

CHAPTER 5

PUBLIC WAYS AND HIGHWAY REGULATIONS

Sec. 5.01 STREET AND HIGHWAY TRAFFIC REGULATION

Subd. 1. The Highway Traffic Regulation Act of the State of Minnesota, being Minnesota Statute, Chapter 169 as published by the State of Minnesota is hereby adopted and incorporated by reference as an Ordinance of the City and the provisions therein set forth shall be as much a part of this Ordinance as if they had been set forth in full herein.

Subd. 2. The following Statutes of the State of Minnesota are hereby adopted and incorporated by reference as an Ordinance of the City and the provisions therein set forth shall be as much a part of this Ordinance as if they had been set forth in full herein.

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| Minnesota Statute | 160.27 |
| Minnesota Statute | 171.02 |
| Minnesota Statute | 171.03 |
| Minnesota Statute | 171.22 |
| Minnesota Statute | 171.23 |
| Minnesota Statute | 171.24 |
| Minnesota Statute | 171.32 (1) |
| Minnesota Statute | 171.32 (2) |

Subd. 3. UNCLASSIFIED VIOLATIONS

1. No person shall operate a vehicle on a public highway, street, parking lot, alley or other public property in such a manner as to cause the tires to squeal, the gears to grind, or the motor to backfire, except when an emergency creates the necessity for such operation;
2. No person shall drive a vehicle on a public highway, street, parking lot, alley or other public property at irregular or erratic and changing speeds or in such a manner as to cause said motor vehicle to skid or slide upon acceleration or stopping or in a manner that simulates a temporary race, or that causes the vehicle to turn abruptly or sway, except when an emergency creates the necessity for such operation.

Subd. 4. One copy of the Minnesota Highway Traffic Regulation Act and the miscellaneous statutes set forth above as published by the State of Minnesota, as the Minnesota Motor Vehicle and Traffic Laws, shall be marked by the City Clerk as official copies and filed for use and examination by the public in the office of the City Clerk.

Subd. 5. PENALTY

Any violation of the statutes adopted by reference in Section 1 is a violation of this Ordinance when it occurs within the City. Any person thus violating any provision of this Ordinance shall be guilty of such an offense and shall be punished by such penalty as is prescribed by such statutes, except where a different penalty is prescribed in this Ordinance.

Subd. 6. PRESERVATION OF RIGHTS

Except as provided by M.S.A. 169.89, Subd. 3., the repeal of any Ordinance or portion thereof by the preceding section shall not affect or impair any act done or right vested or accrued, or proceedings, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if such Ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture either civilly or criminally incurred prior to the time when any such Ordinance or part thereof shall be repealed or altered by the City shall be discharged or effected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded within all respects as if such prior Ordinance or part thereof had not been repealed or altered.

Sec. 5.02 REGULATION OF STREETS

Subd. 1. RESTRICTION ON TURNS

The City 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 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 until the consent of the Commission of Highways 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 proceed in the opposite direction on any street in the business district or between any street intersection in the business district or at any intersection where traffic is regulated by a traffic control signal or at intersections where the Council shall have established no U-turn zones.

Subd. 3. 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 Engineer shall post appropriate signs at the entrance to such street. No trunk highway shall be so designated unless the consent of the Commissioner of Highways to such designation is first secured.

1. Every driver of a vehicle shall bring his vehicle to a full stop before entering any through street or stop intersection properly designated and posted as such.

Subd. 4. TRUCK RESTRICTIONS.

The City Council by resolution may designate streets on which travel by commercial vehicles in excess of 10,000 pounds gross weight is prohibited. The City Engineer shall erect appropriate signs on such streets. No person shall operate a vehicle on such posted streets in violation of the restrictions stated.

Subd. 5. SEASONAL WEIGHT RESTRICTIONS

The City Engineer may prohibit the operation of vehicles upon any street under his 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.

He shall erect and maintain signs plainly indicating the prohibition or restriction at each end of that portion of the street affected. No person shall operate a vehicle on a posted street in violation of the prohibition or restriction.

Subd. 6. PARKING REGULATIONS

- A. Parallel Parking. Parallel parking shall be required on the following streets: North side of business district (main street).
- B. No vehicle over 80,000 pounds gross weight shall park on the main street of Trimont.
- C. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
 - (a) On a sidewalk
 - (b) In front of a public or private driveway
 - (c) Within an intersection
 - (d) Within 10 feet of a fire hydrant
 - (e) On a crosswalk
 - (f) Within 20 feet of a crosswalk at any intersections
 - (g) Within 30 feet upon the approach of any flashing beacon, stop sign or traffic control signal located at the side of a roadway
 - (h) Within 50 feet of the nearest rail of a railroad crossing
 - (i) Within 20 feet of the distance to any fire station and the side of the street opposite the entrance to any fire station within 75 feet of said entrance when properly posted.
 - (j) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
 - (k) On the roadway side of any vehicle stopped or parked at the edge or curve of a street.
 - (l) Upon any bridge or other elevated structure upon any street.
 - (m) Upon any place where official signs prohibit stopping.
 - (n) Upon the left half of any roadway.

Subd. 7. 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 in any limited parking zone for a longer period than is so specified.

Subd. 8. 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 or is in violation of any parking regulation. 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. 9. The presence of any motor vehicle on any street when standing or parked in violation of this ordinance is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

Subd. 10. ESTABLISHMENT OF SAFETY ZONES, LANES OF TRAFFIC, ETC.

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 zones, lanes of traffic and stop intersections, and he may order installation by the City Engineer of stop signs, yield signs, warning signs, signals, pavement markings or other devices. No regulations may be established on a trunk highway unless the consent of the Commissioner of Highways is first secured.

