

SHAHER CITY CODE
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CHAPTER 7. TRAFFIC AND MOTOR VEHICLES

Part 1. Highways and Highway Vehicles

701.01 DEFINITIONS

- a. Unless defined otherwise, any term used in this chapter shall be defined as set forth in Minn. Stat. 169.011 given it by that section.
- b. Motor vehicle: Shall have the meaning set forth in Minn.Stat. § 169.011 Subd. 42:
"Motor vehicle" means every vehicle which is self-propelled. Motor vehicle does not include an electric personal assistive mobility device or a vehicle moved solely by human power.
- c. Driveway: A paved or improved surface leading from the road to a garage or improved parking pad. For purposes of this subdivision, an improved surface means concrete, asphalt, paving stones or other hard surfaced durable material. (01-2018)

701.02 TURNING

Subd. 1. Restriction On Turns. The council by resolution may, whenever necessary to preserve a free flow of traffic or to prevent accidents, 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 city engineer shall mark by appropriate signs any intersection so designated. No intersection on a trunk highway shall be so designated until the consent of the commissioner of transportation to such designation is first obtained. No person shall turn a vehicle at any such intersection contrary to the directions on such signs.

Subd. 2. U-turns. No person shall turn a vehicle so as to reverse its direction on any street in the business district or at any intersection where traffic is regulated by traffic control signal.

701.03 THROUGH STREETS; ONE-WAY STREETS

The council by resolution may designate any street or portion of street as a through highway or a one-way roadway where necessary to preserve the free flow of traffic or to prevent accidents. The City Council shall cause appropriate signs to be posted at the entrance to such street. No trunk highway shall be so designated unless the

consent of the commissioner of transportation to such designation is first secured.

701.04 **TRUCK RESTRICTIONS (07-2003) (Amended 04-2021 & 07-2021)**

Subd. 1. Operation. The City Council by resolution may designate streets on which travel by vehicles in excess of five tons per axle weight is prohibited. No person shall operate a commercial vehicle on posted streets in violation of the restrictions stated.

Subd. 2. Parking. No commercial motor vehicle that is more than 22 feet in length or greater than five tons per axle weight, no semi-trailer, and no combination semi-tractor-trailer shall be parked or stored on the street in a residential district except when loading, unloading, or rendering a service. The restrictions of this subdivision shall not apply to municipal vehicles, public safety vehicles, garbage or recycling vehicles while on their collection routes, school buses, or deliveries or services to a residential or business address accessed from a posted road.

Subd. 3. Posting. The City Council shall cause appropriate signs giving notice of these regulations to be posted upon the entrance to the highway or part thereof affected.

Subd. 4. Penalty. Each violation of this section shall be deemed a misdemeanor, punishable by up to 90 days in jail or a fine of up to \$1,000, or both.

701.05 **SEASONAL WEIGHT RESTRICTIONS (07-2003)**

The city engineer may prohibit the operation of vehicles upon any street under the engineer's jurisdiction or impose weight restrictions on vehicles to be operated on such street whenever the street, by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles on the street is prohibited or the permissible weights thereof reduced. The engineer shall erect and maintain signs plainly indicating the prohibition or restriction at each end of that posted street in violation of the prohibition or restriction. Each violation of this section shall be deemed a misdemeanor, punishable by up to 90 days in jail or a fine up to \$1,000.00, or both.

701.06 **PARKING REGULATIONS**

Subd. 1. Angle and Parallel Parking. Angle parking shall be required on streets as designated by the council by resolution. On any such street every vehicle parked shall be parked with the front of the vehicle facing the curb or the edge of the traveled portion of the street and facing between the painted or other markings on the curb or street indicating the parking. On all other streets, cars shall be parked parallel to the curb or edge of the roadway in accordance with law. Every vehicle when

parked where parking spaces are marked shall be parked in a single space marked for vehicle parking by painted lines on the street or curb, and no part of the vehicle shall extend into any other marked space.

Subd. 2. No Parking, Stopping, or Standing Zones. The council may, by resolution, designate certain streets or portions of streets as no parking or no stopping or standing zones and may limit the hours in which the restrictions apply. The city engineer 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 police 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 5:00 a.m. and 7:00 p.m. of any business day for the purpose of loading or unloading where access to the premises is not otherwise available.

Subd. 3. Time Limit Parking Zones. The city council may, by resolution, designate certain areas where the right to park is limited during hours specified. The city engineer shall mark by appropriate signs each zone so designated. During the hours specified on the sign, no person shall park a vehicle on any limited parking zone for a longer period than is so specified.

Subd. 4. Time Limit and Winter Parking.

