

**CHAPTER SEVEN. TRAFFIC,
MOTOR VEHICLES, STREETS AND MAILBOXES**

PART 1. TRAFFIC, MOTOR VEHICLES AND STREETS

701.01 DEFINITIONS

Any term used in this ordinance and defined in the Minnesota Statutes has the meaning given it by said Minnesota Statutes, and in addition, if not otherwise defined in said Minnesota Statutes, any references in this City Code made to a street, alley or avenue shall be interpreted to include any public parking lot located within the City of Pelican Rapids.

701.02 TURNING RESTRICTIONS

The Council by resolution may, whenever necessary to preserve a free flow of traffic or to prevent accidents, designate any intersection as one where the turning of vehicles to the left or to the right, or both, or U-turns is to be restricted at all times or during specified hours. The City Clerk shall cause to be marked by appropriate signs any intersection so designated. No intersection on a trunk highway shall be so designated until the consent of the Commissioner of Transportation to such designation is first obtained. No person shall turn a vehicle at any such intersection contrary to the directions on such signs.

701.03 THROUGH STREETS; ONE-WAY STREETS

The Council by resolution may designate any street or portion of a street as a through highway or a one-way roadway where necessary to preserve the free flow of traffic or to prevent accidents. The City Clerk shall cause to be posted appropriate signs at the entrance to each street. No trunk highways shall be so designated unless the consent of the Commissioner of Transportation to such designation is first secured.

701.04 SPEED LIMIT IN SCHOOL ZONES

The City Council may, by resolution, designate school speed limit zones on certain streets or portions of streets bordering on or near school property. Upon the erection of appropriate signs designating the beginning and ending of such speed limit zones, no person shall drive a vehicle within the zones designated by this section in excess of the posted speed limit when children are present, going to or leaving school during opening or closing hours or during school recess periods.

701.05 TRUCK RESTRICTIONS

The City Council by resolution may designate streets on which travel by commercial vehicles in excess of a certain gross weight limit is prohibited. The City Clerk shall cause to be erected appropriate signs on such streets. No person shall operate a commercial vehicle on such posted streets in violation of the restrictions stated.

701.06 SEASONAL WEIGHT RESTRICTIONS

The City Clerk may prohibit the operation of vehicles upon any street under his jurisdiction or impose weight restrictions on vehicles to be operated on such street whenever the street, by reason of deterioration, rain, snow or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles on the street is prohibited or the permissible weights thereof reduced. He shall erect and maintain signs plainly indicating the prohibition or restriction at each end of that portion of the street affected. No person shall operate a vehicle on a posted street in violation of the prohibition or restriction.

701.07 PARKING REGULATIONS

Subdivision 1. Angle and Parallel Parking. The City Council may, by resolution, provide that angle parking shall be required on certain streets or portions of streets as designated by the Council. On any such street every vehicle parked shall be parked with the front of the vehicle facing the curb or the edge of the traveled portion of the street at an angle between the painted or other markings on the curb or street indicating the parking space. On all other streets, cars shall be parked parallel to the curb or edge of the roadway in accordance with law.

Subdivision 2. No Parking, Stopping or Standing Zones. The City Council may, by resolution, designate certain streets or portions of streets as no parking or no stopping or standing zones and may limit the hours in which the restrictions apply. The City Clerk shall mark by appropriate signs each zone so designated. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone when stopping or standing is prohibited. No vehicle shall be parked in a no-parking zone during hours when parking is prohibited except that a vehicle may be parked temporarily in such zone for the purpose of forming a funeral procession and a truck may be parked temporarily for the purpose of loading or unloading where access to the premises is not otherwise available.

Subdivision 3. Time Limit Parking Zones. The City Council may, by resolution, designate certain areas where the right to park is limited during hours specified. The City Clerk shall mark by appropriate signs each zone so designated. During the hours specified on the sign, no person shall park a vehicle in any limited parking zone for a longer period than is so specified.

Subdivision 4. General Time Limit. No vehicle or other personal property shall in any case be parked upon, or located on, any street in any one place, or upon any public parking lot or city owned property, for a longer continuous period than 48 hours, with the exception of construction related items to be used on the premises with an approved building permit.

