby adopted by reference and are incorporated into this chapter as if set out in full.

1.03 Permit Requirement.

Subdivision 1. *Excavation Permit Required.*

Except as otherwise provided in this code, no person may excavate any right-of-way without first having obtained the appropriate permit from the city. Said permit is required to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

Subdivision 2. *Permit Extensions.*

No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person (i) makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subdivision 3. *Delay Penalty.*

In accordance with Minnesota Rule 7819.1000 subp. 3, and notwithstanding subd. 2 of this section, the city shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by city council resolution.

Subdivision 4. *Permit Display.*

Permits issued under this chapter shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the director.

1.03 Permit Applications.

Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

- (A) Submission of a completed permit application form, including all required attachments, scaled drawings showing the location and area of the proposed project

and the location of all known existing and proposed facilities, and the following information:

- (1) Each permittee's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.
- (2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- (3) A certificate of insurance or self-insurance:
 - (a) Verifying that an insurance policy has been issued to the permittee by an insurance company licensed to do business in the State of Minnesota, or a form of self-insurance acceptable to the director;
 - (b) Verifying that the permittee is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the right-of-way by the permittee, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the right-of way by the permittee, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property;
 - (c) Naming the city as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;
 - (d) Requiring that the director be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;
 - (e) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the director in amounts sufficient to protect the city and the public and to carry out the purposes and policies of this chapter.
 - (f) The city may require a copy of the actual insurance policies.
 - (g) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable state or federal agency, where the person is lawfully required to have such certificate from said commission or other state or federal agency.

(B) Payment of money due the city for:

- (1) Permit fees, estimated restoration costs and other management costs;
- (2) Prior obstructions or excavations;

- (3) Any undisputed loss, damage, or expense suffered by the city because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the city;
- (4) Franchise fees or other charges, if applicable.

1.05. Issuance of Permit; Conditions

Subdivision 1. *Permit Issuance.*

If the applicant has satisfied the requirements of this chapter, the director shall issue a permit.

Subdivision 2. *Conditions.*

The director may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use. In addition, a permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minnesota Statutes, Section 216D.01-.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560.

Subdivision 3. *Trenchless Excavation.*

As a condition of all applicable permits, permittees employing trenchless excavation methods, including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the City.

1.06. Permit Fees.

Subdivision 1. *Fees*

The city shall establish an Excavation permit fee in an amount sufficient to recover the following costs:

- (A) The city management costs; and
- (B) Degradation costs, if applicable.

Subdivision 2. *Payment of Permit Fees.*

No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit Fees. The city may allow applicant to pay such fees within thirty (30) days of billing.

Subdivision 3. *Nonrefundable.*

Permit fees that were paid for a permit that the director has revoked for a breach as stated in Section 1.21 are not refundable.

Subdivision 4. *Application to franchises.*

Unless otherwise agreed to in a franchise, management costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

Subdivision 5. All permit fees shall be established consistent with the provisions of Minnesota Rule 7819.100.

1.07. Right-of-Way Patching and Restoration.

Subdivision 1. *Timing.*

The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable under Section 1.15.

Subdivision 2. *Patch and Restoration.*

Permittee shall patch its own work. The city may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

(1) City Restoration. If the city restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the city, within thirty (30) days of billing, all costs associated with having to correct the defective work.

(2) Permittee Restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rules 7819.3000.

(3) Degradation Fee in Lieu of Restoration. In lieu of right-of-way restoration, a right-of-way user may elect to pay a degradation fee. However, the right-of-way user shall remain responsible for patching and the degradation fee shall not include the cost to accomplish these responsibilities.

Subdivision 3. *Standards.*

The permittee shall perform patching and restoration according to the standards and with the materials specified by the city and shall comply with Minnesota Rule 7819.1100

Subdivision 4. *Duty to correct defects.*

The permittee shall correct defects in patching, or restoration performed by permittee or its agents. Permittee upon notification from the director, correct all restoration work to the extent necessary, using the method required by the director. Said work shall be completed within five (5) calendar days of the receipt of the notice from the director, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable under Section 1.15.

Subdivision 5. *Failure to Restore.*

If the permittee fails to restore the right-of-way in the manner and to the condition required by the director, or fails to satisfactorily and timely complete all restoration required by the director, the director at its option may do such work. In that event the permittee shall pay to the city, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the city may exercise its rights under the construction performance bond.

1.08. Supplementary Applications.

Subdivision 1. *Limitation on Area.*

A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided

herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

Subdivision 2. *Limitation on Dates.*

A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

1.09. Denial of Permit.

The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

1.10. Installation Requirements.

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes Secs. 237.162 and 237.163.

1.11. Inspection.

Subdivision 1. *Notice of Completion.*

When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rules 7819.1300.

Subdivision 2. *Site Inspection.*

Permittee shall make the work-site available to city personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subdivision 3. *Authority of City Administrator.*

(1) At the time of inspection the City Administrator may order the immediate cessation of any work, which poses a serious threat to the life, health, safety, or wellbeing of the public.

(2) The City Administrator may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the City Administrator that the violation has been corrected. If such proof has not been presented within the required time, the City Administrator may revoke the permit pursuant to Sec. 1.21.

1.12. Work Done Without a Permit.

Subdivision 1. *Emergency Situations.*

(A) Each person with facilities in the right-of-way shall immediately notify the city of any event regarding its facilities that it considers being an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this chapter for the actions it took in response to the Emergency.

(B) If the city becomes aware of an emergency regarding facilities, the city will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the city may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.

Subdivision 2. *Non-Emergency Situations.*

Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay double all the other fees required by this code, deposit with the city the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this chapter.

