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## **CHAPTER 7** **TRAFFIC AND PARKING**

**SECTION 701.01 STATE STATUTES ADOPTED BY REFERENCE.** Except as otherwise provided in this Code, Minnesota Statutes Chapter 169 (commonly referred to as the Highway Traffic Regulation Act) as it may be amended from time to time, is hereby incorporated herein and adopted by reference. The penalty for violation of provisions of Minnesota Statutes Chapter 169, as it may be amended from time to time, are adopted by reference in this Section and shall be identical with the penalty provided for in that Chapter for the same offense.

**SECTION 702.01. DEFINITIONS.** Any term used in this Chapter and defined in Minnesota Statutes, Section 169.01 has the meaning given it by that Section.

**SECTION 703.01. TURNS.** The Council, by resolution, may, whenever necessary to preserve a free flow of traffic or to prevent accidents:

- A. Designate any intersection as one where the turning of vehicles to the left or to the right, or both, is to be restricted at all times or during specified hours. The Public Works Director shall mark, by appropriate signs, any intersections so designated. No intersection on a trunk highway shall be so designated until the consent to such designation of the appropriate state official is first obtained.
- B. Designate any intersection or street as one where U-turns of vehicles is prohibited. The Public Works Director shall mark, by appropriate signs, any intersection or street so designated.

No person shall turn a vehicle contrary to the directions on such signs.

**SECTION 704.01. THROUGH STREETS; ONE-WAY STREETS.** The Council, by resolution, may designate any street or portion of a street as a through highway or a one-way roadway where necessary to preserve the free flow of traffic or to prevent accidents. The Public Works Director or his/her designee shall post appropriate signs at the entrance to such streets. No trunk highway shall be so designated unless the consent to such designation of the appropriate state official is first secured.

### **SECTION 705.01. TRUCK ROUTES.**

**Subd. 1.** No person shall operate a vehicle with a gross weight in excess of five tons in through traffic upon any street except those which have been designated and sign-posted as truck routes. A map showing all current truck routes in the City shall be kept and made available by the Clerk. For the purpose of this Chapter, “through traffic” means traffic originating without the City and with a designation without the City, as distinguished from “local traffic” which means traffic either originating or having destination within the City.

**Subd. 2.** All truck routes in the City shall be designated by appropriate signs.

**SECTION 706.01. SEASONAL WEIGHT RESTRICTIONS.** The Council may prohibit operation of vehicles upon any street within the City or establish weight restrictions on vehicles to be operated on such street whenever the street, by reason of deterioration, rain, snow or other conditions, will be seriously damaged or destroyed, unless the use of vehicles on the street is prohibited or the permissible weight thereof reduced. The City shall maintain appropriate signs indicating the prohibition or restriction at each end of that portion of the street so affected. No person shall operate a vehicle on a posted street in violation of the terms of this Section.

**SECTION 707.01. PARKING REGULATIONS.**

**Subd. 1. Parallel Parking.** Except where angle parking is specifically allowed and indicated by curb marking or sign posting or both, each vehicle stopped or parked upon a two-way road where there is an adjacent curb shall be stopped or parked with the right hand wheels of the vehicle parallel with and within 12 inches of the right hand curb; and where painted markings occur on the curb or the street, such vehicles shall be within such front and rear markings provided that upon a one-way roadway all vehicles shall be so parked except that the left hand vehicle may be parallel with and within 12 inches from the left hand curb, but the front of the vehicle in any event and with respect to the remainder of the vehicle shall be in the direction of the flow of traffic upon such one-way street.

**Subd. 2. Angle Parking.** Where angle parking has been established on a public street or in a public or private parking lot and is allowed as shown by curb marking or a sign posting or both, each vehicle stopped or parked shall be at angle of approximately 45 to 60 degrees with the front wheel touching the curb and within any parking lines painted on the curb or street provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of the one-way traffic.

**Subd. 3. No Parking, Stopping or Standing Zones.** The Council may, by resolution, designate certain streets or portions of streets as no parking, stopping or standing zones, and may limit the hours in which the restrictions apply. The Public Works Director or his/her designee shall mark by appropriate signs each zone so designated. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or a traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no parking zone during hours when parking is prohibited except that a vehicle may be parked temporarily in such zone for the purpose of forming a funeral procession and a truck may be parked temporarily between the hours of 7:00 a.m. and 6:00 p.m. of any business day for the purpose of loading or unloading where access to the premises is not available otherwise.

Trailers, including, but not limited to, boat and construction trailers, shall not be parked on any street while unattached to a vehicle or unattended.

**Subd. 4. Time Limit Parking Zone.** The Council may, by resolution, designate certain areas where the right to park is limited during hours specified. The Public Works Director or his/her designee shall mark, by appropriate signs, each zone so designated. During the hours

specified on any sign, no person shall park a vehicle in any limited parking zone for a longer period than is so specified.

