

TITLE VII: TRAFFIC CODE

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## CHAPTER 70: TRAFFIC RULES

### Section

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## Traffic Rules

### GENERAL PROVISIONS

#### **§ 70.01 STATE HIGHWAY TRAFFIC REGULATIONS ADOPTED BY REFERENCE.**

(A) The Highway Traffic Regulations Act is hereby adopted by reference. The regulatory provisions of M.S. Ch. 169, as it may be amended from time to time, are hereby adopted as a traffic ordinance regulating the use of highways, streets and alleys within the city and are hereby incorporated in and made a part of this section as completely as if set out in full herein.

(B) The penalty for violation of the provisions of state statutes adopted by reference in this section shall be identical with the penalty provided for in the statutes for the same offense.

#### **§ 70.02 TRUCKS PROHIBITED ON CERTAIN STREETS.**

(A) The City Council by resolution may designate streets on which travel by commercial vehicles in excess of 10,000 pounds axle weight is prohibited. The Chief of Police shall cause appropriate signs to be erected on those streets. No person shall operate a commercial vehicle on posted streets in violation of the restrictions posted.

(B) The weight restrictions established in division (A) shall not apply to city or emergency vehicles, public school buses or to garbage and refuse trucks making regular collections and are under contract with the city, nor shall the weight restrictions in division (A) apply if a commercial vehicle must use the particular street in question for the purpose of local pick-up or delivery.

Penalty, see § 10.99

#### **§ 70.03 STOP INTERSECTIONS.**

The city may designate intersections as a stop intersection and require all vehicles to stop at 1 or more entrances to those intersections. The city shall post signs at those designated intersections, giving notice of the designation as a stop intersection. It shall be unlawful for any person to fail to obey the markings or signs posted under this section.

Penalty, see § 10.99

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### **§ 70.04 THROUGH STREETS AND 1-WAY STREETS.**

The City Council by resolution may designate any street or portion of a street as a through street or 1-way street where necessary to preserve the free flow of traffic or to prevent accidents. No trunk highway shall be so designated unless the consent of the Commissioner of Transportation to the designation is first secured. The city shall cause appropriate signs to be posted at the entrance to designated streets. It shall be unlawful for any person to fail to obey the markings or signs posted under this section.

Penalty, see § 10.99

### **§ 70.05 TURNING RESTRICTIONS.**

(A) (1) 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 turning of vehicles to the left or to the right, or both, is to be restricted at all times or during specified hours. No intersection on a trunk highway shall be so designated until the consent of the Commissioner of Transportation to the designation is first obtained.

(2) The city shall mark by appropriate signs any intersection so designated.

(3) No person shall turn a vehicle at any intersection contrary to the direction on those signs.

(B) Except at intersections, and then only if not posted otherwise, it shall be unlawful for any person operating a motor vehicle on any street to cross the center of the street for the purpose of parking on the side of the street opposite the original direction of travel.

(C) It shall be unlawful for any person operating a motor vehicle on any street to back up or drive from a parked position and commence travel in the opposite direction from which the motor vehicle faced when parked.

Penalty, see § 10.99

### **§ 70.06 U-TURNS RESTRICTED.**

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 a traffic control signal.

Penalty, see § 10.99

## Traffic Rules

### § 70.07 EXCESSIVE NOISE.

(A) As used in this section, **LIGHT-MOTOR VEHICLES** means any automobile, van, motorcycle, motor-driven cycle, motor scooter, go-cart, minibike, snowmobile, trail bike, or truck with a gross vehicular weight of less than 10,000 pounds.

(B) It shall be unlawful for any person to operate, or cause to operate, or use a light-motor vehicle in a manner as to cause, or allow to be caused, excessive noise levels as a result of unreasonable rapid accelerations, deceleration, revving of engine, squealing of tires, honking of horns, or as a result of the operation of audio devices including but not limited to radios, phonograph, tape players, compact disc players or any other sound-amplifying device on or from the light-motor vehicle.

(C) No person shall operate, or cause to operate, or use a light-motor vehicle in violation of the noise standards contained in Minn. Rules parts 7030.1050 and 7030.1060, as they may be amended from time to time.

(D) No person shall operate, or cause to operate, or use a light-motor vehicle that discharges its exhaust other than through a muffler or other device that effectively prevents loud or explosive noises. No person shall operate, or cause to operate, or use a light-motor vehicle whose exhaust system has been modified, altered, or repaired in any way, including the use of a muffler cut-out or by-pass, that amplifies or otherwise increases noise above that emitted by the light-motor vehicle as originally equipped.

(E) The following are exempted from the provisions of this section:

(1) Sound emitted from sirens of authorized emergency vehicles;

(2) Burglar alarms on light-motor vehicles of the electronic signaling type which also transmit an audible signal to a receiver which can be carried by the owner or operator of the vehicle; and

(3) Celebrations on Halloween and other legal holidays and celebrations in connection with duly authorized parades.

Penalty, see § 10.99

### § 70.08 EXHIBITION DRIVING PROHIBITED.

No person shall turn, accelerate, decelerate 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. Unreasonable squealing or screeching sounds emitted by tires or the unreasonable throwing of sand or gravel by the tires is prima facie evidence of a violation of this section.

Penalty, see § 10.99

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### § 70.09 CRUISING PROHIBITED.

(A) As used in this section, **CRUISING** means the operation of a motor vehicle as defined in M.S. § 169.01, Subd. 3, as it may be amended from time to time, past a traffic control point as determined by a peace officer on a street in an area designated NO CRUISING ZONE by City Council resolution 4 or more times between the hours of 9:00 p.m. and 3:30 a.m.

(B) The passing of a traffic control point under the conditions previously stated, shall constitute unnecessary repetitive driving and is a violation of this section.

(C) The following use of vehicles shall constitute valid exceptions to this prohibition: taxicabs for hire, buses, authorized emergency vehicle, vehicles use used by or under contract with any governmental jurisdiction, any vehicle being used to conduct legitimate business activities.

(D) This section may be enforced only in an area that has been posted as a NO CRUISING ZONE. Signs shall be posted at the beginning and the end of any public street, alley or highway, or portion thereof which is a no cruising zone.

### § 70.10 MOTOR VEHICLE NOISE.

(A) Definitions. For the purposes of this section, the following phrases are defined as follows:

#### **ABNORMAL OR EXCESSIVE NOISE.**

(a) Distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value;

(b) Noise in excess of that permitted by M.S. § 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order; or

(c) Noise in excess of that permitted by M.S. § 169.693 and Minn. Rules parts 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time, which establish motor vehicle noise standards.

**ENGINE-RETARDING BRAKE.** A dynamic brake, jake brake, Jacobs brake, C-brake, Paccar brake, transmission brake or other similar engine-retarding brake system which alters the normal compression of the engine and subsequently releases that compression.