Subdivision 5. Boulevard Parking. No vehicles shall be parked on the boulevard portion of the street located between the curb and the edge of the street right-of-way. On streets where no curb has been installed, no parking shall be allowed on the boulevard portion of the street between the travelled portion of the street and the edge of the street right-of-way.

Subdivision 6. Parking Regulations. *Snow emergency.* A *SNOW EMERGENCY* means every occurrence of snowfall where snow has accumulated to a depth of two inches or more. Each snow emergency shall commence upon the accumulation of snow to a depth of two inches or more, and shall remain in effect until snow has been cleared from the streets to the full width or until the Public Works Superintendent has declared that snow has been adequately removed from the streets. *Snow emergency parking.* It shall be unlawful for any person to park or leave standing a vehicle on any street during a snow emergency. This parking restriction shall be in effect until snow has been cleared from the street to the full width or until the Public Works Superintendent has declared the snow has been adequately removed. Exempt from this regulation are times of special events at area schools, funeral homes and churches. No parking anytime on the south side of Southeast Fourth Avenue lying between Trunk Highway 59 and Southeast First Street and no parking on the west side of Trunk Highway 59 between Southwest Third Avenue and Southwest Fifth Avenue. In addition to the foregoing snow removal parking requirements, the Chief of Police or Street Superintendent may direct that notices be placed on vehicles parked on any particular street or avenue, or that entire streets or avenues may be posted with a notice requiring all parked vehicles to be removed from all or portions of such streets or avenues as needed from time to time for street cleaning, street maintenance, snow removal or other purposes, as needed on a temporary basis. The Council may by resolution adopt other parking regulations that it deems necessary to preserve the free flow of traffic, prevent accidents or provide for the public safety or welfare.

Subdivision 7. Impoundment. Any police officer may remove, or coordinate actions for the removal therefrom, a vehicle from a street, alley, avenue or public parking lot to a garage or other place of safety when the vehicle is left unattended and constitutes an obstruction to traffic and/or loading zones (regardless of whether said loading zones are for the benefit of the City and/or for the benefit of legitimate and necessary business operations located in the City) and/or hinders snow removal or street improvement or maintenance operations. Such vehicle shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this ordinance.

Subdivision 8. Prima Facie Violation. The presence of any motor vehicle on any street, alley, avenue or public parking lot and/or the presence of any motor vehicle on any street, alley, avenue or public parking lot, when standing or parking or parking outside of striped areas designated by the City, in violation of this ordinance is prima facie evidence that the registered owner of the said motor vehicle has committed or authorized the commission of this said violation.

701.08 TRUCK ZONES, LOADING ZONES, ETC.

Subdivision 1. Establishment. The City Council may by resolution establish spaces in streets as loading zones or truck zones. The City Council may specify in the resolution the hours which shall be the loading or truck zone hours. The City Clerk shall mark each such zone by appropriate signs.

Subdivision 2. Truck Zone Prohibitions. During truck zone hours, no person shall stop, stand or park any vehicle except a truck in a truck zone. No person shall stop, stand or park a truck in a truck zone during truck zone hours except to receive or discharge passengers or freight and then only for a period no longer than is necessary for the purpose.

Subdivision 3. Loading Zone Prohibitions. During loading zone hours, no person shall stop, stand or park any vehicle in a loading zone except to receive or discharge passengers or freight and then only for a period no longer than is necessary for the purpose. No person shall occupy a loading zone with a vehicle other than a truck for more than five minutes during such hours.

Subdivision 4. Property Owner Initiative. Any person desiring the establishment of a loading zone or truck zone abutting premises occupied by him shall make written application therefor to the City Council. If the Council grants the request, the proper City officer shall bill the applicant for the estimated cost of placing signs and of painting the curb. When the amount is paid to the City treasurer, the Chief of Police shall install the necessary signs and paint the curb.

Subdivision 5. Semi-trailer Parking. No person shall allow a semi-trailer to stand or be parked unattached from a tractor unit on any street in the City except in an emergency in order to change tractors.

