

# CHAPTER 8. TRAFFIC REGULATIONS

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## 📖 Section 800 - Unreasonable Acceleration and Exhibition Driving

**800.01 Purpose.** Exhibition driving and unreasonable acceleration of a motor vehicle is a public nuisance.

### **800.02 Definitions.**

**800.02.1.** “Exhibition driving” shall mean the operation or halting of any motor vehicle in a manner so as to cause excessive engine noise, tire squealing, skids or slides upon acceleration or stopping; or in a manner as to simulate a race or temporary race, or to cause the vehicle to unnecessarily sway or turn abruptly, or to impede traffic.

**800.02.2.** “Unreasonable acceleration” shall mean the acceleration of any motor vehicle carelessly or with disregard of the rights of others, or in an unreasonable manner than endangers or is likely to endanger any property or person, including the driver or passenger of the vehicle.

**800.03 Prohibited Operation.** No person shall operate or halt any motor vehicle upon any public or private road, street, parking lot, alley or way within the City in a manner as to constitute either exhibition driving or unreasonable acceleration, as defined in this section.

## 📖 Section 810 - Truck Traffic

**810.01 Definitions.** As used in this section, the following terms shall mean:

**810.01.1.** “Superintendent” shall mean the Superintendent of Public Works of the City.

**810.01.2.** “Truck” shall mean any vehicle designed for the transportation of cargo rather than passengers and having three or more axles, or having a licensed gross weight of 26,000 pounds or more. Emergency vehicles shall be excluded.

**810.01.3.** “Truck route” shall mean any street or highway, as designated in this section, over and along which trucks within the City shall operate.

**810.02 Routes Established.** The City Council may, by resolution, establish truck routes within the City and may add to or modify the routes from time to time. The Superintendent shall keep and maintain accurate maps showing the truck routes currently in effect and the maps shall be available to the public.

**810.03 Marking of Routes.** Truck routes shall be identified by appropriate signs erected and maintained by the Superintendent. Further, the Superintendent shall post at the City limits upon all main traffic routes entering the City, signs notifying users of highways that trucks shall only be permitted to be driven on marked truck routes.

**810.04 Truck Travel Restricted.** When truck routes have been established and identified, no person shall drive a truck on any street or highway other than a designated truck route, except where it shall be necessary to traverse other streets or highways to get to a destination for the purpose of loading or unloading property, and then only by the deviation from the nearest truck route as shall be reasonably necessary; provided however, that no person shall, in driving a truck to or from a site where construction or demolition of any structure other than a one- or two-family dwelling or accessory building shall be taking place, use any street or highway other than a designated truck route, unless the street or highway has been designated by the Superintendent as a special temporary truck route for the project. Upon application by the owner of the site where such a project shall be taking place, or his or her agent, the Superintendent shall designate at least one temporary truck route for the project.

**810.05 Exemptions.** The operation of trucks in connection with the repair, maintenance or construction of streets or highways, sidewalks or public utilities shall not be deemed to be covered by the provisions of this section.

**810.06 Detours.** The operation of trucks upon any officially established detour in any case where the truck could be lawfully operated on the street for which the detour is established shall be permitted.

**810.07 Conflict with Other Provisions.** No designation of a truck route which consists in whole or in part of any state, county or federal highway, shall be construed as permitting use of the route in violation of any order or rule of the agency having jurisdiction over the highway.

## **Section 820 - Regulation of Snowmobiles and All-Terrain Vehicles**

**820.01 Intent.** It is the intent of this chapter to supplement Minnesota Statutes chapters 84 and 169, as they may be amended from time to time, with respect to the operation of snowmobiles and all-terrain vehicles. This section is not intended to allow what Minnesota State Statues prohibit, nor to prohibit what Minnesota State Statues allow.

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

**820.02.1.** “All-terrain vehicle” or (“ATV”) – shall have the meaning as defined in Minnesota Statutes Section 84.92, subd. 8, as it may be amended from time to time.

**820.02.2.** “Class 1 ATV” shall have the meaning as defined in Minnesota Statutes Section 84.92, subd. 9, as it may be amended from time to time.