(B) Mufflers. It shall be unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.

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(C) Engine-retarding brakes. It shall be unlawful for the operator of any truck to intentionally use an engine-retarding brake on any public highway, street, parking lot or alley within the city which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.

(D) Statutes adopted by reference. Minnesota Statutes §§ 169.69 and 169.693 (motor vehicle noise limits) and Minn. Rules parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.

(E) Signs. Signs stating VEHICLE NOISE LAWS ENFORCED may be installed at locations deemed appropriate by the City Council to advise motorists of the prohibitions contained in this section, except that no sign stating VEHICLE NOISE LAWS ENFORCED shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this section are in full force and effect even if no signs are installed.

## PARADES

### § 70.20 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**PARADE.** Any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display in or on any street, sidewalk, park, or other public place in the city.

**PARADE PERMIT.** A permit required by this subchapter.

**PARKING LOT.** Any paved or unpaved area used by a place of business or shopping center for the parking of vehicles of their customers, but shall not include those operated for hire.

### § 70.21 PERMIT REQUIRED.

(A) No person or persons shall engage or participate in, aid, form or start any parade unless a parade permit has been obtained from the City Clerk-Treasurer or other authorized city official.

(B) This subchapter shall not apply to:

(1) Funeral processions;

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(2) Students going to and from school classes or participating in educational activities; provided, that the conduct is under the immediate direction and supervision of the proper school authorities;

(3) A governmental agency acting within the scope of its functions.

Penalty, see § 10.99

### **§ 70.22 APPLICATION FOR PERMIT.**

(A) *Generally.* A person seeking issuance of a parade permit shall file an application with the City Clerk-Treasurer.

(B) *Filing period.* The application for a parade permit shall be filed not less than 72 hours but not more than 60 days before the date on which it is proposed to conduct the parade. Failure to file an application 72 hours in advance will not result in automatic denial of the permit; provided, that the applicant shows reasonable grounds why the application could not be filed 72 hours in advance.

(C) *Required information.* The application for a parade permit shall set forth the following information:

(1) The name, address, and telephone number of the person seeking to conduct the parade;

(2) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;

(3) The name, address, and telephone number of the person who will be the parade chairperson and who will be responsible for its conduct;

(4) The date when the parade is to be conducted;

(5) The route to be traveled, the starting point, and the termination point;

(6) The approximate number of persons, animals, and vehicles which will constitute the parade, the type of animals, if any, and the description of the vehicles;

(7) The hours when the parade will start and terminate;

(8) A statement as to whether the parade will occupy all or only a portion of the width of the streets, sidewalk, park or other public place proposed to be traversed;

(9) The location by street of any assembly area for the parade;



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(10) The time at which units of the parade will begin to assemble at any assembly area or areas;

(11) The interval of space to be maintained between units of the parade;

(12) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for the permit shall file a communication in writing from the person authorizing the applicant to apply for the permit on his or her behalf;

(13) Any additional information reasonably necessary to a fair determination as to whether a permit should be issued.

(D) There shall be paid at the time of filing an application for a parade permit a fee in an amount as established by the City Council.  
Penalty, see § 10.99

### **§ 70.23 STANDARDS FOR ISSUANCE OF PERMIT.**

The City Clerk-Treasurer shall issue a permit when, from a consideration of the application and from other information obtained, he or she finds that:

(A) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(B) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city;

(C) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to the assembly areas;

(D) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire;

(E) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;  
Penalty, see § 10.99

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### **§ 70.24 NOTICE OF REJECTION OF PERMIT APPLICATION.**

If the City Clerk-Treasurer disapproves the application, he or she shall mail to the applicant within the 3 regular business days after the date on which the application was filed a notice of his or her action stating the reasons for his or her denial of the permit.

### **§ 70.25 APPEAL PROCEDURE WHEN PERMIT DENIED.**

Any person aggrieved shall have the right to appeal the denial of a parade permit to the City Council. The appeal shall be taken within 30 days after notice of denial. The City Council shall act on the appeal within 30 days after its receipt.

### **§ 70.26 ALTERNATIVE PERMIT.**

The City Clerk -Treasurer or other authorized city official, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different than that named by the applicant. An applicant desiring to accept an alternate permit shall file a written notice of his or her acceptance. An alternate parade permit shall conform to the requirements of, and shall have the effect of, a parade permit under this subchapter.

### **§ 70.27 NOTICE TO CITY AND OTHER OFFICIALS WHEN PERMIT ISSUED.**

Immediately on the issuance of a parade permit, a copy thereof shall be sent to the Police Chief and the Fire Chief.

### **§ 70.28 CONTENTS OF PERMIT.**

Each parade permit shall state the following information:

(A) Starting time;

(B) Minimum speed;

(C) Maximum speed;

(D) Maximum interval of space to be maintained between the units of the parade;

(E) The portions of the street, sidewalk, park or other public place to be traversed that may be occupied by the parade;

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(F) The maximum length of the parade in miles or fractions thereof;

(G) Other information as is reasonably necessary to the enforcement of this subchapter.

Penalty, see § 10.99

### **§ 70.29 DUTIES OF PERMITTEE.**

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairperson or other person heading or leading the activity shall carry the parade permit on his or her person during the conduct of the parade.

Penalty, see § 10.99

### **§ 70.30 PUBLIC CONDUCT DURING PARADES.**

(A) *Interference.* No person shall unreasonably hamper, obstruct, impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(B) *Driving through parades.* No driver of a vehicle except a police car or other emergency vehicle shall drive between the vehicles or persons comprising a parade when the vehicles or persons are in motion and are conspicuously designated as a parade.

(C) *Parking on parade route.* The Police Chief or other authorized city official shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or other public thoroughfare or part thereof constituting a part of the route of a parade. Signs shall be posted to the effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street or other public thoroughfare unless signs have been posted in accordance with this section.

Penalty, see § 10.99

### **§ 70.31 REVOCATION OF PERMIT.**

The city shall have the authority to revoke a parade permit issued hereunder on application of the standards for issuance as herein set forth.

## CHAPTER 71: PARKING REGULATIONS

### Section

- 71.01 No parking where posted
- 71.02 Limited parking
- 71.03 Other parking restrictions
- 71.04 Declaration of snow emergency; parking prohibited
- 71.05 Parking certain semi-trailers or tractors on public streets prohibited
- 71.06 Overnight parking
- 71.07 Repairing of vehicles
- 71.08 Prohibiting parking areas in front yards in residential zones
- 71.09 Impoundment
- 71.10 Prima facie violation

### Cross-reference:

Parking Schedule, see Chapter 74

### **§ 71.01 NO PARKING WHERE POSTED.**

No person shall stop, stand or park a vehicle upon the public streets of the city at any place where official signs or where appropriate devices, marks, or painting, either upon the surface of the street or the curb immediately adjacent thereto, prohibit these acts.

