

CHAPTER 70: STREETS, TRAFFIC AND PARKING REGULATIONS

Section

General Provisions

- 70.001 Definitions
- 70.002 Application
- 70.003 Scope and orders of officers
- 70.004 Traffic and parking control

Streets

- 70.020 Obstructions in streets
- 70.021 Street openings or excavations
- 70.022 Highway Traffic Regulation Act; adopted by reference
- 70.023 Road names
- 70.024 Vacation of streets, roads, alleys and other public grounds or ways
- 70.025 Renaming certain streets

Recreational Vehicles

- 70.040 Bicycles
- 70.041 Exhibition driving
- 70.042 Emergency vehicles
- 70.043 Special vehicle use
- 70.044 Use and operation of off-highway vehicles
- 70.045 Motorized Vehicles Prohibited on Pedestrian Trails, Sidewalks and designated areas

Parking

- 70.060 Presumption
- 70.061 General parking prohibitions
- 70.062 Unauthorized removal
- 70.063 Direction to proceed
- 70.064 Impounding and removing vehicles

Breezy Point – Traffic Code

- 70.065 Physically handicapped parking
 - 70.066 Parking on private property without consent
 - 70.067 Angle and parallel parking
 - 70.068 No parking, stopping or standing zones
 - 70.069 Time limit parking zones
 - 70.070 All night and all day parking
 - 70.071 Truck zones, loading zones and the like
 - 70.072 Bus stops and taxi stops
 - 70.073 Winter parking
 - 70.074 Removing of keys
-
- 70.999 Penalty

GENERAL PROVISIONS

§ 70.001 DEFINITIONS.

(A) Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in M.S. Chapter 169, as it may be amended from time to time, shall be applicable to this chapter.

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

FLEET PERMIT. A permit issued to an owner of more than one motorized golf cart or four-wheel, all-terrain vehicle, allowing persons expressly authorized by the owner of the fleet permit, pursuant to § 70.043, to drive, operate or control motorized golf carts or four-wheel, all-terrain vehicles on the roadways or shoulders of roadways under the jurisdiction of the city.

FOUR-WHEEL, ALL-TERRAIN VEHICLE. A motorized, flotation-tired vehicle with four low-pressure tires, which vehicle is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

MOTORIZED GOLF CART. A motorized cart commonly described as a

Streets, Traffic and Parking Regulations

golf cart.

(Prior Code, § 6.01)

§ 70.002 APPLICATION.

The provisions of this chapter are applicable to the drivers of all vehicles and animals upon streets, including, but not limited to those owned or operated by the United States, the State of Minnesota or any county, town, city, district or other political subdivision.

(Prior Code, § 6.02)

§ 70.003 SCOPE AND ORDERS OF OFFICERS.

(A) *Scope.* The provisions of this chapter relate exclusively to the streets, alleys and private roads in the city, and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon the streets, alleys and private roads.

(B) *Orders of an officer.* It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any police or peace officer invested by law with authority to direct, control or regulate traffic.

(Prior Code, § 6.03) Penalty, see § 70.999

§ 70.004 TRAFFIC AND PARKING CONTROL.

(A) *Council action.* No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this section; provided, that when traffic and parking control is marked or sign-posted, the marking or sign-posting shall attest to Council action thereon.

(B) *Temporary restrictions.*

(1) The city, acting through the Chief of Police, may temporarily restrict traffic or parking for any private, public or experimental purpose.

(2) It is the duty of the Chief of Police to so restrict traffic or parking when a hazardous condition arises or is observed.

Breezy Point – Traffic Code

(C) *Traffic restrictions and prohibitions.* It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street, or contrary to signs posted, fenced or barricaded restrictions or prohibitions.

(D) *Parking restrictions and prohibitions.* It is unlawful for any person to park a vehicle, except an emergency vehicle, contrary to lane restrictions or prohibitions painted on any curb, or contrary to signs posted, fenced or barricaded restrictions or prohibitions.

(E) *Damaging or moving markings.* It is a misdemeanor for any person to deface, mar, damage, move, remove or in any way tamper with any structure, work, material, equipment, tools, sign, signal, barricade, fence, painting or appurtenance in any street unless the person has written permission from the city or is an agent, employee or contractor for the city, or other authority having jurisdiction over a particular street and acting within the authority or scope of a contract with the city or such other authority.

(Prior Code, § 6.04) Penalty, see § 70.999

STREETS

§ 70.020 OBSTRUCTIONS IN STREETS.

