

CHAPTER VII: TRAFFIC, MOTOR VEHICLES, SNOWMOBILES, AND RECREATIONAL VEHICLES

701.01. PROVISIONS OF STATE LAW ADOPTED: The provisions of Minnesota Statutes, Chapter 169 with reference to the definition of terms, conditions of operations, restrictions on use, and all other matters pertaining to the operation of motor vehicles are adopted and made a part of this ordinance as if set out in full.

701.02. TRAFFIC: The following sections shall control, notwithstanding provisions contained with in Minnesota Statutes 169.01 et seq. Subdivision. 1. ACCIDENTS - DUTIES OF DRIVER:

A. A driver of any vehicle involved in any accident resulting in injury or death of any person shall immediately stop the vehicle at the scene of said accident, or as close thereto as possible, but shall then forthwith return to, and in every event shall remain at the scene of the accident until he has given name, address, and registration number of the vehicle he is driving, and upon request, exhibit his driver's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with, and shall, if the vehicle or property damaged is unattended, report the same to the police officer. Any person failing to stop and comply with these requirements under such circumstances, shall, upon conviction, be guilty of a misdemeanor.

B. The driver of any vehicle involved in an accident to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident, or as close thereto as possible, and shall forthwith return to, and in every event shall remain at the scene of the accident until he has fulfilled the requirements set forth the subdivision "A" as to the giving of information. Every stop shall be made without obstructing traffic more than is necessary. Any person failing to stop and comply with these requirements under such circumstance shall be guilty of a misdemeanor.

C. The driver of any vehicle which collides with and damages any vehicle which is unattended, shall immediately stop and then and there either locate and notify the driver or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle, or shall report the same to a police officer. Any person failing to comply with the requirements under such circumstance shall be guilty of a misdemeanor.

D. The driver of any vehicle involved in an accident resulting in only damage to fixtures legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of vehicle he is driving and shall, upon request and if available, exhibit his driver's or chauffeur's license, and make report of such accident. Any person failing to stop or to comply with the requirements under such circumstances shall be guilty of misdemeanor.

Subd. 2. U-TURNS: U-turns are prohibited at any time where designated as prohibited. No U-turns may be made anywhere else in the city unless the way is clearly visible for 1000 feet in any direction.

Subd. 3. DECLARATION OF A SNOW EMERGENCY

DEFINITIONS: For the purposes of this section, the term "emergency" means a condition created on city streets because of the presence of snow, freezing rain, sleet or ice thereon, or other natural phenomenon which create or are likely to create hazardous road conditions or impede the free movement of fire, health, police, emergency or other vehicular traffic, when the same has been duly declared.

A. DECLARATION OF EMERGENCY: Whenever there is an accumulation of one inch or more of snowfall, an emergency shall be deemed to exist.

B. UNLAWFUL ACT: During the period of any such emergency as herein before provided for the following restrictions of parking shall effect:

1. No vehicle shall be parked or left unattended on any portion of the following public streets within the City of Henderson between the hours of 1:00 o'clock A.M. and 6:00 o'clock A.M.:
 - a. On Main Street from Third Street to Seventh Street, one block south between Main Street and Mill Street on Highway 93
 - b. One block south between Main Street and Mill Street on South Sixth Street
 - c. One-half block from Main Street North on North Fifth or County Road #6.
2. On all public streets within the City of Henderson, other than those designated in sub-section A hereof, all vehicles shall have 24 hours prior to the termination of such emergency period, be removed from any place thereon where snow removal has not been completed.

C. EXCEPTIONS: This section shall not apply to (1) persons in charge of wreckers or authorized emergency vehicles while actually serving mechanical, fire, police, or medical emergencies, or (2) any street when it has been fully completed (curb to curb) cleared, sanded, salted, or cleaned.

D. PARKING RULES IN CITY PARKING LOTS AND RAMPS: In city owned parking lots and ramps the council may limit the size and types of motor vehicles to be parked thereon, hours of parking, and prescribed method of parking, providing that such limitations and restrictions are marked of sign posted thereon. It is unlawful to park or leave standing any vehicle backed into a parking place, to drive in a direction opposite the flow of traffic marketed by "one way" signs or arrows, or to park any vehicle in any city owned parking lot or ramp contrary to the restrictions or limitation's marked on sign posted thereon.