Penalty, see § 10.99

### **§ 71.02 LIMITED PARKING.**

No person shall stop, stand or park a vehicle upon the public streets of the city where official signs are erected limiting the parking time thereon, for a period of time in excess of the time as designated by the official signs.

Penalty, see § 10.99

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### **§ 71.03 OTHER PARKING RESTRICTIONS.**

(A) The City Council may by resolution order the placing of signs, devices or marks, or the painting of streets or curbs prohibiting or restricting the stopping, standing or parking of vehicles on any street where, in its opinion, as evidenced by a finding in its official minutes, the stopping, standing or parking is dangerous to those using the highway, or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic. The signs, devices, marks or painting shall be official signs, devices, marks or painting, and no person shall stop, stand or park any vehicle in violation of the restrictions thereon or as indicated thereby.

(B) No parking signs may be placed by city employees on any street of the city to permit construction, repair, snow removal, street cleaning or similar temporary activities. While the signs are in place, it shall be unlawful to park any vehicle on the streets or portion thereof so posted.

(C) It shall be unlawful for a person to park in an area designated by Council resolution and posted as a fire lane.

(D) It shall be unlawful for a person to park a vehicle or permit it to stand, whether attended or unattended, on an alley within the city, provided that this does not prohibit the parking of vehicles for less than 1 hour on an alley for the purpose of access to abutting property for loading or unloading merchandise or other material when parking on the property itself is not available.

(E) It shall be unlawful for a person to park a motor vehicle in an area designated by posted signs pursuant to Council resolution for certain types of vehicles, unless the motor vehicle is one of the types of vehicles specifically permitted.

(F) Every vehicle parked upon any street with a curb shall be parked parallel to the curb, unless angle parking is designated by appropriate signs or markings. On streets with a curb, the right-hand wheels of any vehicle parked shall be within 1 foot of the curb. On streets without a curb, the vehicle shall be parked to the right of the main traveled portion of the street and parallel to it and in such a manner as not to interfere with the free flow of traffic, unless angle parking is designated by appropriate signs or markings.

Penalty, see § 10.99

### **§ 71.04 WINTER PARKING RESTRICTIONS/PARKING PROHIBITED**

(A) To facilitate snow removal within the city limits of Pine River when newly fallen snow on the ground exceeds 1 inch from and after November 1st and continuing to March 31st and between the hours of 2:00 AM and 7:00 AM it shall be unlawful to park or permit any vehicle, trailer, or any obstruction or object to be parked upon any public alleyway, or street.

(B) Any police officer who finds a motor vehicle, trailer, or any obstruction or object in violation of this section shall attempt to contact the owner of the motor vehicle and require the owner to immediately move the motor vehicle. If the owner does not immediately remove the motor vehicle or the owner cannot be located, the police officer is authorized to have the motor

vehicle removed at the owner's expense.

Penalty, see § 10.99

(Amendment to Ordinance § 71.04 DECLARATION OF SNOW EMERGENCY; PARKING PROHIBITED, passed 10-09-2018)

**§ 71.05 PARKING CERTAIN SEMI-TRAILERS OR TRACTORS ON PUBLIC STREETS PROHIBITED.**

No person shall park a semi-tractor or trailer, or any truck\* rated with a gross vehicle weight in excess of 14,000 pounds, in any area of the city zoned for residential use or other area designated by City Council resolution, unless a permitted exception from this section has been applied for and authorized by the City Council, or the vehicle is parked in a completely enclosed garage.

\*1. "Truck" shall mean any vehicle or trailer or combination of trailers designed or operated for the transportation of property and whose total weight loaded or unloaded exceeds 14,000 pounds, but does not include the following vehicles:

- a. Garbage (refuse) Trucks
- b. Authorized Emergency Vehicles
- c. Public Maintenance Vehicles
- d. Moving Vans for vehicles at such times as the same are used to move individual family or businesses and their possessions too or from a residence or business.
- e. Delivery and Construction Vehicles that are on route to or from a place of delivery of goods and services or the construction site.
- f. Public Transportation Vehicles

Penalty, see § 10.99

(Amendment to Ordinance § 71.05 passed 11-13-2018)

**§ 71.06 OVERNIGHT PARKING.**

The following vehicles shall not be allowed to park on city streets overnight:

- a. Repair Vehicles
- b. Delivery Vehicles
- c. Rented Vehicles with commercial plates
- d. Refuse and Recycling haulers

OR any other vehicle not registered as a passenger vehicle\*.

\*1. "Passenger Vehicle" shall mean:

- a. Passenger automobile as defined in Minnesota Statute section 168.002, subdivision 24
- b. Pickup truck as defined in section 168.002 subdivision 26
- c. Van as defined in section 168.002 subdivision 40
- d. Self-propelled recreational vehicles licensed, under chapter 168, to use the public streets or highways.

\*2. "Passenger vehicle" does not include the following vehicles:

- a. Bus
- b. School bus
- c. Farm truck defined in section 168.002 subdivision 8

No Registered passenger vehicle shall remain unmoved for a period longer than 7 days.

Penalty, see § 10.99

(Amendment to § 71.06 passed 11-13-2018)

### **§ 71.07 REPAIRING OF VEHICLES.**

Minor repairs and tune-ups, such as replacement of spark plugs, spark plug wires, thermostat, radiator or heater hoses, oil changes and brake jobs shall be permitted on city streets; provided, that they can be accomplished within the same day and completed by 10:00 p.m. All other repairs shall be considered major repairs and shall not be permitted on any city street, unless the repairs are made within an enclosed structure allowed within the zoning district. Damage to city streets because of repairs or lack of repairs shall be charged to the person responsible for the damage to the city streets.

### **§ 71.08 PROHIBITING PARKING AREAS IN FRONT YARDS IN RESIDENTIAL ZONES.**

(A) The construction, operation or maintaining a parking area, either paved or unpaved, in the front yard of any lot is prohibited in any area zoned for residential use. For the purpose of this section, front yard shall mean and include that area between the sidewalk, or street line in the event there is no sidewalk, and the front line of the principal building, extending in both directions to the side lot lines.

(B) Use of that portion of a vacant lot within 30 feet of the sidewalk lines for parking in an area zoned for residential use is prohibited.

(C) Driveways in any area zoned for residential use shall not exceed 25% of the width at the front or side lot line. Where more than 1 driveway is desired or required, they shall be at least 70 feet apart.