(A) *Obstructions.* It is a misdemeanor for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any street without first having obtained a written permit from the Council, and then only in compliance in all respects with the terms and conditions of the permit and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction.

(B) *Fires.* It is a misdemeanor for any person to build or maintain a fire upon a street.

(C) *Dumping in streets.* It is a misdemeanor for any person to throw or deposit in any street any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper

Streets, Traffic and Parking Regulations

products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemical thereon. It is a violation of this section to haul any such material, inadequately enclosed or covered, thereby permitting the same to fall upon streets. It is also a violation of this section to place or store any building materials or waste resulting from building construction or demolition on any street without first having obtained a written permit from the Council.

(D) *Signs and other structures.* It is a misdemeanor for any person to place or maintain a sign, advertisement or other structure in any street without first having obtained a written permit from the Council. In a district zoned for commercial or industrial enterprises, special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon the terms and conditions as may be set forth in the zoning or construction provisions of the City Code.

(E) *Placing snow or ice in a roadway or on a sidewalk.*

(1) It is a misdemeanor for any person, not acting under a specific contract with the city or without special permission from the city, to remove snow or ice from private property and place the same in any roadway or on a sidewalk.

(2) Where permission is granted by the city, the person to whom the permission is granted shall be initially responsible for payment of all direct or indirect costs of removing the snow or ice from the street or sidewalk. If not paid, collection shall be by civil action or assessment against the benefitted property as any other special assessment.

(F) *Continuing violation.* Each day that any person continues in violation of this section shall be a separate offense and punishable as such.

(G) *Condition.* Before granting any permit under any of the provisions of this section, the Council may impose the insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding the persons and property. The insurance or bond shall also protect the city from any suit, action or cause of action arising by reason of the obstruction.

(Prior Code, § 6.05) Penalty, see § 70.999

§ 70.021 STREET OPENINGS OR EXCAVATIONS.

It is a misdemeanor for any person, except a city employee acting within the course and scope of his or her employment, or a contractor acting within the course and scope of a contract with the city, to make any excavation, opening or tunnel in, over, across or upon a street or other public property without first having obtained a written permit from the city as herein provided.

(A) *Application.* Application for a permit to make a street excavation shall describe with reasonable particularity the name and address of the applicant, the place, purpose and size of the excavation and the other information as may be necessary or desirable to facilitate the investigation hereinafter provided for, and shall be filed with the City Clerk-Treasurer.

(B) *Investigation and payment of estimated costs.* Upon receipt of the application, the City Clerk-Treasurer shall cause the investigation to be made as he or she may deem necessary to determine estimated cost of repair, such as back-filling, compacting, resurfacing and replacement, and the conditions as to the time of commencement of work, manner of procedure and time limitation upon the excavation. The foregoing estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of the investigation shall be included in the estimate.

(C) *Protection of the city and the public.*

(1) *Non-completion or abandonment.* Work shall progress expeditiously to completion in accordance with any time limitation placed thereon so as to avoid unnecessary inconvenience to the public. In the event that work is not performed in accordance therewith, or shall cease or be abandoned without due cause, the city may, after six-hours' notice in writing to the holder of the permit of its intention to do so, correct the work, fill the excavation and repair the public property, and the cost thereof shall be paid by the person holding the permit.

(2) *Insurance.* Prior to commencement of the work described in the application, the applicant shall furnish the city satisfactory evidence in writing that the applicant will keep in effect public liability insurance, with limits determined acceptable to the city, issued by an insurance company authorized to

Streets, Traffic and Parking Regulations

§ 70.021

do business in the State of Minnesota on which the city is named as a co-insured.

(3) *Indemnification.* Before issuance of a permit, the applicant shall, in writing, agree to indemnify and hold the city harmless from any liability for injury or damage arising out of the action of the applicant in performance of the work, or any expense whatsoever incurred by the city incident to a claim or action brought or commenced by any person arising therefrom.

(D) *Issuance of permit.* The City Clerk-Treasurer shall issue the permit after:

(1) Completion of the investigation;

(2) Payment by the applicant in advance of all estimated costs as aforesaid;

(3) Agreement by the applicant to the conditions of time and manner as aforesaid;

(4) Agreement in writing by the applicant to pay all actual cost of repairs over and above the estimate, including cost of the investigation; and

(5) Agreement in writing by the applicant to be bound by all of the provisions of this section.

(E) *Repairs.* All temporary and permanent repairs, including back-filling, compacting and resurfacing shall be made, or contracted for, by the city in a manner prescribed by the city and an accurate account of costs thereof shall be kept.