**820.02.3.** “Class 2 ATV” shall have the meaning as defined in Minnesota Statutes Section 94.92, subd.10, as it may be amended from time to time.

**820.02.4.** “City of Hermantown Snowmobile and ATV Map” shall mean the map created by the City indicating the streets, roads, highway and other areas within the City in which Snowmobile and ATV operation is authorized, which shall be kept on file at the Hermantown Police Department and furnished upon request.

**820.02.5.** “Ditch” shall mean a narrow channel dug in the ground, typically used for drainage alongside a road.

**820.02.6.** “Operate” shall mean to ride in or on and control the operation of a snowmobile.

**820.02.7.** “Operator” shall mean every person who operates or is in actual physical control of a snowmobile or ATV.

**820.02.8.** “Owner” shall mean a person, other than a lien holder having the property in or title to a snowmobile or ATV or entitled to the use or possession thereof.

**820.02.9.** “Right-of-way” shall mean the entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

**820.02.10.** “Roadway” shall mean that portion of a highway or street improved, designed or ordinarily used for vehicular travel, including the shoulder.

**820.02.11.** “Snowmobile” shall have the meaning as defined in Minnesota Statutes Section 84.791, as it may be amended from time to time.

**820.02.12.** “Street” or “Highway” shall mean the entire width between the boundary lines of any way of place open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

**820.03 State Statutes Adopted.** Minnesota Statutes Sections 84.81 to 84.915, Snowmobiles, and Minnesota Statutes Section 84.92 to 84.928, All-Terrain Vehicles, and Minnesota Statutes Chapter 169, Traffic Regulations, as they may be amended from time to time, are hereby adopted by reference and are as much a part of this Section as if fully set forth herein.

**820.04 Application of Traffic Ordinances.** City traffic ordinances shall apply to the operation of Snowmobiles and ATV's on streets of highways except those which by their nature have no application.

**820.05. Snowmobile Operation.** A Snowmobile may be operated upon the roadway, shoulder, inside bank or slope of those City streets, County Roads, and State Highways as designated on the City of Hermantown Snowmobile and ATV Map provided that that operation occurs on the farthest right hand side of the street, road, or highway and whenever possible, and legal to do, the operation occurs within the ditch and always one way in the direction of traffic.

**820.06 Snowmobile Restrictions.** It shall be unlawful to operate a Snowmobile:

**820.06.1.** On a public sidewalk provided for pedestrian travel;

**820.06.2.** On boulevards within any public right-of-way;

**820.06.3.** On private property of another, except as permission is expressly obtained by the owner or person in control of such private property;

**820.06.4.** On any school grounds, except as permission is expressly obtained from responsible school authorities;

**820.06.5.** On public property, playgrounds and recreation areas, except as allowed by the City and indicated on the City of Hermantown Snowmobile and ATV Map;

**820.06.6.** At a rate of speed exceeding 30 miles per hour on any roadway, or at a rate of speed greater than the posted speed limit on any trail, and in no event at a rate of speed greater than reasonable or proper under the surrounding circumstances;

**820.06.7.** In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto; and

**820.06.8.** In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of the public.

**820.07 Permit Required for ATV Use on Roadways.** It is unlawful to operate an ATV on City streets without a permit issued by the City.

**820.07.1.** Every application for a permit shall be made on a form supplied by the City and shall contain the following information:

**820.07.1.1.** The name and address of the ATV Owner.

**820.07.1.2.** A copy of the ATV Owner's Minnesota Department of Natural Resources ATV Registration card, and

**820.07.1.3.** Proof of insurance in compliance with the provisions of Minnesota Statutes Section 65B.48, subd. 5, as it may be amended from time to time.

**820.07.1.4.** Other information as the City may require.

**820.07.2.** The annual permit fee shall be as set forth in the Fee Schedule, as it may be amended from time to time.

**820.07.3.** A City permit shall expire on the same date as listed on the Minnesota Department of Natural Resources ATV Registration card.

**820.07.4.** The City Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section of Minn. Stat., Ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the ATV.