1.13. Supplementary Notification.

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the director of the accurate information as soon as this information is known.

1.14. Revocation of Permits.

Subdivision 1. ***Substantial Breach.*** The city reserves its right, as provided herein, to revoke any right of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

- (1) The violation of any material provision of the right-of-way permit;
- (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens;
- (3) Any material misrepresentation of fact in the application for a right-of-way permit;
- (4) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or

(5) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued pursuant to Sec. 1.18.

Subdivision 2. *Written Notice of Breach.*

If the city determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the city shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations might be cause for revocation of the permit. A substantial breach, as stated above, will allow the city, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subdivision 3. *Response to Notice of Breach.*

Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the city with a plan, acceptable to the city, which will cure the breach. Permittee's failure to so contact the city or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan shall be cause for immediate revocation of the permit.

Subdivision 4. *Reimbursement of City Costs.*

If a permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

1.15. Mapping Data.

Subdivision 1. *Information Required.*

Each permittee shall provide mapping information required by the city in accordance with Minnesota Rules 7819.4000 and 7819.4100.

Subdivision 2. *Service Laterals.*

All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee's use of appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the city reasonably requires it. Permittees or their subcontractors shall submit to the city evidence of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals install after December 31, 2005, shall be a condition of any city approval necessary for 1) payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and 2) City approval of performance under development agreements, or other subdivision or site plan approval under Minnesota Statutes, Chapter 462. The city shall reasonably determine the appropriate method of providing such information. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors.

1.16. Location of Facilities.

Subdivision 1.

Placement, location, and relocation of facilities must comply with the act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

Subdivision 2. ***Limitation of Space.***

To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the director shall have the power to prohibit or director shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future city plans for public improvements and development projects which have been determined to be in the public interest.

1.17. Damage to Other Facilities.

When the city does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the director shall notify the local representative as early as is reasonably possible and placed as required. The costs associated therewith will be billed to that facility owner and must be paid within thirty (30) days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the city's response to an emergency occasioned by that owner's facilities.

1.18. Right-of-Way Vacation.

If the city vacates a right-of-way that contains facilities, the facility owner's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

1.19. Indemnification and Liability.

By applying for and accepting a permit under this chapter, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rule 7819.1250.

1.20. Abandoned Facilities.

Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless the director waives this requirement.

1.21. Appeal.

A right-of-way user that: (1) has been denied registration; (2) has been denied a permit; (3) has had permit revoked; (4) believes that the fees imposed are invalid; or (5) disputes a determination of the city regarding Section 1.23 subd. 2 of this ordinance may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the City council. The city council shall act on a timely written request at its next regularly scheduled meeting. A decision by the city council affirming the denial, revocation, or fee imposition will be writing and supported by written findings establishing the reasonableness of the decision.

1.22. Reservation of Regulatory and Police Powers.

A permittee's rights are subject to the regulatory and police powers of the city to adopt and enforce general ordinances necessary to protect the health, **safety and welfare of the public.**

269 WHEATON TRAFFIC REGULATION ORDINANCE

269.246. Turning and Starting.

Resolved that effective September 27, 1973, with the exception of subdivision 2.

A "U turn" is hereby defined to be a turn made by any vehicle, whereby the said vehicle completes half of a circle in its course; thereby reversing the direction in which it is proceeding to one opposite to that in which it was proceeding before the turn was commenced. No vehicle shall in the City of Wheaton make a U turn other than at an intersection, and further no vehicle shall make a U turn at the intersections of Broadway and 8th, 9th, 10th, 11th and Front Streets.

269.246. Parking for the physically handicapped: Prohibitions, Penalties.

269.35. Snow Alert.

a. Definitions. For purposes of this Section:

(1) "Snow Alert" means a condition created on roadways within the City of Wheaton because of the presence of snow, freezing rain, sleet, ice, or snowdrifts thereon, or other natural phenomenon which, in the judgment of the individual declaring it, creates or is likely to create hazardous road conditions or impede or is likely to impede the free movement of fire, health, police, emergency, or other vehicular traffic.

(2) "Street" means any street, avenue, alley, or other public road or way within the City of Wheaton.

(3) "Media" means the Wheaton City Access channel and the Morris radio stations KMRS radio 1230 AM and KKOK radio 95.7 FM, and the City of Wheaton website.

(4) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a street or highway, and includes but is not limited to automobiles, vans, trucks, buses, motorcycles, bicycles, recreational vehicles, tractors, all-terrain vehicles, snowmobiles, and trailers.

b. Declaration of Snow Alert

A snow alert may be called by the Mayor or the Mayor's designee, or the Chief of Police or Street Supervisor in conjunction with any member of the City Council. When a snow alert is to be declared, notice will be given to the residents by the media. Notice will be given 12 hours prior to declaring the snow alert. The snow alert shall remain in effect until the event has ended and the streets have been cleared of snow from curb to curb by city plows, or until notification is otherwise of its ending

is given through the media. A snow alert may be also extended for additional time by giving notice to the media.

c. Parking During Snow Alert

It shall be unlawful for any person to park, abandon, or otherwise leave any unattended vehicle on the street during the snow alert. Proof that a person or entity was the owner or lessee of a vehicle at the time of an alleged violation of this Section shall constitute prima facie evidence that such owner or lessee is the person or entity that committed the violation.

d. Other Winter Parking

In cases calling for routine snow removal when a snow alert has not been declared, where a vehicle has not been moved after the street has been plowed, notice shall be given to the owner or person in control of the vehicle. Notice shall be given in writing, either in person, by U.S. mail, or by attaching the notice to the vehicle. Notice can be given by any member of the Wheaton Police Department, the City Administrator, or the Street Supervisor. The notice shall state the time that the vehicle must be moved by, and said vehicle shall be removed prior to said time and not placed back upon the street until the street has been cleared of snow.