(F) *Cost adjustment.* Within 60 days following completion of the permanent repairs, the City Clerk-Treasurer shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to the permit holder an itemized statement thereof and claim additional payment from, or make refund (without interest) to the permit holder, as the case may be.

(G) *Alternate method of charging.* In lieu of the above provisions relating to cost and cost adjustment for street openings, the city may charge on the basis of

Breezy Point – Traffic Code

surface square feet removed, excavated cubic feet or a combination of surface square feet and excavated cubic feet, on an established unit price uniformly charged.

(Prior Code, § 6.06) Penalty, see § 70.999

§ 70.022 HIGHWAY TRAFFIC REGULATION ACT; ADOPTED BY REFERENCE.

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 through Laws 1990, is hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

(Prior Code, § 6.20)

§ 70.023 ROAD NAMES.

(A) The City of Breezy Point maintains a master road name index, as well as a map, for all named roads within the City of Breezy Point. The master road name index was established by the city and is updated by the city periodically. In the event of any conflicts or discrepancies with road names within the city, the master road name index shall supersede in control. Minnesota Statutes § 412.221, Subd. 18, as it may be amended from time to time, allows the City Council to have the power by ordinance to name or rename the streets and public places of the city.

(B) Before the City Council will consider a request to change a road name, or name an unnamed or new road, a petition containing at least 75% of the signatures of all property owners abutting the subject road shall be submitted to the City Council along with the proposed road name. Changes to the master road name index shall be through an ordinance.

(C) Notwithstanding division (A) above, the City Council may, on its own, change the name of a road or name an unnamed or new road, provided that the road name suggested is considered by the Council at a public hearing preceded by ten-days' notice of the hearing.

(Ord. 05-4-06, passed 9-5-2006) (Ord. 10-007, 3rd Series, passed 5-3-2010)

§ 70.024 VACATION OF STREETS, ROADS, ALLEYS AND OTHER PUBLIC GROUNDS OR WAYS.

(A) *Scope of ordinance.* Except as otherwise specifically provided herein, the method of vacating roads and streets, as provided herein, shall apply to all property located within the City of Breezy Point.

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

CITY. City of Breezy Point.

(C) *General provisions.* The City of Breezy Point has determined that it is in the best interests of the city that all street and road vacation petitions be submitted to and determined by the City of Breezy Point.

(D) *Road vacation procedure.* In addition to the requirements of Minnesota Statutes, the following procedures shall be followed for all petitions for vacation of streets, alleys, public grounds, public ways, plats and/or Auditor's subdivisions located within the City of Breezy Point.

(E) *Vacation by city.*

(1) The City Council may, by resolution, vacate any street, alley, public ground, public way or any part thereof upon its own motion after a four-fifths vote of all members of the City Council.

(2) The City Council shall not vacate any street, alley, public ground, public way or any part thereof, unless it appears in the interest of the public following a hearing preceded by two-weeks' published and posted notice.

(3) Prior to the hearing before the City Council, the petition shall be referred to the Breezy Point Planning and Zoning Commission for their consideration and recommendation.

(4) The Council shall cause written notice of the hearing, at least ten

§ 70.024

days before the hearing, to be mailed to:

(a) Each property owner whose property abuts the area sought to be vacated;

(b) Those persons who own property within the plat, if the area sought to be vacated is located within a plat; and

(c) All property owners within 350 feet of the area sought to be vacated. The notice must contain, at a minimum, a copy of the proposed resolution as well as the time, place and date of hearing.

(5) If the street, alley, public ground, public way or any part thereof terminates at or abuts upon any public water, written notice of the petition or the proposed resolution shall be served by certified mail upon the Commissioner of Natural Resources at least 60 days before the hearing on the matter. The notice to the Commissioner of Natural Resources does not create a right of intervention by the Commissioner, except in those situations where the area sought to be vacated is located within a plat. At least 15 days prior to convening the hearing before the City Council, the City Administrator or other designee of the City Council must consult with the Commissioner of Natural Resources to review the proposed vacation, and the Commissioner of Natural Resources shall advise the city of its evaluation of the proposed vacation.

(6) If, following a hearing, the Council adopts a resolution vacating a street, alley, public ground, public way or any part thereof, the City Clerk-Treasurer shall prepare a notice of completion of the proceedings, which shall contain the name of the city, an identification of the vacation, a statement of the time of completion thereof and a description of the real estate and lands affected thereby. The notice shall be presented to the County Auditor who shall enter the same in the transfer records and note upon the instrument, over official signature, the words "entered in the transfer record". The notice shall then be filed with the County Recorder. Any failure to file the notice shall not invalidate any such vacation proceedings.