**Subd. 5. Impoundment.** Any law enforcement officer may remove a vehicle from a street to a garage or other place of safety when the vehicle is left unattended and constitutes an obstruction to traffic, hinders snow removal or street improvement or maintenance operations, or is abandoned. Such vehicles shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this Section.

**Subd. 6. Owner Responsibility.** The presence of any motor vehicle on any street in violation of this Section is *prima facie* evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

**Subd. 7. Parking for Purpose of Advertising or Sale Prohibited.**

- A. It is unlawful for any person to park a vehicle on any street for the purpose of advertising that vehicle for sale, advertising for sale or selling merchandise, or advertising any merchandise for sale at a forthcoming event or at another location.
- B. The Council may, in its discretion, waive the enforcement of this Section for a particular event.

**Subd. 8 Physically Handicapped Parking.**

Statutory parking privileges for the physically handicapped shall be strictly observed and enforced. All handicapped parking signs are to be permanently affixed. The handicapped parking sign shall be approximately 18" x 24," or larger, with a blue background and white letters bearing the handicapped insignia and shall state "HANDICAPPED PARKING – STATE PERMIT REQUIRED – POLICE WILL ENFORCE." Police officers are authorized to tag vehicles on either private or public property in violation of such statutory privileges. Police officers are also authorized to tag any vehicles blocking access to handicapped parking spaces even though they are not actually parking the space.

**Subd. 9. Parking On Private Property; Consent Required.** It is unlawful to park or abandon a motor vehicle on the property of another, or upon an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of that property or facility.

**Subd. 10. Fire Lane-Rush Hour.** It is unlawful for any person to stop, park or leave standing, a motor vehicle:

- A. In a sign posted fire lane at any time; or
- B. In lanes where, and during those hours when, parking is prohibited to accommodate heavy traffic during morning and afternoon rush hours.

## **SECTION 708.01 UNATTENDED CHILD IN MOTOR VEHICLE.**

- A. A parent, legal guardian, or caretaker must not cause or permit a child under the age of 5 who is under the person's care to remain unattended in a motor vehicle if:
  - 1. The motor vehicle containing the child is out of the direct view of the parent, legal guardian, or caretaker;
  - 2. Weather conditions present a threat to the child because of dangerous temperatures, air quality or lack of ventilation;
  - 3. The child's physical environment within the motor vehicle constitutes an unreasonable threat to the child's health, safety, or welfare;
  - 4. The vehicle is left in a condition that is readily operable, such as with the keys in the ignition or unlocked ignition; or
  - 5. There are other factors that unreasonably threaten the child's health, safety, or welfare.
- B. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
  - 1. "Caretaker" means anyone age 16 or older who assumes or has responsibility for the welfare of the child left in the motor vehicle.
  - 2. "Unattended" means left in a vehicle without a person over the age of 12.

**SECTION 709.01. VEHICLES PROHIBITED ON SIDEWALKS.** Except for crossing at an alley, driveway, building or other authorized crossing, a person must not ride or drive a motor vehicle upon any sidewalk, boulevard or portion of a right-of-way other than the driving surface.

**SECTION 710.01. CITY LOTS AND RAMPS.** In City owned parking lots and ramps, the Council may limit the sizes and types of motor vehicles to be parked thereon, hours of parking and prescribed method of parking, provided that the limitations and restrictions are marked or sign posted thereon. It is unlawful to park or leave standing any vehicle in any City owned parking lot or ramp contrary to the restrictions or limitations marked or sign posted therein.

## **SECTION 711.01. TRUCK ZONES, LOADING ZONES, ETC.**

**Subd. 1. Establishment and Hours.** The council may, by resolution, establish spaces in streets as loading zones or truck zones. Loading zone or truck zone hours shall be between 7:00 a.m. and 6:00 p.m. of any day except Sundays, New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day and Christmas Day, or such other times as the Council may specify in the resolution establishing the zone. The Public Works Director shall mark each such zone by appropriate signs.

**Subd. 2.      Truck Zone Regulations.** During truck zone hours, no person shall stop, stand, or park any vehicle except a truck in a truck zone. No person shall stop, stand or park a truck in a truck zone during truck zone hours except to receive or discharge passengers or freight and then only for a period no longer than is necessary for the purpose.

**Subd. 3.      Loading Zone Regulations.** During loading zone hours, no person shall stop, stand or park any vehicle in a loading zone except to receive or discharge passengers or freight and then only for a period no longer than is necessary for the purpose. No person shall occupy a loading zone with a vehicle other than a truck for more than five minutes during such hours.