269.354 Violations and Impound.

If any vehicle is parked, abandoned, or left standing in violation of Subdivision 3, the following consequences shall be applied:

- a. First Offense. The vehicle shall be towed and impounded. A \$25.00 impound fee shall be assessed to the tow fee.
- b. Second or Subsequent Offense. The vehicle will be impounded, a \$25.00 impound fee will assessed to the tow fee, and a petty misdemeanor citation shall be issued for violation of this Section pursuant to Subdivision 10 below.
- c. No vehicle shall be released from impound until the tow and impound fees have been paid in full to the City Administrator Office.
- d. Any vehicle impounded under this section and not claimed within 30 days will be dealt with pursuant to the provisions of Wheaton City Ordinance No. 277.
- e. Vehicles that are impounded under this section will be towed to a location determined by the Wheaton Police Department.

269.355 Loading Zone.

a. Definitions.

- a. "Loading Zone" means an area of a public street or alley, within the city of Wheaton, which is reserved for the use of vehicles loading and

unloading inventory, goods or equipment being shipped by, or delivered to, a place of business.

- b. The City Council shall, by resolution, designate the location of loading zones, specifying the days of the week, and hours of each day, during which the designation shall be enforced.
- c. The City Council shall erect and maintain official signs identifying loading zones and the time of day such designation is in effect.

b. Penalty.

No person shall stop or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer, in any area designated and posted as a loading zone. Any vehicle using a loading zone to load or unload inventory, goods or equipment being shipped by, or delivered to, a place of business, shall not be considered either stopped or parked within the loading zone for purposes of this ordinance. Every person convicted of a violation of this ordinance shall be guilty of a petty misdemeanor and pay a fine of \$25.00.

c. Tow away, fees.

The City shall have the authority to have any vehicle stopped or parked in violation of this ordinance towed away at the owner's expense. The vehicle owner shall also be liable to the City for an impound and storage fee of \$10.00 per day.

269.357

Parking.

The marking of fire lane on public property and private property devoted to public use shall be as designated by the fire chief and approved by the City Council. No person shall park a motor vehicle or otherwise obstruct a duly designated and approved fire lane on either private or public property unless said person is a duly authorized member of the City of Wheaton Fire Department and/or Police Department and in the exercise of his official duties during an actual emergency. Any person who violates the provisions of Subdivision 7 is guilty of a petty misdemeanor and shall be fined not more than \$100.00. The above ordinances shall be in full force and effect thirty (30) days after their passage and publication.

269.359

School Bus Zone.

Subd. 1 Definitions

- a. "School Bus Zone" means an area of a public street, within the City of Wheaton, which is reserved for the use of school buses for the purpose of receiving or discharging any school child or children.
- b. "School Bus" means a motor vehicle as defined in MN Stat. 169.01, subd. 6, which said section is hereby incorporated by reference for purposes of this Ordinance.

- c. The city Council shall, by resolution, designate the location of School Bus Zones, specifying the hours of each school day, during which the designation shall be enforced.
- d. The City Council shall erect and maintain official signs identifying School Bus Zones and the time of each school day such designation is in effect.

Subd. 2. Violation: penalty

No person shall stop or park a vehicle, except a school bus, in any area designated and posted as a School Bus Zone, except:

- a. When necessary to avoid conflict with other traffic, or
- b. in compliance with the direction of a police officer.

Every person convicted of a violation of this Ordinance shall be guilty of a petty misdemeanor and pay a fine of \$50.00.

Subd. 3. Tow away, fees.

The City shall have the authority to have any vehicle which is stopped or parked in violation of this Ordinance towed away at the owner's expense. The vehicle owner shall also be liable to the City for an impound and storage fee of \$10.00 per day.

This ordinance shall be in force and effect from and after its adoption and publication as required by law.

Passed by the Wheaton City Council this 28th day of October, 1993.

Subsection 3. All persons in control of all other vehicles shall yield the right of way to any fire apparatus traveling upon the streets of said City, and all persons in control of other vehicles when any fire apparatus is approaching shall drive such vehicle to the curb and stop the same and such vehicle shall remain stationary until such fire apparatus shall have passed.

CROSS REFERENCE: W.M.C. 75.01 "insert": (Parking for the Physically Handicapped: Prohibitions, Penalties)

M.S.A. 169.79 is adopted by reference.

269.80 Size, Weight, Load and Weight Limitations.

Subsection 1. The operation of vehicles upon the improved portions of the streets in the City of Wheaton in excess of ten thousand (10,000) pounds per axle weight is prohibited except under the following circum-

stances:

- a. That said street, roadway, or highway has been designated by City Council as a truck route and posted as same.
- b. Unless application is made, presented, and granted for moving such a motor vehicle in excess of the above stated weight limitations. Said application to be approved by the city clerk, chief of police, and one member of the City Council.
(Derivation 140(2) March 8, 1962).
- c. No truck parking on any residential street in the city.
- d. Garbage trucks, utility trucks and other essential vehicles will be allowed on city streets with an annual permit.

Subsection 2. No street, roadway or highway shall be deemed to be a "truck route" within the above exception (sic) until such street, roadway, highway is designated as such at a regular meeting of the city council and by passage of said resolution by a majority of the members of said council and further, that such street, roadway or highway is clearly designated as a truck route by the placing of signs along such street, roadway or highway under the direction of the City Council.

Subsection 3. Such truck routes and weight limitation as set forth in subdivision 3, may be changed by an affirmative vote of the City Council from time to time as said council deems just and proper.