(F) *Vacation by petition.*

(1) A majority of the owners of land, on a front footage basis, abutting a

Streets, Traffic and Parking Regulations

§ 70.024

street, alley, public ground, public way or part thereof may submit a petition to vacate the street, alley, public ground, public way or part thereof.

(2) A petition to vacate shall be accompanied by a non-refundable application fee to be set from time to time by resolution. The applicant shall file the petition and required application fee with the Breezy Point City Clerk-Treasurer, who shall schedule the matter for hearing before the Breezy Point City Council.

(3) The applicant shall provide a list of the property owners to be affected by the proposed vacation along with a current mailing address for each property owner. The applicant shall provide the city with mailing labels containing the name and address of the property owners to be affected, which mailing labels are available at the Crow Wing County Auditor's office. The property owners to be affected includes:

(a) Each property owner whose property abuts the area sought to be vacated;

(b) Those persons who own property within the plat; and

(c) All property owners within 350 feet of the area sought to be vacated.

(4) Prior to a hearing before the City Council, the petition shall be referred to the Breezy Point Planning and Zoning Commission for their consideration and recommendation.

(5) The city shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation, identified by the applicant as provided in division (F)(3) above, at least ten days before the hearing before the City Council. The notice must contain, at a minimum, a copy of the proposed resolution as well as the time, place and date of hearing.

(6) The City Council may, by resolution adopted by a majority of the members of the Council, adopt a resolution vacating a street, alley, public ground, public way or any part thereof if it appears in the interest of the public to be necessary following a hearing proceeded by two-weeks' published and

posted notice.

(7) If the street, alley, public ground, public way or any part thereof terminates at or abuts upon any public water, written notice of the petition or the proposed resolution shall be served by certified mail upon the Commissioner of Natural Resources at least 60 days before the hearing on the matter. The notice to the Commissioner of Natural Resources does not create a right of intervention by the Commissioner, except in those situations where the area sought to be vacated is located within a plat. At least 15 days prior to convening the hearing before the City Council, the City Administrator or other designee of the City Council must consult with the Commissioner of Natural Resources to review the proposed vacation, and the Commissioner of Natural Resources shall advise the city of its evaluation of the proposed vacation.

(8) If, following a hearing, the Council adopts a resolution vacating a street, alley, public ground, public way or any part thereof, the City Clerk-Treasurer shall prepare a notice of completion of the proceedings, which shall contain the name of the city, an identification of the vacation, a statement of the time of completion thereof and a description of the real estate and lands affected thereby. The notice shall be presented to the County Auditor who shall enter the same in the transfer records and note upon the instrument over official signature, the words "entered in the transfer record". The notice shall then be filed with the County Recorder. Any failure to file the notice shall not invalidate any vacation proceedings.

(G) *Adjudge title.* The City Council shall adjudge the title to the vacated land to be in the persons entitled thereto.

(H) *Connecting streets and alleys.* For those streets or alleys connecting separate plats or lines between blocks or lots or providing access for the public to any public water, the City Council shall not vacate any such street or alleyway, unless it appears that the street or alleyway or part thereof sought to be vacated is useless for the purpose for which it was laid out.

(I) *Decisions.* All decisions by the City Council in granting or denying petitions to vacate shall be final, except that any aggrieved person or persons, or any department, board or commission under the jurisdiction of the state, shall have the right to appeal within 30 days after the City Council makes its decision

Streets, Traffic and Parking Regulations

to the Crow Wing County District Court on questions of law and fact.
(Ord. 05-03-06, passed 5-1-2006) (Ord. 10-007, 3rd Series, passed 5-03-2010)

§ 70.025 RENAMING CERTAIN STREETS.

(A) That street known as Breezy Point Boulevard from Breezy Point Boulevard and Lakeshore Drive intersection shall be changed to Lakeshore Drive to Poplar Drive intersection.

(B) That street known as Poplar Drive shall begin at County Road 4 and end at Breezy Point Drive.

(C) Village Road located at the northwest corner of town shall be Wild Acres Road.

(D) Village Road located between Sections 4 and 5 shall be Northwoods Road.

(E) Village Road located from Sibley Township Line East to County Road 11 shall be Buschmann Road.

(F) Village Road located from County Road 39 East to Crosslake boundary line shall be Fawn Lake Road.

(G) Village Road located from County Road 4 West to Ranchette Drive shall be Plant Road.

