

Chapter 10 Traffic and Vehicles

Section 1000 - General

1000.01 Highway Traffic Regulation Act Incorporated By Reference. The regulatory provisions of Minnesota Statutes Chapter 169 are adopted by reference and incorporated in and made a part of this Chapter as if set out here in full.

1000.02 Definition of Terms. Terms, words and phrases shall have the meaning ascribed to them in Minnesota Statutes § 169.01.

Subd. 1 Highway. The term "highway" as used in this Chapter shall apply to City Streets and designated Congested Districts, except that the provisions applicable to parking, direction of travel and routing of traffic shall not apply in Congested Districts.

Subd. 2 Congested Districts. Presently established Congested Districts shall include the parking area adjacent to the Norshor Building, Shopping Center, Reunion Hall, and such other areas as the Council may establish by Resolution.

Subd. 3 Chief. Means the Chief of Police of the City Police Department.

1000.03 Scope.

Subd. 1 Road Crews. The provisions of this Chapter shall not apply to persons, motor vehicles, and other equipment while actually engaged in work upon the roadway of a highway, but shall apply to such persons and vehicles when traveling to or from such work.

Subd. 2 Non-motorized Vehicles. Every person riding a bicycle or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle, except those provisions which by their nature can have no application.

Subd. 3 Emergency Vehicles. This Chapter shall not apply to Police Officers, Fire Department, Rescue or Emergency vehicles in the legal performance of their duties.

1000.04 Speed.

Subd. 1 General. No person shall drive a vehicle within the City at a speed greater than shall be reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so restricted as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway, in compliance with legal requirements and the duty of all persons to use due care.

Subd. 2 Maximum Speed. The maximum speed on streets not otherwise designated and posted by the local department shall be thirty (30) miles per hour, unless otherwise authorized. Any speed in excess of authorized speed shall be unlawful.

Subd. 3 Reduced Speeds. The driver of any vehicle shall, consistent with requirements, drive with an appropriate reduced speed when approaching and crossing an intersection or railroad grade crossing, approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic, or by reason of weather or highway conditions.

1000.05 Parking.

Subd. 1 Truck Parking.

A. The Council may establish by Resolution no truck parking zones, loading zones, or truck park only zones in congested or residential districts and shall mark by appropriate signs any zones so established.

B. Except as otherwise provided, no motor vehicle bearing a commercial license and no commercially licensed trailer shall be parked or stored in a Residential area between the hours of 6:00 P.M. and 6:00 A.M. except when loading, unloading, or rendering service.

C. If the occupant of the residence is actively engaged in a commercial trucking business, the tractor may be parked in a Residential District at the operator's residence provided adequate off-street parking space is available at the residence.

D. Commercial pickups and small automobile type vans may be parked in the same manner as personal automobiles.

Subd. 2 Limited Time Parking. The Police Department may, subject to the approval of the Council, designate limited time parking zones and shall mark by appropriate signs any zones so established. The zones shall be established on streets or congested districts wherever necessary for the convenience of the public for purposes of snow removal, to minimize traffic hazards and to preserve free flow of traffic. No person shall park any vehicle in any limited parking zone so established for a longer period than specified on the signs marking the zone.

Subd. 3 Off-Street. No person shall park upon any boulevard, which is the area between the curb line and property line, or between the edge of the roadway and property line, or off the street portion of any highway park or public place. Parking on the boulevard by the property owner, occupant or guests of the occupant of the premises that front on the boulevard, shall be permitted between October 15th and May 15th or such other dates designated and published by the Police Department, unless prohibited by official signs, under the following conditions:

- (1) The vehicle so parked must be operative;**
- (2) There shall be no winter storage of vehicles on the boulevard;**
- (3) No vehicles shall be parked on the boulevard until the ground is sufficiently frozen to bear the vehicle's weight to minimize damage to the boulevard;**
- (4) The property owner, occupant of the premises, or the owner of the vehicle shall clear snow from around the vehicle on a regular basis so that it does not become an obstruction to snow plowing;**
- (5) The vehicle shall not be parked in such a manner that shall impede or become an obstruction to snow plowing and snow removal by the City and the owner shall promptly move the vehicle upon receipt of notice to do so; and, if the owner shall fail or refuse to comply with the notice to move, the City may have the vehicle towed and charge the cost to the owner;**
- (6) The property owner shall be responsible for any damage to the boulevard, or to the grass or trees on the boulevard, and shall promptly replant grass or trees and repair any damage by May 15th or as soon as conditions permit.**

If the property owner fails or refuses to repair the damage to the boulevard after notice, the City may repair the damage and charge the cost to the property owner.

Subd. 4 Twenty-four Hour Parking. No disabled vehicle shall be left standing or parked more than twenty-four (24) consecutive hours on any highway within the City limits.

Subd. 5 Parking Cars For Sale. No person shall place any vehicle on a highway or street or boulevard to display the same for sale or exchange. A vehicle shall be deemed to be displayed when found standing upon a street for more than seventy-two (72) hours and bearing indications that it is for sale or exchange.

Subd. 6 Parallel Parking.

~~A. Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked so that the length of the vehicle shall be parallel with and adjacent to the curb and within twelve (12) inches thereof.~~

Amended May 17, 2010

B. Every vehicle stopped or parked upon a roadway where there is no curb shall be so stopped or parked so that the length of the vehicle shall be parallel with and adjacent to the outside edge of the traveled portion of the highway or street.

C. Every vehicle stopped or parked upon all streets and highways shall be stopped or parked parallel with and to the right of the paved or improved or main traveled part of the street or highway.

Subd. 7 Suspension of Parking Provisions. The Chief of Police may temporarily suspend, on account of parades or other extraordinary conditions, the parking provisions of this Chapter on any street within the City and may designate "No Parking" spaces at any time in front of the main entrances of churches, hospitals, or other public places.

Subd. 8 Ownership of Parked Vehicles. If any vehicle shall be found upon a street or highway in violation of any provisions of this Section regulating the stopping, standing or parking of vehicles, and the identity of the driver cannot be determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for the violation.

Subd. 9 Removing and Impounding Illegally Parked Vehicles. Any vehicle found parked or standing in violation of any of the provisions of this Section may be immediately removed and impounded by any police officer. The vehicle shall be surrendered to the duly identified owner thereof only upon payment of such fine as may be imposed by the Court and the impounding and storage fees assessed against the vehicle. Impounded vehicles may be placed at any commercial establishment operating vehicle storage facilities or at a public vehicle pound established by the City. The owner of an impounded vehicle shall pay all costs of removal and storage of vehicles so removed.

Subd. 10 Oversized Vehicle Parking.
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1000.06 Duties to Report Accidents. In addition to the provisions of Minnesota Statutes § 169.09, the driver of a vehicle involved in an accident resulting in injury to or death of any persons, or total property damage to an apparent extent of \$1,000.00 or more, shall promptly forward a duplicate copy of the report required by Minnesota Statutes § 169.09 to the Silver Bay Police Department on the appropriate form approved by the State Commissioner of Public Safety.

1000.07 Officers to Direct Traffic. Officers of the police department are authorized to direct all traffic, either in person or by means of visible or audible signal in conformance with the provisions of this Chapter, provided that in the event of a fire or other emergency, or to expedite traffic, or safeguard pedestrians, officers of the police or fire department may direct traffic as conditions may require, notwithstanding the provisions of this Chapter.

1000.08 Obedience to Traffic Control Devices. No driver of a vehicle, pedestrian or person riding an animal or bicycle, shall disobey the instructions of any official traffic control device placed in accordance with the provisions of this Chapter, unless at the time otherwise directed by a police officer.