Subd. 11. EXHIBITION DRIVING PROHIBITED

No person shall turn, accelerate, 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. 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.

Sec. 5.03 PUBLIC WAYS

Subd. 1. REFUSE

No person shall throw or deposit any glass, metal, garbage or other refuse upon any public way.

Subd. 2. SIDEWALK REPAIR

It is the duty of the owner of the premises abutting any sidewalk to maintain such public sidewalk in such a condition as to permit the safe use of said sidewalk by the public.

1. Whenever any public sidewalk becomes broken, cracked, raised or otherwise disrepaired so as to constitute a hazard to the public passage, the City Clerk shall give notice in writing, of such condition to the owner of the premises abutting the sidewalk.
2. If the owner of the premises fails to make such repair within thirty (30) days of being so notified, the City Council shall order the necessary repairs made.
3. The cost of such repairs shall constitute a lien against said premises. If the cost of such repair is not paid to the City Treasurer by September 15th following the making of the repairs, the cost shall be certified to the County Auditor as a special assessment against said premises, to be collected in the same manner as any other special assessment.

Subd. 3. BLOCKING SIDEWALKS OR INTERFERING WITH USE OF SAME

It shall be unlawful for any person, firm, corporation or other entity to block or otherwise interfere with the use of any portion of a public sidewalk without first obtaining the written approval, therefore, from the City Council, except, that the City Council may designate, certain days for public sales or promotions and on said designated days, merchants may utilize portions of the public sidewalk for the display and sale of goods.

Subd. 4. EXCAVATIONS

1. Excavations prohibited. No person shall make any excavation in any public way without first having secured a permit therefore from the City Clerk. Application for such permit shall be made to the City Clerk upon forms prescribed by the Council.
2. Requirement of financial responsibility. Before the Clerk issues a permit to excavate, he may require the applicant to show financial responsibility or a certificate of insurance in an amount determined by Council resolution.

3. Barricading and lighting. Any excavation in a public way must be guarded with substantial railings or their equivalent constructed and placed so as to bar all entrance to the excavation and all piles of materials must be shown by amber lights or flares.
4. Resurfacing. No person may excavate or dig in or upon any street or alley in the City unless he first has paid to the City Clerk a resurfacing fee. This fee shall be for the street repairs made necessary by such excavation or digging and shall be set by resolution of the Council. The City Clerk shall keep on file a record of such resolution for public inspection. This fee shall be in addition to any other permit otherwise required.
5. Excavating in or on private property. No person shall excavate or dig in or upon private property within the City at such a depth and/or at such location as he will strike, sever, dent, undermine or otherwise disturb any lines, wires, pipe, or other utility installation. Prior to any excavation on private property hereby regulated an inquiry shall be made of the City Clerk to determine the location and depth of utility lines, if any, existing in, on or under said private property.

Subd. 5. CERTAIN VEHICLES, EQUIPMENT AND ANIMALS PROHIBITED - STREETS

It is unlawful to operate any vehicle or equipment of any type whatsoever not equipped with pneumatic tires, a pneumatic tire being a tire in which compressed air is designed to support the load. A violation of this section shall constitute a misdemeanor.

Subd. 6. DAMAGE TO ROADWAYS

Any person driving any vehicle, equipment, object, or contrivance upon any street, road, highway, or highway structure shall be liable for all damages which the surface or structure thereof may sustain as a result of any illegal operation, or driving or moving of such vehicle, equipment, object, or contrivance; or as a result of operating, driving, or moving any vehicle, equipment, object, or contrivance weighing in excess of the maximum weight permitted in this chapter. When such driver is not the owner of such vehicle, equipment, object or contrivance, but is so operating, driving, or moving the same with the express or implied permission of the owner, then the owner and the driver shall be jointly and severally liable for any such damage. Any person who, by his willful acts

or failure to exercise due care, damages any road or street shall be liable for the amount thereof.

Subd. 7. EQUIPMENT IN ALLEYS

Vehicles or equipment weighing in excess of ten thousand (10,000) pounds are prohibited in alleys, provided that garbage collection trucks, utility vehicles, and fuel oil trucks delivering fuel are exempted from this provision.

Subd. 8. PARKING

It shall be unlawful for anyone to park a truck tractor, semi-trailer, or truck tractor and semi-trailer combination in any residential street or alley in the City of Trimont without first obtaining a permit from the office of the City Clerk.

The City Council shall, by regulation, establish the requirements for issuance of a truck tractor/semi-trailer parking permit.

Subd. 9. FAILURE TO REMOVE VEHICLE UNDER ORDER

Notwithstanding any other provision herein, upon orders of any police officer of the City or any other political subdivision of the State of Minnesota, under conditions justifying such order, the owner or operator of any vehicle shall remove his vehicle from where it is parked immediately upon receiving said order. If said owner or operator fails to move said vehicle, the police officers may have the same removed at the expense of the owner or operator who shall be liable for the cost of removing said vehicle and the storage thereof.

Subd. 10. ICE AND SNOW ON PUBLIC SIDEWALKS

1. Ice and Snow a Nuisance.

All snow and ice remaining upon 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 twelve (12) hours after such snow or ice has ceased to be deposited.

2. City to Remove Snow and Ice.

The City may cause to be removed from all public sidewalks, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow and ice which may be discovered thereon, and it shall

keep a record of the cost of such removal and private property adjacent to which such accumulations were found and removed.

3. Cost of Removal to Be Assessed.

The Clerk shall, upon direction of the council, and on receipt of the information provided for in the preceding subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcels of ground abutting on walks which were cleared, and such special assessment shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.