(H) Chippewa Trail (west of Ranchette Drive) shall be changed to Dove Street.

(I) Breezy Point Drive shall begin at the intersection of County Road 4 and County Road 11 East (over Breezy Point Boulevard and Poplar Drive) and out to County Road 4 south of Poplar Drive.

(J) The name of the road so designated as platted within Pelican Woods Cemetery is name as Pelican Woods Way.

(K) The name of the road designated as Plant Drive shall be changed and renamed as Thrane Drive.

Breezy Point – Traffic Code

(L) The name of the road designated as Wartman Road shall be changed and renamed as Darner Lane.

(M) The name of the road designated as Dakota Drive shall be changed and renamed as Percheron Circle.

(N) The street renaming of Dakota Drive to Percheron Circle was repealed. The street name is Dakota Drive.

(Ord. passed 12-2-1991; Ord. 08-01-08, passed 8-11-2008) (Ord. 10-007, 3rd Series, passed 5-03-2010, Ord. 12-06, 3rd Series, passed 11-05-2012, Ord. 13-09, 3rd Series, passed 12-03-2013, Ord. 20-02, 3rd Series, passed 12-07-20)

RECREATIONAL VEHICLES

§ 70.040 BICYCLES.

(A) *Traffic laws apply.* Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in this chapter and except as to those provisions of this chapter which by their nature can have no application.

(B) *Right-of-way; sidewalks.* Whenever a person is riding a bicycle upon a sidewalk, the person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing the pedestrian. Provided that it is unlawful for any person to ride a bicycle on a sidewalk contrary to sign-posted prohibitions.

(C) *Carrying articles.* It is unlawful for any person operating a bicycle to carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

(Prior Code, § 6.21) Penalty, see § 70.999

Streets, Traffic and Parking Regulations

§ 70.041 EXHIBITION DRIVING.

(A) *Prima facie evidence.* It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or, as to two-wheeled or three-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

(B) *Unlawful act.* It is a misdemeanor for any person to do any exhibition driving on any street, parking lot or other public or private property, except when an emergency creates necessity for the operation to prevent injury to persons or damage to property; provided, that this section shall not apply to driving on a racetrack. For purposes of this section, a **RACETRACK** means any track or premises whereon motorized vehicles, horses, dogs or other animals or fowl legally compete in a race or timed contest for an audience, the members of which have directly or indirectly paid a consideration for admission.

(Prior Code, § 6.22) Penalty, see § 70.999

§ 70.042 EMERGENCY VEHICLES.

(A) The provisions of this chapter shall not apply to vehicles when operated with due regard for safety, under the direction of police officers in the chase or apprehension of violators of the law or of persons charged with or suspected of any violation, nor to Fire Department or fire patrol vehicles when traveling in response to a fire alarm, nor to public ambulances when traveling in emergencies.

(B) This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

(Prior Code, § 6.23)

§ 70.043 SPECIAL VEHICLE USE.

(A) *Driving, operating or control of motorized golf carts.* A motorized golf cart may be driven, operated or controlled on the roadways or shoulders or otherwise within the public right-of-way of roadways under the jurisdiction of the

Breezy Point – Traffic Code

city, pursuant to the requirements of this section. For the purposes of this section, a golf cart is any self-propelled vehicle of the type and style designated for and commonly used by patrons of golf courses, but excluding vehicles commonly known as all-terrain vehicles (ATVs) and defined as such by Minn. Rules, Chapter 6102.

§ 70.043

(1) For the purposes of this section, a golf cart is any self-propelled vehicle of the type and style designated for and commonly used by patrons of golf courses with low pressure tires, electric or internal combustion engine of less than 800 cubic inches and a total dry weight less than 800 pounds, but excluding vehicles commonly known as all-terrain vehicles (ATVs), class 1 and 2, and mini-trucks as defined by Minn. Statutes.

(B) *Permits.* It is unlawful for any person to drive, operate or be in control of any motorized golf cart on the roadways or shoulders of roadways under the jurisdiction of the city, unless the driver, operator or person in control has in his or her actual physical possession a valid, current and un-revoked permit, or express authorization of a fleet permit holder of the city, for the driving, operation or control of a motorized golf cart.

(C) *Permit issuance.* Permits shall be issued by the City Clerk upon compliance with this section:

(1) Individual permits for operation of a motorized golf cart shall be issued for each golf used on County Roads 4, 11, and 39 and city streets. Application for an individual permit shall include the name and address of the applicant, the date of application and applicant's signature, the name of the applicant's insurance company, the number of applicant's current insurance policy providing golf cart liability coverage on public right-of-ways and the date of expiration of applicant's coverage for the vehicle. Verification of insurance coverage for the vehicle must be carried at all times in the golf cart. Additional information may be required of an applicant such as to submit a certificate signed by a physician to the effect that the applicant is able to safely operate a motorized golf cart on the roadways or shoulders of roadways under the jurisdiction of the city.