D. IMPOUNDING AND REMOVING VEHICLES: When any police officer finds a vehicle standing upon a street or city owned parking lot in violation of any parking regulation, such officer is hereby authorized to require the driver or other person in charge of such vehicle to removed the same to a position in compliance with this chapter. When any police officer finds a vehicle unattended upon any street or city owned parking lot in violation of any parking regulation, such officer is hereby authorized to impound such unlawfully parked vehicle and to provide for the removal thereof and to removed the same to a convenient garage or to another facility or place of safety; provided, that if any charge shall be placed against such vehicle for cost of removal or storage, or both, by anyone called upon to assist there with the same shall be paid prior to removal from such place of storage or safekeeping.

F. LOADING ZONES: The council may, by resolution, establish loading zones to be used for the specific purpose of loading or unloading merchandise from a commercial vehicle or vehicle temporarily being utilized in the transport of merchandise. Such loading zones shall be installed by order of the city administrator where in the judgment of the council a commercial loading zone is justified, and duly sign posted.

G. ALL VIOLATIONS WILL BE TREATED AS PETTY MISDEMEANORS.

Subd. 4. EXHIBITION DRIVING: 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.

Subd. 5. POLICE DUTIES: The police department shall enforce the provisions of this ordinance and state traffic laws. Police officers are authorized to direct all traffic within the city, either in person or by means of some visible or audible signal, in conformity with this Ordinance and the safeguard pedestrians, officers of the police department may direct as state traffic laws. Member of the fire department may direct or assist the police in directing traffic at the scene of a fire or in the immediate vicinity.

701.03. SNOWMOBILES AND ALL-TERRAIN VEHICLES: Subdivision. 1. INTENT. It is the intent of this Ordinance to supplement Minnesota Statutes 84.81-84.929 and 169, with respect to the operation of snowmobiles and all-terrain vehicles. Such statutes are incorporated herein by reference. (The references to snowmobile enforcement are intended to be more restrictive than state statute.)

Subd. 2. DEFINITIONS:

- A. For the purposes of this Ordinance the terms defined herein shall have the meaning described to them.
- B. "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons whether incorporated or not.
- C. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice steered by skies or runners.
- D. "All-Terrain Vehicle" means any self propelled vehicle used for recreational purposes, including but not limited to trail bike, or other all terrain vehicle, or motor vehicle licensed for highway operation which is being used for off-road recreation.
- E. "Owner" means a person, other than a lien holder having the property in or title to snowmobile or all-terrain vehicle entitled to the use or possession thereof.
- F. "Operate" means to ride in or on and control the operation of a snowmobile or all-terrain vehicle.
- G. "Operator" means every person who operates or is in actual physical control of a snowmobile or all-terrain vehicle.
- H. "Deadman Throttle" or "Safety Throttle" means a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.
- I. "Natural Terrain" means areas other than roadways or driveways (private or public), parking lots and other areas the surface of which has been intentionally modified for motor operation thereon.

Subd. 3. RESTRICTIONS.

A. SNOWMOBILES: Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile within the limits of the City of Henderson. A snowmobile may be used on the portion of any right of way of any public highway, street, road, trail or alley, and may in passing or making a left turn operate on other lanes which are used for vehicle traffic in the same direction, for purposes of going to or returning from a non-highway area of permissible operation, by the most direct route. Snowmobiles may also be operated upon the ditch bottom or the outside bank of trunk, county state aid and county highways where such highways are so configured within the corporate limits.

Snowmobiles are strictly prohibited from operation on the following:

1. On a public sidewalk provided for pedestrian travel.
2. On boulevards within any public right of way.
3. On private property of another without specific permission of the owner or person in control of said property.

4. On any other public place except as may be specifically permitted by other provisions of the City Ordinances.

B. ALL-TERRAIN VEHICLES: Except as herein specifically permitted and authorized, it is unlawful for any person to operate a all-terrain vehicle not licensed as a motor vehicle within the limits of the City of Henderson without a valid driver's license, current Minnesota state registration, and insurance. This insurance will include, at a minimum, bodily injury and property damage.