**Subd. 4.      Procedure and Cost.** Any person desiring the establishment of a loading zone or truck zone shall make written application therefor to the Council. If the Council grants the request, the Clerk shall bill the applicant for the estimated cost of placing signs and of painting the curb. When the amount is paid to the Clerk, the Public Works Director shall install the necessary signs and paint the curb.

**Subd. 5.      Semi-Trailers.** No person shall allow a semi-trailer to stand or be parked unattached from a tractor unit on any street in the City except in an emergency in order to change tractors.

**Subd. 6.      Truck Parking.** No vehicles with a gross weight of more than five tons shall park on any City street in excess of two hours.

**SECTION 712.01.      SNOW SEASON PARKING.** No person shall park any motor vehicle, vehicle, machinery or implement on any street, avenue or alley within the boundaries of the City, except for bona fide emergencies, between the hours of 2:00 a.m. and 7:00 a.m. from November 1 through April 1 of the following year.

**SECTION 713.01.      SNOW ACCUMULATION.** It is unlawful for any person to park a vehicle on any street after continuous or intermittent snow fall during which there has been an accumulation of two inches or more of snow on any street until the same has been plowed or removed from the full width of the roadway. This Section does not apply to the area zoned "Central Business District" in the Delano Land Use and Zoning Code.

**SECTION 714.01.      ESTABLISHMENT OF SAFETY ZONES, LANES OF TRAFFIC.** To assist in the direction and control of traffic, to improve safe driving conditions at any intersection or dangerous location, and to warn pedestrians or drivers of motor vehicles of dangerous conditions or hazards, the Council may establish safety zones, lanes of traffic, and stop intersections, and may order installation by the Public Works Director or his/her designee of stop signs, yield signs, warning signs, signals, pavement markings or other devices. No regulation may be established on a trunk highway unless the consent of the appropriate state official is first secured.

**SECTION 715.01.      REMOVING KEYS.** No person shall leave a motor vehicle, except a truck which is engaged in loading or unloading, unattended on any street, used car lot, or

unattended parking lot without first stopping the engine and removing all ignition keys from the vehicle. Whenever any designated law enforcement agent finds any motor vehicle standing in violation of this provision, he shall remove the keys from the vehicle and deliver them to the Clerk or the Clerk's designee.

## **SECTION 716.01 OBSTRUCTION IN STREETS.**

- A. Obstructions. It is unlawful for any person to place, deposit, or erect any fence, or other obstructions upon, over, across or under any street without first obtaining a written permit from the Council, and then only in compliance in all respects with the terms and conditions of that permit
- B. Fires. It is unlawful for any person to ignite, build or maintain a fire upon a street.
- C. Dumping in Streets. It is unlawful for any person to throw or deposit in any street any nails, dirt, glass or cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemical thereon. It is a violation of this Section to haul any material of this type in an inadequately enclosed or covered container, thereby permitting the same to fall upon streets. It is also a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the Council.
- D. Placing Snow or Ice in a Roadway or on Public Sidewalk. It is unlawful for any person not acting under specific authority from or contract with the City, to remove snow or ice from private property and place the same in any roadway or public sidewalk. Snow or ice on driveways, parking lots, sidewalks and lakes shall not be pushed across traveled portions of roadways and may only be stored on private property. The City may assess the cost of removal of snow or ice against the affected property owner pursuant to Minnesota Statute § 429.101.
- E. Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.
- F. Condition. Before granting any permit under any of the provisions this Section, the Council may impose insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deemed proper for safeguarding those persons and property. The insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of the obstruction.

## **SECTION 717.01. CURB AND GUTTER, STREET, AND SIDEWALK PAINTING OR COLORING.**

It is unlawful for any person to paint, litter or color any street, sidewalk, trail or curb and gutter for any purpose, except as the same may be done by City employees acting within the course or scope of their employment or those acting pursuant to a contract with the City, provided,

however, that this provision shall not apply to uniformly painted house numbers, if specifically approved by the City Administrator.

## **SECTION 718.01. SNOW AND ICE ON PUBLIC SIDEWALKS.**

- A. Snow and Ice a Nuisance. All snow and ice remaining on public sidewalks is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within 24 hours after the snow or ice ceased to be deposited.
- B. City to Remove Snow or Ice. The City may cause to be removed from all public sidewalks, beginning 24 hours after snow and ice has ceased to fall, all snow or ice which may be discovered thereon, and then shall keep a record of the cost of that removal and the private property adjacent to which accumulations were found and removed.
- C. Cost of Removal and Assessment Authority. The owner and tenant of the abutting private property shall be responsible for all City costs incurred in removing snow and ice from the public sidewalks. The City Administrator shall, upon direction of the Council, and on receipt of the information provided for in the preceding Subdivision, extend the cost of the removal of snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and these special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