(2) Fleet permits shall be issued to owners of more than one motorized golf cart providing evidence of insurance, as provided for herein, for each vehicle. Each

Streets, Traffic and Parking Regulations

golf cart operated under a fleet permit shall have in his or her actual physical possession a valid and current verification of insurance coverage for the vehicle.

(D) *Revocation of permit.* An individual or fleet permit may be revoked by the Chief of Police if there is any material misrepresentation made in the permit application, vehicle liability insurance is no longer in effect, or if there is evidence that the permittee, or the permittee's authorized driver, operator or controller,

§ 70.043

cannot safely operate the motorized golf cart on the roadways or shoulders of roadways under the jurisdiction of the city. Notice of revocation of an individual or fleet permit shall be issued by the Chief of Police by certified mail addressed to the permit holder at the address shown on the permit application, and revocation shall be effective seven days after date of mailing. A permit holder given notice of revocation may appeal the decision to the city council if notice is given within the notice period. Revocation of a fleet permit holder shall be issued by the Chief of Police in writing and shall be delivered to the fleet permit holder.

(E) *Permit expiration.* Permits shall be granted for a season and shall expire annually.

(F) *Fees.* An individual permit applicant shall pay a fee as determined from time to time by resolution the city, which fee shall be refunded if the permit applied for is not granted. A fleet permit applicant shall pay a fee determined by the city for each vehicle in its fleet, which vehicles shall be identified on the application by serial number and make.

(G) *Unlawful acts.* It is unlawful for any person to drive, operate or control any motorized golf cart on the roadways or shoulders of roadways under the jurisdiction of the city:

(1) Between sunset and sunrise; unless equipped with original equipment headlights, taillights, and rear facing brake lights.

(2) In inclement weather, when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light clearly to see a person or vehicle on a roadway at a distance of 500 feet;

Breezy Point – Traffic Code

(3) Without prominent display of a slow moving vehicle emblem provided in M.S. § 169.522, as it may be amended from time to time, on the rear of the vehicle;

(4) Without a mirror so located as to reflect to the driver, operator or controller, a view of the roadway for a distance of at least 200 feet to the rear of the vehicle;

(5) Without insurance coverage complying with the provisions of M.S. § 65B.48, Subd. 5, as it may be amended from time to time;

(6) Contrary to any traffic law of the city or the State of Minnesota, except when those provisions cannot reasonably be applied to motorized golf carts by reason of M.S. § 169.045, Subd. 7, as it may be amended from time to time;

(7) Contrary to any other provisions of this chapter; and

(9) Without a current and valid golf cart permit, as provided herein.

(10) Load in excess of seating capacity.

(11) Drivers younger than 15 years old.

(12) Golf carts are prohibited on Buschmann Road

(Prior Code, § 6.24) (Ord. 09-03-06, passed 9-5-2006, Ord. 11-01, 3rd Series, passed 01-03-2011, Ord. 14-07, 3rd Series, passed 12-01-2014; Ord. 16-03, 3rd Series, passed 9-06-2016; Ord. 19-01, 3rd Series, passed 7-01-2019) Penalty, see § 70.999

§ 70.044 USE AND OPERATION OF OFF-HIGHWAY VEHICLES.

(A) *Off-highway vehicles defined.* For the purposes of this section, **OFF-HIGHWAY VEHICLES** are all vehicles that are legally defined by M.S. Chapter 84, as it may be amended from time to time, as all-terrain vehicles, off-highway motorcycles and off-road vehicles.

(B) *State laws incorporated.* All provisions of M.S. Chapter 169, as it may be amended from time to time, and M.S. §§ 84.922 through 84.929, as they may be

Streets, Traffic and Parking Regulations

amended from time to time, and all provisions of the City Code regulating vehicular traffic shall apply to the operation of off-highway vehicles, hereinafter referred to as OHVs, within the City of Breezy Point.

