

TITLE VII: TRAFFIC CODE

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CHAPTER 70: GENERAL PROVISIONS

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Cross-reference:

Abandoned motor vehicles, see Chapter 90

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. Chapter 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) Any violation of the statutes adopted by reference in division (A) of this section is a violation of this section, and such violator shall be guilty of such an offense and shall be punished by such penalty as is prescribed by such statutes.

ADMINISTRATION AND ENFORCEMENT

' 70.16 ENFORCEMENT AUTHORITY.

It shall be the duty of the members of the Police Department, except as otherwise provided, to enforce all the regulations and requirements of this title.

' 70.17 EMERGENCY POLICE ORDERS.

Any police officer in the city in cases of temporary necessity may **issue** any special order to pedestrians or to drivers of vehicles as in his or her judgment may be necessary to insure public safety or convenience upon any street, alley, highway within the city, or sidewalk. No person shall intentionally fail to comply with the orders of such police officers.

Penalty, see ' 10.99

' 70.18 MOVING AND TOWING OF VEHICLES.

Whenever any police officer shall find a vehicle standing or parked upon a highway in violation of the provisions of the code, he or she is authorized to move the vehicle to a location permitted under the code.

Cross-reference:

Abandoned motor vehicles, see Chapter 90

' 70.19 UNAUTHORIZED TRAFFIC REGULATION.

No unauthorized person shall regulate or attempt to regulate traffic upon the streets, alleys, or highways of the city.

Penalty, see ' 10.99

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 Administrator or other authorized city official.

(B) This subchapter shall not apply to:

(1) Funeral processions;

(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 Administrator.

(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) A map and detailed description of 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;

(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 resolution of the City Council.

Penalty, see ' 10.99

' 70.23 STANDARDS FOR ISSUANCE OF PERMIT.

The City Administrator 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

(F) Approval by appropriate County and State agencies (if affected by the parade route) must be given to the City Administrator before a parade permit can be issued by the City of Fertile.

' 70.24 NOTICE OF REJECTION OF PERMIT APPLICATION.

If the City Administrator disapproves the application, he or she shall mail to the applicant within the three 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 Administrator 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 Law Enforcement and the Fire Department.

' 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;
- (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.* Law Enforcement 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: TRAFFIC REGULATIONS

Section

- 71.01 Traction vehicles and the like
- 71.02 Restricted use of streets
- 71.03 Driving in alleys
- 71.04 Motor vehicle noise

71.99 Penalty

Cross-reference:

Abandoned motor vehicles, see Chapter 90

Adoption of state highway traffic regulations, ' 70.01

' 71.01 TRACTION VEHICLES AND THE LIKE.

No person shall drive or move on any paved or bituminous or tar-treated highway, or on any bridge, any traction engine or vehicle equipped with mud-hooks, lugs, cogs, flanges, or other hard protuberances upon the bearing surface of the wheels, or tracks in case of tractors of the so-called caterpillar type, without first providing temporary protective tracks of planking at least two inches thick or other suitable material sufficient to protect pavement or bridges from damage; provided, however, that no protective tracks shall be required if the Director of Public Works or City Engineer shall issue a written permit to the person driving or moving the traction engine or vehicle stating that protective tracks are not necessary.

Penalty, see ' 71.99

' 71.02 RESTRICTED USE OF STREETS.

(A) *Damage.* Whenever any street because of deterioration, rain, snow, or other climatic conditions will be seriously damaged or destroyed unless traffic thereon is prohibited or reduced, the Director of Public Works may restrict the operation of vehicles upon the street or impose weight restrictions upon the vehicles to be operated thereon.

(B) *Notice.* The Director of Public Works shall erect or cause to be erected and maintained signs plainly indicating the prohibited or restricted act at each end of that portion of any street affected thereby and the prohibition or restriction shall not be effective unless and until the signs are erected and maintained.

Penalty, see ' 71.99

' 71.03 DRIVING IN ALLEYS.

No person shall drive a motor vehicle in any alley in the city at a speed greater than 15 miles per hour. All motor vehicles being driven in alleys shall be brought to a complete stop before crossing any public sidewalks or street.

Penalty, see ' 71.99

' 71.04 MOTOR VEHICLE NOISE.