## **SECTION 719.01. SIDEWALK MAINTENANCE AND REPAIR.**

- A. Primary Responsibility. It is the primary responsibility of the owner of the property upon which there is an abutting sidewalk to keep and maintain that sidewalk in safe and serviceable condition.
- B. Construction, Reconstruction or Repair Specifications. All construction, reconstruction or repair of sidewalks shall be done in strict accordance with specifications on file in the office of the City Administrator.
- C. Notice; No Emergency. Where, in the opinion of the Public Works Director or his/her designee, no emergency exists, notice of the required repair or reconstruction shall be given to the owner of the abutting property. The notice shall require completion of the work within 90 days, and shall be mailed to the owner or owners shown to be owners on the records of the County Officer who mails tax statements.
- D. Failure of Owner to Reconstruct or Make Repairs. If the owner of the abutting property fails to make repairs or accomplish reconstruction as is herein required, the Public Works Director shall report that failure to the Council and the Council may order the work to be done under its direction. The owner of the abutting property shall be responsible for all City costs incurred in the sidewalk repair and reconstruction. The cost thereof may be assessed to the abutting property owner as other special assessments.
- E. Inspection. The Public Works Director or his/her designee shall make inspections as are necessary to determine that sidewalks are kept in safe and serviceable condition.

**SECTION 720.01. VEHICLE REPAIR ON STREET.** It is unlawful for any person to service, repair, assemble or dismantle any vehicle parked upon the street or attempt to do so except to service such vehicle with motor fuel or to provide emergency repairs thereon but in no event for more than 24 hours.

**SECTION 721.01. 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 of tires, skidding, sliding, swaying, throwing of sand or gravel or in a manner simulating a race. Squealing or screeching sounds emitted by tires or the throwing of sand or gravel by the tires is *prima facie* evidence of a violation of this Section.

**SECTION 722.01. DRIVING THROUGH PRIVATE PROPERTY TO AVOID TRAFFIC CONTROL DEVICE.** It is unlawful for any person to avoid obedience to any traffic control sign, signal or device by driving upon or through any private property.

### **SECTION 723.01. ALL-TERRAIN VEHICLES.**

**Subd. 1. Definitions** The following terms as used in this Section shall have the same meaning as in Minnesota Statute § 84.92.

- A. “Operate” means to ride upon and control the operation of an all-terrain vehicle.
- B. “Operator” means every person who operates or is in actual physical control of an all-terrain vehicle.

**Subd. 2. Equipment.**

- A. **Mufflers.** Standard mufflers shall be properly attached and in constant operation to reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by pass, straight pipe, or similar device on an all-terrain vehicle; and the exhaust system shall not emit or produce a sharp popping or crackling sound.
- B. **Brakes.** Brakes shall be adequate to control the movement and to stop and hold under any conditions of operation.
- C. **Lights.** At least one clear lamp shall be attached to the front of the all-terrain vehicle with sufficient intensity to reveal persons or vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such headlamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. The all-terrain vehicle shall also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. This equipment shall be required and shall be in

operating condition when the all-terrain vehicle is operated between the hours of one hour after sunset and one hour before sunrise or at times of reduced visibility.

**Subd. 3. Requirements for Operation.**

- A. No person shall operate an all-terrain vehicle within the City unless the all-terrain vehicle is registered pursuant to Minnesota Statute § 84.922.
- B. Any person operating an all-terrain vehicle within the City shall meet the applicable education and training requirements under Minnesota Statute § 84.925.

**Subd. 4. Operating Restrictions.** Except as herein specifically permitted and authorized, no person shall operate an all-terrain vehicle:

- A. On a public sidewalk or walkway provided for use for pedestrian travel;
- B. On private property of another without lawful authority or written consent of the owner or occupant;
- C. On any publicly owned lands and frozen waters, including but not limited to, cemeteries, park property, playgrounds, recreational areas and golf courses, except areas authorized for use by the proper public authorities;
- D. On any public or private school grounds unless permission is expressly obtained from responsible school authorities;
- E. In a manner so as to tow any person or thing on a public street or highway except through use of the rigid tow bar attached to rear of the all-terrain vehicle;
- F. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons;
- G. In a careless, reckless or negligent manner so as to endanger the persons or property of another or cause injury or damage to persons or property; or
- H. At a speed greater than 10 mph when within 100 feet of any lakeshore, except in channels, or of a fisherman, ice house, skating rink, or sliding area, nor where the operation would conflict with the lawful use of property or would endanger other persons or property.

**Subd. 5. Operations on Streets and Highways.** No person shall operate an all-terrain vehicle on any municipal street or roadway except as provided in this Subdivision.

- A. An all-terrain vehicle may be operated, for transportation purposes only and not recreational purposes, upon a municipal street, roadway or alley, so long as it maintains its course on the far right hand side of such street, roadway, or alley and in the same direction as the traffic on the nearest lane of the roadway adjacent thereto. Where available, alleys shall be used for all-terrain vehicle traffic rather than municipal streets or roadways.