**820.08 ATV Operation.** An ATV may be operated upon the roadway, shoulder, inside bank or slope of those City street, County Roads, and State Highways as designated on the City of Hermantown Snowmobile and ATV Map, provided that operation occurs on the farthest right hand side of the street, road, or highway and always one way in the direction of traffic.

**820.09 ATV Restrictions.** It shall be unlawful to operate an ATV:

**820.09.1.** On a public sidewalk provided for pedestrian travel;

**820.09.2.** On boulevards within any public right of way;

**820.09.3.** On or in a ditch;

**820.09.4.** On private property of another without specific permission of the owner or person in control of such property;

**820.09.5.** On any school grounds, except as permission is expressly obtained from responsible school authorities;

**820.09.6.** On public property, playgrounds and recreation areas, except as allowed by the City and indicated on the City of Hermantown Snowmobile and ATV Map;

**820.09.7.** At a rate of speed exceeding 30 miles per hour and in no event at a rate of speed greater than reasonable or proper under the surrounding circumstances;

**820.09.8.** In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto; and

**820.09.9.** In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of the public.

**820.10. Equipment.** It is unlawful for any person to operate a Snowmobile or ATV within the limits of the City unless it is equipped with the following:

**820.10.1.** A muffler that is in good working order and that does not produce sharp popping or cracking sounds or excessive or unusual noise. In no event, shall a muffler be altered in any way to produce a noise that is louder than the original manufacturer equipment or by means of a cutout, bypass straight pipe or similar device;

**820.10.2.** Brakes adequate to control the movement of and to stop and hold the Snowmobile or ATV under any condition of operation;

**820.10.3.** A safety throttle in operating condition and

**820.10.4.** Reflective material at least 16 square inches on each side so as to reflect lights at a 90 degree angle.

**820.11 Stopping and Yielding.** No Snowmobile or ATV shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians at the intersection or so close to the intersection as to constitute an immediate hazard.

**820.12 Violation.** A person convicted of a violation of this Section is guilty of a misdemeanor ordinance violation.

(Am. Ord. 2001-10, passed 1-7-02) (Am. Ord. 2014-15, passed 1-5-2015)

## **Section 830 - Parking**

### **830.01 Fire Lanes.**

**830.01.1.** The Fire Chief may order any person who owns, leases or otherwise controls any parcel of real property, if any portion of the property is used or capable of being used for the parking or storage of vehicles, to designate any area of the property as a fire lane so as to allow Fire Department equipment, and other emergency vehicles to have proper access to the property. Any such fire lane shall be designated by signs, which shall be located, erected or fixed in such manner as the Fire Chief may direct. Costs of compliance with the order shall be the expense of the person owning, leasing or otherwise controlling the property.

**830.01.2.** Any order issued pursuant to this subsection shall be in writing and shall specify the time for compliance. The Fire Chief shall modify or rescind any such order, as may be appropriate, in his or her own discretion or upon the request of any person affected thereby, whenever a change in circumstances or use of the property renders part or all of the order unnecessary.

**830.01.3.** Any person affected by any action or refusal of the Fire Chief to act pursuant to the provisions of this subsection may at any time appeal the order or refusal to the City Council.

**830.01.4.** Any person receiving an order from the Fire Chief pursuant to this subsection and who fails to comply within the period of time as the Fire Chief may direct shall be guilty of a violation of this section. Each day that the failure shall continue shall constitute a separate offense.

(Am. Ord. 2009-03, passed 7-6-09)

**830.02 Council Authority.**

**830.02.1.** The Council may, by resolution, designate and establish upon any street, avenue or road within the City:

**830.02.1.1.** Certain areas and hours where parking time shall be limited;

**830.02.1.2.** Loading zones or parking zones; and

**830.02.1.3.** No parking zones, no stopping zones or no standing zones and the hours within which the restrictions shall apply.

**830.02.2.** The Chief of Police shall mark or cause to be marked by appropriate signs all zones so established.

(Am. Ord. 2009-03, passed 7-6-09)

**830.03 Temporary Restrictions.** The Police Chief shall be hereby empowered to temporarily prohibit or otherwise restrict parking within the City on account of parades, street or utility repairs, snow plowing, snow removal or other extraordinary conditions by placement of appropriate temporary signs. No such prohibitions or restrictions shall be in force until signs shall have been posted clearly designating the area, the prohibition or restriction and the time period the prohibition or restriction shall be in effect.