- a. It shall be unlawful for anyone to park motor vehicles, equipment or structures on a residential street or alley in the city for more than 24 consecutive hours, without a special written permit from the clerk.
- b. It shall be unlawful for anyone to park motor vehicles, equipment, or structures on a street or alley in the city between the hours of 2:00 a.m. and 6:00 a.m.

Subd. 5. Impoundment. Any police 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 or hinders snow removal or street improvement or maintenance operations. Such vehicle shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this ordinance.

Subd. 6. Prima Facie Violation. The presence of any motor vehicle on any street when standing or parked in violation of this chapter is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

Subd 7. Permitted Parking in Residential Districts. Within all residential districts, motor vehicles not enclosed in a garage or storage building shall only be parked on the street as allowed under the City code or on a driveway. (01-2018)

701.07 **PURPOSE AND CONSTRUCTION**

This ordinance is enacted pursuant to Minnesota Statute Section 471.62 and other applicable laws of the State of Minnesota. The purpose of this ordinance is to provide uniform rules for the traffic and the operation of vehicles on the street, highways, and private roads in the city, in conformity with those rules applicable to the streets and highways.

701.08 **TRAFFIC REGULATIONS**

Minnesota Statutes 168, 169 and 171, regulating the operation of motor vehicles, highway traffic regulations, and drivers licenses, together with all amendments thereto, are hereby incorporated by reference and made a part of the ordinances of the City, to the same extent as if said sections were set forth in full therein.

Part 2. Snowmobiles (2015-07)

702.01 DEFINITIONS

For the purpose of this part, the terms defined herein shall have the following meaning ascribed to them.

- a. Snowmobile: Means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.
- b. Owner: Means a person, other than a lien holder having the property in or title to snowmobile entitled to the use or possession thereof.
- c. Operate: Means to ride in or on and control the operation of a snowmobile.
- d. Operator: Means every person who operates or is in actual physical control of a snowmobile.
- e. Dead-man Throttle or Safety Throttle: Means a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.
- f. Natural Terrain: Means areas other than roadways or driveways (private or public), parking lots, and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

702.02 USES OF SNOWMOBILES PERMITTED (07-2015)

Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile not licensed as a motor vehicle within the limits of the city:

- a. On the portion of any right of way of any public highway, street, road, trail, or alley used for motor vehicle travel, except that a snowmobile may operate upon the most right hand lane of a municipal street or alley and may in passing or making a left turn operate on other lanes which are used for vehicle traffic in the same direction, for purposes of going to or returning from a non-highway area of permissible operation, by the most direct route. Snowmobiles may also be operated upon the ditch bottom or the outside bank of trunk, county state-aid, and county highways where such highways are so configured within the corporate limits.

- b. On a public sidewalk provided for pedestrian travel.
- c. On boulevards within any public right-of-way.
- d. On private property of another without specific permission of the owner or person in control of said property.
- e. On any other public place except as may be specifically permitted by other provisions of the city.
- f. At a speed in excess of 10 miles per hour.

702.03

CROSSING OF STREETS OR HIGHWAYS

A snowmobile not licensed as a motor vehicle may make a direct crossing of a street or highway, except an interstate highway or freeway provided:

- a. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
- b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way.
- c. The driver yields the right of way to all on-coming traffic, which constitutes an immediate hazard.
- d. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.
- e. If the crossing is made between the hours of one-half hour before sunrise to one-half hour after sunset or, in conditions of reduced visibility, only if both front and rear lights are on.

702.04

TRAFFIC ORDINANCES APPLICABLE

City traffic regulation shall apply to the operation of snowmobiles not licensed as a motor vehicle upon streets and highways, except for those relating to required equipment, those that by their nature have no application, and those inconsistent with the provisions herein.

702.05

YIELDING RIGHT OF WAY

No snowmobile shall enter any intersection without yielding the right of way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

702.06 **OPERATION: PERSONS UNDER 18**

No person under 14 years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, county state aid, county highway, or city streets as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age may operate a snowmobile on streets and highways as permitted under this ordinance and make a direct crossing of such streets and highways only if the person has in his or her immediate possession a valid snowmobile safety certificate issued pursuant to Minn. Stat. 84.872.

702.07 **USES SPECIFICALLY PROHIBITED**

It is unlawful for any person to operate a snowmobile within the limits of the city:

- a. At any place while under the influence of alcohol or drugs as defined in Minn. Stat. 169.121, which is hereby incorporated herein by reference.
- b. At a rate of speed greater than reasonable or proper under all surrounding circumstances.
- c. At any place in a careless, reckless, or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.
- d. During the hours from 11:00 p.m. to 7:00 a.m. of any day, closer than 100 feet to any dwelling which is usually occupied by one or more persons.
- e. So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the snowmobile.
- f. Within 100 feet of any fisherman, pedestrian, skating rink, or sliding area where the operation would conflict with use or endanger other persons or property.