1. Alleys shall be used in all instances of travel unless there is no other way to arrive at your destination without using a street.
2. All-terrain vehicles will take shortest route to and from their destination.
3. All-terrain vehicles must not exceed more than 10 miles per hour within the city of Henderson.
4. All-terrain vehicles entering the city from East or West MN-19 should exit onto the nearest alley.
5. No riding on city parks, the levee, or the levee slopes.
6. All-terrain vehicles traveling in the city of Henderson shall not be permitted in groups of more than two (2), and when so will travel behind one another.

All-Terrain Vehicles are strictly prohibited from operation on the following:

- a. On a public sidewalk provided for pedestrian travel.
- b. On boulevards within any public right of way.
- c. On private property of another person without specific permission of the owner or person in control of said property.
- d. On any other public place except as may be specifically permitted by other provisions of the City Ordinances.

Subd. 4. CROSSINGS: A snowmobile or all-terrain vehicle may make a direct crossing of a street or highway or freeway providing:

1. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
2. The snowmobile or all-terrain vehicle is brought to a complete stop before crossing the shoulder or main traveled way.
3. The driver yields the right of way to all on coming traffic which constitutes an immediate hazard.
4. In crossing a divided street or highway, the crossing is made only at an intersection or such street of highway with another public street or highway.
5. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

Subd. 5. TRAFFIC ORDINANCES: City traffic ordinances shall apply to the operation of snowmobiles or all-terrain vehicle upon streets and highways, except for those relating to required equipment, and those which by their nature have no application.

Subd. 6. YIELDING: No snowmobile or all-terrain vehicle shall enter any intersection without yielding the right of way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Subd. 7. PERSONS UNDER 18: Snowmobile operation. No person under 14 years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, county state-aid, county highway, or city street as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on streets and highways permitted under this ordinance

and make a direct crossing of such streets and highways only if he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner, as provided by M.S.A. Section 84.872.

Subd. 8. It is unlawful for the owner of a snowmobile or all-terrain vehicle to permit the same to be operated contrary to the provisions of this section.

Subd. 9. OPERATIONS:

A. It is unlawful for any person to operate a snowmobile within the limits of the City of Henderson:

1. At any place, while under the influence of alcohol or drugs as defined in M.S. 169.121, which is hereby incorporated herein by reference;
2. At a rate of speed greater than 10 miles per hour in city limits, except on the levee, designated trail, or city park;
3. At any place in a careless, reckless, or negligent manner or heedlessly in disregard to the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property;
4. During the hours from 10:00 p.m. to 6:00 a.m. of any day, closer than one hundred feet to any dwelling which is usually occupied by one or more persons;
5. So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the snowmobile or recreational motor vehicle.
6. Within 100 feet of any fisherman, pedestrian, skating rink, or sliding area where the operation would conflict with use or endanger other persons or property.

B. It is unlawful for any person to operate an all-terrain vehicle not licensed for highway use:

Subd. 10. EQUIPMENT: It is unlawful for any person to operate a snowmobile or all-terrain vehicle any place within the limits of the city of Henderson unless it is equipped with the following;

1. Standard mufflers which are properly attached and which reduce the noise of operation of them alter to the minimum necessary for operation. No person shall use a muffler cutout or by-pass, straight pipe.-
2. Brakes adequate to control the movement of and to stop and hold the snowmobile or all-terrain vehicle under any condition of operation.
3. For snowmobiles only a safety or so-called "deadman" throttle in operating condition.
4. When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility, at least one clear lamp 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 and under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile or recreational motor vehicle operator. It shall also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.
5. Reflective material at least 16 square inches on each side, forward of the handlebars, or steering device of snowmobile or all-terrain vehicle at the highest practical point on any towed object, as to reflect light at a ninety degree angle.

Subd. 11. REMOVAL OF KEYS: Every person leaving a snowmobile or all-terrain vehicle on a public place shall lock the ignition, remove the key, and take the same with him.

Subd. 12. EMERGENCIES: Notwithstanding any prohibitions in this ordinance, a snowmobile or all-terrain vehicle may be operated on a public thoroughfare in an emergency during the period of time when such emergency has been declared by the designated official.