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

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.

ABNORMAL OR EXCESSIVE NOISE.

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

(2) 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

(3) Noise in excess of that permitted by M.S. ' 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.

(B) *Prohibited exhaust and noise.* 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.

(C) *Prohibited brake noise and exhaust.* 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.* M.S. " 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.

(E) *Signs to be posted.* 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.

Penalty, see ' 71.99

' 71.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and punished in accordance with ' 10.99.

CHAPTER 72: PARKING REGULATIONS

Section

Regulations

- 72.01 Temporary parking rules
- 72.02 Parallel parking
- 72.03 Parking where no curbs
- 72.04 Prohibited parking locations
- 72.05 House trailers
- 72.06 Parking restricted by police
- 72.07 Time-limited parking
- 72.08 Snow removal periods
- 72.09 Emergency routes
- 72.10 Ignition to be locked and key removed

Administration and Enforcement

- 72.20 Towing of vehicles
- 72.21 Parking tickets

- 72.98 Violations
- 72.99 Penalty

REGULATIONS

' 72.01 TEMPORARY PARKING RULES.

Where the safety of persons and property or the facilitation of traffic requires, the Mayor may make temporary rules and regulations regarding the parking of vehicles on any city highway, street, or alley or portion thereof.

' 72.02 PARALLEL PARKING.

Except where angle parking is permitted by local ordinance or code provision, each vehicle stopped or parked upon a two-way roadway where there is an adjacent curb shall be so stopped or parked with the right-hand wheels of the vehicle parallel with and within 12 inches of the right-hand curb; provided, that the exception shall only apply to a state trunk highway after approval by the Commissioner. In no event shall any part of a parked vehicle extend or project on the highway more than 72 feet from the curb, and no part of the vehicle shall be closer than four feet to any other vehicle in front of or behind the vehicle and along the highway curb. Vehicles so parked shall face the direction of travel appropriate for all vehicles traveling upon that side of the highway.

Penalty, see ' 72.99

' 72.03 PARKING WHERE NO CURBS.

On streets without a curb, a vehicle shall be parked to the right of the main travelled portion of the street, parallel thereto, and in a manner that does not interfere with the free flow of traffic or create a safety hazard.

Penalty, see ' 72.99

' 72.04 PROHIBITED PARKING LOCATIONS.

No person shall park a vehicle or permit it to stand, whether attended or unattended, in any of the following places:

- (A) On a sidewalk.
- (B) In front of a public or private driveway.
- (C) Within an intersection.
- (D) Within ten feet of a fire hydrant.
- (E) On a crosswalk.
- (F) Within five feet of a crosswalk at an intersection.
- (G) Within 50 feet of the nearest rail of a railroad crossing.
- (H) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic or present a safety hazard.

(I) On the roadway side of any vehicle stopped or parked at the edge of a curb of a street.
Penalty, see ' 72.99

' 72.05 HOUSE TRAILERS.

No person shall, for camping purposes, leave or park a house trailer on any street or the right-of-way thereof.
Penalty, see ' 72.99

' 72.06 PARKING RESTRICTED BY POLICE.

No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control, or regulate traffic.
Penalty, see ' 72.99

' 72.07 TIME-LIMITED PARKING.

(A) *Streets.* No person shall park a vehicle or permit it to stand upon any street in the city for any continuous period in excess of 24 hours.

(B) *Alleys.* No person shall park a vehicle or permit it to stand whether attended or unattended in any alley in the city, except for loading and unloading, but in no event in excess of one hour.

(C) *Parking zones.* Time-limited parking zones shall be as provided in Chapter 74, Schedule I.

(D) *Trucks and the like.* No truck-tractor or semi-trailer shall park for longer than two hours on any public street, nor shall any truck-tractor or semi-trailer park within 200 feet of any residence between the hours of 9 p.m. and 6 a.m. if the truck-tractor or semi-trailer is left running.
Penalty, see ' 72.99

' 72.08 SNOW REMOVAL PERIODS.

Following a snowstorm no car shall be parked on any streets until the snow has been removed by city maintenance personnel.
Penalty, see ' 72.99

Cross-reference:

Public nuisances affecting peace and safety; snow removal from sidewalks, see ' 92.04

' 72.09 EMERGENCY ROUTES.