(Am. Ord. 2009-03, passed 7-6-09)

**830.04 Violation and Penalty.** No person shall park or stop any motor vehicle or allow any motor vehicle to stand in a fire lane designated and marked under the provisions of 830.01, a zone designated and marked under the provisions of 830.02 in contravention of the designation and marking, or an area posted under the provisions of 830.03 in contravention of the prohibition or restriction designated by the posting.

(Am. Ord. 2009-03, passed 7-6-09)

**830.05 Owner Responsibility.** If any motor vehicle is found parked, stopped or standing in violation of any subsection of this section 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.

(Am. Ord. 2009-03, passed 7-6-09)

**830.06 Definitions.** For purposes of this section, the following words and phrases shall have the meanings ascribed to them in this section:

**830.06.1.** "Owner" shall mean the person holding the legal title to a vehicle or, in the case of a vehicle subject to a conditional sales agreement or a lease with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle shall be entitled to possession, then the conditional vendee, lessee or mortgagor shall be deemed the owner.

**830.06.2.** "Parking" shall mean the standing of a vehicle, whether occupied or not, upon a street, road or highway, other than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to traffic regulations, signs or signals.

**830.06.3.** "Roadway" shall mean that portion of a highway, street or road improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

**830.06.4.** "Truck" shall mean any vehicle that is more than 9,000 pounds gross vehicle weight; any vehicle that has an overall length of more than 25 feet or a width at any point of more than six feet; any trailer, semitrailer, truck-tractor or combinations thereof; any bus; any vehicle used for hauling any hazardous materials, such as gasoline, fuel, chemicals or explosives; or any vehicle designed, used or maintained for towing other motor vehicles or equipment.

**830.06.5.** "Vehicle" shall mean every device in, upon or by which any person or property may be transported upon a highway, except devices moved by human power.

**830.06.6.** "Commercial vehicle" means any vehicle that is more than 26,000 pounds gross vehicle weight and that has commercial motor vehicle license plates.

(Ord. 2004-20, passed 1-7-05; Am. Ord. 2009-03, passed 7-6-09)

**830.07 Parking More Than 24 Consecutive Hours Prohibited.** No vehicle shall be left standing or parked more than 24 consecutive hours on any street or highway within the City.

(Am. Ord. 2009-03, passed 7-6-09)

**830.08 Removal of Illegally-Parked Vehicles.** When any police officer finds a vehicle standing upon a highway in violation of any of the provisions of this section, the officer shall be authorized to move the vehicle, require the driver or other person in charge of the vehicle to move the same or to provide for the removal of the vehicle to the nearest convenient garage or other safe place.

(Am. Ord. 2009-03, passed 7-6-09)

**830.09 Removal of Vehicles to Facilitate Snow Removal.** When the City Street Superintendent or any of his or her duly authorized agents find a vehicle standing upon a highway that creates or causes an obstruction to the plowing, moving or removal of snow and ice, whether or not the obstruction constitutes a violation of this section or any other Code provision or ordinance of the city, the City Street Superintendent or his or her duly authorized agent shall be authorized to move the vehicle, require the driver or other person in charge of the vehicle to move the same, or to provide for the removal of the vehicle to the nearest convenient garage or other safe place.

(Am. Ord. 2009-03, passed 7-6-09)

**830.10 Redemption by Owner.** Whenever a vehicle has been moved or removed pursuant to the authority created by this section, the vehicle shall not thereafter be released, restored or delivered to the owner thereof until he or she shall have established that he or she is the owner thereof and shall have paid to the person entitled thereto the costs and expenses involved and incurred in connection with the moving, removing or storage of the vehicle. In addition to the payment of the costs, the owner of any vehicle removed or stored for violating any provision of this section shall, before the vehicle shall be surrendered to the owner, pay the amount of any fine as may be imposed by the Court for the violation.

(Am. Ord. 2009-03, passed 7-6-09)

### **830.11 Truck Parking.**

**830.11.1 Unlawful Parking.** It shall be unlawful for any person owning, driving or in charge of a truck to cause or permit the parking or continuous standing of the truck on any public street, alley or other roadway regulated or supervised by the City.