Subdivision 6. No Truck Parking Zones. The Council may by resolution establish “No Truck Parking” zones in the business district and the City Clerk shall mark by appropriate signs any zones so established. Such zones shall be established in the business district where heavy traffic by trucks or other traffic congestion makes parking by trucks a hazard to the safety of vehicles or pedestrians. No person shall park a truck of more than one-ton capacity upon any street in any such zone, but parking of such vehicle for a period of not more than 30 minutes shall be permitted in such zone for the purpose of having access to abutting property when such access cannot conveniently be secured otherwise.

701.09 YEAR-ROUND PARKING RESTRICTIONS

The City Council may, by resolution, designate hours or days of the week during which no parking is permitted on streets or avenues within the City. Said restrictions need not be marked by signs.

701.10 ESTABLISHMENT OF SAFETY ZONES, LANES OF TRAFFIC, ETC.

To assist in the direction and control of traffic, to improve safe driving conditions at any intersection or dangerous location, and to warn pedestrians or drivers of motor vehicles of dangerous conditions or hazards, the Chief of Police subject to approval of the Council may establish safety zones, lanes of traffic, no “u-turn” intersections, and stop intersections, and he may order installation by the City Clerk of stop signs, yield signs, no “u-turn” signs, warning signs, signals, pavement markings or other devices. No regulation may be established on a trunk highway unless the consent of the Commissioner of Transportation is first secured.

701.11 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 throwing of sand or gravel by the tires is prima facie evidence of a violation of this section.

701.12 SNOWMOBILES AND ALL-TERRAIN VEHICLES (ATV'S)

In addition to the provisions set forth in this Section relating specifically to ATVs, the Council may by resolution establish special regulations for the operation of snowmobiles and ATVs on alleys, streets and highways in the City. These regulations may include restrictions on speed, location of travel, time of travel and other regulations that the Council deems appropriate to preserve the free flow of traffic, prevent accidents or provide for public safety. Such regulations are already in place for snowmobiles.

Subdivision 1. Definition. ALL TERRAIN VEHICLE. "All Terrain Vehicle" or "Vehicle" means a motorized flotation-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 960 cubic centimeters and total dry weight less than 1000 pounds. Dry weight is the weight of the vehicle without fluids.

Class 2 side by side ALL TERRAIN VEHICLE "ATV" means a motorized flotation-tired vehicle of not less than three, but no more than six, low pressure tires that have an engine displacement of less than 960 cubic centimeters and a total dry weight of 900-1,800 pounds.

Subdivision 2. Registration. All ATVs operated within the City limits of Pelican Rapids must be registered with the Commissioner of Natural Resources with the following exceptions:

1. Vehicles owned and used by the United States, the State, another State, or a Political Subdivision;
2. Vehicles registered in another State or Country that have not been in this State for more than 30 consecutive days; and
3. Vehicles used exclusively for organized track racing events.
4. Vehicles registered in the State of Minnesota will display a plate and decal and must be maintained and meet the standard set by the State of Minnesota.
5. Vehicles driven within the City of Pelican Rapids will have a permit issued from the City of Pelican Rapids, Must register at City Hall. All vehicles will have insurance and proof of insurance must be presented before any city permit is issued.

Subdivision 3. Operation. All operators of ATVs within the City limits of Pelican Rapids are responsible for following all State Guidelines on ATVs as listed in Minnesota Statutes Sections 84.92 to 84.929 ALL TERRAIN VEHICLES.

The operation of ATVs within the City limits of Pelican Rapids shall follow the special regulations established by the City Council regulating the use of snowmobiles within the City limits of Pelican Rapids except as otherwise provided in this Section 701.12. Golf carts are not permitted on any street within the City of Pelican Rapids.

The hours of use are 8:00 A.M. - 10:00 P.M.

Prohibit the operation of ATV in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.

Subdivision 4. Municipal Streets, Youthful Operators; Prohibitions.