(D) The front part of any lot shall not be used for the parking of an automobile, truck, trailer, tractor, recreational vehicle, camper, travel trailer, camper top, tent, wagon, boat, boat trailer, storage area or motor home.

(E) No person, being the owner or having control of any building, shall violate or fail to conform to any provision of this section, or fail to obey any lawful order of an officer charged with its enforcement. Each and every day on which any person continues to violate the provisions of this section, after having been notified of the violation, shall constitute a separate offense. This conviction shall not relieve any person from thereafter complying with the provisions of this section, and shall be sufficient cause to refuse further building or land use permits to the offender until a time as the orders have been complied with.

Penalty, see § 10.99

### **§ 71.09 IMPOUNDMENT.**

Any police officer may order the removal of 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, street improvements or maintenance operations. The vehicle shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this chapter.

**§ 71.10 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.



## CHAPTER 72: SNOWMOBILES AND RECREATIONAL VEHICLES

### Section

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72.03	Recreational motor vehicles; operating restrictions
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72.06	Minors; operating restrictions
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### **§ 72.01 PURPOSE AND INTENT.**

The purpose and intent of this chapter is to provide reasonable regulations for the use of snowmobiles and recreational motor vehicles on public and private property in the city.  
(Ord. 167, passed 1-12-1999)

### **§ 72.02 DEFINITIONS.**

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

**ALL-TERRAIN VEHICLE or ATV.** Trail bikes, amphibious vehicles, and similar devices, other than snowmobiles, used at least partially for travel on natural terrain, but not special mobile equipment as defined in M.S. § 168.011(22), as it may be amended from time to time, which is incorporated herein by reference.

**MOTORIZED BICYCLE.** A bicycle with fully operable pedals which may be propelled by human power or a motor, or by both, with a motor of a capacity of less than 50 cubic centimeters piston displacement, and a maximum of 2 break horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with no more than 1% grade in any direction when the motor is engaged.

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**Electric Motorized Vehicle.** A vehicle in which its power is measured in kilowatts.

**OPERATE.** To control the operation of a snowmobile, motorized bicycle, all-terrain vehicle, or recreational motor vehicle.

**OPERATOR.** A person who operates or is in control of a snowmobile, motorized bicycle, all-terrain vehicle, or recreational motor vehicle.

**RECREATIONAL MOTOR VEHICLE.** Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to trail bikes or other all-terrain vehicles, motorized go-carts, Hovercraft, motorized bicycle, snowmobile, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes.

**SNOWMOBILE.** A self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis, runners, or power-driven drum or tracks.

**SNOWMOBILE TRAIL.** The property designated for use by snowmobiles in the city, including the Paul Bunyan Trail.  
(Ord. 167, passed 1-12-1999)

### § 72.03 RECREATIONAL MOTOR VEHICLES; OPERATING RESTRICTIONS.

It is unlawful for any person to operate a recreational motor vehicle as follows:

(A) On a public sidewalk or walkway provided or used for pedestrian travel, or to park a recreational motor vehicle on any public sidewalk;

(B) On private property of another without the express permission to do so by the owner or occupant of that property;

(C) On public school grounds, park property, skating rinks, sliding areas, cemetery, playgrounds, or recreational areas without express permission to do so by the proper public authority. Provided however, that the City Council may, by resolution, specifically permit use on city property, in which event the shortest route to and from areas so permitted shall be used;

(D) While the operator is under the influence of alcohol or controlled substances, as defined in M.S. Ch. 169A, as it may be amended from time to time, which is incorporated herein by reference;

(E) Upon any public street within the city limits at any speed in excess of 15 miles per hour, or in excess of 30 miles per hour on the Paul Bunyan Trail;

(F) In a careless, reckless, or negligent manner so as to endanger the person or property of another or cause injury or damage thereto;

(G) Towing any 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;

(H) 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) Chasing, running over, or killing an animal, wild or domestic; or

(J) Without having the recreational motor vehicle registered as provided for in Minnesota Statutes.

(Ord. 167, passed 1-12-1999) Penalty, see § 10.99

#### **§ 72.04 TRAFFIC REGULATIONS APPLY.**

City traffic ordinances and code provisions shall apply to the operation of snowmobiles and recreational motor vehicles upon streets and highways, except for those relating to required equipment and speed and except those which by their nature have no application.

(Ord. 167, passed 1-12-1999) Penalty, see § 10.99

#### **§ 72.05 STREET CROSSINGS.**

A snowmobile or recreational motor vehicle may make a direct crossing of a street or highway, provided:

(A) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(B) The snowmobile or recreational motor vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(C) The operator yields the right-of-way to all pedestrians and oncoming traffic which constitutes an immediate hazard; and

(D) In crossing a divided highway, the crossing is made only at an intersection of that divided highway with another public street or highway.

(Ord. 167, passed 1-12-1999) Penalty, see § 10.99

#### **§ 72.06 MINORS; OPERATING RESTRICTIONS.**

No person under 12 years of age shall operate on city streets or make a direct crossing of a city street as the operator of a snowmobile, or a recreational motor vehicle unless accompanied by an adult. A person 12 years of age or older, but less than 18 years of age, may operate a snowmobile or recreational motor vehicle on streets as permitted by this chapter and make a direct crossing of streets

## Traffic Rules

only if he or she has in his or her immediate possession a valid snowmobile safety certificate or ATV safety permit issued by the Commissioner of Natural Resources as provided by M.S. § 84.86, as it may be amended from time to time, which is incorporated herein by reference.  
(Ord. 167, passed 1-12-1999) Penalty, see § 10.99

### § 72.07 MINIMUM EQUIPMENT REQUIREMENTS.

(A) Standard mufflers shall be properly attached and in constant operation to reduce the noise of the 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 recreational motor vehicle, and the exhaust system shall not emit or produce a sharp popping or crackling sound.

(B) Brakes shall be adequate to control the movement of and to stop and hold under any conditions of operation.

(C) At least 1 clear lamp shall be 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 under normal atmospheric conditions. These head lamps shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least 1 red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions. This equipment shall be required and shall be in operating condition when the vehicle is operated between the hours of ½ hour after sunset and ½ hour before sunrise or at times of reduced visibility.

(D) (1) A safety or so-called deadman throttle in operating condition.

(2) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**SAFETY OR DEADMAN THROTTLE.** A device which, when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.  
(Ord. 167, passed 1-12-1999) Penalty, see § 10.99

### § 72.08 UNATTENDED VEHICLES.

(A) Motor running; keys. It is unlawful for the owner or operator to leave a snowmobile unattended on public property while the motor is running or with the keys to start same in the ignition switch.