702.08 **EQUIPMENT REQUIRED**

It is unlawful for any person to operate a snowmobile any place within the limits of

the city unless it is equipped with the following:

- a. Standard mufflers which are properly attached and which 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 a snowmobile motor.
- b. Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.
- c. A safety or so-called "dead-man" throttle in operating condition.
- d. When operated between the hours of one-half hour after sunset and one-half hour before sunrise or at time of reduced visibility, 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 headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

702.09 **IGNITION LOCK**

Every person leaving a snowmobile on a public place or way shall lock the ignition, remove the key, and take the same.

702.10 **EMERGENCIES, OPERATION PERMITTED**

Notwithstanding any prohibitions in this part of the ordinance, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

702.11 **USES PROHIBITED: ANIMALS**

It is unlawful to intentionally drive, chase, run over, or kill any animal with a snowmobile.

Part 3. Curfews

703.01

DEFINITIONS

The following words and terms when used in this Ordinance shall have the following meanings unless the context indicates otherwise:

- A. Guardian - an adult appointed pursuant to Minnesota Statutes, Section 525.6155 or 525.8165 who has the power and responsibilities of a parent as defined by Minnesota Statutes, Section 525.419.
- B. Emergency - a circumstance or combination of circumstances requiring immediate action to prevent property damage, serious bodily injury, or loss of life.
- C. Establishment - any privately owned place of business to which the public is invited, including but not limited to any place of amusement, entertainment, or refreshment.
- D. Juvenile - a person sixteen (16) years of age or younger who is not married or who has not been legally emancipated.
- E. Parent - birth parents, adoptive parents, and stepparents.
- F. Proprietor - any individual, firm, association, partnership, or corporation operating, managing, owning, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.
- G. Public Place - any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, alleys, parking lots, parks, and the common areas of libraries, schools, hospitals, apartment houses, office buildings, transport facilities, shopping areas, and ships.
- H. Responsible Adult - a person over the age of 18 years specifically authorized by the parent or guardian of the juvenile to have custody and control of the juvenile.

703.02

CURFEW IMPOSED

Except as provided in Subdivision 3, no person sixteen (16) years of age and under shall be on any public street or alley or in any park or other public ground or building, place of amusement, entertainment, or refreshment, vacant lot, or any other public place between the hours of 11:00 p.m. and 5:00 a.m. of the following day.

703.03

DEFENSES FOR JUVENILES

It is an affirmative defense for a juvenile to prove that:

- a. The juvenile was accompanied by his or her parent, guardian, or other responsible adult.
- b. The juvenile was engaged in a lawful employment activity or was going to or returning from an employment activity without any detour or stop.
- c. An emergency situation existed.
- d. The juvenile was attending an official school, religious, or other recreational activity supervised by adults and sponsored and/or supervised by a public entity, a civic organization, a religious organization, or another similar entity that took responsibility for the juvenile, or was going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored and/or supervised by a public entity, a civic organization, a religious organization, or another similar entity that took responsibility for the juvenile.
- e. The juvenile was on an emergency errand or other legitimate business directed by the juvenile's parent, guardian or other responsible adult of the juvenile.
- f. The juvenile was engaged in interstate travel.
- g. The juvenile was on the public right-of-way, boulevard, alley, or sidewalk abutting the juvenile's residence or abutting the residence of his or her next-door neighbor.

703.04 **RESPONSIBILITY OF PARENT, ETC.**

No parent, guardian, or other responsible adult having custody and control of a juvenile under the age of 17 years shall knowingly permit the minor to violate the provisions of 703.02.

703.05 **RESPONSIBILITY OF OTHER PERSONS**

Whenever the owner or person in charge or control of any place of amusement, entertainment, refreshment, or other place of business shall find any person under the age of 16 years in such place in violation of Subdivision 2, he or she shall immediately order such juvenile to leave, and if such juvenile refuses to leave, the owner or person in charge shall immediately inform the appropriate law enforcement agency of the violation.

703.06 **DEFENSES FOR PROPRIETORS**

It is an affirmative defense for a proprietor of an establishment to prove that:

- a. The proprietor reasonably and in good faith relied upon juvenile's representatives of proof of age. Proof of age may be established pursuant to Minnesota Statutes Section 340A.503, subdivision 6, or other verifiable means, including, but not limited to, school identification cards and birth certificates.
- b. The proprietor promptly notified the responsible police agency that a juvenile was present on the premises of the establishment during curfew hours.

703.07 **CRIMINAL PENALTIES**

Violation of this ordinance is misdemeanor under Minnesota law.

703.08 **SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Part 4. Motorized Golf Carts (09-2007)

704.01 **AUTHORIZATION**

The operation of motorized golf carts on designated roadways within the city by persons having a valid permit issued by the city is hereby authorized as permitted and pursuant to Minnesota Statute 169.045.