- B. No all-terrain vehicle may be operated on any street, roadway or alley at a speed exceeding 10 mph.
- C. No all-terrain vehicle shall enter any uncontrolled intersection without making a complete stop. The operator of an all-terrain vehicle shall yield the right of way to any vehicle or pedestrian.
- D. No person shall operate an all-terrain vehicle on any street, roadway, alley or shoulder so as to be traveling side-by-side with another all-terrain vehicle or other vehicle in the same lane or immediate area.
- E. No person under 16 years of age shall operate an all-terrain vehicle on any street, roadway, alley or shoulder thereof.
- F. No person shall operate an all-terrain vehicle on any street, roadway, alley or shoulder thereof unless it is equipped with working turn signals and a sign indicating that it operates at speeds slower than other traffic, and it has current public liability and bodily injury insurance.
- G. No person shall operate an all-terrain vehicle on any street, roadway, alley or shoulder thereof, unless the person has a valid driver's license.

**Subd. 6. Operations of All-Terrain Vehicle While Under the Influence of Alcohol or a Controlled Substance.** It is unlawful for any person to operate or to be in physical control of any all-terrain vehicle in the City while under the influence of alcohol or a controlled substance or under the influence of a combination of alcohol and a controlled substance.

**Subd. 7. Littering.** No persons shall deposit paper, litter, rubbish or debris on public or private property, or throw paper, litter, rubbish or debris from an all-terrain vehicle.

**Subd. 8. Chasing Animals.** It is unlawful to intentionally drive, chase, run over or kill any bird, or animal domestic or wild, with an all-terrain vehicle.

**Subd. 9. Hours of Operation.** No person shall operate an all-terrain vehicle within the City limits between the hours of 2:00 a.m. to 6:00 a.m.

**Subd. 10. Unattended All-Terrain Vehicles.** It is unlawful for the owner or operator of an all-terrain vehicle to leave or allow an all-terrain vehicle to remain unattended on public property or on privately owned parking lots used by the public, while the motor is running, while the key is available, or with the ignition unlocked.

**SECTION 724.01. FLOOD CONTROL DIKE.** No person shall operate or park any motor vehicle or snowmobile upon a flood control dike without the advance permission of the Council.

**SECTION 725.01. RESOLUTIONS.** All traffic control resolutions in force on the effective date of this Chapter shall hereby remain in force.

**SECTION 726.01. SNOWMOBILES.**

**Subd. 1. Definitions.** The following terms as used in this Section shall have the same meaning as in Minnesota Statute § 84.81.

- A. "Snowmobile" means a self-propelled vehicle designated for travel primarily on snow or ice, steered by wheels, skis, or runners.
- B. "Operate" means to ride upon and control the operation of a snowmobile.
- C. "Operator" means every person who operates or is in actual physical control of a snowmobile.

**Subd. 2. Equipment.** It is unlawful for any person to operate a snowmobile within the City unless it is equipped with the following:

- A. Standard mufflers which are properly attached and in constant operation and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cut-out, bypass, straight pipe or similar device on the snowmobile motor; and the exhaust systems shall not emit or produce a sharp popping or cracking sound.
- B. Brakes adequate to control the movement of and to stop and hold the snowmobile under any conditions of operation.
- C. A safety or so called "dead man" throttle and operating conditions so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.
- D. At least one clear lamp attached to the front with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness and under normal atmospheric conditions. Such headlamps shall be so aimed that glaring rays are not projected into the eyes of the oncoming vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. The head and tail lamp equipment is to be used and in good operating condition when the vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise or at any other hours of reduced visibility.
- E. Reflective material at least 16 inches on each side forward of the handlebars so as to reflect to beam light at a 90 degree angle.

**Subd. 3. Requirements for Operation.**

- A. No person shall operate a snowmobile within the City unless the snowmobile is registered pursuant to Minnesota Statute § 84.82.
- B. A person born after December 31, 1976 shall not operate a snowmobile within the City unless the person has a valid snowmobile safety certificate issued or approved by the Commissioner of Natural Resources, a driver's license that has a valid snowmobile qualification indicator issued under Minnesota Statute § 171.07, Subd. 12., or an identification card that has a valid snowmobile qualification indicator issued under Minnesota Statute §171.07, Subd. 12.