(B) Ignition lock. Every person leaving a snowmobile or recreational motor vehicle on a public place shall lock the ignition, remove the key, and take the same with him or her.  
(Ord. 167, passed 1-12-1999) Penalty, see § 10.99

## Traffic Rules

### **§ 72.09 COUNCIL AUTHORITY TO RESTRICT.**

The City Council may by resolution prohibit the operation of snowmobiles or recreational motor vehicles within the right-of-way of the public roads or streets or other public property within the city, when in the opinion of the Council the public safety and welfare so require.

(Ord. 167, passed 1-12-1999)

### **§ 72.10 VIOLATIONS.**

Any person violating the terms of this chapter shall, upon conviction thereof, be guilty of a misdemeanor.

(Ord. 167, passed 1-12-1999) Penalty, see § 10.99

CHAPTER 73: TRAFFIC SCHEDULES

Schedule

I. Weight restricted areas

**SCHEDULE I. WEIGHT RESTRICTED AREAS.**

Weight restrictions of five tons per axle will be enforced in the following areas during seasonal load restriction dates set annually by the Minnesota Commissioner of Transportation. All restricted roads shall have signs erected and maintained plainly indicating the restriction. Exemptions to the restrictions apply to delivery and construction vehicles that are on route to or from a place of delivery of goods and services or the construction site as well as those listed in Minnesota State Statute 169.87. Other persons or businesses seeking to exceed the weight restrictions can apply for an exemption at the Pine River City Hall.

Street	Restricted Portion
First Street	From Main Street to Park Avenue
Iowa Avenue	From Front Street (371) to Third Street
Jefferson Avenue	From First Street to Fourth Street
Kinler Avenue	From Main Street to Third Street
Maple Avenue	From Front Street (371) to Second Street
Mill Street	From County Road 1 to Barclay Avenue
Pine Street	From County Road 2 to Park Avenue
Roosevelt Avenue	From Fifth Street (County Road 2) to York Street
Snell Avenue	From Third Street to Norway Lake Road
Third Street	From Iowa Avenue to Murray Avenue
Windsor Street	From County Road 2 to Roosevelt Avenue
York Street	From Highway 84 to County Road 2

(Ord. 99, amendment, passed - -) (Amend. Ord. passed 12/10/2019) Penalty, see § 10.99

CHAPTER 74: PARKING SCHEDULES

Schedule

I. Limited time parking

**SCHEDULE I. LIMITED TIME PARKING.**

Street	Location	Hours	Parking Period	Ord. No.	Date Passed
Barclay Avenue	Between the right-of-way of Highway 371 and Fourth Street	Between 8:00 a.m. and 5:00 p.m., each day except Sunday	3 hours	146	5-13-1986

Penalty, see § 10.99

## CHAPTER 75: ADMINISTRATION AND REGULATION OF THE PUBLIC RIGHT-OF-WAY

### Section

75.01	Election to manage the public right-of-way
75.02	Definitions
75.03	Permit Requirement
75.04	Permit Applications
75.05	Issuance of permit; conditions
75.06	Permit fees
75.07	Right-of-way patching and restoration
75.08	Supplementary applications
75.09	Denial of permit
75.10	Installation requirements
75.11	Inspection
75.12	Work done without a permit
75.13	Supplementary notification
75.14	Revocation of permits
75.15	Mapping data
75.16	Location of facilities
75.17	Damage to other facilities including private property located in the right-of-way
75.18	Right-of-way vacation
75.19	Indemnification and liability
75.20	Abandoned facilities
75.21	Appeal
75.22	Reservation of regulatory and police powers

### **§75.01. Election to Manage the Public Right-of-Way.**

In accordance with the authority granted to the City under State and federal statutory, administrative and common law, the City of Pine River hereby elects pursuant to this Section to manage rights-of-way within its jurisdiction.

### **§75.02. Definitions.**

The definitions included in Minnesota Statute Section 237.162, Minnesota Rules 7819.0100 subps. 1 through 23, and Minnesota Rules 7560.0100 subps. 1 through 12 are hereby adopted by reference and are incorporated into this Section as if set out in full.

### **§75.03. Permit Requirement.**

Subd. 1. Permit Required. Except as otherwise provided in this code, no person or entity may obstruct or excavate any right-of-way without first having obtained the appropriate permit from the City.



(A) Excavation Permit. An excavation permit is required to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

(B) Obstruction Permit. An obstruction permit is required to hinder free and open passage over the specified portion of right-of-way by placing equipment described therein on the right-of-way, to the extent and for the duration specified therein. An obstruction permit is not required if a person already possesses a valid excavation permit for the same project.

Subd. 2. Permit Extensions. No person may excavate or obstruct the right-of-way beyond the date or dates specified in the permit unless such person (i) makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and (ii) a new permit or permit extension is granted.

Subd. 3. Delay Penalty. In accordance with Minnesota Rule 7819.1000 subp. 3, and notwithstanding subd. 2 of this Section, the City shall establish and impose a delay penalty for unreasonable delays in right-of-way excavation, obstruction, patching, or restoration. The delay penalty shall be established from time to time by City Council resolution.

Subd. 4. Permit Display. Permits issued under this Section shall be conspicuously displayed or otherwise available at all times at the indicated work site and shall be available for inspection by the Public Works Director or designee.

#### **§75.04. Permit Applications.**

Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

(A) Submission of a completed permit application form, including all required attachments, scaled drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities, and the following information:

- (1) Each permittee's name, Gopher One-Call registration certificate number, address and email address, if applicable, and telephone and facsimile numbers.
- (2) The name, address and e-mail address, if applicable, and telephone and facsimile numbers of a local representative. The local representative or designee shall be available at all times. Current information regarding how to contact the local representative in an emergency shall be provided at the time of registration.
- (3) A certificate of insurance or self-insurance:

(a) Verifying that an insurance policy has been issued to the permittee by an insurance company licensed to do business in the State of Minnesota, or a form of self insurance acceptable to the City;

(b) Verifying that the permittee is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and

occupancy of the right-of-way by the permittee, its officers, agents, employees and permittees, and (ii) placement and use of facilities and equipment in the right-of-way by the permittee, its officers, agents, employees and permittees, including, but not limited to, protection against liability arising from completed operations, damage of underground facilities and collapse of property;

(c) Naming the City as an additional insured as to whom the coverages required herein are in force and applicable and for whom defense will be provided as to all such coverages;

(d) Requiring that the City be notified thirty (30) days in advance of cancellation of the policy or material modification of a coverage term;

(e) Indicating comprehensive liability coverage, automobile liability coverage, workers compensation and umbrella coverage established by the City in amounts sufficient to protect the City and the public and to carry out the purposes and policies of this Section.

(f) The City may require a copy of the actual insurance policies.

(g) If the person is acting as an entity a copy of any certificate or license of organization that has been filed with the Secretary of State.