269.85 Weighing

A police officer having reason to believe that the weight of a vehicle and load is unlawful pursuant to W.M.C. 269.80 is authorized to require the driver to stop and submit to a weighing of the same, either by means of portable or stationary scales and may require that such vehicle be driven to the nearest public scales in the event such scales are within five miles. Any driver of a vehicle who fails or refuses to stop and submit the vehicle and load to a weighing, or who fails or refuses, when directed by an officer upon a weighing of the vehicle, to stop the vehicle and otherwise comply with the provisions of W.M.C. 269.80 shall be guilty of a misdemeanor.

269.88 Damages; Liability.

Any person driving any vehicle, object or contrivance upon any highway or street structure in the city shall be liable for all damage which the highway or street may sustain as a result of any illegal operation, driving, or moving of such vehicle, object or contrivance, or as a result of operation, driving, or moving any vehicle, object or contrivance weighing in excess of the maximum weight provided in Ordinance 140 but authorized by a special permit issued pursuant to said ordinance. When such driver is not the owner of such vehicle, object or contrivance but is operating, driving or moving the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for any such damage. Any person who by his willful acts or failure to exercise due care, damages

any road, street or highway shall be liable for the amount thereof. Damages under this section may be recovered in a civil action brought by the city.

TRAFFIC and REGULATIONS

270 OPERATION OF SNOWMOBILES AND SNOWMOBILE ROUTES

270.01: No snowmobile shall be operated on any street or alley in the City of Wheaton, Minnesota in excess of 20 miles per hour.

270.02: No snowmobile shall be operated in the City of Wheaton, Minnesota between the hours of 1:00 a.m. and 7:00 a.m.

270.03: No snowmobile shall be operated on any street, avenue or alley in the City of Wheaton, Minnesota without displaying a red or orange flag, the top of which, when mounted on the snowmobile, shall not be less than 72 inches from the ground.

270.04: The snowmobile shall yield at all intersections before entering the intersection.

270.05: No snowmobile shall be operated at or upon any of the following:

- a. on any public sidewalk
- b. on the private property of another without first obtaining permission from the owner.
- c. upon city airport
- d. on the school grounds unless authorized by the school board.

270.06: No snowmobile shall be operated in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

270.07: No snowmobile shall be operated while under the influence of intoxicating liquor or narcotics or habit forming drugs.

270.08: No snowmobile shall be operated without a lighted head and tail light when required for safety.

270.09: No snowmobile shall be operated without registration numbers as required by law.

270.10. There shall be no operation of a snowmobile in violation of state law or in violation of any regulation of the Department of Natural Resources.

270.11 Snowmobile Routes.

Snowmobiles shall be operated on the alleys and snowmobile routes herein established and shall not be operated on any other street of the City of Wheaton except for the purpose of reaching and leaving the established routes by the most direct street route to the home of the operator, or the usual place of storage of the snowmobiles. The snowmobile routes as established are as follows:

West to East South Route:

2nd Avenue South from Highway 27 West to Highway 27 East Junction Highway 75. Also 1st Avenue South from 7th Street South to 2nd Street South.

West to East North Route:

Along 3rd Avenue North, from 18th Street North, to Trail Street. Then North along Trail to Cottonwood Avenue; then Cottonwood Avenue to 13th Street North. Then along 13th Street South to 5th Avenue North then 5th Avenue Northeast to Highway 75 North. Then Highway 75 Northeast along 5th Avenue North to 3rd Street North.

North to South Route West:

Along 18th Street North from 3rd Avenue North to Broadway West, then along Broadway West, to West Highway 27.

North to South Route West Central:

Trail Street to 1st Avenue North. Then east to Front Street then Front Street to Highway 75 South.

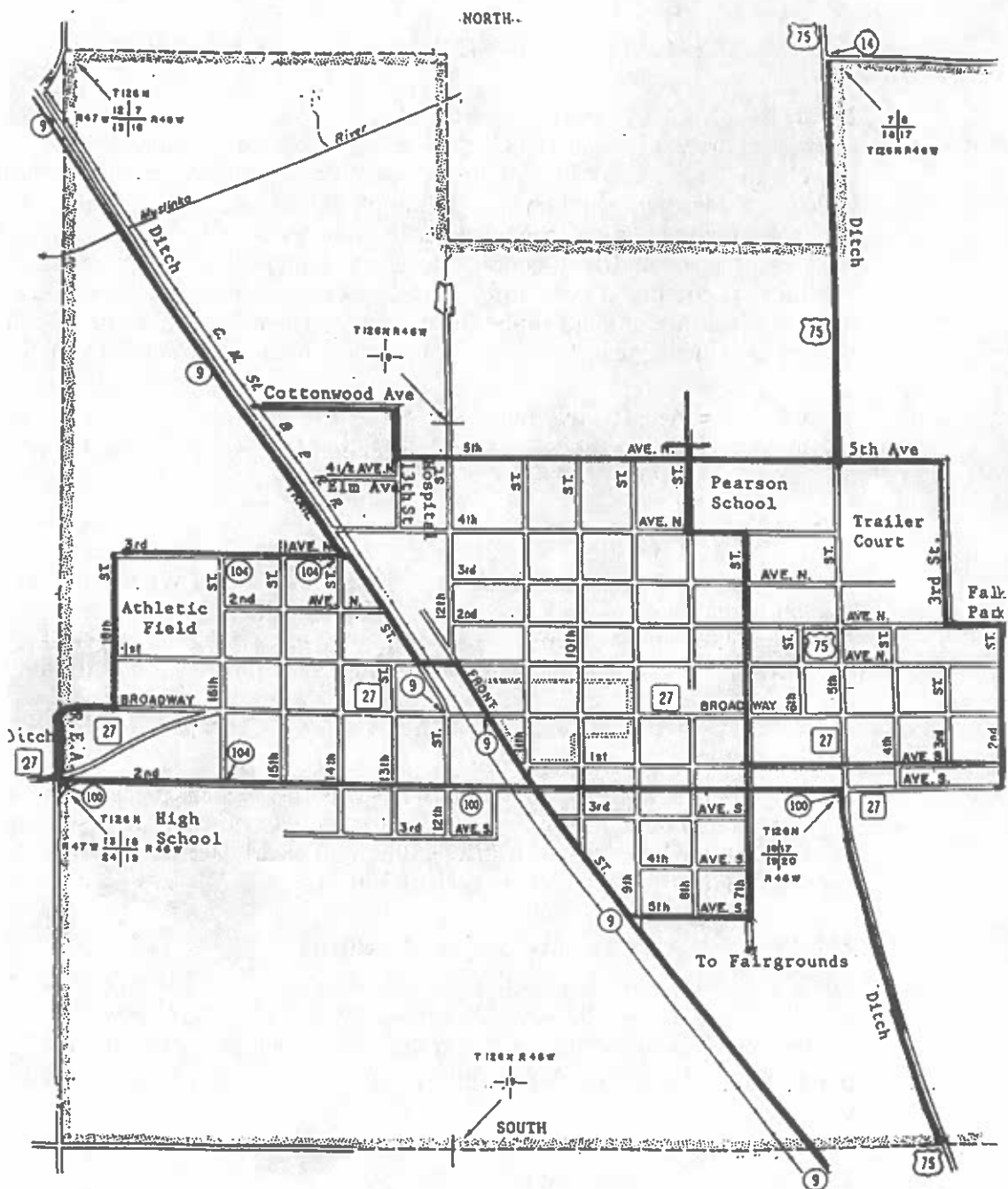
North to South Route Central:

Along 8th Street from 6th Avenue North to 4th Avenue North. Then 4th Avenue North East to 7th Street North. Then along 7th Street North to 5th Avenue South. Then 5th Avenue South to Front Street.

North to South Route East:

Along 3rd Street from 5th Avenue North to 2nd Avenue North. Then East along 2nd Avenue North to 2nd Street then South on 2nd Street to Highway 27 East.

270.12: Any person violating any provision of this ordinance shall be, upon conviction of such violation, fined a sum not to exceed \$700.00 or sentenced to the County Jail for a period of time not to exceed ninety (90) days of both.



TRAFFIC AND TRAFFIC REGULATIONS

271 USE OF SPECIAL VEHICLES ON ROADWAYS

271.011 Permit Required.

In order to drive a special vehicle, defined as a golf cart or other similar vehicle, in the City of Wheaton, the driver must first obtain a permit in order to do so. Said permit shall be issued through the Wheaton City Council upon application to them and subsequent certification by a medical physician that the driver has the ability to handle the special vehicle. The permit shall be valid for exactly one (1) year after its issuance, after which the driver must make application for a new one. The permit may also be revoked at any time if there is evidence that the driver cannot safely operate the special vehicle.

271.02 Age Restriction.

No one under the age of 16 years of age is eligible to receive a special vehicle permit.

271.03. Location.

Special vehicles may be driven on any street in the City of Wheaton, with the exception that they may not be used on Highway 75, Highway 27, and Second Avenue South. This exception does not include preventing the driver of a special vehicle from making a direct crossing at the intersection of these roads.

271.04 Times of Operation.

Special vehicles may be operated only from sunrise to sunset. They shall also not be operated in inclement weather, smoke, fog, or other similar conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

271.05 Attachments to Special Vehicle.

Special vehicles shall display the slow-moving vehicle emblem provided for in M.S.A. § 169.522 when operated on designated roadways, as well as a red or orange flag extending no less than two (2) feet above the highest point of the vehicle. The flag shall be attached to the rear of the special vehicle.

271.06 Application of Traffic Laws.

Every person operating a special vehicle under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under state law, except when those provisions cannot reasonably be applied to special vehicles and except as otherwise specifically provided in subdivision 7.

271.07 Nonapplication of Certain Laws.

The provisions of M.S.A. §171 are not applicable to drivers operating special vehicles under permit on designated roadways pursuant to this Ordinance.

SUMMARY OF AMENDMENT TO ORDINANCE NO. 271

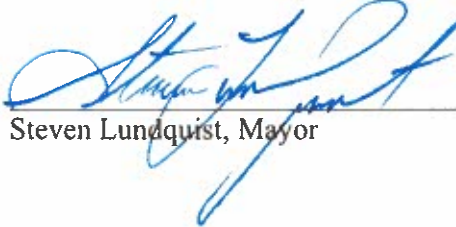
A SUMMARY OF AN ORDINANCE REGULATING THE USE OF SPECIAL VEHICLES ON ROADWAYS IN THE CITY OF WHEATON

In order to better regulate the use of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on city roadways within the City of Wheaton, the Wheaton City Council has amended its Ordinance pertaining to the use of "special vehicles." The primary amendments to the existing Ordinance are as follows: eliminates the provision requiring all vehicle operators to obtain a permit; shifts administration of the permits to the Traverse County Sheriff's Office, who shall enforce the ordinance; requires every person operating a utility task vehicle or a motorized golf course to be at least 16 years of age and have completed a driver's education or safety training course, unless otherwise excused by the Traverse County Sheriff; and establishes a right to appeal the denial or revocation of their permit to the City Council.