Emergency routes will be established on a yearly basis.

Penalty, see ' 72.99

' 72.10 IGNITION TO BE LOCKED AND KEY REMOVED.

Every person parking a motor vehicle on any public street or alley in the city shall lock the ignition and remove the key from the vehicle.

Penalty, see ' 72.99

ADMINISTRATION AND ENFORCEMENT

' 72.20 TOWING OF VEHICLES.

The Polk County Sheriff's Office shall have the authority to cause any vehicle, camper, or mobile home parked in violation of this section to be towed away and impounded, and the owner of same shall pay all costs of towing and storage incurred by reason thereof and any fine for violations of this chapter before the vehicle shall be released.

' 72.21 PARKING TICKETS.

A uniform parking ticket shall be established by the Polk County Sheriff's Office and shall be used for all parking violations. The parking ticket shall provide notice to the violator of the nature, time, and place of his or her violation, the penalty therefor, the person to whom the penalty must be paid, and the due date.

When any motor vehicle without an operator is parked in violation of any of the provisions of the code, the officer discovering same shall take its registration number and any other information displayed on the vehicle which may identify its owner or operator and shall conspicuously affix to the vehicle a uniform parking ticket.

' 72.98 VIOLATIONS.

Any person, other than the owner, who operates or is in actual physical control of a vehicle parked upon any street or alley in violation of this chapter shall be presumed to be the agent of the owner of the vehicle, and the owner shall be liable for all costs and penalties incurred for the violation.

' 72.99 PENALTY.

Any person violating any provision of this chapter shall be guilty of a petty misdemeanor and punished according to ' 10.99.

CHAPTER 73: SNOWMOBILES / ALL-TERRAIN VEHICLES / MINI TRUCKS

Section

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- 73.01 Adoption of State Highway Traffic Regulation Act
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GENERAL PROVISIONS

' 73.01 ADOPTION OF STATE HIGHWAY TRAFFIC REGULATION ACT.

Except as otherwise provided in this chapter, M.S. Chapter 169, as it may be amended from time to time, commonly referred to as the "Highway Traffic Regulation Act," as amended, is hereby incorporated by reference, including the penalty provisions thereof, as same applies to the operation of snowmobiles.

' 73.02 APPLICABILITY OF PROVISIONS.

This chapter shall apply to the control of traffic and regulation of that certain class of vehicles falling within the definition of snowmobiles, all-terrain vehicles and mini trucks.

' 73.03 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 (ATV). 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 800 cubic centimeters and a total dry weight of 1,500 pounds or less; this includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.
(M.S.A. § 84.92) (Fertile City Ordinance #12-1-08).

MINI TRUCK. Means a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, titled 49, sections 571.101 to 571.404, and successor requirements. A mini truck does not include: (1) a neighborhood electric vehicle or a medium-speed electric vehicle; or (2) a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, sections 571.500, and successor requirements.
(M.S.A. § 169.011, Subd. 40a.)

NATURE CENTER. Means the public property contained within the area also known as the Lake Agassiz Wilderness Sanctuary/Agassiz Nature Center.

OPERATE. To ride in or on and control the operation of a snowmobile, all-terrain vehicle or mini truck.

OPERATOR. Every person who operates or is in actual physical control of a snowmobile, all-terrain vehicle or mini truck.

OWNER. A person, other than a lien holder, having title to the snowmobile, all-terrain vehicle or mini truck, or who is entitled to the use or possession thereof.

PERSON. Includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether or not incorporated.

SNOWMOBILE. A self-propelled vehicle designed for travel on snow or ice or natural terrains steered by wheels, skis, or runners.

REGULATIONS

' 73.15 OPERATION ON PRIVATE PROPERTY.

It is a misdemeanor to operate a snowmobile, all-terrain vehicle or mini truck on private property without the permission or consent of the property owner or occupant.

Penalty, see ' 10.99

' 73.16 OPERATION ON PUBLIC PROPERTY.

Snowmobiles, all-terrain vehicle and mini trucks will operate in accordance with all traffic law and regulations that apply to motor vehicle traffic. When traveling on public property and roadways, snowmobiles and all-terrain vehicles will take the most direct route through the community to reach approved snowmobile and/or all-terrain vehicle trails.

