

## **CHAPTER 7: TRAFFIC AND PARKING**

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### **7.01 ADOPTION OF STATE LAWS**

The City of Arlington hereby adopts by reference all Minnesota state statutes and regulations controlling the use of motor vehicles, to include, but not limited to, all statutes under Minnesota Statutes Chapters 169 and 609.

### **7.02 VIOLATION PENALTIES**

- A. Any violation of the rules in Section 7.03 or 7.06 shall be punishable as a petty misdemeanor under Minnesota Statute 609.0332, or any laws amending or replacing such statute. The city hereby sets a maximum fine for a petty misdemeanor of \$300.
- B. Any violation of any section of this chapter other than sections 7.03 or 7.06 shall be punishable as a misdemeanor under Minnesota Statute 609.02, Subd. 3, or any laws amending or replacing such statute. However, in the discretion of the city, any such violation may be certified as a petty misdemeanor.

### **7.03 PARKING RULES**

- A. The City Council of the City of Arlington, Minnesota, in the interest of public safety and convenience, hereby ordains that the city employees, at the order of the City Council, may place street signs for the control of traffic flow and parking, at locations designated by the Council from time to time.
- B. The provisions of Minnesota Statutes 169.32, 169.34 and 169.35 (parking rules), 169.342 (Good Samaritan parking exceptions), and 169.345 and 169.346 (physically disabled parking rules), are adopted into this City ordinance. It shall be a violation of this

ordinance to park a vehicle within 10 feet of a fire hydrant, within 20 feet of a crosswalk at an intersection, or within 30 feet of a flashing beacon, stop sign, or traffic control signal device located at the side of a road-way. Any curbing painted yellow at the direction of the City Council shall be considered a no parking zone at all times. The presence or absence of such yellow curbing shall, however, not affect the enforcement of the parking setoff regulations contained in this section.

C. No vehicle shall be left standing or parked on Main Street in the City of Arlington between 1<sup>st</sup> Avenue and 6<sup>th</sup> Avenue, between the hours of 2:00 a.m. and 6:00 a.m.

D. Truck parking restriction on Highway 5.

(1) The City Council of the City of Arlington, Minnesota to promote the public safety, health and welfare, hereby ordain that all truck parking along Highway 5 within city limits shall be limited to no parking for over one (1) hour. Such no parking limits shall be designated by signage.

(2) For purposes of this Ordinance, a Truck shall be defined as a motor vehicle that has a gross vehicle weight of more than 26,000 pounds, or has a towed unit with gross vehicle weight of more than 10,000 pounds and the combination of vehicles has a combined gross vehicle weight of more than 26,000 pounds as contained in M.S. § 169.11, Subd. 16, as it may be amended from time to time.

(3) A truck may be parked temporarily along Highway 5 in excess of one (1) hour during any business day for the purpose of loading or unloading where access to the premises is not otherwise available.

E. The registered owner of any vehicle violating this ordinance shall be charged with the violation by means of a citation, and it shall not be a defense to a parking violation to show that a party other than the owner actually placed the vehicle in the location. This shall apply in all cases except where the vehicle has been stolen and reported as such prior to receiving the citation.

F. Vehicles violating this ordinance, which pose a danger to the public, interfere with City maintenance activity such as street sweeping, snow plowing, or street repair, or pose a nuisance to any citizen by reason of blocking access to or from the citizen's private driveway, may be towed at the owners expense. The vehicle may be impounded until all parking fines, towing, and storage charges have been paid. Any vehicle, which is not claimed after abandoned vehicle notice procedures required by state law have been accomplished by the city, shall be sold at the discretion of the city. The City and its agents shall not be liable for any damage or loss to a vehicle or its contents if said vehicle is towed and impounded for reason of a violation of this ordinance.