**Subd. 4. Operating Restrictions.** Except as herein specifically permitted and authorized, no person shall operate a snowmobile:

- A. On a public sidewalk or walkway provided or used for pedestrian travel;
- B. On private property of another without lawful authority or written consent of the owner or occupant;
- C. On any publicly owned lands and frozen waters, including, but not limited to, cemeteries, park property, playgrounds, recreational areas and golf courses, except areas authorized for such use by the proper public authority;
- D. On any public or private school grounds unless permission is expressly obtained from responsible school authorities;
- E. In a manner so as to tow any person or thing on a public street or highway except through use of a rigid tow bar attached to the rear of the snowmobile;
- F. At a speed greater than 10 mph within 100 feet of any sliding or recreational area, skating rink, fisherman, ice house, or where the operation would conflict with the lawful use of property or would endanger other persons or property; or
- G. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons;
- H. With more than 1 passenger while the snowmobile is in operation;
- I. In a careless, reckless or negligent manner so as to endanger the persons or property of another or cause injury or damage to persons or property.

**Subd. 5. Operation on Streets and Highways.** No person shall operate a snowmobile upon any municipal street or roadway except as provided in this Subdivision.

- A. A snowmobile may be operated, for transportation purposes only and not recreational purposes, upon a municipal street, roadway or alley, so long as it maintains its course on

the far right-hand side of such street, roadway or alley and in the same direction as the traffic on the nearest lane of the roadway adjacent thereto. Where available, alleys shall be used for snowmobile travel rather than municipal streets or roadways.

- B. No snowmobile shall be operated on any street, roadway or alley at a speed exceeding 10 mph.
- C. No snowmobile shall enter any uncontrolled intersection without making a complete stop. The operator of a snowmobile shall yield the right-of-way to any vehicle or pedestrian.
- D. No person shall operate a snowmobile on any street, roadway, alley or shoulder, so as to be traveling side by side with another snowmobile or other vehicle in the same lane or immediate area.
- E. Notwithstanding any prohibition in this Subdivision, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.
- F. No person under 16 years of age shall operate a snowmobile on any street, roadway, alley or shoulder thereof.

**Subd. 6. Operations of Snowmobiles While Under the Influence of Alcohol or a Controlled Substance.** It is unlawful for any person to operate or to be in physical control of any snowmobile in the City while under the influence of alcohol or a controlled substance or under the influence of a combination of alcohol and a controlled substance. The definitional and regulatory provisions of Minnesota Statutes §§ 84.91 and 84.911 are hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

**Subd. 7. Littering and Obstructions.**

- A. No person shall deposit paper, litter, rubbish or debris on public or private property, or throw paper, litter, rubbish or debris from a snowmobile.
- B. No person shall place obstructions, including ice blocks or barricades, on publicly owned lands or frozen waters so as to interfere with the lawful use thereof by the public.

**Subd. 8. Chasing Animals.** It is unlawful to intentionally drive, chase, run over or kill any bird or animal domestic or wild, with a snowmobile.

**Subd. 9. Hours of Operation.** No person shall operate a snowmobile within the City limits between the hours of 2:00 a.m. to 6:00 a.m.

**Subd.10. Unattended Snowmobiles.** It is unlawful for the owner or operator of any snowmobile to leave or allow a snowmobile to remain unattended on public property, or on privately owned parking lots used by the public, while the motor is running, while the key is available, or with the ignition unlocked.

## **SECTION 727.01. BICYCLE WAYS.**

**Subd. 1. Definitions.** The following terms as used in this Section shall have the meaning stated:

- A. "Bicycle" means every device propelled solely by human power upon which any person may ride, having two tandem wheels except scooters and similar devices, and including any device generally recognized as a bicycle equipped with two front or rear wheels.
- B. "Bicycle Ways" means those designated pursuant to Subdivision 2 hereof.
- C. "Motor Vehicle" means every vehicle which is self propelled. Motor vehicle does not include a vehicle moved solely by human power.

**Subd. 2.** Except as otherwise provided in this Code, all public sidewalks, trails and paths, or parts thereof within the City having an improved surface of concrete, blacktop, bituminous or similar material, excluding therefrom all streets, roads and highways, are hereby designated bicycle ways pursuant to Minnesota Statute § 160.263.

**Subd. 3.** The Public Works Director shall designate and maintain all bicycle ways by appropriate signs and markings.

**Subd. 4.** It is unlawful for any person to operate a motor vehicle or ride a horse or other animal on or over the improved surface of a bicycle way within the City except when crossing the same and except members, employees, or agents of the City while acting as a peace officer or maintaining a bicycle way. Nothing herein shall limit the use of bicycle ways for pedestrian access or travel.

## **SECTION 728.01. USE OF BICYCLES, ROLLER-SKATES, IN-LINE SKATES, AND SKATEBOARDS IN THE CENTRAL BUSINESS DISTRICT.**

**Subd. 1. Definitions.** For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. "Bicycle" has the same definition as found in Section 727.01, Subd. 1 (A).
- B. "Central Business District" means the area of the City designated as such in the Delano Land Use Code.
- C. "Roller-skates or In-line Skates" means a skate with wheels for movement across a hard surface.
- D. "Skateboard" means a hard border frame with wheels attached for movement, propelled through leg movement.