(C) *Lawful operation.* Any person, qualified for operation under Minnesota Statutes, may operate an OHV upon any city streets or public rights-of-way within the city limits, excepting as specifically provided for herein. It is unlawful for any person to operate an OHV within the city limits in violation of Minnesota State Laws or in any of the following manners:

(1) On private property without the permission or consent of the owner or occupant;

(2) On public school ground, park property, playgrounds, recreational areas, golf courses, public sidewalks or walkways used for public travel without the express written provision or permission to do so by the proper public authority;

(3) In a careless, reckless or negligent manner so as to endanger or to be likely to endanger the safety of any person or the property of any other persons;

(4) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the general peace of other persons or to create a nuisance; and

(5) On any public rights-of-way where operation is prohibited by another public entity, government unit or state laws.

(D) *Use of other vehicles.* Any vehicle not permitted for operation within the City of Breezy Point under § 70.043 or requiring registration and licensing under Minnesota Statutes shall be expressly prohibited from operation on public lands within the City of Breezy Point.

(E) *Exemptions.* The use of any OHV by an officer, employee or agent of the City of Breezy Point or of any other governmental unit in the course of official government business.

(Ord. 15-05, 3rd Series, passed 8-03-2015)

§ 70.045 MOTORIZED VEHICLES PROHIBITED ON PEDESTRIAN TRAILS, SIDEWALKS AND DESIGNATED WALKWAYS.

(A) It is unlawful for any person to drive or operate a motorized vehicle, except a wheelchair powered by electricity and occupied by a disabled person, on any public sidewalk or public property designated for use as a pedestrian walkway or bicycle trail, except when crossing the same for ingress and egress through a curb cut to property lying on the other side thereof.

(B) It is unlawful for any person to drive or operate a motorized vehicle on any designated trails marked or signed as no motorized vehicles allowed except for maintenance activities as authorized by the city.

(C) Emergency vehicles are exempt from these provisions in emergency situations.

(Ord. 09-04-06, passed 9-5-2006; Ord. 12-02-06, passed 12-4-2006; Ord. 11-06, 3rd Series, passed 5-02-2011) Penalty, see § 70.999

PARKING

§ 70.060 PRESUMPTION.

As to any vehicle parking in violation of this chapter when the driver thereof is not present, it shall be presumed that the owner parked the same, or that the driver was acting as the agent of the owner.

(Prior Code, § 6.40)

§ 70.061 GENERAL PARKING PROHIBITIONS.

It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic control device in any of the following places:

(A) On a sidewalk;

Streets, Traffic and Parking Regulations

(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 20 feet of a crosswalk at any intersection;

(G) In a sign-posted "Fire Lane";

(H) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

(I) Within 50 feet of the nearest rail of a railroad crossing;

(J) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly sign-posted;

(K) Alongside or opposite any street excavation or obstruction when the stopping, standing or parking would obstruct traffic;

(L) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(M) Upon any bridge or other elevated structure upon a street;

(N) At any place where official signs prohibit or restrict stopping, parking or both;

(O) In any alley, except for loading or unloading and then only so long as reasonably necessary for the loading and unloading to or from adjacent premises; or

(P) On any boulevard which has been curbed.
(Prior Code, § 6.41) Penalty, see § 70.999

§ 70.062 UNAUTHORIZED REMOVAL.

It is unlawful for any person to move a vehicle not owned by the person into any prohibited area or away from a curb, such distance as is unlawful.

(Prior Code, § 6.42) Penalty, see § 70.999

§ 70.063 DIRECTION TO PROCEED.

It is unlawful for any person to stop or park a vehicle on a street when directed or ordered to proceed by any police officer invested by law with authority to direct, control or regulate traffic.

(Prior Code, § 6.43) Penalty, see § 70.999

§ 70.064 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, the officer is hereby authorized to require the driver, or other person in charge of the vehicle, to remove 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, the officer is hereby authorized to impound the unlawfully parked vehicle and to provide for the removal thereof and to remove the same to a convenient garage or other facility or place of safety; provided, that if any charge shall be placed against the vehicle for cost of removal or storage, or both, by anyone called upon to assist therewith, the same shall be paid prior to removal from the place of storage or safekeeping.

(Prior Code, § 6.44)

§ 70.065 PHYSICALLY HANDICAPPED PARKING.

(A) Statutory parking privileges for physically handicapped shall be strictly observed and enforced. Police officers are authorized to tag vehicles on either private or public property in violation of the statutory privileges.

(B) It is unlawful for any person, whether or not physically handicapped, to stop, park or leave standing, a motor vehicle:

Streets, Traffic and Parking Regulations

(1) In a sign-posted "Fire Lane" at any time; or

(2) In lanes where, and during the hours as, parking is prohibited to accommodate heavy traffic during morning and afternoon rush hours.