- G. Winter Parking Regulations. Except in compliance with the directions of a law enforcement officer or in compliance with regulatory parking signs placed by law enforcement officers or employees of the City, no vehicle(s) shall be parked on any street or highway in the City during the period of time commencing 2 hours after the accumulation thereon of two or more inches of snow and continuing thereafter until snow removal or plowing has been completed. If vehicle(s), trailer(s), or other obstacle(s) are not removed within two (2) hours of the first two (2) inches of snow, said obstruction will be ticketed. If said vehicle(s) or obstruction is not removed within twelve hours (12) of being ticketed, said vehicle(s) or obstruction(s) will be towed and impounded at the owner's expense.
  
- H. Business parking lots. Except in compliance with the directions of a law enforcement officer, or in compliance with regulatory parking signs placed by law enforcement officers or employees of the City, snow shall not be moved from the property of a private business onto a city street. A private business may contract with the City to place snow onto a city street. The City will set conditions and a fee, based on the size of the property, to remove such snow. It is unlawful for any private business, not acting under contract with the City, to place or deposit any snow or ice onto a City street. Private businesses violating this section may be subject to a fine for time spent by the City to remove the snow at \$150 per hour with a one half (1/2) hour minimum charge. Future fines shall be set by resolution.

#### **7.04 TRUCK ROUTES**

- A. Under the provisions of Minnesota Statute 169.87, Subdivision 1, the City Council of the City of Arlington may from time to time designate certain streets within the City of Arlington as truck routes, and prohibit the operation of vehicles with a gross weight in excess of 10,000 pounds on any streets within the City of Arlington not specifically designated as truck routes.
  - 1. See Exhibit A
  
- B. Any street travel limitations set by the City Council under this ordinance shall be designated by appropriate signs placed at the highway entry points to the City, and the designated truck routes shall be clearly marked with appropriate signs.
  
- C. Under the terms of Minnesota Statute 169.87 Subdivision 3, school buses used for the transportation of students shall be exempt from weight restrictions imposed under this ordinance.
  
- D. Service vehicles routinely serving residential and business customers in the City of Arlington, to include but not limited to home delivery service trucks, garbage trucks, tree trimming service trucks and any other vehicles which must use non-truck routes in order

to reach their service location, shall be exempt from weight restrictions imposed under this ordinance, to the extent that such vehicles may use non-truck routes in the most direct path to and from designated truck routes to the location being serviced.

- E. For purpose of access to temporary construction sites which may be on non-truck routes, persons may apply to the City for special permit for such travel. The City reserves the right in its discretion to grant or deny such permits, on a case by case basis. The City also reserves the right to grant such permits with conditions, such as maximum weight per axel, designation of the non-truck routes which can be traveled, or other restrictions on the permit. Such permits shall be issued for the estimated time of construction. The procedures, forms and charges for such permits shall be set from time to time by the City Council. Vehicles traveling to temporary construction sites under the terms of a permit issued under this section shall be exempt from weight restrictions imposed under this ordinance.
- F. The specific exemptions contained above from weights restrictions under this ordinance shall apply to the restrictions of this ordinance only. These exemptions shall not be considered exemptions from the restrictions set out in Minnesota Statute 169.823 or any other similar laws amending, superseding or supplementing said statute. For purposes of the application of general vehicle weight restriction rules, all designated truck routes in the City of Arlington shall be considered 9 ton roads, and all non-truck routes shall be considered 5 ton roads.

## **7.05 OFF-HIGHWAY VEHICLES**

- A. Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Definitions come directly from the Minnesota Department of Natural Resources 2003-2004 Off-Highway Vehicle Manual (p.6).

The term off-highway vehicle (OHV) is used to describe all-terrain vehicles, off-highway motorcycles and off-road vehicles as defined below:

**ALL-TERRAIN VEHICLE.** A motorized floatation-tired vehicle of not less than three low-pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 900 pounds.

**OFF-HIGHWAY MOTORCYLCES (OHMs).** Motorized, off-highway vehicles traveling on two wheels, OHMs have a seat or saddle designed to be straddled by the operator and have handlebars for steering control. Motorcycles maybe legal for highway use and still considered to be OHMs if used for off-highway operation on trails or natural terrain.