Snowmobiles, all-terrain vehicle or mini trucks may be operated on roadways, public lands, or waters only as herein specified. It is a misdemeanor to operate a snowmobile upon roadways or public lands or waters as follows:

(A) At a rate of speed in excess of ten miles per hour upon public streets and alleys.

(B) Other than single file at the extreme right-hand side of a roadway.

(C) On publicly owned land, including school land, or park property, playgrounds, and recreation areas, where notice has been posted prohibiting the use thereon.

(D) Within 100 feet of any church, school building, nursing home, skating rink, or sliding area or in any other area where the operation would conflict or interfere with the normal use of the property or would endanger persons or property. Snowmobiles will give right-of-way to people sledding at the base of Garfield Avenue hill and will observe a ten-mile per hour speed limit.

(E) When crossing a street or highway, unless:

(1) The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

(2) The snowmobile, all-terrain vehicle or mini truck is brought to a complete stop before crossing the shoulder or main travel way.

(3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

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

(5) If the crossing is made between the hours of one-half hour before sunset through one-half hour after sunrise or in conditions of reduced visibility both front and rear lights are on.

(6) The snowmobile, all-terrain vehicle or mini truck yields the right-of-way to any vehicles or pedestrians which are at a street intersection to be crossed or which are so close to the intersection as to constitute an immediate hazard.

(F) At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

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

(H) At any place, while under the influence of alcohol or drugs as defined in M.S. ' 169.121, as it may be amended from time to time, which statute is incorporated herein by reference.

(I) Without a lighted head- and taillight when required for safety.
Penalty, see ' 10.99

' 73.165 PROHIBITED OPERATION ON NATURE CENTER PROPERTY

It shall be unlawful for any person to operate a snowmobile, all-terrain vehicle or mini truck on Nature Center property with the following exceptions:

(A) On the right hand side of Strem Road/Summit Avenue in the above mentioned area and the Nature Center Building parking lot.

(B) Snowmobiles will also be allowed on the designated trails for snowmobiles as determined by the City of Fertile, Agassiz Environmental Learning Center Board, and Sand Hill Snow Cruisers.

(C) Snowmobile operators must comply with MN Department of Natural Resources regulations to operate a snowmobile on properly designated Nature Center property and trails.

(D) No person shall operate a snowmobile, all-terrain vehicle or mini-truck within the Nature Center between the hours of 1 a.m. and 6 a.m. Sunday through Saturday.

(E) Such use that has been authorized by City/Nature Center officials.

(F) No person shall operate a snowmobile, all-terrain vehicle or mini-truck within the Nature Center in excess of 15 mph, except on designated trails as specified in subparagraph (B) of this Section 73.165.
Penalty, see ' 10.99

' 73.17 OPERATION ON SIDEWALKS AND BOULEVARDS.

It is a misdemeanor to operate a snowmobile, all-terrain vehicle or mini truck on a sidewalk or boulevard, except that a direct crossing may be made in the same manner as provided for direct crossing of a city street.

Penalty, see ' 10.99

' 73.18 HOURS OF OPERATION.

It is a misdemeanor to operate a snowmobile, all-terrain vehicle or mini truck within the city from 10:00 p.m. to 8:00 a.m. of each day for any purpose other than going directly to the owner's residence, place of business, or location where the snowmobile, all-terrain vehicle or mini truck is generally stored from one of the aforesaid locations.

Penalty, see ' 10.99

' 73.19 OPERATOR REQUIREMENTS.

(A) Age restrictions. (Must be in accordance with Minnesota Department of Transportation Regulations)

(1) No person under 14 years of age shall make a direct crossing of a trunk, county highway, or a street or highway within a municipality.

(2) A person 14 years of age or older, but less than 18 years of age, may make a direct crossing of a trunk or county highway only if the person has in immediate possession a valid snowmobile or all-terrain vehicle safety certificate issued by the Commissioner of Public Safety.

(3) No person under 14 shall operate an all-terrain vehicle on any public land, public easements or waters, or grant-in-aid trail unless accompanied by one of the following persons on the same or an accompanying snowmobile: a parent, a legal guardian, or other person 18 years of age or older.