This summary is being published in compliance with Minnesota Statutes Section 331A.01, Subdivision 10 and Minnesota Statutes Section 412.191, Subdivision 4. A copy of the full text of this Ordinance shall be available at regular office hours of the office of the Wheaton City Administrator. The full text of this Ordinance will be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED this 10th day of August, 2026.

WHEATON CITY COUNCIL



Steven Lundquist, Mayor

ATTEST:



Ashton Ayres, City Administrator

AMENDMENT TO ORDINANCE NO. 271

AN ORDINANCE DEALING WITH REGULATING THE USE OF SPECIAL VEHICLES ON ROADWAYS IN THE CITY OF WHEATON

Findings.

1. The City of Wheaton has an ordinance regulating the use of special vehicles on public roadways within the City of Wheaton which has not been enforced;
2. Traverse County also has a similar ordinance; and
3. The Wheaton City Council believes that it is in the best interests of the residents of the City of Wheaton to amended its Ordinance to adopt Traverse County's version of the Ordinance and have the Traverse County Sheriff's Office enforce the Ordinance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS AS FOLLOWS:

1. That Wheaton City Ordinance 271 is hereby amended to read as follows:

“271.01 Purpose, Intent, and Authority. This Ordinance is adopted pursuant to authorization and policies contained in Minn. Stat. § 169.045, as amended, to allow special vehicle use on roadways under the jurisdiction of the City of Wheaton. This Ordinance is adopted for the purposes of:

- A. Authorizing the operation of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on city roadways within the City of Wheaton
- B. Providing an economic benefit to Wheaton citizens by allowing operation of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on city roadways to access our businesses, parks, and trails.
- C. Restricting all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts from operating in ditch bottoms and along right-of-way slopes to ensure the integrity of the roadway system from excessive erosion and to allow the mowing and baling of grass along City roadways.

271.02 Definitions. For the purpose of this Ordinance, certain words and phrases are defined as follows:

- A. All-Terrain Vehicle (ATV). An all-terrain vehicle has the meaning given in Minn. Stat. § 84.92.
- B. Council. The Wheaton City Council.
- C. Mini-Truck. A mini-truck has the meaning given in Minn. Stat. § 169.011, Subd. 40a.
- D. Motorized Golf Cart. A self-propelled motor vehicle designed and manufactured for sporting and recreational purposes that typically is not capable of exceeding speeds of 20 miles per hour.
- E. Public Road Right-of-Way. The entire right-of-way of a public road, including

the traveled portions, banks, ditches, shoulders, and medians of a roadway, which is not privately owned.

- F. Roadway. That portion of a city road or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder.
- G. Special Vehicle Use Permit. A permit issued by the City of Wheaton allowing the use of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on County roadways in Traverse County.
- H. Utility Task Vehicle (UTV). A utility task vehicle means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

271.03

City Permit Required. Unless otherwise legally permitted, no person shall operate all-terrain vehicles, mini-trucks, utility task vehicles, or motorized golf carts on County roadways, or portions thereof, without a valid, current, unrevoked City of Wheaton Special Vehicle Use Permit.

- A. Permit Application. Application for a City of Wheaton Special Vehicle Use Permit must be made on a form supplied by the County and must contain the following information for each all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart permitted:
 - 1. Date of application.
 - 2. The name, address, phone number, and email address of the registered vehicle owner.
 - 3. Year, make, model, and DNR registration, vehicle identification, or serial number of the vehicle to be permitted.
 - 4. Proof of vehicle insurance.
 - 5. Such other information as the Board may require.
- B. Permit Fees. The Board may establish an annual fee for a permit.
- C. Term of Permit. Permits are valid for two calendar year(s) beginning January 1 and ending December 31 of the last year the permit is valid. Vehicle owners are responsible for renewal of the City of Wheaton Special Vehicle Use Permit every two years.
- D. Proof of Permit. Permit decals shall be located on a plate that is clearly visible on the back of the all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart.
- E. Exemptions. The provisions of this Ordinance shall not apply to the use of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts used by governmental agencies in the pursuit of their duties or during emergency

use, and during an organized and approved parade.

- F. Coordinator and Authorized Permit Agents. The Traverse County Sheriff's Office shall issue City of Wheaton Special Vehicle Use Permits. The Traverse County Sheriff's Office may set up a network of authorized issuers of City of Wheaton Special Vehicle Use Permits as it sees fit.

271.04

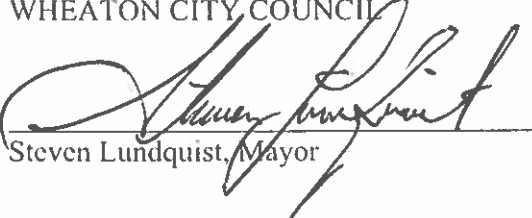
Operating Conditions.

- A. Operation on County Roadways. All-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts may be operated on all city roadways, with an approved City of Wheaton Special Vehicle Use Permit. Operation on federal and state highways and roads and streets under the jurisdiction of a city or township is not permitted by this Ordinance.
- B. Regulations for Operation. All-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts must be operated on the extreme right-hand side of a city roadway, making left turns across the roadway only if it is safe to do so under prevailing conditions. All-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts shall not be operated on the inside slope, ditch bottom, or outside slope of the right-of-way, unless such operation is otherwise permitted by appropriate signage.
- C. Times of Operation. All-terrain vehicles, utility task vehicles, and motorized golf carts may only be operated on city roadways from sunrise to sunset unless equipped with original equipment headlamps, tail lamps, and rear-facing brake lamps. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet. Mini-trucks are not restricted from operation at night or in inclement weather.
- D. Required Equipment on Mini-Trucks. A mini-truck may be operated on city roadways if it is equipped with the following:
1. At least two headlamps.
 2. At least two tail lamps.
 3. Front and rear turn-signal lamps.
 4. An exterior mirror mounted on the driver's side of the vehicle and either:
 - a. An exterior mirror mounted on the passenger's side of the vehicle.
or
 - b. An interior mirror.
- E. Required Equipment on Motorized Golf Carts. Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.522, and shall be equipped with a rear-view mirror when operated on city roadways.