**OFF-ROAD VEHICLES (ORVs).** Motorized, recreational vehicles capable of cross-

country travel on natural terrain, such as four-wheel-drive trucks and ATVs that have an engine displacement of more than 800 cubic centimeters or total dry weight of more than 900 pounds. Vehicles NOT consider ORVs include snowmobiles, all-terrain vehicles, and motorcycles. Watercraft or aircraft, Farm, logging, military, emergency, law enforcement, utility, trail grooming and construction vehicles are not considered to be ORVs when used for their intended purpose.

**OPERATE.** To ride in or on and have control of an off-highway vehicle.

**OPERATOR.** The person who operates or is in actual physical control of an off highway vehicle.

**OWNER.** A person, other than a lien holder, having a property interest in, or title to, an off-highway vehicle, who is entitled to the use or possession thereof.

**PERSON.** Any individual, partnership, corporation or any body of persons, whether incorporated or not.

#### B. Operating Restrictions.

It is unlawful to operate an off-highway vehicle as follows:

- (1) On a public sidewalk or walkway provided or used for pedestrian travel.
- (2) On private property of another without lawful authority or permission of the owner or occupant.
- (3) On any lands owned or occupied by a public body or on frozen waters, including school grounds, park property, playgrounds, recreational areas, private roads, platted but unimproved roads, utility easements and public trails. The Council may, by resolution, specifically permit use on city property, in which event, the shortest route to and from areas so permitted may be used.
- (4) While the operator is under the influence of liquor or narcotics or habit-forming drugs.
- (5) At a rate of speed greater than 15 miles per hour or faster than is reasonable or proper under all of the surrounding circumstances.
- (6) In a careless, reckless or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.
- (7) While towing a person or thing on a public street or highway except through the use of a rigid tow bar attached to the rear of an automobile.
- (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 other persons.
- (9) While chasing, running over, or killing any animal, wild or domestic.
- (10) Without a headlight and taillight when required for safety.
- (11) Between the hours of 12:00 a.m. (Midnight) and 6:00 a.m.

C. Age Requirements for Operators.

It is unlawful for any person under the age of fourteen (14) years to operate an off highway vehicle on any street or alley in the city. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate an off-highway vehicle as permitted under this Ordinance only if he/she has, in his/her possession, a valid off-highway vehicle safety certificate duly executed.

D. Operators to Obey Traffic Regulations.

A person operating an off-highway vehicle within the corporate limits of Arlington shall observe all traffic signs, laws, and ordinances applicable to motor vehicles, except that the operator of any off-highway vehicle shall yield the right-of-way to all motor vehicles and pedestrians.

E. Owner Responsibility.

It is unlawful for the owner of an off-highway vehicle to permit its operation on private property without permission of the owner or occupant, on city property without permission of the City Council, or on other public property without permission of the authority in charge thereof. The owner is conclusively presumed to have given such permission unless the off-highway vehicle so operated has been reported stolen to a law enforcement agency. A person leaving an off-highway vehicle in a public place must lock the ignition and remove the key.

## **7.06 RECREATIONAL USE OF STREETS**

- A. It shall be illegal for any person to conduct any recreational activity on any street, right of way, street approach, parking lot, or any other city property designed for the use of motor vehicle traffic. Recreational activity means any ball playing, Frisbee playing, kick ball sport or any other type of game playing. It shall not be illegal for individuals to ride bicycles in such areas, this being both recreational and transportation activities, and therefore considered to be a proper use of the city streets. However, bicycle riders shall obey all traffic rules and traffic control signs, and shall, when possible, travel in the area nearest to the curb, or in designated bicycle lanes if such lanes exist.
- B. As an exception to the restrictions set out above, recreational activity may be conducted on areas normally designed for motor vehicle traffic by special permission of the City Council. Such permission shall normally be granted only in conjunction with city approved community celebrations or community sponsored recreational activity.

# Exhibit A