(4) A person 12 years of age or older can operate a snowmobile on public lands, public easements and waters, or a grant-in-aid trail if he or she has a snowmobile safety certificate issued by the Commissioner.

(B) Owner liability. It is unlawful for the owner of a snowmobile, all-terrain vehicle or mini truck to permit the snowmobile, all-terrain vehicle or mini truck to be operated contrary to the provisions of this section.

Penalty, see ' 10.99

Parking Schedules

CHAPTER 74: PARKING SCHEDULES

Schedule

I. Time-limited parking

(Council will make this determination)

SCHEDULE I. TIME LIMITED PARKING.

(A) *Two-hour parking.* As city Council deems necessary.

(B) *15-minute parking.* As City Council deems necessary.

Penalty, see ' 72.99

Cross-reference:

Time limited parking, see ' 72.07

CHAPTER 75: AGASSIZ ENVIRONMENTAL LEARNING CENTER TRAILS*Trail Uses*

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Protection of Other Users

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- 75.32 Drugs
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Enforcement

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TRAIL USES**' 75.01 IN GENERAL.**

Subject to the limitations imposed by these parts and other duly enacted ordinances, or unless specifically prohibited, trails may be used for snowmobiling and all non-motorized forms of recreation, including but not limited to hiking, bicycling, horseback riding, snowshoeing, cross-country skiing, and picnicking.

' 75.02 MOTOR VEHICLES.

No unauthorized motor vehicle, other than a snowmobile, shall be operated within a trail, except

Parking Schedules

upon a legal road or highway as those terms are defined in Minnesota Statutes, section 160.02, subdivision 26.

' 75.03 SNOWMOBILES.

No snowmobile shall be operated within a trail except upon those designated for such use and under conditions considered adequate for the protection of the trail.

' 75.04 HORSES.

No one shall ride, lead, or drive a horse or other beast of burden upon a trail except upon those designated for such use.

' 75.05 TRAIL HOURS.

Any specific use of a trail may be limited to hours designated by the City Council and any use in violation of such limitation is unlawful.

' 75.06 TRAFFIC CONTROL

Traffic control:

(A) Trail signs shall be obeyed.

(B) When on a trail, all trail users must stay on the right half of the trail when meeting or being passed by another trail user.

(C) When passing another trail user traveling in the same direction, a trail user must pass on the left half of the trail and may pass only when such left half is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safety of any trail user approaching from the opposite direction or any trail user overtaken.

(D) Any trail user who is about to enter onto or cross a trail, shall yield the right of way to any trail user already on the trail to be entered or crossed.

(E) When at approximately the same time, two trail users are about to enter an otherwise unmarked intersection from different trails or are approaching an otherwise unmarked merger of two trails from any two directions, the trail user on the left shall yield the right-of-way to the trail user on the right.

' 75.07 SPECIAL EVENTS.

No special events shall be held within a trail except with a written permit of the City Administrator previously obtained. Such permit may exempt the holder and other participants from the operation of any of the rules contained herein, and may be revoked or suspended by the City Administrator at any time.

PROTECTION OF TRAILS**' 75.20 ENVIRONMENT.**

No person shall disturb, destroy, injure, damage, or remove any property within trails including but not limited to vegetation, ruins, wildlife, geological formations, signs, or facilities except edible fruit and deer legally taken with an appropriate State archery license and Learning Center permit and vegetation unavoidably damaged or destroyed by the ordinary uses of the trail as specifically permitted by these parts. Collections for scientific and educational purposes may be made in conjunction with Agassiz Environmental Learning Center education programs and activities.

' 75.21 BILL POSTING.

No persons shall post, paste, fasten, paint, or affix any placard, bill, notice, or sign upon any structure, tree, stone, fence, or enclosure in a trail.

' 75.22 OBSTRUCTIONS.

No person shall place or cause to remain within any trail, any snowmobile, trailer, horse, bicycle, or other object so as to obstruct the free use and enjoyment of said trail. Any such obstruction shall be removed at the owner's expense. If not claimed and payment of expenses offered within a reasonable time, which in no case shall be more than 30 days, it shall be disposed of according to the provisions of Minnesota Statutes, section 16B.25 concerning the disposal of lost or abandoned property.