Subd. 13. ANIMALS: It is unlawful to intentionally drive, chase, run over, or kill any animal with a snowmobile or all-terrain vehicle.

Subd. 14. PENALTIES: Every person convicted of a violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine and/or sentence not to exceed \$1000 and/or incarceration not to exceed 90 days.

701.04 GOLF CARTS

Subdivision 1. INTENT

It is the intent of the Ordinance to supplement Minnesota Statutes 169 with respect to the operations of Golf Carts within the City limits of Henderson.

Subdivision 2. DEFINITIONS

- A) Golf Cart. An electric or gas engine powered cart from under 4 to 20 horsepower, with a top speed of no more than 20 mph.

Subdivision 3. Requirements for the lawful operation of Golf Carts:

- A) Application for and receipt of a permit to operate a golf cart within the Henderson City limits in the manner provided in this ordinance
1. Application for Permit. Applications shall be made in writing upon forms furnished by the City of Henderson and shall include but not be limited to the following information:
 - a. Full name, address and date of birth of the owner.
 - b. Description and serial number of the motorized golf cart.
 - c. Copy of vehicle registration, if any.

The Applicant must submit proof of insurance complying with the provisions of M.S.A. 65B.48, Subd. 5, which requires basic economic loss benefits and residual liability coverage.

The application must be accompanied by the \$10 permit fee, the amount of which will be set by Resolution of the City Council from time to time.

Permits under this Section shall be approved or denied by the Chief of Police and must be approved or denied within sixty (60) days after receipt of the written application, unless additional information is needed. To obtain such additional information, the Chief of Police must send written notice to the Applicant requesting such additional information within ten (10) business days after the receipt of such application, in which event, the sixty (60) day time limit shall commence upon receipt of such additional information. In the event that such application is denied, the Applicant may request a hearing before the City Council by serving written notice of a request for hearing within ten (10) days after receipt of the Police Chief's written notice of denial of such application. The City Council shall hold a hearing allowing the Applicant to submit any additional information or evidence supporting the Applicant's application under this section. The City Council shall thereafter make a decision to approve or deny such application based upon the evidence in the file and additional information provided by the Applicant at the hearing.

If the Chief of Police or City Council approves the application, the City Clerk will issue the permit to the Applicant.

Each permit issued under this Section shall be for a period of time not to exceed three years and may be renewed. At any time during the permit period and upon reasonable request by the City of Henderson, the person issued a permit under this Section may be required to submit further information or evidence that the Permittee is in compliance with the permit requirements.

- B) Golf Carts may only be operated from a half-hour before sunrise to a half-hour after sunset unless equipped with original equipment head lights, taillights and rear-facing brake lights.
- C) The operation of golf carts shall not exceed 10 mph within the City of Henderson.
- D) Golf Carts shall display the slow-moving vehicle emblem provided for in MSA Section 169.522.
- E) All operator of motorized golf carts must have a valid driver's license.
- F) All owners/operators of motorized golf carts must obtain and maintain liability insurance complying with the provisions of MSA Section 65B.48 subd. 5 (liability coverage).
- G) Motorized golf carts shall be equipped with a rearview mirror so located as to reflect to the driver a view of the roadway for a distance of at least 200 feet to the rear of the vehicle.
- H) Motorized golf carts shall have the permit number designated by the City displayed in a conspicuous place on the vehicle in 3 inch letter and numbers.
- I) Only one rider shall be allowed unless the golf cart is designed and specifically for two people.

Subdivision 4. Designated Roadways.

- A) Golf Carts shall be allowed to operate on all public roadways and alleys. While operating on a public roadway or alley a golf cart must comply with all Minnesota Statute traffic regulation.
- B) The operation of golf carts is specifically prohibited on public sidewalks and on the city levee and levee slopes.

Subdivision 5. Application of Traffic Laws

Every person operating a motorized golf cart pursuant to the Ordinance shall be subject to the State Traffic laws except when those provisions cannot reasonable be applied to motorized golf carts.

Subdivision 6. Penalties.

Any person violating any provision of this Ordinance shall be guilty of a misdemeanor, EXCEPT that failure to obtain a permit shall result in an administrative penalty only in the form of a fine of \$100.00.