

CHAPTER XIII

TRAFFIC, MOTOR VEHICLES AND OTHER VEHICLES

Section 1300 - Traffic Regulation and Parking

1300.01. State statute adopted. The provisions of Minnesota Statutes, chapter 169, entitled highway traffic regulation, of which three copies duly marked as official copies have been filed for use and examination by the public in the office of the clerk-treasurer of the city are hereby adopted and incorporated herein by reference and is as much a part of this code as if it has been set out in full therein.

1300.03. Parking. Subdivision 1. Parking prohibited. No person shall park any motor vehicle, vehicle, trailer, machinery or implement at any time except for emergencies on the following streets, avenues or alleys within the city:

- (a) On both sides of Sunset Lane for a distance of 400 feet west of its intersection with Lake Sarah Heights Drive;
- (b) On both sides of Lake Sarah Heights Drive for a distance of 300 feet north of its intersection with Sunset Lane.
- (c) On both sides of those portions of Rachel Ridge, Dylan Lane and South Lake Sarah Drive that lie within a one-half mile radius of the point of intersection of the center lines of Genekar Way and South Lake Sarah Drive. (Amended, Ord. No. 92-04, Sec. 2; Ord. No. 93-02, Sec. 1; Ord. No. 96-02, Sec. 1)
- (d) On both sides of Roy Road, between the hours of 1:00 a.m. and 6:00 a.m. (Added, Ord. No. 97-06)
- (e) On the east side of Independence Road starting at a point 120 feet south of the driveway at 2485 Independence Road going north 665 feet, and on the west side of Independence Road starting at a point 270 feet south of the bridge over Pioneer Creek on Independence Road going north 2,200 feet. (Added, Ord. No. 2003-02)
- (f) On the north side of Turner Road, to include all of section 27. (Amended, Ord. No. 2009-04)

Subd. 2. Violators towed. Any motor vehicle, vehicle, machinery or implement parked in violation of this subsection shall be removed from the city street, avenue, or alley or city property and shall be impounded until the owner pays all towing and storage charges.

Subd. 3. Penalty. Any person, firm, or corporation who shall be convicted of a violation of any of the provisions hereof shall be deemed guilty of a petty misdemeanor.

1300.05. Unreasonable acceleration prohibited. No person shall start or accelerate any motor vehicle so rapidly or abruptly that a tire or tires breaks traction with the surface causing a squealing sound or the dislodging of sand, gravel or other objects by the vehicle's tires or exhibit any unnecessary speed when the peace or safety of any pedestrian, resident, driver, other person, animal or property is disturbed or threatened thereby.

1300.07. Engine braking. Subdivision 1. No person may slow or stop a vehicle by the practice known as engine braking or dynamic braking whereby rapid downshifting of a vehicle's engine is used in lieu of or in addition to application of the vehicle's brakes causing loud noises to emit from the vehicle's engine and exhaust system. Engine braking by any motor vehicle on any public highway, street, parking lot or alley within the city is hereby declared to be a public nuisance and is prohibited. Engine braking is permissible if required to stop or slow a vehicle in an emergency or to avoid a collision or accident that may result in property damage, injury or loss of life. (Added, Ord. No. 2005-07)

Section 1305 - Road Restrictions
(Amended, Ord. 111, 9-24-91)

1305.01. Motor vehicles regulated. The provisions of Minnesota Statutes, sections 169.80, 169.81, 169.82 and 169.83, regulating the size, weight, load, width, height, length and trailer equipment of motor vehicles; section 169.831 regulating refuse compactors; section 169.85 regulating the weighing of vehicles; and section 169.86 regulating the issuance of special permits, are hereby adopted by reference and are hereby incorporated in and made a part of this section as though fully set forth.

1305.03. Administrative control. The road authority and local authority as used herein shall be the director of public works of the city herein called "director", who is hereby empowered to require permits, surety bonds, insurance contracts, permit fees and all other administrative procedures authorized hereunder.

1305.05. Permit fee. The director shall require payment of a fee for the issuance of any permit hereunder in an amount set by resolution of the city council for each ton by which the maximum allowable load per axle exceeds the maximum load per axle specified by law for the street or road being traveled up to a maximum of nine tons gross weight per axle. Such permits shall be issued upon good cause being shown as required by law, provided that good cause shall be related to the health, safety or welfare of the public or any member thereof.

1305.07. Posting authorized. The director may prohibit the operation of vehicles upon any city street, road or highway or impose restrictions as to the weight of vehicles to be operated upon any city street, road or highway when in the judgment of the director, by reason of deterioration, rain, snow or climatic conditions, such city street, road or highway will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced.

1305.09. Posting of roads. The director shall cause to be posted on any such city street, road or highway appropriate signs designating such restriction.

1305.11. Civil and criminal penalties. Subdivision 1. Penalty. Any person not holding a seasonal permit who violates a posted load or vehicle restriction shall be subject to the penalty established in section 115 of this code, together with a civil penalty payable directly to the city equal to the value of the damages caused by such violation.

Subd. 2. Revocation of permit. It shall be unlawful for any person to move a motor vehicle upon any street, road or highway within the city when such motor vehicle is not in compliance herewith, is not in compliance with any permit issued hereunder or without first obtaining a proper permit therefor. Any violation of this section for failure to comply with the terms of any permit issued hereunder shall result in automatic cancellation of the permit violated and, for the purpose of any civil or criminal penalty prescribed by law, weight calculations shall be made without reference to the canceled permit.

Section 1310 - Snowmobiles
(Amended, Ord. No. 111, 9-24-91)

1310.01. Intent. It is the intent of this section to supplement the laws of the state of Minnesota, Minnesota Statutes, chapters 84.81 through 84.89, and chapters 168 through 171, as from time to time amended, with respect to the operation of snowmobiles. This section is not intended to allow what the state statutes prohibit nor to prohibit what the state statutes expressly allow.

1310.03. Definitions. The following words and phrases when used in this section have the meanings as set out herein:

- (a) "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.
- (b) "Operate" means to ride in or on and control the operation of a snowmobile.
- (c) "Operator" means every person who operates or is in actual physical control of a snowmobile.
- (d) "Roadway" means that portion of a highway improved, designed or ordinarily used for vehicular traffic.
- (e) "Snowmobile" means a self-propelled vehicle designed for travel on snow, ice, or natural terrain, steered by wheels, skis or runners.

1310.05. Unlawful acts.

- (a) No snowmobile shall be driven at a rate of speed greater than reasonable or proper under all the surrounding circumstances.
- (b) No snowmobile shall be driven in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
- (c) No person shall operate a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs.
- (d) No snowmobile shall be driven without a lighted head and tail light when required for safety.
- (e) No snowmobile shall be driven in any tree nursery or planting in a manner which damages or destroys growing stock.

- (f) No snowmobile shall be driven, operated or parked on private property of another without the written permission of the owner of said property.
- (g) No snowmobile shall be driven, operated or parked on any property owned and operated by the city of Independence as a park, unless driving, operating or parking is posted as allowed by a sign authorized by the city council.
- (h) No snowmobile shall be driven or operated in a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons.
- (i) No snowmobile shall be left unattended on public property while the motor is running or with the key to start said snowmobile in the ignition switch.

1310.04. Violations. Any person violating the terms of this section shall be guilty of a misdemeanor and upon conviction thereof may be fined a sum not to exceed \$700 or may be imprisoned for a period not to exceed 90 days or both.