(h) A copy of the person's order granting a certificate of authority from the Minnesota Public Utilities Commission or other applicable State or federal agency, where the person is lawfully required to have such certificate from said commission or other State or federal agency.

(B) Payment of money due the City for:

- (1) permit fees, estimated restoration costs and other management costs;
- (2) prior obstructions or excavations;

(3) any undisputed loss, damage, or expense suffered by the City because of applicant's prior excavations or obstructions of the rights-of-way or any emergency actions taken by the City;

(4) franchise fees or other charges, if applicable.

#### **§75.05. Issuance of Permit; Conditions.**

Subd. 1. Permit Issuance. If the applicant has satisfied the requirements of this Section, the City shall issue a permit.

Subd. 2. Conditions. The Public Works Director may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare or when necessary to protect the right-of-way and its current use. In addition a permittee shall comply with all requirements of local, State and federal laws, including but not limited to Minnesota Statutes, Section 216D.01-09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560.

Subd. 3. Trenchless Excavation. As a condition of all applicable permits, permittees employing trenchless excavation methods including but not limited to Horizontal Directional Drilling, shall follow all requirements set forth in Minnesota Statutes, Chapter 216D and Minnesota Rules Chapter 7560, and shall require potholing or open cutting over existing underground utilities before excavating, as determined by the City.

#### **§75.06. Permit Fees.**

Subd. 1. Excavation Permit Fee. The City shall establish an Excavation permit fee in an amount sufficient to recover the following costs:

Administration: \$25.00

Plan Review: \$15.00

Inspections: \$35.00

Subd. 2. Obstruction Permit Fee. The City shall establish an Obstruction permit fee and shall be in an amount sufficient to recover the City's management costs which fee shall be one half of the Excavation Permit fee.

Subd. 3. Payment of Permit Fees. No excavation permit or obstruction permit shall be issued without payment of excavation or obstruction permit fees. The City may allow applicant to pay such fees within thirty (30) days of billing.

Subd. 4. Non refundable. Permit fees that were paid for a permit that the Public Works Director has revoked for a breach as stated in Section 75.14 are not refundable.

Subd. 5. Application to franchises. Unless otherwise agreed to in a franchise, administrative costs may be charged separately from and in addition to the franchise fees imposed on a right-of-way user in the franchise.

Subd. 6. All permit fees shall be established consistent with the provisions of Minnesota Rule 7819.100.

#### **§75.07. Right-of-Way Patching and Restoration.**

Subd. 1. Timing. The work to be done under the excavation permit, and the patching and restoration of the right-of-way as required herein, must be completed within the dates specified in the permit, increased by as many days as work could not be done because of circumstances beyond the control of the permittee or when work was prohibited as unseasonable or unreasonable.

Subd. 2. Patch and Restoration. Permittee shall patch its own work. The City may choose either to have the permittee restore the right-of-way or to restore the right-of-way itself.

(A) City Restoration. If the City restores the right-of-way, permittee shall pay the costs thereof within thirty (30) days of billing. If following such restoration, the pavement settles due to permittee's improper backfilling, the permittee shall pay to the City, within thirty (30) days of billing, all costs associated with having to correct the defective work.

(B) Permittee Restoration. If the permittee restores the right-of-way itself, it shall at the time of application for an excavation permit post a construction performance bond in accordance with the provisions of Minnesota Rules 7819.3000.

Subd. 3. Standards. The permittee shall perform patching and restoration according to the standards and with the materials specified by the City and shall comply with Minnesota Rule 7819.1100. The "Standard Utilities Specifications", by the City Engineers Assoc. of Minnesota, 1999 Edition will apply in general.

Subd. 4. Duty to correct defects. The permittee shall correct defects in patching, or restoration performed by permittee or its agents. Permittee upon notification from the Public Works Director, shall correct all restoration work to the extent necessary, using the method required by the Public Works Director. Said work shall be completed within five (5) calendar days of the receipt of the notice from the City, not including days during which work cannot be done because of circumstances constituting force majeure or days when work is prohibited as unseasonable or unreasonable.

Subd. 5. Failure to Restore. If the permittee fails to restore the right-of-way in the manner and to the condition required by the City, or fails to satisfactorily and timely complete all restoration required by the City, the City at its option may do such work. In that event the permittee shall pay to the City, within thirty (30) days of billing, the cost of restoring the right-of-way. If permittee fails to pay as required, the City may exercise its rights under the construction performance bond.

#### **§75.08. Supplementary Applications.**

Subd. 1. Limitation on Area. A right-of-way permit is valid only for the area of the right-of-way specified in the permit. No permittee may do any work outside the area specified in the permit, except as provided herein. Any permittee which determines that an area greater than that specified in the permit must be obstructed or excavated must before working in that greater area (i) make application for a permit extension and pay any additional fees required thereby, and (ii) be granted a new permit or permit extension.

Subd. 2. Limitation on Dates. A right-of-way permit is valid only for the dates specified in the permit. No permittee may begin its work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not finish the work by the permit end date, it must apply for a new permit for the additional time it needs, and receive the new permit or an extension of the old permit before working after the end date of the previous permit. This supplementary application must be submitted before the permit end date.

#### **§75.09. Denial of permit.**

The City may deny a permit for failure to meet the requirements and conditions of this Section or if the City determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use. The City may also deny a permit for past violations of this ordinance.

### **§75.10. Installation Requirements.**

The excavation, backfilling, patching and restoration, and all other work performed in the right-of-way shall be done in conformance with Minnesota Rules 7819.1100 and other applicable local requirements, in so far as they are not inconsistent with the Minnesota Statutes Sections 237.162 and 237.163.

### **§75.11. Inspection.**

Subd. 1. Notice of Completion. When the work under any permit hereunder is completed, the permittee shall furnish a completion certificate in accordance Minnesota Rules 7819.1300.

Subd. 2. Site Inspection. Permittee shall make the work-site available to City personnel and to all others as authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

Subd 3. Authority of the Public Works Director.

(A) At the time of inspection the Public Works Director may order the immediate cessation of any work, which poses a serious threat to the life, health, safety, or well being of the public.

(B) The Public Works Director may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within ten (10) days after issuance of the order, the permittee shall present proof to the City that the violation has been corrected. If such proof has not been presented within the required time, the permit may be revoked pursuant to Section 75.14.

### **§75.12. Work Done Without a Permit.**

Subd. 1. Emergency Situations. Each person with facilities in the right-of-way shall immediately notify the City of any event regarding its facilities that it considers being an emergency. The owner of the facilities may proceed to take whatever actions are necessary to respond to the emergency. Within two business days after the occurrence of the emergency the owner shall apply for the necessary permits, pay the fees associated therewith and fulfill the rest of the requirements necessary to bring itself into compliance with this Section for the actions it took in response to the Emergency.