- F. Required Equipment on All-Terrain and Utility Task Vehicles. All-terrain and utility task vehicles shall be equipped with a rear-view mirror when operated on city roadways.
- G. Crossing Intersecting Highways. The operator of an all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart, who has attained a City of Wheaton Special Vehicle Use Permit, may cross any street or highway intersecting a city roadway.
- H. Application of Traffic Laws. Every person operating an all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart, who has attained a City of Wheaton Special Vehicle Use Permit to operate on County roadways, has all the rights and duties applicable to the driver of any other vehicle under Minnesota Statutes, except when those provisions cannot reasonably be applied to all-terrain vehicles, mini-trucks, utility task vehicles, or motorized golf carts and except as otherwise specifically provided in Minn. Stat. § 169.045, Subd. 7.
- I. Application of Other Laws. Every person operating an all-terrain vehicle, mini-truck, utility task vehicle, and motorized golf cart who has attained a City of Wheaton Special Vehicle Use Permit to operate on County roadways shall abide by the provisions of all Minnesota statutes and rules governing the vehicle's use and operation requirements including but not limited to Minnesota Statutes, Chapter 169 (Traffic Regulations), and Minnesota Statutes, Chapter 84.92 – 84.929 (All-Terrain Vehicles), as amended.
- J. Non-Application of Certain Laws. The provisions of Minnesota Statutes, Chapter 171, are applicable to persons operating mini trucks but are not applicable to persons operating all-terrain vehicles, utility task vehicles, or motorized golf carts, who have attained a City of Wheaton Special Vehicle Use Permit to operate on County roadways, pursuant to this Ordinance. Except for the requirements of Minn. Stat. § 169.70, the provisions of this chapter relating to equipment on vehicles are not applicable to all-terrain vehicles, utility task vehicles, or motorized golf carts operating, under permit, on city roadways.
- K. Speed Limit. No person shall drive or operate an all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart on a city roadway at a speed in excess of the posted speed limit or at a speed greater than is reasonable and prudent under the conditions.
- L. Insurance. Owners and operators of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts shall be able to furnish evidence of insurance coverage pursuant to Minn. Stat. § 65B.48, as amended.
- M. Age and License Requirements. Every person operating a utility task vehicle or motorized golf cart on a city roadway must be at least 16 years of age and have successfully completed a state-approved drivers' education course or a certified all-terrain vehicle safety training course, unless otherwise excused by the Traverse County Sheriff for good cause. A driver's license is required to operate an all-terrain vehicle or mini-truck on a city roadway.

- 271.05 Permit Suspension.** City of Wheaton Special Vehicle Use Permits may be temporarily suspended by the Council or County Sheriff if it is determined that use of city roadways by all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts is a threat to public safety.
- 271.06 Permit Revocation.** A City of Wheaton Special Vehicle Use Permit may be revoked for any of the following reasons:
- A. Violation of any requirements of this Ordinance.
 - B. There is evidence that the permittee cannot safely operate the all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart on a city roadway.
 - C. Violation of any Minnesota laws or rules governing vehicle use and operation requirements including but not limited to provisions of Minnesota Statutes, Chapter 171, Chapter 169, or Chapter 84.92 – 84.929, as amended.
- 271.07 Right to Appeal.** A permit applicant or permittee may appeal, in writing within five business days, the denial or revocation of a City of Wheaton Special Vehicle Use Permit to the Council. The Council shall conduct a hearing within 30 days after the written appeal has been filed. The appealing party shall receive notice of the time and place of the meeting at least 10 days prior to the public hearing. The Council shall determine whether there is sufficient cause to support the denial or revocation of the City of Wheaton Special Vehicle Use Permit. The Council shall make written findings in support of its decision immediately following the hearing, which shall be final.
- 271.08 Penalty.** A violations of any requirements of this Ordinance are petty misdemeanors, except that violations committed under circumstances that endanger or are likely to endanger persons or property shall be deemed a misdemeanor.
- 271.09 Severability.** The provisions of this Ordinance shall be severable. Should any section, paragraph; sentence, clauses, phrase or portion of this regulation be declared invalid for any reason, the remainder of said regulation shall not be affected and the remainder of the provision shall remain in full force and effect.

PASSED AND ADOPTED this 10th day of August, 2026.

WHEATON CITY COUNCIL

Steven Lundquist, Mayor

ATTEST:

Bill McCabe, Interim City Administrator

Except for the requirements of section M.S.A. § 169.70, the provisions of this chapter relating to equipment on vehicles is not applicable to special vehicles operating, under permit, on designated roadways.

271.08 Insurance.

In the event drivers operating a special vehicle under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile Assigned Risk Plan at a rate to be determined by the commissioner of commerce. If no insurance can be obtained, then a security payment in the amount of \$50,000 for tort liabilities must be maintained at the Wheaton City Hall.

271.09 Penalty.

Any person who violates, neglects, refuses to comply with, or assists or participates in any way in the violation of any of the provisions or requirements of this ordinance is guilty of a misdemeanor and is subject to a penalty of 90 days in jail and/or a \$1000 fine for each violation. Each day such violation shall constitute a separate offense.