1000.09 Unauthorized Signs, Signals and Marking.

Subd. 1 Display. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking, or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal. No person shall place or maintain upon any highway any traffic sign or signal bearing thereon any commercial advertising. This shall not be deemed to prohibit the placement of signs upon private property adjacent to highways, giving useful directional information and of a type that cannot be mistaken for official signs.

Subd. 2 Nuisance. Every prohibited sign, signal, or marking is declared to be a public nuisance and the same may be removed or ordered removed by the Police Department without notice.

1000.10 Unlawful to Alter, Deface, or Remove Signs. No person shall, without lawful authority, possess, attempt to or in fact alter, deface, injure knock down, or remove any official traffic control device or any railroad sign or signal or any inscription shield, or insignia thereon, or any part thereof.

1000.11 One-Way Traffic. The City Council may by resolution designate, establish and provide for one-way traffic upon any street in the City. Upon a roadway designated and sign-posted for one-way traffic as a one-way roadway, a vehicle shall be driven in the direction designated.

1000.12 U-Turns. No person operating a motor or other vehicle shall make a double or "U" turn at any intersection where prohibited by sign.

1000.13 Clearances.

Subd. 1 Twelve Foot Clearance. Upon any highway within a business or residence district, no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled part of the highway unless a clear and unobstructed width of at least twelve (12) feet of the part of the highway opposite the standing vehicle shall be left for the free passage of other vehicles.

Subd. 2 Impounding. Whenever any police officer shall find a vehicle standing upon a highway in violation of the provisions of this Subsection the officer is authorized to move or impound the vehicle. The cost of removal or impounding shall be charged to the owner of the vehicle.

Subd 3 Exceptions. The provisions of this Subsection shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position.

1000.14 Leaking Load. No vehicle shall be driven or moved on any highway within the City unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom; except that sand may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway for cleaning or maintaining the roadway.

1000.15 Riding or Jumping on Vehicle - Hitching.

Subd. 1 Unlawful Riding. It shall be unlawful for any person to ride on any vehicle or bus or upon any portion thereof not designated or intended for the use of passengers when the vehicle is in motion. No person shall ride in, or jump into or upon any vehicle without the consent of the driver. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise.

Subd. 2 Hitching. No person shall hitch a toboggan, hand sled, bicycle or other similar device onto any motor vehicle or bus while being used on a highway.

1000.16 Police May Establish Safety Zones and Street Markings. To assist in the direction and control of traffic and to improve safe driving conditions at any intersection or dangerous location, or to warn pedestrians or drivers of motor vehicles of dangerous conditions or hazards, the Police Department may establish safety zones, lanes of traffic, stop intersections or install stop signs, warning signs, signals pavement markings or other devices.

1000.17 Repairing Vehicle On Streets. It shall be unlawful to drop, throw, drain or allow to be dumped, thrown or drained, any oil, grease, or any other debris, or to make general repairs to a vehicle, or to allow the same to be repaired on any street or highway in the City. Emergency or minor repairs may be made in order to make the vehicle operable.

1000.18 Special Police.

Subd. 1 School. The Chief, in cooperation with the Lake County School District, may appoint special student police who shall be designated as school student police and shall serve without compensation. The school student police shall be appointed from the student body of the public schools of the City. The school student police shall be authorized to regulate the traffic of all kinds at such intersections as shall be assigned by the local department. The school student police shall obey all orders of the person in charge of school student police of the City and School District.

Subd. 2 Authority. No driver of any vehicle shall fail to stop his or her vehicle when directed to do so by school student police. No driver of any vehicle shall again place the vehicle in motion until directed to do so by the school student police.

1000.19 Driving on Sidewalk or in Park. It shall be unlawful for any person to operate a motor vehicle upon any public sidewalk or public park in the City. This shall not prevent the operation of a vehicle across a public sidewalk when the operation is in or upon the course of a private driveway.

1000.20 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. Prima facie evidence of such unnecessary exhibition of speed shall be unreasonable squealing or screeching sounds emitted by the tires or the throwing of sand or gravel by the tires of the motor vehicle or both.