If the City becomes aware of an emergency regarding facilities, the City will attempt to contact the local representative of each facility owner affected, or potentially affected, by the emergency. In any event, the City may take whatever action it deems necessary to respond to the emergency, the cost of which shall be borne by the person whose facilities occasioned the emergency.

Subd. 2. Non-Emergency Situations. Except in an emergency, any person or entity who, without first having obtained the necessary permit, obstructs or excavates a right-of-way must subsequently obtain a permit, and as a penalty pay double the normal fee for said permit, pay

double all the other fees required by City Code, deposit with the City the fees necessary to correct any damage to the right-of-way and comply with all of the requirements of this Section.

### **§75.13. Supplementary Notification.**

If the obstruction or excavation of the right-of-way begins later or ends sooner than the date given on the permit, permittee shall notify the City of the accurate information as soon as this information is known.

### **§75.14. Revocation of Permits.**

Subd. 1. Substantial Breach. The City reserves its right, as provided herein, to revoke any right-of-way permit, without a fee refund, if there is a substantial breach of the terms and conditions of any statute, ordinance, rule or regulation, or any material condition of the permit. A substantial breach by permittee shall include, but shall not be limited to, the following:

(A) The violation of any material provision of the right-of-way permit;

(B) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the City or its citizens;

(C) Any material misrepresentation of fact in the application for a right-of-way permit;

(D) The failure to complete the work in a timely manner; unless a permit extension is obtained or unless the failure to complete work is due to reasons beyond the permittees control; or

(E) The failure to correct, in a timely manner, work that does not conform to a condition indicated on an order issued by the Public Works Director.

Subd. 2. Written Notice of Breach. If the City determines that the permittee has committed a substantial breach of a term or condition of any statute, ordinance, rule, regulation or any condition of the permit the City shall make a written demand upon the permittee to remedy such violation. The demand shall state that continued violations might be cause for revocation of the permit. A substantial breach, as stated above, will allow the City, at its discretion, to place additional or revised conditions on the permit to mitigate and remedy the breach.

Subd. 3. Response to Notice of Breach. Within twenty-four (24) hours of receiving notification of the breach, permittee shall provide the City with a plan, acceptable to the City, which will cure the breach. Permittee's failure to so contact the City, or the permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan, shall be cause for immediate revocation of the permit.

Subd. 4. Reimbursement of City Costs. If a permit is revoked, the permittee shall also reimburse the City for the City's reasonable costs, including restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

### **§75.15. Mapping Data.**

Subd. 1. Information Required. Each permittee shall provide mapping information required by the city in accordance with Minnesota Rules 7819.4000 and 7819.4100.

Subd. 2. Service Laterals. All permits issued for the installation or repair of service laterals, other than minor repairs as defined in Minnesota Rules 7560.0150 subpart 2, shall require the permittee's appropriate means of establishing the horizontal locations of installed service laterals, and the service lateral vertical locations in those cases where the City reasonably requires it. Permittees or their subcontractors shall submit to the City evidence of the installed service lateral locations. Compliance with this subdivision 2 and with applicable Gopher State One Call law and Minnesota Rules governing service laterals installed after December 31, 2006, shall be a condition of any City approval necessary for 1) payments to contractors working on a public improvement project including those under Minnesota Statutes, Chapter 429, and 2) City approval of performance under development agreements, or other subdivision or site plan approval under Minnesota Statutes Chapter 462. The city shall reasonably determine the appropriate method of providing such information. Failure to provide prompt and accurate information on the service laterals installed may result in the revocation of the permit issued for the work or for future permits to the offending permittee or its subcontractors

### **§75.16. Location of Facilities.**

Subd. 1. Placement, location, and relocation of facilities must comply with the act, with other applicable law, and with Minnesota Rules 7819.3100, 7819.5000 and 7819.5100, to the extent the rules do not limit authority otherwise available to cities.

Subd. 2. Corridors. The City may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facilities that is or, pursuant to current technology, the City expects will someday be located within the right-of-way. All excavation, obstruction, or other permits issued by the City involving the installation or replacement of facilities shall designate the proper corridor for the facilities at issue.

Subd. 3. Limitation of Space. To protect health, safety, and welfare or when necessary to protect the right-of-way and its current use, the City Engineer shall have the power to prohibit or the City shall strive to the extent possible to accommodate all existing and potential users of the right-of-way, but shall be guided primarily by considerations of the public interest, the public's needs for the particular utility service, the condition of the right-of-way, the time of year with respect to essential utilities, the protection of existing facilities in the right-of-way, and future City plans for public improvements and development projects which have been determined to be in the public interest.

### **§75.17. Damage to Other Facilities including Private Property located in the Right-of-Way.**

When the City does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the Public Works Director shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that facility owner and must be paid within thirty (30) days from the date of billing. Each facility owner shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each

facility owner shall be responsible for the cost of repairing any damage to the facilities of another caused during the City's response to an emergency occasioned by that owner's facilities.

In general, private property is not allowed in the public right-of-way. Private property that is incidentally located in the right-of-way such as trees, sprinkler systems, newspaper boxes, planters, etc. shall be the responsibility of the private property owner. The City shall assume no responsibility whatsoever if private property is damaged or needs to be moved or relocated in conjunction with the City's interest in the rights-of-way either by ownership or through an easement for travel or utilities. Private property that is damaged or needs to be moved or relocated in conjunction of the City's use of the right-of-way shall be at the sole expense of the property owner.

**§75.18. Right-of-Way Vacation.**

Reservation of right. If the city vacates a right-of-way that contains facilities, the facility owner's rights in the vacated right-of-way are governed by Minnesota Rules 7819.3200.

**§75.19. Indemnification and Liability.**

By applying for and accepting a permit under this Section, a permittee agrees to defend and indemnify the City in accordance with the provisions of Minnesota Rule 7819.1250.

**§75.20. Abandoned Facilities.**

Removal of Abandoned Facilities. Any person who has abandoned facilities in any right-of-way shall remove them from that right-of-way if required in conjunction with other right-of-way repair, excavation, or construction, unless the Public Works Director waives this requirement.

**§75.21. Appeal.**

A right-of-way user that: 1) has been denied registration; 2) has been denied a permit; 3) has had a permit revoked; 4) believes that the fees imposed are invalid; or 5) disputes a determination of the City regarding this Section may have the denial, revocation, fee imposition, or decision reviewed, upon written request, by the City council. The City Council shall act on a timely written request at its next regularly scheduled meeting. A decision by the City Council affirming the denial, revocation, or fee imposition will be writing and supported by written findings establishing the reasonableness of the decision.