' 75.23 REFUSE.

No person shall burn or dispose of garbage, refuse, litter, or trash within a trail except in receptacles provided for that purpose.

' 75.24 FIRES.

It is unlawful to build a fire within a trail except in a fireplace or a fire ring provided for that purpose. However, portable gas or liquid fueled camp stoves may be used within a camping or rest area if such use does not create a hazard or danger to the trail or to others.

PROTECTION OF OTHER USERS**' 75.30 PERSONAL CONDUCT.**

Within a trail, no person, knowing or having reasonable grounds to know that it will, or will tend to, alarm, anger, or disturb others, or provoke an assault, shall breach the peace by engaging in the following conduct:

(A) brawling, fighting, or other violent conduct directed toward another; or

(B) offensive, obscene, or abusive language, or boisterous and noisy conduct which might be reasonably expected to arouse alarm, anger, or resentment in others.

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' 75.31 INTOXICATION.

No person while within a trail shall be in a state of intoxication brought about by the consumption of intoxicating liquor.

' 75.32 DRUGS.

No person shall use, be in the possession of, or be under the influence of drugs within a trail unless such use, possession, or influence is pursuant to and in compliance with a prescription from a licensed physician.

' 75.33 PETS.

No persons shall allow any pet animal to be unrestrained or unattended. Pets shall be restrained by a leash not exceeding six feet.

' 75.34 PEDDLING OR SOLICITING.

No person shall peddle or solicit business of any nature, within a trail, or use any of the lands or structures as a base for commercial operations.

' 75.35 SAFETY.

While being ridden or operated within a trail, horses, bicycles, and snowmobiles must be under the control of the operator at all times.

ENFORCEMENT

' 75.40 CRIMINAL AND ADMINISTRATIVE VIOLATIONS.

Any person found in violation of any provision of this Chapter may be charged criminally in Polk County District Court or issued an administrative fine by the enforcement officer through the issuance and service of an administrative citation.

(A) *Administrative Citation.* If an administrative citation is issued, it shall include a statement that the administrative fine may be appealed and that a hearing before the City Administrator or designated hearing officer may be obtained by filing a written request with the City Clerk within ten (10) days of service of the administrative citation. Service of an administrative citation is sufficient and adequate when served personal or by regular mail. It is the intent of the City to impose an administrative fine to defray costs associated with the costs of enforcement. The administrative fine must reflect the costs associated with enforcement of this Chapter and shall be set and may, from time-to-time, be amended, by the City Council by resolution. If a person fails to pay an administrative citation, the matter shall be referred to the appropriate law enforcement agency and/or prosecuting authority for criminal prosecution.

(B) *Appeal of Administrative Citation.* A person may appeal an administrative citation and obtain a hearing in accordance with this section. The hearing must be requested by submitting a written request to the City Clerk within ten (10) days of service of an administrative citation or order for abatement. The hearing shall be held on a date determined by the City

Administrator or a hearing officer designated by the City Administrator but in no event shall the hearing be held more than ten (10) days after receipt of the written request for hearing. A notice shall be mailed to the person requesting the hearing stating the date, time, place and subject of the hearing. The hearing shall be conducted by the City Administrator or a designated hearing officer. At the hearing, the owner shall have an opportunity to present evidence and testimony before the hearing officer. The hearing officer may receive evidence and testimony from the enforcement officer and other parties who wish to be heard. After considering all the evidence, the hearing officer shall make an order as he or she deems proper.

(C) *Enforcement Officer.* An enforcement officer shall be designated by the City Administrator to enforce the provisions set forth in this Chapter. The enforcement officer shall have the authority to issue administrative citations for any violation of this Chapter.

(D) *Criminal and Civil Enforcement.* Nothing in this section shall prevent the City from pursuing any criminal or civil proceeding to enforce the provisions of this Chapter.

(E) *Criminal Penalty.* Any person convicted of a criminal violation of any provision of this Chapter is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

(F) *Inconsistent Provisions.* Any provision(s) of previous ordinance(s) inconsistent with this Chapter is/are repealed.

(G) *Severability.* If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

(H) *Effective Date.* This ordinance shall take effect and be in force from and after its passage and publication.