1000.21 Operation of Motor Vehicles on Private Property. No person shall operate a motor vehicle, including motorcycles or bicycles, in the City over, across or upon private lands of others or public lands, other than the streets, highways, parking lots or other areas designated for motor vehicle use, without the express permission of the owners.

Section 1010.10 - Bicycles

1010.01 Statute Adopted by Reference. The provisions of Minnesota Statutes § 169.222 are adopted by reference and incorporated herein and made a part of this Chapter as completely as if set out here in full.

1010.02 Riding on Streets. Every person operating a bicycle upon City Streets shall ride as close as practicable to the right-hand side of the street.

1010.03 Riding on Sidewalks. No person shall ride a bicycle on the sidewalk in a business district. Every person operating a bicycle on a City sidewalk shall yield the right of way to any pedestrian and give an audible signal before approaching or overtaking and passing a pedestrian.

1010.04 Penally. Except for reckless or careless operation which may be punishable as misdemeanors, violation of this Section shall be a petty misdemeanor.

Section 1020 - Recreational Motor Vehicles

1020.01 Minnesota Statutes Chapters 169 and 84 Incorporated by Reference. Minnesota Statutes §§ 169.121 to 169.1218 and 169.123 to 169.129, the regulatory provisions of Minnesota Statutes Chapter 84 and the Rules and Regulations of the Minnesota Department of National Resources regulating the use and operation of Recreational Motor Vehicles are adopted by reference and incorporated herein as if set out here in full.

1020.02 Definitions.

Subd. 1 Recreational Motor Vehicle. "Recreational Motor Vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobile, trail bike or off-road motorcycle, all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes.

Subd. 2 Snowmobile. "Snowmobile" shall have the meaning ascribed to that term by Minnesota Statutes § 84.81, subdivision 3.

Subd. 3. Off-Road Vehicle. "Off-Road Vehicle" shall have the meaning ascribed to that term by Minnesota Statutes § 84.797.

Subd. 4. All-Terrain Vehicle. "All-Terrain Vehicle" (ATV) shall have the meaning ascribed to that term by Minnesota Statutes § 84.92.

Subd. 5 Off-Highway Motorcycles. "Off-Highway Motorcycles" shall have the meaning ascribed to that term by Minnesota Statutes § 84.787.

Subd. 6 Trail Bike. "Trail Bike" means a two-wheeled motor driven vehicle capable of cross country travel on natural terrain, roads or trails.

Subd. 7 Public Parking Areas and Congested Areas. "Public Parking Areas" and "Congested Areas" shall include those areas generally designated by the owner or the City and used by the public for parking of motor vehicles which shall include but not be limited to school, church, and recreational area parking, the Shopping Center, Norshor Building, Reunion Hall and Community Center parking lots.

1020.03 Purpose. The purpose of this Chapter shall be to permit the operation of Recreational Motor Vehicles within the City for the limited purpose of affording a method of travel and access to areas established within the City for the specific use of recreational motor vehicles and to afford a method of travel and access to trails outside the City limits.

1020.04 Operation on City Streets and Sidewalks Prohibited. No person shall drive or operate recreational motor vehicles on the public streets or sidewalks in the City unless the Recreational Motor Vehicle shall be licensed for highway use under the provisions of the Minnesota Highway Traffic Act, or as otherwise provided in this Section or the rules promulgated by the Department of Natural Resources, except that crossing of streets and sidewalks for access to and from approved trails may be made as provided in Minnesota Statutes §§ 84.804 Subd. 2, and 84.87.

1020.05 Crossing Streets or Sidewalks. The driver of a recreational motor vehicle may make a direct crossing of a public street or sidewalk and entrances to public parking areas and congested areas, provided:

- A.** The recreational motor vehicle shall be brought to a complete stop before crossing the public street, sidewalk, or parking lot entrance; and,
- B.** The driver shall yield the right of way to all vehicular traffic which constitutes an immediate hazard, bicycles and pedestrians; and,
- C.** The crossing shall be made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing; and,
- D.** The crossing shall only be made when it can be accomplished with safety.