**§75.22. Reservation of Regulatory and Police Powers.**

A permittee's rights are subject to the regulatory and police powers of the City to adopt and enforce general ordinances necessary to protect the health, safety and welfare of the public."



## CHAPTER 76: ADMINISTRATIVE FINES

Section

### ORDINANCE 98.01

An ordinance adding to and amending Ordinance 98 by establishing a procedure for enforcement of administrative offenses, traffic and civil.

The Council of the City of Pine River, does ordain as follows:

Section 1:

The following chapter shall be added to Ordinance 98 of the Municipal Code of the City of Pine River

#### Chapter 98.01 Administrative Penalties

##### SUBD 1. Purpose.

The City Council determines that there is a need for alternative methods of enforcing the City Code. Administrative offense procedures established pursuant to this chapter are intended to provide the public and the City with an informal cost effect, and expeditious alternative to traditional criminal charges for violations of certain ordinance provisions. The City Council therefore finds the use of administrative citations and imposition of civil penalties is a legitimate and necessary alternative enforcement method, which will be in addition to any other legal remedy that may be pursued for code violation.

##### SUBD 2. Administrative Offense.

An administrative offense is a violation for any section of Ordinance 98 when one performs an act prohibited, or fails to act when the failure is prohibited, and is subject to the penalties set forth in Ordinance 98 and the city's penalty schedule.

##### SUBD 3. Notice.

Any Police Officer, in a criminal and traffic matters; the City Building Inspector; or any other person employed by the City with authority to enforce this code shall, upon determining that there has been a violation, the person responsible for the violation, or in the case of an unoccupied vehicular violation, attach notice of the violation to the vehicle. The notice shall state the nature, date, and time of the violation, the name of the official issuing the notice, the amount of the scheduled penalty and any applicable charges.

##### SUBD 4. Payment.

Once notice is given, the person responsible for the violation may, within 10 days after the notice is given or attached, pay the penalty amount set forth on the schedule of penalties for the violation in the notice. The penalty may be paid in person or by mail, postmarked the day before the end of the ten (10) day period set forth in this ordinance at Subd 5 and mailed to the office of the City Clerk of Pine River, MN. (Amended 7-11-2006)

##### SUBD 5. Hearing.

Any person contesting an administrative offense pursuant to this chapter, or any person failing to pay the penalty amount set forth in the schedule of penalties within ten (10)

days of the date of being given the notice, shall receive a petty misdemeanor or misdemeanor citation under Minnesota State law. The City Ordinance citation shall thereafter be dismissed.

SUBD 6. Failure to Pay.

If a violator fails to pay a penalty imposed by Ordinance 98.01 within ten (10) days of the date of the violation notice the City may seek criminal sentencing by bringing a misdemeanor or petty misdemeanor charge against the alleged violator according to this Code and applicable law. If the violator pays the penalty or if the District Court finds the individual not to have committed the administrative offense, the City shall not bring a criminal charge for the same violation.

SUBD 8. Disposition of Penalties.

All penalties collected under this section shall be paid over to the office of City Clerk, Pine River, MN who shall issue a receipt.

SUBD 9. Offenses and Penalties.

Offenses which may be charged as administrative offenses and the penalties for such offenses may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Clerk.

SUBD 10. Appeal.

An aggrieved party may obtain judicial review of any administrative citation according to State law.

SUBD 11. Option to Withdraw.

The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses instead of criminal misdemeanors and petty misdemeanors. The individual charged with an administrative violation may fail to pay the penalty within ten days of the date of the violation notice, or may withdraw from participation with the procedures by oral or written notice to the city within the ten day period, whereupon the City, at any time before paying the administrative penalty as is provided in this ordinance, may bring criminal charges according to this Code and State law. Likewise, nothing in this Ordinance shall prohibit the City, in its discretion, to initiate criminal charges under State Law in lieu of the administrative offense.

Section 2:

This ordinance shall be in full force and effect after its passage and publication once passed by the City Council of Pine River, MN. 9-9-2003.

**RESOLUTION ADOPTING ADMINISTRATIVE OFFENSE PENALTIES**

WHEREAS, the City Code of the City of Pine River authorized the City Council to establish fees by resolution; and

WHEREAS, the City Council of the City of Pine River has adopted an ordinance establishing a procedure for citing traffic and criminal matters as administrative offenses and providing for a schedule of offenses and administrative penalties; and

WHEREAS, said Ordinance 98.01 authorizes the City Council of the City of Pine River from time to time, to identify administrative offenses and establish penalties for such offenses.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Pine River that the following administrative offenses and penalties are hereby adopted:

<b>OFFENSE</b>	<b>PENALTY</b>
Peddlers and Hawkers	\$25.00
Illegal U-Turn	\$30.00
Trash	\$30.00
2 <sup>nd</sup> offense in 12 months	\$45.00
3 <sup>rd</sup> offense in 12 months	\$60.00
Parking Violations	
Fire Hydrant	\$60.00
Handicapped	\$60.00
Yellow Zone	\$60.00
Double Parking	\$60.00
Bicycle Violations (All)	\$10.00
Expired Plates	\$60.00
Fail to Register	\$60.00
Speed	\$60.00
Passing on Right where Prohibited	\$60.00
Unsafe Passing	\$60.00
Improper Turning, Starting Signaling	\$60.00
Fail to Yield Right of Way	\$60.00
Fail to Yield at Yield Sign	\$60.00
Fail to Yield to Pedestrian	\$60.00
Disobey Stop Sign	\$60.00
Stop, Stand or Park in Traffic Lane	\$60.00
Fail to Provide Required Lights	\$40.00
Vehicle Registration (current, clean, unobstructed, securely fastened)	\$60.00
Driving without license expired less than 1 year	\$60.00
Violation Restricted License	\$60.00
Illegal Driver's License	\$60.00
Improper Name, Address	\$30.00
Unreasonable Acceleration (this is also a misdemeanor)	\$60.00
Disorderly Conduct (this is also a misdemeanor)	\$100.00
Park and Beach Rule	\$30.00
Consume Alcohol in Public	\$60.00
Parking: Off Curbs and Alleys	\$30.00
Dog Running Loose	\$35.00
2 <sup>nd</sup> offense in 12 months	\$45.00
3 <sup>rd</sup> offense in 12 months	\$55.00
Unlicensed Dog	\$25.00
2 <sup>nd</sup> offense in 12 months	\$35.00
3 <sup>rd</sup> offense in 12 months	\$45.00
Blocking sidewalks	\$30.00
Seat Belt Violation	\$60.00

Using cell phone while driving (either talking or texting)	\$60.00
Juvenile curfew violation	\$60.00
Inattentive driving	\$60.00

(Ord. 98.01 Amended 6-8-2021)