1. A person under 12 years of age shall not operate an ATV on any City street. Refer to Minnesota Statutes Section 84.9256, Subdivision 1(a) and (b).
2. A person 12-15 years of age shall not operate an ATV on any City Street. Refer to Minnesota Statutes Section 84.9256, Subdivision 1(c).
3. A person 16 years or older must have a valid Minnesota driver's license or a valid driver's license issued by another State in order to operate an All Terrain Vehicle on the City Streets. Minnesota Statutes Section 84.9256, Subdivision 1. Must have an ATV safety certificate valid only after successfully completing BOTH the Safety Training CD and the Safety Training Class. Those born after July 1, 1978.
4. A person under the age of 18 years old must wear a safety helmet approved by the Commission of Public Safety. Refer to Minnesota Statutes Section 84.9256, Subdivision 2.

Subdivision 5. Municipal Streets, Other Operators. A valid Minnesota driver's license and an ATV safety certificate valid only after successfully completing BOTH the Safety Training CD and the Safety Training Class or a valid driver's license of another State, is required in order to operate an ATV Class 1 or Class 2 side by side on a City Street. Refer to Minnesota Statutes Section 84.9256, Subdivision 1.

Subdivision 6. Prohibited Areas. Prohibited areas of travel within the City of Pelican Rapids shall be the same prohibited areas established for snowmobiles by Council resolution regulating the use of snowmobiles, and any other prohibited areas established by Council resolution for the regulation of ATVs within the City of Pelican Rapids.

Subdivision 7. Speed Limit. The speed limit shall be no more than 15 miles per hour while operating on a City street, and the operator must stay in the farthest right hand portion of the traffic lane, yielding to motor vehicle traffic at all times.

Subdivision 8. Equipment. A person shall not operate on a City street with an ATV unless the ATV is equipped with at least one headlight and one tail light, each of a minimum candlepower as prescribed by the Commissioner of Public Safety. Brakes must conform to the standards as set forth by the Commissioner of Public Safety. Muffler noise emission may not exceed 99 decibels at a distance of 20 inches. Throttle must return the engine to idle when pressure to advance the throttle is removed.

Headlights and tail lights must be on at all times while operating the ATV.

Subdivision 9. State Statute 84.9254, Signal from Officer to Stop. After receiving a visual or audible signal from a Law Enforcement Officer to come to a stop, it is unlawful for an All Terrain Vehicle operator to:

1. Operate an All Terrain Vehicle in a willful or wanton disregard of the signal to stop;
2. Interfere with or endanger the Law Enforcement Officer or any other person or vehicle; or
3. Increase speed or attempt to flee or elude the Officer.

Subdivision 10. Other Statutory Provisions. Except as modified in this Section, the provisions of Minnesota Statutes Sections 84.92 through 84.929 shall apply to the operation of All Terrain Vehicles within the City limits of Pelican Rapids.

701.13 JAKE BRAKING

Section 1. Definitions. For the purposes of this ordinance, the following phrases are defined as follows:

Subdivision 1. 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.

Subdivision 2. Abnormal or Excessive Noise. (a) Distinct and loudly audible noise that unreasonably annoys, 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 Minnesota Statutes Section 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 Minnesota Statutes Section 169.693 and Minnesota 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.

Section 2. 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.

Section 3. 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 except in an emergency.

Section 4. Minnesota Statutes Sections 169.69 and 169.693 (motor vehicle noise limits) and Minnesota Rules parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.

Section 5. 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 ordinance, 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 ordinance are in full force and effect even if no signs are installed.

Section 6. It is the intention of the City Council that all future amendments to any statutes and rules referenced or adopted by reference in this ordinance are also referenced or adopted by reference as if they had been in existence at the time this ordinance was adopted.

Section 7. Any person, firm, or corporation who violates any provision of this ordinance shall upon conviction be guilty of a petty misdemeanor and punished by a fine of not more than \$300.00.

701.14 POLICE DUTIES

The police department shall enforce the provisions of this ordinance and the state traffic laws. Police officers are authorized to direct all traffic within the City, either in person or by means of visible or audible signal, in conformity with this ordinance and the state traffic laws. During a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police department may direct traffic as conditions require notwithstanding the provisions of this ordinance and the state traffic laws. Officers of the fire department may direct or assist the police in directing traffic at the scene of a fire or in the immediate vicinity.

701.15 PENALTY

Any person convicted of violating any provision of this Part is guilty of a petty misdemeanor. The City Council may by resolution establish a penalty schedule for various parking and traffic violations.