TRAFFIC AND TRAFFIC REGULATIONS

276 REMOVAL OF ILLEGALLY PARKED CARS

276.01

If any vehicle or other object is parked, placed, or left anywhere in the City in violation of any of the provisions of a State Statute, any police officer of the city shall have the right to take possession of such vehicle or other object and cause the same to be removed and placed in storage. The owner of such vehicle or other object, or other person in charge of or entitled to possession of the same, shall be liable for the following impounding and storage fees which fees shall be paid in full prior to releasing the vehicle or other object from storage: Fifty and no/100, \$50.00 Dollars shall be charged for the first seventy two (72) hours and Ten and no/100 (\$10.00) Dollar per day shall be charged thereafter. Said fees shall be in addition to any towing fees which may have been charged. Should any vehicle remain in storage for fourteen (14) days or more, it shall be deemed to be an abandoned vehicle and shall be dealt with pursuant to Wheaton City ordinance number 277. Any fees payable hereunder shall be paid to the City Police Department at least monthly to the City Clerk – Treasurer. Prior to the release of any vehicle or other object impounded pursuant to this Ordinance, the person seeking the release thereof shall furnish evidence of ownership sufficient to indicate he has the right to possession of the vehicle or other object. The costs provided for in this ordinance are in addition to any penalty herein provided for the violation of this Ordinance. The provisions of this ordinance relating to impounding and storage fees shall also be applicable to any vehicle lawfully seized by officers of the City Police department for any reason. All vehicles lawfully impounded for any reason shall be searched and the contents thereof shall be inventoried for the protection of all parties involved.

276.02 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 is prima facie evidence of a violation of this section. Violation of this ordinance shall constitute a petty misdemeanor.

TRAFFIC AND TRAFFIC REGULATION

277 DISPOSAL OF UNCLAIMED PROPERTY

277.01 All property lawfully coming into the possession of the City of Wheaton, Minnesota, and unclaimed by its owner, shall be disposed of as provided by this ordinance.

277.02 The department of the City into whose possession property comes shall arrange for the storage of same. If municipal facilities for storage are unavailable or inadequate, arrangements for storage at privately owned facilities may be arranged.

277.02.01 The owner of property may claim the same by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by the City. A receipt for the property shall be obtained upon release to the owner.

277.02 .02 In the event that the property remains unclaimed in the possession of the city for a period of three (3) months, the property shall thereafter be sold to the highest bidder at a public auction conducted by the Chief of Police. Such auction shall be held after two (2) weeks published notice setting forth the time and place thereof and the property to be sold.

277.03 The net proceeds from the sale of such property after deduction of storage costs incurred, if any, shall be placed in the treasury of the City.

277.04 Notwithstanding any provision of this ordinance hereinbefore to the contrary, the provisions of this ordinance shall apply to abandoned motor vehicles:

Section A: the City Police Department shall take into custody and impound any abandoned motor vehicle.

Section B: When an abandoned motor vehicle is taken into custody the Police Department shall give notice of the taking within ten (10) days. The notice shall set forth the date and place of the taking, the year, make, model, and serial number of the abandoned vehicle, and the place where the vehicle is being held and shall inform the owner, and any lien holders, of their right to reclaim the motor vehicle under the provisions of Section C of this Article hereinafter set forth, and shall state that failure of the owner or lien holders to exercise their right to reclaim the vehicle shall be deemed a waiver by them of all right, title and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to the provisions of this ordinance. The notice shall be sent by certified mail to the registered owner, if any, of the abandoned 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 official newspaper of the city.

Section C: The owner or any lien holder of an abandoned 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 described in Section B above. Nothing contained in this Ordinance shall be construed so as to impair any lien of any garage keeper under the laws of this State or the right of a lien of any garage keeper under the laws of this State or the right of a lien holder to foreclose. For the purpose of this Section, "garage keeper" is an operator of a parking facility, or operator of an establishment, for the servicing, repair or maintenance of motor vehicles.

Section D: An abandoned motor vehicle taken into custody and not reclaimed shall be sold to the highest bidder at public auction or sale. Notice of such auction or sale shall be given one (1) publication in the official newspaper for the City. The sale or auction may take place at any time ten (10) days after the date of such publication. 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.

Section E: When an abandoned motor vehicle is more than seven (7) model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota, or any other State or foreign country, it shall immediately be eligible for sale at public auction and shall not be subject to the notification, reclamation, or title provisions of the foregoing Sections of this Ordinance.

Section F: From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for cost of towing, preserving, and storing the vehicle and all notice and publications costs incurred pursuant to this Ordinance. Any remainder from the proceeds of the sale shall be held for the owner of the vehicle or entitled lien holder, for ninety (90) days and then shall be deposited in the general fund of the City.

Section G: As used in this Ordinance, the following terms have the following definitions:

"Abandoned motor vehicle" means a motor vehicle as defined in Minnesota Statutes Section 169.01 that has remained for a period of more than forty (48) hours on public property illegally or lacking vital component parts or has remained for a period of more than forty eight (48) hours on private property, without consent of the person in control of such property, or in an inoperable condition such that it has no substantial, potential further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building. A "classic car" or "pioneer car" as defined in Minnesota Statutes Section 168.10, shall not be considered an abandoned motor vehicle within the meaning of this ordinance.

“Vital component parts” means those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle including, but not limited to the motor, drive train and wheels.

Section H: When no bid has been received for an abandoned motor vehicle, the City may utilize its equipment and personnel for the disposal of such motor vehicle or may contract with others for the disposal of such motor vehicle in accordance with the laws of the State of Minnesota.

277.05. Any person who abandons a motor vehicle on any public or private property without the consent of the person in control of such property is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Seven Hundred and no/100 (\$700.00) Dollars or by imprisonment for not more than ninety (90) days or both.