(Prior Code, § 6.45) Penalty, see § 70.999

§ 70.066 PARKING ON PRIVATE PROPERTY WITHOUT CONSENT.

It is a misdemeanor to park or abandon a motor vehicle on the property of another, or upon an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of any such property or facility.

(Prior Code, § 6.46) Penalty, see § 70.999

§ 70.067 ANGLE AND PARALLEL PARKING.

Angle parking is permitted on the following streets: Breezy Point Drive where designated only. 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 of approximately 30 to 60 degrees and facing 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 unless otherwise indicated.

(Prior Code, § 6.47) (Ord. 112, passed 6-7-2004)

§ 70.068 NO PARKING, STOPPING OR STANDING ZONES.

The City Council may, by resolution, designate certain streets or portions as no parking, no stopping, standing zones or as zones for parking by physically handicapped persons and may limit the hours in which the restrictions apply. The city 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 as permitted by state law and except that a vehicle

Breezy Point – Traffic Code

may be parked temporarily in the zone for the purpose of forming a funeral procession and a truck may be parked temporarily between the hours of 8:00 a.m. and 5:00 p.m. of any business day for the purpose of loading or unloading where access to the premises is not otherwise available.

(Prior Code, § 6.48) (Ord. 112, passed 6-7-2004) Penalty, see § 70.999

§ 70.069 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 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 specified.

(Prior Code, § 6.49) (Ord. 112, passed 6-7-2004) Penalty, see § 70.999

§ 70.070 ALL NIGHT AND ALL DAY PARKING.

No vehicle shall be parked upon any street in any one place for a longer continuous period than 48 hours.

(Prior Code, § 6.50) (Ord. 112, passed 6-7-2004) Penalty, see § 70.999

§ 70.071 TRUCK ZONES, LOADING ZONES AND THE LIKE.

(A) The City Council may, by resolution, establish spaces in streets as loading zones or truck zones. The hours of 8:00 a.m. and 5:00 p.m. of any day except Sundays, New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day, or the other times as the City Council may specify in the resolution establishing the zone, shall be the loading zone or truck zone hours. The city shall mark each zone by appropriate sign.

(B) 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.

(C) 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

Streets, Traffic and Parking Regulations

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 loading zone hours.

(D) Any person desiring the establishment of a loading zone or truck zone abutting premises occupied by him or her shall make written application therefore 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. When the amount is paid to the City Treasurer, the sign shall be installed.

(E) No person shall allow a semi-trailer to stand or be parked unattached from a tractor unit for any length of time on any street in the city except in an emergency situation in order to change tractors.

(F) The Council may, by resolution, establish "No Truck Parking" zones in the business district and the city shall mark by appropriate signs any zones so established. The 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 between 8:00 a.m. and 5:00 p.m. on any week day upon any street in any zone, but parking of such vehicle for a period of not more than 30 minutes shall be permitted in the zone for the purpose of having access to abutting property when the access cannot conveniently be secured otherwise.
(Prior Code, § 6.51) (Ord. 112, passed 6-7-2004) Penalty, see § 70.999

§ 70.072 BUS STOPS AND TAXI STOPS.

(A) The City Council, by resolution, may designate spaces on streets in the city where vehicles engaged in carrying passengers for hire shall stand or park. The city shall mark by appropriate sign any bus stop or taxi stand so established.

(B) Except for the purpose of loading or unloading passengers, no driver of any vehicle other than a bus shall stand or park at a bus stop and no driver of any vehicle other than a taxicab shall stand or park in a taxi stand.
(Prior Code, § 6.52) (Ord. 112, passed 6-7-2004) Penalty, see § 70.999

§ 70.073 WINTER PARKING.

The City Council may, by resolution, designate streets where no person shall stop, stand or park any vehicle or permit it to stand on any street in any of the following places at any of the following times between November 1 and April 1. (Prior Code, § 6.53) (Ord. 112, passed 6-7-2004) Penalty, see § 70.999

§ 70.074 REMOVING OF KEYS.

No person shall leave a motor vehicle, except a truck which is engaged in loading or unloading, unattended on any street, used car lot or unattended parking lot without first stopping the engine, locking the ignition and removing all ignition keys from the vehicle. Whenever any police officer finds any motor vehicle standing in violation of this provision, he or she shall remove the keys from the vehicle and deliver them to police headquarters. (Prior Code, § 6.54) (Ord. 112, passed 6-7-2004) Penalty, see § 70.999

§ 70.999 PENALTY.

Any person violating any provision of this chapter shall be subject to § 10.99.