1020.06 Trails. Recreational Motor Vehicles shall be operated only on designated and marked trails except when operated on the owner's private property or areas specifically designated by the City for recreational use of recreational motor vehicles.

1020.07 Designation of Trails. The City shall where practical mark with signs the general location of trails and approved street crossings and shall by Resolution designate the location of trails. The designation of trails or other areas shall be for the convenience of the user only and the owner or operator assumes all liability incident to such use. The City shall not be responsible for the establishment, maintenance, or upkeep of designated trails; however, the City may assume such responsibility if the Council deems it in the public interest.

1020.08 Operation on Private Property of Others. No person shall enter on any land not his or her own for the purpose of operating a recreational motor vehicle after being notified, either orally or by written or posted notice, by the owner or occupant not to do so. Where notice shall be posted, the signs shall state "Recreational Vehicles Prohibited", "Trail Bikes Prohibited", "All-Terrain Vehicles (ATV) Prohibited", or words substantially similar.

1020.09 Registration and Operation.

Subd. 1 Registration Required. No person shall drive or operate, and the owner, if other than the operator, shall not permit the operation of a Recreational Motor Vehicle as defined in this Section, off the streets or on designated trails within the City, unless the recreational motor vehicle shall have been registered and identification numbers issued by the State of Minnesota. Vehicles not licensed by the State such as, but not limited to, Trail Bikes shall be registered and identification issued by the Police Department.

Subd. 2 Non-residents. Non-residents who shall operate recreational motor vehicles within the City must comply with this Chapter, except for registration and licensing requirements, provided the Recreational Motor Vehicle is properly registered or licensed in the owner or operator's area of residence. The Police Department may issue special operator permits for limited periods for non-residents.

1020.10 Operation Generally.

Subd. 1 Speed. Recreational Motor Vehicles shall be operated at a slow speed and at no speed greater than reasonable and proper under all surrounding circumstances.

Subd. 2 Manner. Recreational motor vehicles shall not be operated in a careless, reckless or negligent manner so as to endanger the person or property of another.

Subd. 3 Noise. No person shall operate a recreational motor vehicle that emits excessive or unusual noise or in such a manner as to disturb the peace and quiet of persons in the area or to constitute a nuisance.

Subd. 4 Under Influence. No person shall operate a recreational motor vehicle while under the influence of intoxicating liquor or controlled substance.

1020.11 Responsibility of Owner. It shall be unlawful for the owner of any Recreational Motor Vehicle as defined in this Section, or the parent or guardian of any minor, to permit the operation of the vehicle contrary to the provisions of this Chapter. The owner, parent, or guardian shall be liable for all damages arising out of the use of the vehicle.

1020.12 Confiscation. The Police Department shall have the power to seize and hold any Recreational Motor Vehicle used in more than two violations of this Section. The Police Department shall promptly notify the owner of the seizure and the reasons thereof. The Recreational Motor Vehicle may be returned to the owner upon assurance that it shall not be used in repeated violations. Any Recreational Motor Vehicle seized pursuant to this Section may be confiscated after conviction of the person found in violation of the Chapter.

1020.13 Safety Equipment. The operator or rider of any recreational motor vehicle as defined in this Chapter whether used on or off the street shall wear such safety equipment, including helmets, as designated by statute for use by the operators.

1020.14 Accident Report. The owner and operator of any recreational motor vehicle involved in an accident in the City resulting in death or injury to persons requiring medical attention or damage to property in the sum of Five Hundred (500.00) Dollars or more, shall in addition to the provisions of Minnesota Statutes § 84.86, Subd. (7), requiring a report to the Commissioner of the Department of Natural Resources, promptly forward a copy of the report to the Police Department.