**Subd. 2. Unlawful Acts.** No person shall ride a bicycle, roller-skate or in-line skate or skateboard upon a sidewalk within the Central Business District; provided, however, that bicycles, roller-skates, in-line skates or skateboards may be walked or carried on these sidewalks.

**SECTION 729.01. OPERATION OF MOTORIZED FOOT SCOOTERS, ELECTRONIC PERSONAL ASSISTIVE MOBILITY DEVICES, AND MOTORIZED BICYCLES, NEIGHBORHOOD ELECTRIC VEHICLES AND MEDIUM SPEED ELECTRIC VEHICLES.**

**Subd. 1.** Motorized Foot Scooters. Motorized Foot Scooters as defined by Minnesota Statute §169.011, Subdivision 46, may be operated within the City pursuant to and in accordance with Minnesota Statute § 169.225, except motorized foot scooters may not be operated on any public path, lane, trail or bicycle way within the City.

**Subd. 2.** Electronic Personal Assistive Mobility Devices. Electronic Personal Assistive Mobility Devices as defined by Minnesota Statute §169.011, Subd. 26, may be operated within the City pursuant to and in accordance with Minnesota Statute §169.212.

**Subd. 3.** Motorized Bicycles. Motorized Bicycles, including Electronic Assisted Bicycles as defined by Minnesota Statute § 169.011, Subd. 7, may be operated in the City pursuant to and in accordance with Minnesota Statute § 169.223.

**Subd. 4.** Neighborhood Electric Vehicles and Medium-Speed Electric Vehicles. Neighborhood Electric Vehicles and Medium-Speed Electric Vehicles as defined by Minnesota Statute § 169.011, Subd. 47 and 39, may be operated in the City pursuant to and in accordance with Minnesota Statute § 169.224 and the following requirements:

- A. Operation. It is unlawful for any person to operate a neighborhood electric vehicle or medium-speed electric vehicle within the City without first obtaining a permit as provided herein.
- B. Issuance of Permits.
  1. Permits may be issued to persons 18 years of age or older who have a valid Minnesota driver's license;
  2. Applications for neighborhood electric vehicle or medium-speed electric vehicle permits shall be on forms supplied by the Clerk and shall include the full name and address of the applicant; applicant's date of birth; state of issuance of the applicant's driver's license and number of the driver's license; the date of application and applicant's signature; the name of the applicant's insurance company; the number of the applicant's insurance policy; the date of expiration of the insurance coverage for the neighborhood electric or medium-speed electric vehicle; and such other information the Council may require;
  3. Permits shall be granted for a period of 1 year and may be renewed annually, January 1 to December 31;
  4. An annual permit fee shall be established from time to time by resolution of the Council.

- C. Permit Issuance and Display and Vehicle Marking. All permits shall be issued for a specific neighborhood electric vehicle or medium-speed electric vehicle and individual. Permit tags, including number and year for which issued, shall be plainly visible on the front of the neighborhood electric vehicle or medium-speed electric vehicle.
- D. Insurance Required. Before a neighborhood electric vehicle or medium-speed electric vehicle permit is issued by the Council, and at all times effective during such permit, the permit holder shall have and maintain public liability and bodily injury insurance in the amount established by Minnesota Statutes.
- E. Occupants. The number of occupants in a neighborhood electric vehicle or medium-speed electric vehicle may not exceed the design occupant load.
- F. Times of Operation. Neighborhood electric vehicles or medium-speed electric vehicles may only be operated within the City from sunrise to sunset. Neighborhood electric vehicles or medium-speed electric vehicles shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions or any time when there is insufficient light to clearly see persons in vehicles on a roadway at a distance of 500 feet.
- G. Application of Traffic Law. Every person operating a neighborhood electric vehicle or medium-speed electric vehicle under permit has all the rights and duties applicable to the driver of any other vehicle under the provisions of any ordinance of the City or Chapter 169 of the Minnesota Statutes, except when these provisions cannot reasonably be applied to a neighborhood electric vehicle or medium-speed electric vehicle.
- H. Slow Moving Vehicle Emblem. Neighborhood electric vehicles or medium-speed electric vehicles shall display a slow moving vehicle emblem provided in Minnesota Statutes 169.522 when operated within the City.
- I. Revocation of Permit. A permit may be revoked by the Council if there is any material misrepresentation on the permit application, liability insurance is no longer in effect, or if there is evidence that the permittee cannot safely operate the neighborhood electric vehicle or medium-speed electric vehicle. The permit shall also be revoked if the permittee no longer has a valid driver's license. The Council shall issue a notice of revocation of a permit in writing and either hand deliver the notice to the permit holder or send the notice by certified mail to the address on the application. The revocation shall be in effect immediately after personal service or 3 days after mailing.
- J. Appeal. Any person whose permit to operate a neighborhood electric vehicle or medium-speed electric vehicle has been revoked may appeal the revocation to the Council. Appeals shall be submitted in writing to the City Administrator within 30 days of the date of revocation.