704.02 **DESIGNATED ROADWAYS**

All city streets and avenues shall be designated motorized golf cart routes. No federal, state or county highway or road shall be a designated roadway nor shall any city alley be a designated roadway.

704.03 **PERMIT REQUIRED**

Every person who operates a motorized golf cart on city streets shall first obtain a permit from the city clerk. Each application for a permit shall give the name and address of the applicant, evidence of insurance, which meets the requirements of Minn. Statute section 65B.48, subdivision 1, and such other information as the city may require and authorized by law. All permits expire December 31 of the year in which the permit was issued. The city council shall set the fees for such permits by resolution.

704.04 **CONDITIONS**

Operation of motorized golf carts on city streets is subject to the following conditions:

- a. Motorized golf carts may only be operated on designated routes from sunrise to sunset. 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 in vehicles on the roadway at a distance of five hundred feet (500’).
- b. Motorized golf carts shall display the slow moving vehicle emblem provided for in Minnesota Statutes section 169.522 when operated.
- c. Every person operating a motorized golf cart under permit on designated routes has all the rights and duties applicable to the driver of any other vehicle under the provisions of Chapter 169 of Minnesota Statutes, except when those provisions cannot reasonably be applied to motorized golf carts and except as otherwise specifically provided in Minnesota Statutes section 169.045, subdivision 7.
- d. Only persons at least sixteen (16) years of age are eligible for permits.

704.05 **REVOCAION OR DENIAL OF PERMIT**

A permit may be revoked at any time or denied if it is shown the permittee cannot safely operate the motorized golf cart on the designated routes, if the permittee has had a valid driver's license revoked for traffic violations, or the permittee has violated any term or condition of this permit or other city traffic ordinance.

704.06

LIMITATION OF LIABILITY

Nothing in this chapter shall be construed as an assumption of liability by the city for any injuries to persons or property which may result from the operation of a motorized golf cart by a permit holder or the failure by the city to revoke said permit.

Part 5. All-Terrain Vehicles (ATVs) (2015-07)

705.01

AUTHORIZATION

The operation of ATVs on designated roadways within the city by persons having a valid permit issued by the city is hereby authorized as permitted and pursuant to

Minnesota Statute 169.045.

705.02

DEFINITIONS

For the purposes of the Section, the following definitions apply:

1. “All-Terrain Vehicles (ATVs)” as defined in Minnesota Statutes, Section 84.92, as it may be amended from time to time.
2. “Owner” a person other than a lien holder, having a property interest in or title to an ATV entitled to the use and possession thereof.
3. “Operate” to ride in or on and control the operation of an ATV.
4. “Operator” every person who operates or is in physical control of an ATV.
5. “Right-of-way” the entire right-of-way of a public roadway, including the traveled portions, banks, ditches, shoulders, and medians of a roadway that is not privately owned.
6. “Designated Roadways” means all city streets and avenues.

705.03

PERMIT REQUIRED

Every person who operates an ATV on designated roadways shall first obtain a permit from the city clerk. Each application for a permit shall give the name and address of the applicant, proof of registration of said ATV if such registration is required by Minnesota Statute 84.922, evidence of insurance, which meets the requirements of Minnesota Statute section 65B.48, subdivision 1, and such other information as the city may require and are authorized by law. All permits expire December 31 of the year in which the permit was issued. The city council shall set the fees for such permits.

705.04

CONDITIONS TO OPERATE

Operation of ATVs on city streets is subject to the following conditions (in addition to the requirement of a permit as contained herein):

- a. ATVs shall be operated on the extreme right hand side of the designated roadway.
- b. Every person operating an ATV under permit designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Chapter 169 of Minnesota Statutes, except when those provisions cannot reasonably be applied to ATVs and except as otherwise specifically provided in Minnesota Statutes section 169.045, subdivision 7, and also subject to all other City regulations.

- c. Only persons at least sixteen (16) years of age are eligible for permits.
- d. A person operating an ATV may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:
 - 1. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevent a quick and safe crossing.
 - 2. The ATV is brought to a complete stop before crossing the shoulder or main traveled way of the street or highway.
 - 3. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate hazard.
 - 4. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway: and
 - 5. When crossing between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, both front and rear lights must be illuminated.

705.05 **REVOCAION OR DENIAL OF PERMIT**

A permit may be revoked at any time or denied if it is shown the permittee cannot safely operate the ATV on the designated roadways, if the permittee has had a valid driver's license revoked for traffic violations, or the permittee has violated any term or condition of this permit or other city traffic ordinance.

705.06 **LIMITATION OF LIABILITY**

Nothing in this chapter shall be construed as an assumption of liability by the city for any injuries to person or property which may result from the operation of an ATV by a permit holder or the failure by the city to revoke said permit.