1020.15 Stop on Notice, Fleeing. All operators of Recreational Motor Vehicles shall stop on demand or notice by a police officer. No person shall leave designated trails for purpose of eluding a police officer. No person shall flee or attempt to flee in a motor vehicle including recreational motor vehicles from a police officer. Fleeing means to increase speed, extinguish motor vehicle headlights or tail-lights, or to use any other means with intent to elude a police officer following a signal given by the officer to the operator of the vehicle. Minnesota Statutes § 609.487 is adopted by reference and incorporated herein as if set out here in full.

1020.16 Restrictions. The Silver Bay Police Department may, upon posted notice, prohibit the operation of Recreational Motor Vehicles on any designated trail within the City limits when weather conditions may result in damage to the trails from the operation.

1020.17 Penalty. In case of violation by a minor, the Juvenile Court may exercise appropriate jurisdiction and impose such penalty as it shall deem just in addition to any penalties imposed against the owner of a recreational motor vehicle or the parent or guardian of the minor operator as provided for in this Code. In addition to other penalties provided by this Code, the penalties set forth in Minnesota Statutes § 609.47 Subd. 3. shall apply to violations of this Section.

Section 1030 - Skate Boards, Roller Skates, Roller Skis and Scooters.

1030.01 Purpose. The purpose of this Section is to protect the public health and safety, and to reduce the potential danger to the user, arising out of the use of skateboards, roller blades, roller skates, roller skis and self-propelled scooters.

1030.02 Definitions.

Subd. 1 Skateboards. "Skateboard" means a wheeled device designed to transport a person usually in a standing position, consisting of an oblong piece of wood or other composition, and which is not otherwise attached to the rider's feet.

Subd. 2 Roller Skates. "Roller Skates" or "Roller Blades" means a shoe with wheels attached or a device with wheels which is designed to be attached to shoes.

Subd. 3 Roller Skis. "Roller Skis" means a pair of skis platformed with wheels attached which is intended to simulate skiing.

Subd. 4 Scooter. "Scooter" means a foot powered vehicle consisting of a narrow board mounted between two wheels in tandem with an upright steering handle attached to the front wheel.

1030.03 Restrictions. It shall be unlawful for any person to operate any of the devices described in this section:

A. On the private property of another without the express consent to do so by the owner or occupant of the property.

B. In a careless, reckless or negligent manner so as to endanger, or likely to endanger, the safety of any person or property of any other person.

1030.04 Regulations. Any person operating any of the devices described in this Section shall:

A. Operate the device as close as practicable to the left side of the street or roadway, giving way to oncoming traffic and in such manner as not to obstruct traffic.

B. When operating the device on any sidewalk, give way to any pedestrian.

C. When crossing a street or sidewalk, yield the right-of-way to all traffic and give way to all pedestrians.

D. Give an audible signal, when necessary, before overtaking and passing a pedestrian.

E. If under the age of 16:

(1) wear a safety helmet or other appropriate protective headgear.

(2) wear appropriate elbow and knee protective gear.

F. Not attach to any bicycle, motorized vehicle or any other device.

G. When on any street or sidewalk, operate in single file only.

H. Cross a street only at intersections or designated crosswalks.

1030.05 Additional Regulations. To further protect the health and safety of the public and the users of the devices described in this section, the Police Department may prescribe additional regulations.

Subd. 1 Council Approval. Any additional regulations prescribed by the Police Department shall have Council approval before the regulation shall become effective.

Subd. 2. Publication. After approval by the Council, the Additional Regulations shall be posted at the Police Department and published in a newspaper circulated in the City.

Subd. 3. Incorporation by reference. After approval by the Council, posting and publication, the Additional Regulations so adopted shall be incorporated herein and made a part of this section as if set out here in full.

1030.06 Penalty. Violation of any provision of this Section shall be a petty misdemeanor. When there are two (2) or more successive violations by the same person the second and any subsequent violation shall be a misdemeanor.