**Subd. 5.** Except as otherwise provided in this Code, no motorized bicycle, motorized vehicle or other motorized or electric, other than Electric Personal Assistance Mobility Device may be operated on public sidewalks, trails or paths or bicycle ways within the City.

**Subd. 6.** Penalty. In addition to the revocation or suspension of a permit, any person who violates any of the provisions of this Section shall be guilty of a petty misdemeanor.

## **SECTION 730.01. MOTORIZED GOLF CARTS**

**Subd. 1.** Definitions. Accept as otherwise defined in the Code, words and terms defined in Minnesota Statute Chapter 169, as they may be amended from time to time, shall be applicable to this Section.

**Subd. 2.** Operation. It is unlawful for any person to operate a motorized golf cart on streets or roadways in the City without first obtaining a permit as provided herein. Persons who obtain a permit as required by law may operate a motorized golf cart only on the streets or roadways designated herein.

**Subd. 3.** Issuance of Permits.

- A. Permits may only be issued to persons 18 years of age or older who have a valid Minnesota driver's license.
- B. Applications for motorized golf cart permits shall be on forms supplied by the Clerk and shall include the full name and address of the applicant; applicant's date of birth; state of issuance of the applicant's driver's license, the number of the driver's license; the date of application and applicant's signature; the name of the applicant's insurance company; the number of applicant's insurance policy; the date of expiration of the insurance coverage for the golf cart; and such other information the Council may require.
- C. Permits shall be granted for a period of one year and may be renewed annually, January 1 to December 31.
- D. An annual permit fee shall be established from time-to-time by resolution of the Council.

**Subd. 4.** Permit Issuance and Display and Vehicle Marking. All permits shall be issued for a specific motorized golf cart and individual. Permit tags, including number and year for which issued, shall be plainly visible on the front of the motorized golf cart.

**Subd. 5.** Insurance Required. Before a motorized golf cart permit is issued by the Council, and at all times effective during such a permit period, the permit holder shall have and maintain public liability and bodily injury insurance in the amount established by Minnesota Statutes.

**Subd. 6.** Mechanical Condition. The motorized golf cart must be in good mechanical condition and be thoroughly safe for transportation of passengers. Motorized golf carts operated on any street, roadway, alley or shoulder within the City shall meet all equipment and vehicle safety requirements set forth in Code of Federal Regulations, Title 49, Section 571.500, and successor requirements.

**Subd. 7.** Occupants. The number of occupants in a motorized golf cart may not exceed the design occupant load.

**Subd. 8.** Designation of Roadways. Motorized golf carts are permitted to be operated on roadways within the City with a speed limit of 35 mph or less. Motorized golf carts are not permitted to be operated on other City, County, State or Federal streets or highways except to cross at designated intersections.

**Subd. 9.** Times of Operation. Motorized golf carts may only be operated on designated streets and roadways from sunrise to sunset. Motorized golf carts shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

**Subd. 10.** Application of Traffic Law. Every person operating a motorized golf cart under permit on designated streets and roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of any ordinance of the City or Chapter 169 of the Minnesota Statutes, except when these provisions cannot reasonably be applied to motorized golf carts and except as otherwise specifically provided in Minnesota Statutes § 169.45, Subd. 7.

**Subd. 11.** Slow Moving Vehicle Emblem. Motorized golf carts shall display a slow moving vehicle emblem provided in Minnesota Statutes § 169.522 when operated on designated streets and roadways.

**Subd. 12.** Rearview Mirror. Motorized golf carts shall be equipped with a rearview mirror to provide the driver with adequate vision from behind.

**Subd. 13.** Revocation of Permit. A permit may be revoked by the Council if there is any material misrepresentation made on the permit application, liability insurance is no longer in effect, or if there is evidence that permittee cannot safely operate the motorized golf cart. The permit shall also be revoked if the permittee no longer has a valid driver's license. The Council shall issue a notice of revocation of a permit in writing and either hand-deliver the notice to the permit holder or send the notice by certified mail to the address on the application. The revocation shall be in effect immediately after personal service or 3 days after mailing.

**Subd. 14.** Appeal. Any person whose permit to operate of motorized golf cart has been revoked may appeal the revocation to the Council. Appeals shall be submitted in writing to the City Administrator within 30 days of the date of revocation.

**Subd. 15.** Penalty. In addition to the revocation or suspension of a permit, any person who violates any of the provisions of this Section shall be guilty of a petty misdemeanor.