PART 2. MAILBOXES

702.01 DEFINITIONS

Subdivision 1. General. Unless the context clearly indicates otherwise, the following words and phrases have the meaning given in this section.

Subdivision 2. Improved Street. “Improved Street” shall mean any street, avenue or roadway having an improved curb at the side thereof.

Subdivision 3. Unimproved Street. “Unimproved Street” shall include all streets, avenues or roadways which are not improved streets.

Subdivision 4. Boulevard. “Boulevard” shall mean that part of the dedicated or established portion of a street, avenue or roadway which lies outside of the street side edge of a curb on an improved street or outside of the traveled portion of an unimproved street, as the case may be.

Subdivision 5. Mailbox. “Mailbox” shall mean the receptacle for deposit of the U.S. mail.

Subdivision 6. Posts. “Posts” shall mean the supporting pipe for a mailbox.

702.02 AUTHORIZATION FOR INSTALLATION OF MAILBOXES.

The installation and maintenance of mailboxes on the boulevards of this City is hereby authorized for the delivery of mail by authorized representative of the United States Post Office but only so long as the installation complies with the provisions of this chapter and complies with the regulations promulgated by the United States of America and its postal authority.

702.03 REGULATION

Subdivision 1. Mailboxes and Installation of Mailboxes. All mailboxes shall be constructed, installed and maintained at a height of 40-42 inches from the top of the curb to the bottom of the mailbox with the opening end of the box directly above the street side edge of the curb, on an improved street, or about the edge of the traveled portion of an unimproved street at a height of 48 inches and shall be affixed to the boulevard a minimum of 18 inches behind the back edge of a curb or a minimum of 18 inches behind the edge of a traveled portion of an unimproved street by means of two inch galvanized pipe or 4x4 treated post set in a concrete filled hole eight inches in diameter and 18 inches below the ground surface.

Subdivision 2. Maintenance of Mailboxes. All mailboxes shall be maintained and kept in a clean and neat condition and shall be repaired and repainted by the owner as the appearance shall require and, in any event, shall be repaired and painted as ordered by the City, or its delegate, within 60 days after a written notice to repair or paint is served upon the owner, either in person or by mail, by the City or its delegate.

Subdivision 3. Location of Mailboxes. No mailboxes or posts shall be installed on any street, avenue or roadway (a) within 25 feet of an intersection street; or (b) within 15 feet of the edge of an alley; or (c) within five feet of the edge of a driveway; or (d) on private property of another without written permission of the owner.

Subdivision 4. Authorization. No mailboxes or posts shall be installed except where authorized by the Superintendent of Public Works of the City.

702.04 APPLICATION FOR VARIANCE

Any person who proposes to construct or install a mailbox or post which does not conform with the provisions of this chapter may apply for a variance to the Planning Commission in accordance with its procedures.

702.05 ENFORCEMENT

Any mailbox or post which exists in violation of this chapter shall be considered to be a nuisance, and shall be subject to the provisions of Chapter 8.

PART 3. STREET NAMES/ADDRESS NUMBERING

703.01 STREET NAMES

The City Council may, by resolution, designate names for streets and roadways in the City limits, and arrange for the installation of street signs.

703.02 ADDRESS NUMBERING

The City Council may, by resolution, assign numbers to houses, buildings, and parcels of real estate in the City limits, said numbers to be used as addresses for such properties.

PART 4. SKATEBOARDS (REPEALED 5-10-16)

PART 5. EXISTING RESTRICTIONS, REGULATIONS AND PROHIBITIONS.

Whether previously established by Ordinance or by City Council resolution, all existing restrictions, regulations and prohibitions relating to traffic, motor vehicles, streets and mailboxes are hereby continued until such time as they may be amended by Council resolution.

PART 6. FISHING FROM BRIDGE.

706.01 PROHIBITED ACTS

No person shall fish (whether bow fishing, spear fishing, rod and reel fishing, or fishing in any other manner) in the Pelican River from any part of the bridge where U.S. Highway No. 59 crosses the Pelican River. The act of throwing a spear, shooting a bow or using a fishing rod, fishing pole or fishing line on said bridge shall be considered to be fishing, whether or not any fish are actually taken.