**830.11.2 Exceptions.** 830.11.1 shall not apply to any truck being used by a public utility, delivery company, moving company or similar company while it is actually being used in the furtherance of the business of the company or any truck used in conjunction with an authorized construction site during a period that construction shall be actually taking place including non-working hours and holidays.

**830.11.3 Purpose and Intent.** The purpose of this subsection shall be to regulate the parking of large vehicles on public streets, alleys or roadways regulated or supervised by the City because the vehicles can create a nuisance and can be detrimental to the public health, safety, prosperity, good order and general welfare by obstructing the view of drivers of operating vehicles or by interfering with orderly passage of traffic on streets and other public properties regulated or supervised by the City or by otherwise adversely affecting public roadways regulated or supervised by the City.

(Am. Ord. 2009-03, passed 7-6-09)

### **830.12 Commercial Vehicles Parking Prohibited in Residential Zone Districts.**

**830.12.1 Prohibition.** No person shall park or allow to stand on any public or private property a commercial vehicle in the R-3 or R-3a zone district of the City, except for the purpose for loading and unloading of passengers or freight and then only for a period, not to exceed two hours, no longer than is necessary for the loading or unloading of such passengers or freight, provided, however, that the provisions of this section shall not apply to the parking of commercial vehicles of public bodies or public utilities which are used for providing emergency repair service.

(Am. Ord. 2004-20, passed 1-3-05; Am. Ord. 2009-03, passed 7-6-09)

### **830.13. Citations.**

**830.13.1.** The Chief of Police shall develop a form to be used for issuing citations for violations of this section, which shall be entitled "City of Hermantown Parking Citation" and will hereinafter be referred to as the "Parking Citation."

**830.13.2.** The Chief of Police shall develop a form to be used to dispute a parking citation, which shall be entitled "City of Hermantown - Parking Citation Dispute Form" and will hereinafter be referred to as "Dispute Form."

(Am. Ord. 2009-03, passed 7-6-09)

### **830.14. Dispute of Parking Citation.**

**830.14.1.** A dispute form shall be filed with the Hermantown Police Department within ten calendar days of the issuance of a parking citation.

**830.14.2.** The Chief of Police or his or her designee shall review the dispute form and provide notice of his or her decision on the parking citation covered by the dispute form within ten calendar days after the dispute form is filed with the Hermantown Police Department.

(Am. Ord. 2009-03, passed 7-6-09)

### **830.15. Payment of Parking Citation.**

**830.15.1.** Payment of a parking citation shall be made to the City of Hermantown and shall be mailed or brought in person to the Hermantown Police Department. Payments shall be made within 30 calendar days of issuance of the parking citation.

**830.15.2.** If payment in full is not made within 30 calendar days of issuance of the parking citation or within ten calendar days of a decision by the Chief or his or her designee that upholds the parking citation, the fine shall be doubled.

**830.15.3.** If a party does not pay the parking citation within 60 calendar days, it may be voided and a Uniform Traffic Citation may be issued or the City may take whatever actions it deems necessary and appropriate to collect the amount of the fine for the parking citation.

(Am. Ord. 2009-03, passed 7-6-09)

## 📖 **Section 840 – Unsafe Traffic Movements**

### **840.01 Definitions.**

**840.01.1.** “Roadway” shall mean that portion of a highway or street improved, designed or ordinarily used for vehicular travel, including the shoulder.

**840.01.2.** “Unsafe traffic movements” shall mean the operation of any vehicle contrary to the traffic control signal on any roadway, any intersection or other place where it is allowed to be operated.

**840.01.3.** “Vehicle” shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a roadway, including Snowmobiles or ATV’s as defined in Section 820 of this Code.

**840.02 Prohibited Operation.** No person shall operate or halt their vehicle upon a roadway within the City in a manner so as to constitute an unsafe traffic movement.

**840.03 Violation.** A person convicted of a violation of this Section is guilty of a petty misdemeanor.

(Am. Ord. 2015-02, passed 3-16-15)